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

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 928

[Docket No. FV02–928–3 FR]

Papayas Grown in Hawaii; Suspension of Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule suspends the reporting and assessment regulations in effect under the Hawaii papaya marketing order. The Department of Agriculture has determined that the order should be terminated due to the results of a recently held referendum in which growers indicated they did not want the program to continue. Termination of the order must be delayed until after a 60-day Congressional notification period. Because the 2002 fiscal year has begun, suspension of reporting and assessment requirements is needed so that papaya handlers are not subject to regulation during that year.

EFFECTIVE DATE: August 1, 2002.

FOR FURTHER INFORMATION CONTACT: Terry Vawter, Marketing Specialist, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone (559) 487–5901, Fax (559) 487–5906; or Anne Dec, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue, SW STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This action is being taken under the provisions of section 8c(16)(A) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act,'' and §§ 928.53(b) and 928.64(b) of Marketing Order No. 928, regulating the handling of papayas grown in Hawaii, hereinafter referred to as the ''order.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 8c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

The order has been in effect since 1971. It authorizes the establishment of grade, size, quality, pack, and container requirements, although such requirements are not currently in effect. The order also authorizes production and marketing research, market development, and paid advertising for Hawaii papayas. The program is funded by assessments imposed on papaya handlers.

This rule suspends the assessment and reporting requirements currently prescribed under the order.

Section 928.64(e) of the order specifies that continuance referenda must be conducted among papaya producers every sixth year before October 1. Therefore, during the period from May 6 to May 31, 2002, USDA conducted a referendum among papaya growers to determine if they favored continuation of their program. The referendum order provided that USDA would consider terminating the provisions of the order if less than two-thirds of the number of growers voting and growers of less than two-thirds of the papaya volume represented in the referendum favored continuance.

Ballots were mailed to 462 known papaya growers in Hawaii. By the close of the voting period, 55 valid votes had been cast. The results show that 49 percent of the growers voting, who produced 21 percent of the volume represented in the referendum, favored continuation of the program. The order failed to pass both criteria for continuance, demonstrating a lack of producer support needed to carry out the objectives of the Act. Thus, it has been determined that the provisions of the order no longer tend to effectuate the declared policy of the Act.

Therefore, pursuant to section 8c(16)(A) of the Act and § 928.64 of the order, it has been found that the order provisions should be terminated. Section 8c(16)(A) of the Act requires USDA to notify Congress at least 60 days before terminating a Federal marketing order program. Congress has been so notified.

The 2002–03 fiscal year for Hawaii papayas began July 1. Because implementation of any regulatory requirements during the 2002–03 fiscal year would be inconsistent with USDA's decision to terminate the order, this action suspends the assessment and reporting requirements in effect under the order. Papayas shipped during the month of July would have to be reported to the Papaya Administrative Committee (committee), the agency established to locally administer the program, by August 15. Based on those handler reports, the committee would bill handlers for assessments owed. Suspending these requirements results in no regulatory requirements imposed

on papayas handled during the 2002–03 fiscal year.

It is hereby determined that the reporting and assessment requirements specified in §§ 928.160 and 928.226, respectively, do not effectuate the declared policy of the Act and should not be applied during the 2002–03 and subsequent seasons. Therefore, these sections are suspended effective August 1. Once the order provisions pertaining to papayas grown in Hawaii have been terminated, these and other regulations under the order will no longer be in effect.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order those small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 400 producers of papayas in the production area and approximately 60 handlers subject to regulation under the marketing order. Small agricultural producers are defined as those having annual receipts of less than $750,000, and small agricultural service firms, which include handlers, are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000.

Based on a reported current average f.o.b. price for fresh papayas of $0.65 per pound, a handler would have to ship in excess of 7.69 million pounds to have annual receipts of $5 million. Based on a reported current average grower price of $0.25 per pound, and average annual industry shipments of 40 million pounds since 1996, annual total grower revenues would be $10 million. Average annual grower revenue would, therefore, be $25,000. Thus, the majority of handlers and producers of papayas may be classified as small entities, excluding receipts from other sources.

This final rule suspends the reporting and assessment requirements specified in §§ 928.160 and 928.226, respectively. This is consistent with USDA's decision to terminate the provisions of the Hawaii papaya marketing order. The order is being terminated because in a recently held referendum, papaya producers failed to support continuation of the program.

This action eliminates the cost of assessments. Currently, handlers are required to pay an assessment rate of $0.008 per pound handled.

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements being suspended by this rule were approved previously by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189. Suspension of the reporting requirements specified in § 928.160 is expected to reduce the total annual reporting burden on Hawaii papaya handlers by 720 hours (60 handlers × 12 reports per year × 1 hour per report).

USDA has not identified any relevant Federal rules that duplicate, overlap or conflict with this final rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant matter presented, including the results of a recently held producer referendum, it is hereby found that the regulations in effect under the papaya marketing order do not tend to effectuate the declared policy of the Act and, therefore, are being suspended.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because: (1) This action relieves restrictions on handlers by lifting reporting and assessment requirements; (2) this rule should apply to all papayas handled during the 2002–03 fiscal year, which began July 1; (3) handlers were given notice of this action in a press release issued by USDA; and (4) no useful purpose would be served by delaying the effective date.

List of Subjects in 7 CFR Part 928

Marketing agreements, Papayas, Reporting and recordkeeping requirements.

For the reasons set forth above, 7 CFR part 928 is amended as follows:

PART 928—PAPAYAS GROWN IN HAWAII

1. The authority citation for 7 CFR part 928 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. In part 928, §§ 928.160 and 928.226 are suspended.

Dated: July 31, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–19671 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–02–P

FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 2002–12]

Reorganization of Regulations on ''Contribution'' and ''Expenditure''

AGENCY: Federal Election Commission.

ACTION: Final rules and transmittal of regulations to Congress.

SUMMARY: The recently enacted Bipartisan Campaign Reform Act of 2002 (''BCRA'') substantially amended the Federal Election Campaign Act (''FECA'' or ''the Act''). Among its amendments is the deletion of the office building or facility exception in the definition of ''contribution'' in section 431(8)(B) of FECA. The Federal Election Commission (''the Commission'') is amending the regulations to reflect this statutory change. As part of this effort, the Commission is also reorganizing the sections defining ''contribution'' and ''expenditure'' in its regulations. Further information is provided in the supplementary information that follows.

EFFECTIVE DATE: November 6, 2002.

FOR FURTHER INFORMATION CONTACT: Ms. Mai T. Dinh, Acting Assistant General Counsel, 999 E Street, NW., Washington DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: The Bipartisan Campaign Reform Act of 2002, Public Law 107–155, 116 Stat. 81 (March 27, 2002), significantly amends the Federal Elections Campaign Act, as amended, 2 U.S.C. 431 *et seq.,* and directs the Commission to promulgate regulations implementing Title I of BCRA within 90 days of enactment and to promulgate regulations implementing the other titles of BCRA that are under the Commission's jurisdiction within 270 days of enactment. *See* BCRA, section 402(c). One amendment to the definition of ''contribution'' is in Title I, section 103(b)(1) of BCRA. These final rules address this amendment.

Section 103(b)(1) of BCRA deletes current 2 U.S.C. 431(8)(B)(viii), thus eliminating the office building or facility exception from the definition of ''contribution.'' Congress in BCRA also amended 2 U.S.C. 453 to prescribe that ''notwithstanding any other provision of the Act, a State or local committee if a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.'' In these final rules, the Commission amends the definitions of ''contribution'' and ''expenditure'' to comply with these amendments. The Commission has promulgated separate final rules to address the impact of this statutory change on State and local party committees, as well as other changes from BCRA Title I. *See* Explanation and Justification of ''Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money'' (''Non-Federal Funds Final Rules''), 67 FR part II (July 29, 2002).

This rulemaking is one in a series of rulemakings that the Commission will undertake to implement the various provisions of BCRA. The other separate rulemakings will address: (1) Electioneering communications; (2) coordinated and independent expenditures; (3) the so-called ''millionaires'' amendment,'' which increases contribution limits for congressional candidates facing self-financed candidates on a sliding scale, based on the amount of personal funds the opponent contributes to his or her campaign; (4) the limitations and prohibition on contributions including the increase in contribution limits, and the ban on contributions by minors and foreign nationals; (5) other provisions, including inaugural committees; fraudulent solicitations; disclaimers; personal use of campaign funds; (6) reporting; and (7) BCRA's impact on national nominating conventions.

In addition, the Commission is reorganizing 11 CFR 100.7 and 100.8 to facilitate locating and reading the definitions of ''contribution'' and ''expenditure,'' and the exceptions to both definitions.

Under the Administrative Procedures Act, 5 U.S.C. 553(d), and the Congressional Review of Agency Rulemaking Act, 5 U.S.C. 801(a)(1), agencies must submit final rules to the Speaker of the House of Representatives and the President of the Senate and publish them in the **Federal Register** at least 30 calendar days before they take effect. The final rules on Reorganization of Regulations on ''Contribution'' and ''Expenditure'' were transmitted to Congress on July 26, 2002.

Explanation and Justification

The Notice of Proposed Rulemaking (''NPRM'') on which these final rules are based was published in the **Federal Register** on June 14, 2002. 67 FR 40881 (June 14, 2002). The Commission received comments from The Campaign and Media Legal Center; Center for Responsive Politics; Common Cause and Democracy 21 (joint comment); Senators John McCain and Russell D. Feingold, and Representatives Christopher Shays and Marty Meehan; and Ms. Cynthia Minchillo-Synhort, RP. The Commission did not hold a hearing on the NPRM, and none of the commenters requested an opportunity to testify.

Non-Federal Funds Final Rules Effect on 11 CFR 100.7 and 100.8

The NPRM raised the possibility of the Commission addressing, as part of the Non-Federal Funds Final Rules, changes to the definitions of ''contribution'' and ''expenditure.'' The NPRM also stated that any changes to these definitions in the Non-Federal Funds Final Rules would be incorporated into these final rules. Several commenters, including the principal Congressional sponsors of BCRA, expressed concern that the Commission had acted ''prematurely'' in undertaking this reorganization rulemaking at a time when the soft money rulemaking was not completed. These commenters stated that conforming amendments to the definitions of ''contribution'' and ''expenditure'' may be substantive in nature or have substantive impact. They argued that the Commission should issue a new NPRM with proposed regulatory text for the conforming amendments and seek comments before promulgating the final rules.

This rulemaking does not make substantive changes to the current definitions of ''contribution'' and ''expenditures'' to conform to the Non-Federal Funds Final Rules. The NPRM contemplated that if the Non-Federal Funds Final Rules included amendments to 11 CFR 100.7 and 100.8, those amendments would be included in these final rules, similar to the way in which in the Brokerage Loans and Lines of Credit final rules are being incorporated in this reorganization. *See* below.

However, because the Commission's regulations in the Non-Federal Funds Final Rules do not change the definitions of ''contribution'' or ''expenditure,'' the Commission's statements in the NPRM about the possibility of the soft money rulemaking affecting these final rules are moot. Other than the reorganization and the changes discussed below, these final rules do not amend the substantive definitions of ''contribution'' and ''expenditure.''

Other BCRA Provisions That Affect the Definition of ''Contribution'' and ''Expenditure''

Several commenters noted that other provisions in BCRA affect the definitions of ''contribution'' and ''expenditure.'' The Commission recognizes that rules implementing the rest of BCRA may require amendments to these definitions. Such changes, however, will be the subject of separate rulemakings described above. The public will receive full notice and an opportunity to comment on the Commission's proposed rules on the implementation of such changes. This final rule, however, makes preparations for the separate rulemakings that may amend the definitions of ''contribution'' and ''expenditure.'' The structure of current 11 CFR 100.7 and 100.8 is difficult to amend in a clear and comprehensive manner. By reorganizing the rules contained in these two sections into multiple sections, subsequent amendments, in subsequent rulemakings, will be easier for the Commission to incorporate, and easier for the public to identify, comment on, and ultimately use. *See* discussion about reorganization, below.

''Allocation'' Versus ''Attribution''

In the NPRM, the Commission raised the possibility of changing the use of the word ''allocation'' or any of its derivatives to ''attribution'' or one of its derivatives, and sought comment on this possibility. The proposed rules did not reflect such proposed change. The comments the Commission received on this suggestion did not support this proposed change. One public interest group questioned what such a change would accomplish. Several commenters stated that the necessity for clarification around ''allocation'' in the rules requires more than a word change, especially in the area of exempt activities. They argued that the allocation provisions in the Non-Federal Funds Final Rules at 11 CFR parts 100 and 300 have direct impact on this issue. They urged the Commission to amend the definitions to reflect the new allocation rules.

In response to those concerns, the final rules do not replace ''allocation'' and its derivatives with ''attribution'' or its derivative. As was emphasized in the new Non-Federal Funds Final Rules and

Explanation and Justification, exempt activities conducted in conjunction with Non-Federal activities that are not Federal election activities are governed by 11 CFR 106.1 and 106.7. To the extent that these activities do constitute Federal election activities, however, they must be allocated between Federal funds and Levin funds pursuant to new 11 CFR part 300. Nothing in this reorganization of the ''contribution'' and ''expenditure'' definitions changes the use of Federal, non-Federal, or Levin funds for the payment of any exempt activities. To clarify this, a cross-reference to the new allocation rules in 11 CFR 100.24, 104.17(a), and part 300, subparts B, D, and/ or E has been added in the final rules in 11 CFR 100.80 (slate cards and sample ballots), 100.87 (volunteer activity for party committees), 100.88 (volunteer activity for candidates), 100.89 (voter registration and get-out-the-vote activities for Presidential candidates), 100.140 (slate cards and sample ballots), 100.147 (volunteer activity for party committees), 100.148 (volunteer activity for candidates), and 100.149 (voter registration and get-out-the-vote activities for Presidential candidates).

Reorganization of Current 11 CFR 100.7 and 100.8

The Commission is reorganizing 11 CFR 100.7 and 100.8 in these final rules. The reorganizing makes it easier to locate and read the definitions of ''contribution'' and ''expenditure'' and the detailed exceptions to those definitions. Three commenters, including the principal Congressional sponsors of BCRA, expressed support for, and encouraged, this reorganization to make the rules more ''user friendly'' and ''easier to read and understand.''

The new rules create four new subparts, B through E, within 11 CFR part 100 which contain the definitions of, and exceptions to, ''contribution'' and ''expenditure.'' Subpart B contains sections describing items that are contributions; subpart C contains sections describing items that are not contributions; subpart D contains sections describing items that are expenditures; and subpart E contains sections describing items that are not expenditures. The distribution table attached to these final rules lists where the various paragraphs of 11 CFR 100.7 and 100.8 can now be found within these new subparts.

Inclusion of ''Brokerage Loans and Lines of Credit''

The final rules also incorporate another recent change to FECA—the inclusion of a loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate as an item that is not a contribution. The Commission published the final rules, entitled ''Brokerage Loans and Lines of Credit,'' to amend 11 CFR 100.7(b) and 100.8(b) to include these types of loans as exceptions to the definitions of ''contribution'' and ''expenditure.'' *See* 67 FR 38353 (June 4, 2002). The language in this final rule at 11 CFR 100.83 and 100.144 reflects the language in the ''Brokerage Loans and Lines of Credit'' final rules. The Commission received no comment on this incorporation of the rules from a previous rulemaking.

Amendments to the Office Building or Facility Exceptions

Current 11 CFR 100.7(b)(12) and 100.8(b)(13) designate that the construction or purchase of an office building or facility are exceptions to the definitions of ''contribution'' and ''expenditure.'' New 11 CFR 100.56 (stating that a contribution to national party committees for the construction or purchase of an office building or facility is a ''contribution'' under the Act) and 100.114 (stating that an expenditures by a national party committees for the construction or purchase of an office building or facility is an ''expenditure'' under the Act) make clear that these exceptions no longer apply to national party committees. Similarly, in light of BCRA's amendment of 2 U.S.C. 453, new 11 CFR 100.84 and 100.144 make clear that the office building or facility exceptions still apply to State, local, and district party committees, subject to the provisions of 11 CFR 300.34. The final rules reflect the language proposed in the NPRM. The Commission received no comment on its proposed changes implementing BCRA's deletion of the office building or facility exception.

Grammatical and Technical Revisions

In addition to nonsubstantive grammatical corrections, minor technical revisions have been made to reflect the reorganization structure. Also, a cross-reference in paragraph (f) of section 100.142 has been corrected, now directing the reader to the other bank loan provisions. Other substantive changes to the definitions of ''contribution'' and ''expenditure'' will take place in separate rulemakings.

Other Comments

One commenter criticized the NPRM in general, but made no specific comment or suggestion. Another commenter advocated the complete, or at least partial, elimination of the exception to the definitions of ''contribution'' and ''expenditure'' for recounts and election contests, on the basis that recounts and election contests, which are not Federal elections as defined by the Act, *see generally Federal Election Regulations,* H. R. Doc. No. 44, 95th Cong., 1st Sess. at 40 (1977) (*FEC E&J Compilation* at 38, 42), ''serve as an avenue for the use of soft money to influence federal elections,'' as evidenced by unregulated contributions used to pay for the 2000 Florida recount. This change is beyond the scope of this rulemaking dealing only with nonsubstantive changes, with the exception of the deletion of the office building or facility exception for national parties.

Distribution Table

100.7 AND 100.8 DISTRIBUTION TABLE

Old section	New section
100.7	100.51(a)
100.7(a)(1)	100.52(a)
100.7(a)(1)(i)	100.52(b)
100.7(a)(1)(i)(A)	100.52(b)(1)
100.7(a)(1)(i)(B)	100.52(b)(2)
100.7(a)(1)(i)(C)	100.52(b)(3)
100.7(a)(1)(i)(D)	100.52(b)(4)
100.7(a)(1)(i)(E)	100.52(b)(5)
100.7(a)(1)(ii)	100.52(c)
100.7(a)(1)(iii)(A)	100.52(d)(1)
100.7(a(1)(iii)(B)	100.52(d)(2)
100.7(a)(2)	100.53
100.7(a)(3)	100.54
100.7(a)(3)(i)	100.54(a)
100.7(a)(3)(ii)	100.54(b)
100.7(a)(3)(iii)	100.54(c)
100.7(a)(4)	100.55
100.7(b)	100.71(a)
100.7(b)(1)(i)	100.72(a)
100.7(b)(1)(ii)	100.72(b)
100.7(b)(1)(ii)(A)	100.72(b)(1)
100.7(b)(1)(ii)(B)	100.72(b)(2)
100.7(b)(1)(ii)(C)	100.72(b)(3)
100.7(b)(1)(ii)(D)	100.72(b)(4)
100.7(b)(1)(ii)(E)	100.72(b)(5)
100.7(b)(2)	100.73
100.7(b)(3)	100.74
100.7(b)(4)	100.75
100.7(b)(5)	100.76
100.7(b)(6)	100.77
100.7(b)(7)	100.78
100.7(b)(8)	100.79
100.7(b)(9)	100.80
100.7(b)(10)	100.81
100.7(b)(11)	100.82(a) through (d)
100.7(b)(11)(i)	100.82(e)
100.7(b)(11)(ii)(A)(1)	100.82(e)(1)(i)
100.7(b)(11)(ii)(A)(2)	100.82(e)(1)(ii)
100.7(b)(11)(i)(B)	100.82(e)(2)
100.7(b)(11)(i)(B)(1)	100.82(e)(2)(i)
100.7(b)(11)(i)(B)(2)	100.82(e)(2)(ii)
100.7(b)(11)(i)(B)(3)	100.82(e)(2)(iii)
100.7(b)(11)(i)(B)(4)	100.82(e)(2)(iv)
100.7(b)(11)(i)(B)(5)	100.82(e)(2)(v)
100.7(b)(11)(ii)	100.82(e)(3)
100.7(b)(12)	100.84
100.7(b)(13)	100.85

100.7 AND 100.8 DISTRIBUTION TABLE—Continued

Old section	New section
100.7(b)(14)	100.86
100.7(b)(15)	100.87
100.7(b)(15)(i)	100.87(a)
100.7(b)(15)(ii)	100.87(b)
100.7(b)(15)(iii)	100.87(c)
100.7(b)(15)(iv)	100.87(d)
100.7(b)(15)(v)	100.87(e)
100.7(b)(15)(vi)	100.87(f)
100.7(b)(15)(vii)	100.87(g)
100.7(b)(16)	100.88(a) and (b)
100.7(b)(17)	100.89
100.7(b)(17)(i)	100.89(a)
100.7(b)(17)(ii)	100.89(b)
100.7(b)(17)(iii)	100.89(c)
100.7(b)(17)(iv)	100.89(d)
100.7(b)(17)(v)	100.89(e)
100.7(b)(17)(vi)	100.89(f)
100.7(b)(17)(vii)	100.89(g)
100.7(b)(18)	100.90
100.7(b)(19) reserved	Removed
100.7(b)(20)	100.91
100.7(b)(21)	100.92
100.7(b)(22)	100.83
100.7(c)	100.51(b) and 100.71(b)
100.8(a)	100.110(a)
100.8(a)(1)	100.111(a)
100.8(a)(1)(i)	100.111(b)
100.8(a)(1)(ii)	100.111(c)
100.8(a)(1)(iii)	100.111(d)
100.8(a)(1)(iv)(A)	100.111(e)(1)
100.8(a)(1)(iv)(B)	100.111(e)(2)
100.8(a)(2)	100.112
100.8(a)(3)	100.113
100.8(b)	100.130(a)
100.8(b)(1)(i)	100.131(a)
100.8(b)(1)(ii)	100.131(b)
100.8(b)(1)(ii)(A)	100.131(b)(1)
100.8(b)(1)(ii)(B)	100.131(b)(2)
100.8(b)(1)(ii)(C)	100.131(b)(3)
100.8(b)(1)(ii)(D)	100.131(b)(4)
100.8(b)(1)(ii)(E)	100.131(b)(5)
100.8(b)(2)	100.132
100.8(b)(2)(i) and (ii)	100.132(a) and (b)
100.8(b)(3)	100.133
100.8(b)(4)	100.134(a)
100.8(b)(4)(i)	100.134(b)
100.8(b)(4)(ii)	100.134(c)
100.8(b)(4)(iii)	100.134(d)
100.8(b)(4)(iii)(A)(1)	100.134(d)(1)(i)
100.8(b)(4)(iii)(A)(2)	100.134(d)(1)(ii)
100.8(b)(4)(iii)(B)(1)	100.134(d)(2)(i)
100.8(b)(4)(iii)(B)(2)	100.134(d)(2)(ii)
100.8(b)(4)(iii)(B)(3)	100.134(d)(2)(iii)
100.8(b)(4)(iii)(B)(4)	100.134(d)(2)(iv)
100.8(b)(4)(iii)(C)	100.134(d)(3)
100.8(b)(4)(iii)(D)	100.134(d)(4)
100.8(b)(4)(iv)(A)	100.134(e)
100.8(b)(4)(iv)(A)(1)	100.134(e)(1)
100.8(b)(4)(iv)(A)(2)	100.134(e)(2)
100.8(b)(4)(iv)(A)(3)	100.134(e)(3)
100.8(b)(4)(iv)(A)(4)	100.134(e)(4)
100.8(b)(4)(iv)(A)(5)	100.134(e)(5)
100.8(b)(4)(iv)(A)(6)	100.134(e)(6)
100.8(b)(4)(iv)(B)	100.134(f)
100.8(b)(4)(iv)(B)(1)	100.134(f)(1)
100.8(b)(4)(iv)(B)(2)	100.134(f)(2)
100.8(b)(4)(iv)(B)(3)	100.134(f)(3)
100.8(b)(4)(iv)(C)	100.134(g)
100.8(b)(4)(iv)(D)	100.134(h)
100.8(b)(4)(iv)(E)	100.134(i)

100.7 AND 100.8 DISTRIBUTION TABLE—Continued

Old section	New section
100.8(b)(4)(iv)(F)	100.134(j)
100.8(b)(4)(v)	100.134(k)
100.8(b)(4)(vi)	100.134(l)
100.8(b)(4)(vii)	100.134(m)
100.8(b)(5)	100.135
100.8(b)(6)	100.136
100.8(b)(7)	100.137
100.8(b)(8)	100.138
100.8(b)(9)	100.139
100.8(b)(10)	100.140
100.8(b)(11)	100.141
100.8(b)(12)	100.142(a) through (d)
100.8(b)(12)(i)	100.142(e)
100.8(b)(12)(i)(A)(1)	100.142(e)(1)(i)
100.8(b)(12)(i)(A)(2)	100.142(e)(1)(ii)
100.8(b)(12)(i)(B)	100.142(e)(2)
100.8(b)(12)(i)(B)(1)	100.142(e)(2)(i)
100.8(b)(12)(i)(B)(2)	100.142(e)(2)(ii)
100.8(b)(12)(i)(B)(3)	100.142(e)(2)(iii)
100.8(b)(12)(i)(B)(4)	100.142(e)(2)(iv)
100.8(b)(12)(i)(B)(5)	100.142(e)(2)(v)
100.8(b)(12)(ii)	100.142(e)(3)
100.8(b)(13)	100.144
100.8(b)(14)	100.145
100.8(b)(15)	100.146
100.8(b)(16)	100.147
100.8(b)(16)(i)	100.147(a)
100.8(b)(16)(ii)	100.147(b)
100.8(b)(16)(iii)	100.147(c)
100.8(b)(16)(iv)	100.147(d)
100.8(b)(16)(v)	100.147(e)
100.8(b)(16)(vi)	100.147(f)
100.8(b)(16)(vii)	100.147(g)
100.8(b)(17)	100.148
100.8(b)(18)	100.149
100.8(b)(18)(i)	100.149(a)
100.8(b)(18)(ii)	100.149(b)
100.8(b)(18)(iii)	100.149(c)
100.8(b)(18)(iv)	100.149(d)
100.8(b)(18)(v)	100.149(e)
100.8(b)(18)(vi)	100.149(f)
100.8(b)(18)(vii)	100.149(g)
100.8(b)(19)	100.150
100.8(b)(20)	100.151
100.8(b)(21)(i)	100.152(a)
100.8(b)(21)(ii)	100.152(b)
100.8(b)(21)(iii)	100.152(c)
100.8(b)(21)(iii)(A)	100.152(c)(1)
100.8(b)(21)(iii)(B)	100.152(c)(2)
100.8(b)(22)	100.153
100.8(b)(23)	100.154
100.8(b)(24)	100.143
100.8(c)	100.110(b) and 100.130(b)

Certification of No Effect Pursuant to 5 U.S.C. 605(b) (Regulatory Flexibility Act)

The attached final rules do not have a significant economic impact on a substantial number of small entities. This certification is based on that fact that the final rules' only substantive change, eliminating the office building or facility exceptions to the definitions of ''contribution'' and ''expenditure'' for national party committees, affects only national party committees. The national party committees of the two major political parties are not small entities under 5 U.S.C. 601. The other provisions in these final rules have already been certified as not having any significant economic impact on a substantial number of small entities.

List of Subjects in 11 CFR Part 100

Elections.

For the reasons set out in the Explanation and Justification, the Commission amends Chapter I of title II of the *Code of Federal Regulations* as follows:

PART 100—SCOPE AND DEFINITIONS (2 U.S.C. 431)

1. The authority citation for part 100 continues to read as follows:

Authority: 2 U.S.C. 431, 434(a)(11), 438(a)(8).

2. Section 100.7 is removed and reserved.

§ 100.7 [Removed and reserved].

3. Section 100.8 is removed and reserved.

§ 100.8 [Removed and reserved].

4. Part 100 is amended by adding new subparts B, C, D, and E to read as follows:

Subpart B—Definition of Contribution (2 U.S.C. 431(8))

Sec.
100.51 Scope.
100.52 Gift, subscription, loan, advance or deposit of money.
100.53 Attendance at a fundraiser or political event.
100.54 Compensation for personal services.
100.55 Extension of credit.
100.56 Office building or facility for national party committees.

Subpart C—Exceptions to Contributions

100.71 Scope.
100.72 Testing the waters.
100.73 News story, commentary, or editorial by the media.
100.74 Uncompensated services by volunteers.
100.75 Use of a volunteer's real or personal property.
100.76 Use of church or community room.
100.77 Invitations, food, and beverages.
100.78 Sale of food or beverages by vendor.
100.79 Unreimbursed payment for transportation and subsistence expenses.
100.80 Slate cards and sample ballots.
100.81 Payment by corporations and labor organizations.
100.82 Bank loans.
100.83 Brokerage loans and lines of credit to candidates.
100.84 Office building for State, local, or district party committees or organizations.
100.85 Legal or accounting services to political party committees.

100.86 Legal or accounting services to other political committees.
100.87 Volunteer activity for party committees.
100.88 Volunteer activity for candidates.
100.89 Voter registration and get-out-the-vote activities for Presidential candidates (''coattails'' exception).
100.90 Ballot access fees.
100.91 Recounts.
100.92 Candidate debates.

Subpart D—Definition of Expenditure (2 U.S.C. 431(9))

100.110 Scope.
100.111 Gift, subscription, loan, advance or deposit of money.
100.112 Contracts, promises, and agreements to make expenditures.
100.113 Independent expenditures.
100.114 Office building or facility for national party committees

Subpart E—Exceptions to Expenditures

100.130 Scope.
100.131 Testing the waters.
100.132 News story, commentary, or editorial by the media.
100.133 Voter registration and get-out-the-vote activities.
100.134 Internal communication by corporations, labor organizations, and membership organizations.
100.135 Use of a volunteer's real or personal property.
100.136 Use of church or community room.
100.137 Invitations, food, and beverages.
100.138 Sale of food or beverages by vendor.
100.139 Unreimbursed payment for transportation and subsistence expenses.
100.140 Slate cards and sample ballots.
100.141 Payment by corporations and labor organizations.
100.142 Bank loans.
100.143 Brokerage loans and lines of credit to candidates.
100.144 Office building for State, local, or district party committees or organizations.
100.145 Legal or accounting services to political party committees.
100.146 Legal or accounting services to other political committees.
100.147 Volunteer activity for party committees.
100.148 Volunteer activity for candidate.
100.149 Voter registration and get-out-the-vote activities for Presidential Candidates (''coattails'' exception).
100.150 Ballot access fees.
100.151 Recounts.
100.152 Fundraising costs for Presidential candidates.
100.153 Routine living expenses.
100.154 Candidate debates.

Subpart B—Definition of Contribution (2 U.S.C. 431(8))

§ 100.51 Scope.

(a) The term *contribution* includes the payments, services, or other things of value described in this subpart.

(b) For the purpose of this subpart, a contribution or payment made by an individual shall not be attributed to any other individual, unless otherwise specified by that other individual in accordance with 11 CFR 110.1(k).

§ 100.52 Gift, subscription, loan, advance or deposit of money.

(a) A gift, subscription, loan (except for a loan made in accordance with 11 CFR 100.72 and 100.73), advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office is a contribution.

(b) For purposes of this section, the term *loan* includes a guarantee, endorsement, and any other form of security.

(1) A loan that exceeds the contribution limitations of 2 U.S.C. 441a and 11 CFR part 110 shall be unlawful whether or not it is repaid.

(2) A loan is a contribution at the time it is made and is a contribution to the extent that it remains unpaid. The aggregate amount loaned to a candidate or committee by a contributor, when added to other contributions from that individual to that candidate or committee, shall not exceed the contribution limitations set forth at 11 CFR part 110. A loan, to the extent it is repaid, is no longer a contribution.

(3) Except as provided in paragraph (b)(4) of this section, a loan is a contribution by each endorser or guarantor. Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a loan by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

(4) A candidate may obtain a loan on which his or her spouse's signature is required when jointly owned assets are used as collateral or security for the loan. The spouse shall not be considered a contributor to the candidate's campaign if the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan that is used for the candidate's campaign.

(5) If a political committee makes a loan to any person, such loan shall be subject to the limitations of 11 CFR part 110. Repayment of the principal amount of such loan to such political committee shall not be a contribution by the debtor to the lender committee. Such repayment shall be made with funds that are subject to the prohibitions of 11 CFR 110.4(a) and part 114. The payment of interest to such committee by the debtor shall be a contribution only to the extent that the interest paid exceeds a commercially reasonable rate prevailing at the time the loan is made. All payments of interest shall be made from funds subject to the prohibitions of 11 CFR 110.4(a) and part 114.

(c) For purposes of this section, the term *money* includes currency of the United States or of any foreign nation, checks, money orders, or any other negotiable instruments payable on demand.

(d)(1) For purposes of this section, the term *anything of value* includes all in-kind contributions. Unless specifically exempted under 11 CFR part 100, subpart C, the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for such goods or services is a contribution. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the in-kind contribution is the difference between the usual and normal charge for the goods or services at the time of the contribution and the amount charged the political committee.

(2) For purposes of paragraph (d)(1) of this section, *usual and normal charge for goods* means the price of those goods in the market from which they ordinarily would have been purchased at the time of the contribution; and usual and normal charge for any services, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

§ 100.53 Attendance at a fundraiser or political event.

The entire amount paid to attend a fundraiser or other political event and the entire amount paid as the purchase price for a fundraising item sold by a political committee is a contribution.

§ 100.54 Compensation for personal services.

The payment by any person of compensation for the personal services of another person if those services are rendered without charge to a political committee for any purpose, except for

legal and accounting services provided under 11 CFR 100.74 and 100.75, is a contribution. No compensation is considered paid to any employee under any of the following conditions:

(a) *Paid on an hourly or salaried basis.* If an employee is paid on an hourly or salaried basis and is expected to work a particular number of hours per period, no contribution results if the employee engages in political activity during what would otherwise be a regular work period, provided that the taken or released time is made up or completed by the employee within a reasonable time.

(b) *Paid on commission or piecework basis.* No contribution results where an employee engages in political activity during what would otherwise be normal working hours if the employee is paid on a commission or piecework basis, or is paid only for work actually performed and the employee's time is considered his or her own to use as he or she sees fit.

(c) *Vacation or earned leave time.* No contribution results where the time used by the employee to engage in political activity is bona fide, although compensable, vacation time or other earned leave time.

§ 100.55 Extension of credit.

The extension of credit by any person is a contribution unless the credit is extended in the ordinary course of the person's business and the terms are substantially similar to extensions of credit to nonpolitical debtors that are of similar risk and size of obligation. If a creditor fails to make a commercially reasonable attempt to collect the debt, a contribution will result. (See 11 CFR 116.3 and 116.4.) If a debt owed by a political committee is forgiven or settled for less than the amount owed, a contribution results unless such debt is settled in accordance with the standards set forth at 11 CFR 116.3 and 116.4.

§ 100.56 Office building or facility for national party committees.

A gift, subscription, loan, advance, or deposit of money or anything of value to a national party committee for the purchase or construction of an office building or facility is a contribution.

Subpart C—Exceptions to Contributions

§ 100.71 Scope.

(a) The term *contribution* does not include payments, services or other things of value described in this subpart.

(b) For the purpose of this subpart, a contribution or payment made by an individual shall not be attributed to any other individual, unless otherwise specified by that other individual in accordance with 11 CFR 110.1(k).

§ 100.72 Testing the waters.

(a) *General exemption.* Funds received solely for the purpose of determining whether an individual should become a candidate are not contributions. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such funds received. See 11 CFR 101.3. If the individual subsequently becomes a candidate, the funds received are contributions subject to the reporting requirements of the Act. Such contributions must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the funds were received.

(b) *Exemption not applicable to individuals who have decided to become candidates.* This exemption does not apply to funds received for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign. Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

(1) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(2) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

(3) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

(4) The individual conducts activities in close proximity to the election or over a protracted period of time.

(5) The individual has taken action to qualify for the ballot under State law.

§ 100.73 News story, commentary, or editorial by the media.

Any cost incurred in covering or carrying a news story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication is not a contribution unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the costs for a news story:

(a) That represents a *bona fide* news account communicated in a publication of general circulation or on a licensed broadcasting facility; and

(b) That is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not a contribution.

§ 100.74 Uncompensated services by volunteers.

The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee is not a contribution.

§ 100.75 Use of a volunteer's real or personal property.

No contribution results where an individual, in the course of volunteering personal services on his or her residential premises to any candidate or to any political committee of a political party, provides the use of his or her real or personal property to such candidate for candidate-related activity or to such political committee of a political party for party-related activity. For the purposes of this section, an individual's residential premises, shall include a recreation room in a residential complex where the individual volunteering services resides, provided that the room is available for use without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not a contribution.

§ 100.76 Use of church or community room.

No contribution results where an individual, in the course of volunteering personal services to any candidate or political committee of a political party, obtains the use of a church or community room and provides such room to any candidate for candidate-related activity or to any political committee of a political party for party-related activity, provided that the room is used on a regular basis by members of the community for noncommercial purposes and the room is available for use by members of the community without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not a contribution.

§ 100.77 Invitations, food, and beverages.

The cost of invitations, food and beverages is not a contribution where such items are voluntarily provided by

an individual volunteering personal services on the individual's residential premises or in a church or community room as specified at 11 CFR 100.65 and 100.66 to a candidate for candidate-related activity or to any political committee of a political party for party-related activity, to the extent that: The aggregate value of such invitations, food and beverages provided by the individual on behalf of the candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in any calendar year.

§ 100.78 Sale of food or beverages by vendor.

The sale of any food or beverage by a vendor (whether incorporated or not) for use in a candidate's campaign, or for use by a political committee of a political party, at a charge less than the normal or comparable commercial rate, is not a contribution, provided that the charge is at least equal to the cost of such food or beverage to the vendor, to the extent that: The aggregate value of such discount given by the vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in a calendar year.

§ 100.79 Unreimbursed payment for transportation and subsistence expenses.

(a) *Transportation expenses.* Any unreimbursed payment for transportation expenses incurred by any individual on behalf of any candidate or any political committee of a political party is not a contribution to the extent that:

(1) The aggregate value of the payments made by such individual on behalf of a candidate does not exceed $1,000 with respect to a single election; and

(2) The aggregate value of the payments made by such individual on behalf of all political committees of each political party does not exceed $2,000 in a calendar year.

(b) *Subsistence expenses.* Any unreimbursed payment from a volunteer's personal funds for usual and normal subsistence expenses incidental to volunteer activity is not a contribution.

§ 100.80 Slate cards and sample ballots.

The payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, or other printed listing(s) of three or more candidates for any public office for which an election is held in the State in which the committee is organized is not a contribution. The payment of the portion of such costs allocable to Federal candidates must be made from funds subject to the limitations and prohibitions of the Act. If made by a political committee, such payments shall be reported by that committee as disbursements, but need not be allocated in committee reports to specific candidates. This exemption shall not apply to costs incurred by such a committee with respect to the preparation and display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising such as billboards. *But see* 11 CFR 100.24, 104.17(a) and part 300, subpart B for exempt activities that also constitute Federal election activity.

§ 100.81 Payments by corporations and labor organizations.

Any payment made or obligation incurred by a corporation or a labor organization is not a contribution, if under the provisions of 11 CFR part 114 such payment or obligation would not constitute an expenditure by the corporation or labor organization.

§ 100.82 Bank loans.

(a) *General provisions.* A loan of money to a political committee or a candidate by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration is not a contribution by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it:

(1) Bears the usual and customary interest rate of the lending institution for the category of loan involved;

(2) Is made on a basis that assures repayment;

(3) Is evidenced by a written instrument; and

(4) Is subject to a due date or amortization schedule.

(b) *Reporting.* Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a) and (d).

(c) *Endorsers and guarantors.* Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.52(b)(4) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

(d) *Overdrafts.* For purposes of this section, an overdraft made on a checking or savings account of a political committee shall be considered a contribution by the bank or institution unless:

(1) The overdraft is made on an account that is subject to automatic overdraft protection;

(2) The overdraft is subject to a definite interest rate that is usual and customary; and

(3) There is a definite repayment schedule.

(e) *Made on a basis that assures repayment.* A loan, including a line of credit, shall be considered made on a basis that assures repayment if it is obtained using either of the sources of repayment described in paragraphs (e)(1) or (2) of this section, or a combination of paragraphs (e)(1) and (2) of this section:

(1)(i) The lending institution making the loan has perfected a security interest in collateral owned by the candidate or political committee receiving the loan, the fair market value of the collateral is equal to or greater than the loan amount and any senior liens as determined on the date of the loan, and the candidate or political committee provides documentation to show that the lending institution has a perfected security interest in the collateral. Sources of collateral include, but are not limited to, ownership in real estate, personal property, goods, negotiable instruments, certificates of deposit, chattel papers, stocks, accounts receivable and cash on deposit.

(ii) Amounts guaranteed by secondary sources of repayment, such as guarantors and cosigners, shall not exceed the contribution limits of 11 CFR part 110 or contravene the prohibitions of 11 CFR 110.4, part 114 and part 115; or

(2) The lending institution making the loan has obtained a written agreement whereby the candidate or political

committee receiving the loan has pledged future receipts, such as public financing payments under 11 CFR part 9001 through part 9012, or part 9031 through part 9039, contributions, or interest income, provided that:

(i) The amount of the loan or loans obtained on the basis of such funds does not exceed the amount of pledged funds;

(ii) Loan amounts are based on a reasonable expectation of the receipt of pledged funds. To that end, the candidate or political committee must furnish the lending institution documentation, i.e., cash flow charts or other financial plans, that reasonably establish that such future funds will be available;

(iii) A separate depository account is established at the lending institution or the lender obtains an assignment from the candidate or political committee to access funds in a committee account at another depository institution that meets the requirements of 11 CFR 103.2, and the committee has notified the other institution of this assignment;

(iv) The loan agreement requires the deposit of the public financing payments, contributions and interest income pledged as collateral into the separate depository account for the purpose of retiring the debt according to the repayment requirements of the loan agreement; and

(v) In the case of public financing payments, the borrower authorizes the Secretary of the Treasury to directly deposit the payments into the depository account for the purpose of retiring the debt.

(3) If the requirements set forth in this paragraph are not met, the Commission will consider the totality of the circumstances on a case-by-case basis in determining whether a loan was made on a basis that assures repayment.

(f) This section shall not apply to loans described in 11 CFR 100.73.

§ 100.83 Brokerage loans and lines of credit to candidates.

(a) *General provisions.* Any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, including an overdraft made on a personal checking or savings account of a candidate, provided that:

(1) Such loan is made in accordance with applicable law and under commercially reasonable terms; and

(2) The person making such loan makes loans derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit in the normal course of the person's business.

(b) *Endorsers and guarantors.* Each endorser, guarantor, or co-signer shall be deemed to have contributed that portion of the total amount of the loan derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, for which he or she agreed to be liable in a written agreement, including a loan used for the candidate's routine living expenses. Any reduction in the unpaid balance of the loan, advance, or line of credit shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that such agreement does not stipulate the portion of the loan, advance, or line of credit for which each endorser, guarantor, or co-signer is liable, the loan shall be considered a contribution by each endorser or guarantor in the same proportion to the unpaid balance that each endorser, guarantor, or co-signer bears to the total number of endorsers or guarantors. However, if the spouse of the candidate is the endorser, guarantor, or co-signer, the spouse shall not be deemed to make a contribution if:

(1) For a secured loan, the value of the candidate's share of the property used as collateral equals or exceeds the amount of the loan that is used for the candidate's campaign; or

(2) For an unsecured loan, the amount of the loan used for in connection with the candidate's campaign does not exceed one-half of the available credit extended by the unsecured loan.

(c) *Routine living expenses.*

(1) A loan derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, that is used by the candidate solely for routine living expenses, as described in 11 CFR 100.153, does not need to be reported under 11 CFR part 104 provided that the loan, advance, or line of credit is repaid exclusively from the personal funds of the candidate or payments that would have been made irrespective of the candidacy pursuant to 11 CFR 113.1(g)(6).

(2) Any repayment, in part or in whole, of the loan, advance, or line of credit described in paragraph (c)(1) of this section by the candidate's authorized committee constitutes the personal use of campaign funds and is prohibited by 11 CFR 113.2.

(3) Any repayment or forgiveness, in part or in whole, of the loan, advance, or line of credit described in paragraph (c)(1) of this section by a third party (other than a third party whose payments are permissible under 11 CFR 113.1(g)(6)) or the lending institution is a contribution, subject to the limitations and prohibitions of 11 CFR parts 110 and 114, and shall be reported under 11 CFR part 104.

(4) Notwithstanding paragraph (c)(1) of this section, the portion of any loan or advance from a candidate's brokerage account, credit card account, home equity line of credit, or other line of credit that is used for the purpose of influencing the candidate's election for Federal office shall be reported under 11 CFR part 104.

(d) *Repayment.* The candidate's authorized committee may repay a loan from the candidate that is derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, directly to the candidate or the original lender. The amount of the repayment shall not exceed the amount of the principal used for the purpose of influencing the candidate's election for Federal office and interest that has accrued on that principal.

(e) *Reporting.* Loans derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate shall be reported by the candidate's principal campaign committee in accordance with 11 CFR part 104.

§ 100.84 Office building for State, local, or district party committees or organizations.

A donation made to a non-Federal account of a State, local, or district party committee or organization in accordance with 11 CFR 300.35 for the purchase or construction of an office building is not a contribution. A donation includes a gift, subscription, loan, advance, or deposit of money or anything of value.

§ 100.85 Legal or accounting services to political party committees.

Legal or accounting services rendered to or on behalf of any political committee of a political party are not contributions if the person paying for such services is the regular employer of the individual rendering the services and such services are not attributable to activities that directly further the election of any designated candidate for Federal office. For purposes of this section, a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for such services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

§ 100.86 Legal or accounting services to other political committees.

Legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee are not contributions if the person paying for such services is the regular employer of the individual rendering the services and if such services are solely to ensure compliance with the Act or 26 U.S.C. 9001 et seq. and 9031 et seq. For purposes of this section, a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for these services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

§ 100.87 Volunteer activity for party committees.

The payment by a state or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids or newsletters, and yard signs) used by such committee in connection with volunteer activities on behalf of any nominee(s) of such party is not a contribution, provided that the following conditions are met:

(a) *Exemption not applicable to general public communication or political advertising.* Such payment is not for cost incurred in connection with any broadcasting, newspaper, magazine, bill board, direct mail, or similar type of general public communication or political advertising. For purposes of this paragraph, the term *direct mail* means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(b) *Allocation.* The portion of the cost of such materials allocable to Federal candidates must be paid from contributions subject to the limitations and prohibitions of the Act. *But see* 11 CFR 100.24, 104.17(a), and part 300, subpart B for exempt activities that also constitute Federal election activity.

(c) *Contributions designated for particular Federal candidates.* Such payment is not made from contributions designated by the donor to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of this paragraph, a contribution shall not be considered a designated contribution if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(d) *Distribution of materials by volunteers.* Such materials are distributed by volunteers and not by commercial or for-profit operations. For the purposes of this paragraph, payments by the party organization for travel and subsistence or customary token payments to volunteers do not remove such individuals from the volunteer category.

(e) *Reporting.* If made by a political committee such payments shall be reported by the political committee as disbursements in accordance with 11 CFR 104.3 but need not be allocated to specific candidates in committee reports.

(f) *State candidates and their campaign committees.* Payments by a State candidate or his or her campaign committee to a State or local political party committee for the State candidate's share of expenses for such campaign materials are not contributions, provided the amount paid by the State candidate or his or her committee does not exceed his or her proportionate share of the expenses.

(g) *Exemption not applicable to campaign materials purchased by national party committees.* Campaign materials purchased by the national committee of a political party and delivered to a State or local party committee, or materials purchased with funds donated by the national committee to such State or local committee for the purchase of such materials, shall not qualify under this exemption. Rather, the cost of such materials shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

§ 100.88 Volunteer activity for candidates.

(a) The payment by a candidate for any public office (including State or local office), or by such candidate's authorized committee, of the costs of that candidate's campaign materials that include information on or any reference to a candidate for Federal office and that are used in connection with volunteer activities (such as pins, bumper stickers, handbills, brochures, posters, and yard signs) is not a contribution to such candidate for Federal office, provided that the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising.

(b) The payment of the portion of the cost of such materials allocable to Federal candidates shall be made from contributions subject to the limitations and prohibitions of the Act. For purposes of this section, the term *direct mail* means any mailing(s) by commercial vendors or mailing(s) made from lists that were not developed by the candidate. *But see* 11 CFR 100.24, 104.17(a), and part 300, subparts D and E for exempt activities that also constitute Federal election activity.

§ 100.89 Voter registration and get-out-the-vote activities for Presidential candidates (''coattails'' exception).

The payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of the Presidential and Vice Presidential nominee(s) of that party, is not a contribution to such candidate(s) provided that the following conditions are met:

(a) *Exemption not applicable to general public communication or political advertising.* Such payment is not for the costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For purposes of this paragraph, the term *direct mail* means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(b) *Allocation.* The portion of the costs of such activities allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act. *But see* 11 CFR 100.24, 104.17(a), and part 300, subpart B for exempt activities that also constitute Federal election activity.

(c) *Contributions designated for particular Federal candidates.* Such payment is not made from contributions designated to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of this paragraph, a contribution shall not be considered a designated contribution if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(d) *References to House or Senate candidates.* For purposes of this section, if such activities include references to any candidate(s) for the House or Senate, the costs of such activities that are allocable to that candidate(s) shall be a contribution to such candidate(s) unless the mention of such candidate(s) is merely incidental to the overall activity.

(e) *Phone banks.* For purposes of this section, payment of the costs incurred in the use of phone banks in connection with voter registration and get-out-the-vote activities is not a contribution when such phone banks are operated by volunteer workers. The use of paid professionals to design the phone bank system, develop calling instructions and train supervisors is permissible. The payment of the costs of such

professional services is not an expenditure but shall be reported as a disbursement in accordance with 11 CFR 104.3 if made by a political committee.

(f) *Reporting of payments for voter registration and get-out-the-vote activities.* If made by a political committee, such payments for voter registration and get-out-the-vote activities shall be reported by that committee as disbursements in accordance with 11 CFR 104.3, but such payments need not be allocated to specific candidates in committee reports except as provided in 11 CFR 100.78(d).

(g) *Exemption not applicable to donations by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities.* Payments made from funds donated by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities shall not qualify under this exemption. Rather, such funds shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

§ 100.90 Ballot access fees.

Payments made to any party committee by a candidate or the authorized committee of a candidate as a condition of ballot access are not contributions.

§ 100.91 Recounts.

A gift, subscription, loan, advance, or deposit of money or anything of value made with respect to a recount of the results of a Federal election, or an election contest concerning a Federal election, is not a contribution except that the prohibitions of 11 CFR 110.4(a) and part 114 apply.

§ 100.92 Candidate debates.

Funds provided to defray costs incurred in staging candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(f) are not contributions.

Subpart D—Definition of Expenditure (2 U.S.C. 431(9))

§ 100.110 Scope.

(a) The term *expenditure* includes payments, gifts or other things of value described in this subpart.

(b) For the purpose of this subpart, a payment made by an individual shall not be attributed to any other individual, unless otherwise specified by that other individual. To the extent that a payment made by an individual qualifies as a contribution, the provisions of 11 CFR 110.1(k) shall apply.

§ 100.111 Gift, subscription, loan, advance or deposit of money.

(a) A purchase, payment, distribution, loan (except for a loan made in accordance with 11 CFR 100.113 and 100.114), advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election for Federal office is an expenditure.

(b) For purposes of this section, the term *payment* includes payment of any interest on an obligation and any guarantee or endorsement of a loan by a candidate or a political committee.

(c) For purposes of this section, the term *payment* does not include the repayment by a political committee of the principal of an outstanding obligation that is owed by such committee, except that the repayment shall be reported as disbursements in accordance with 11 CFR 104.3(b).

(d) For purposes of this section, the term *money* includes currency of the United States or of any foreign nation, checks, money orders, or any other negotiable instrument payable on demand.

(e)(1) For purposes of this section, the term *anything of value* includes all in-kind contributions. Unless specifically exempted under 11 CFR part 100, subpart E, the provision of any goods or services without charge or at a charge that is less than the usual and normal charge for the goods or services is an expenditure. Examples of such goods or services include, but are not limited to: Securities, facilities, equipment, supplies, personnel, advertising services, membership lists, and mailing lists. If goods or services are provided at less than the usual and normal charge, the amount of the expenditure is the difference between the usual and normal charge for the goods or services at the time of the expenditure and the amount charged the candidate or political committee.

(2) For the purposes of paragraph (e)(1) of this section, *usual and normal charge for goods* means the price of those goods in the market from which they ordinarily would have been purchased at the time of the expenditure; and usual and normal charge for services, other than those provided by an unpaid volunteer, means the hourly or piecework charge for the services at a commercially reasonable rate prevailing at the time the services were rendered.

§ 100.112 Contracts, promises, and agreements to make expenditures.

A written contract, including a media contract, promise, or agreement to make an expenditure is an expenditure as of the date such contract, promise or obligation is made.

§ 100.113 Independent expenditures.

An independent expenditure that meets the requirements of 11 CFR 104.4 or part 109 is an expenditure, and such independent expenditure is to be reported by the person making the expenditure in accordance with 11 CFR 104.4 and part 109.

§ 100.114 Office building or facility for national party committees.

A payment, distribution, loan, advance, or deposit of money or anything of value made by, or on behalf of, a national party committee for the purchase or construction of an office building or facility is an expenditure.

Subpart E—Exceptions to expenditures

§ 100.130 Scope

(a) The term *expenditure* does not include payments, gifts, or other things of value described in this subpart.

(b) For the purpose of this subpart, a payment made by an individual shall not be attributed to any other individual, unless otherwise specified by that other individual. To the extent that a payment made by an individual qualifies as a contribution, the provisions of 11 CFR 110.1(k) shall apply.

§ 100.131 Testing the waters.

(a) *General exemption.* Payments made solely for the purpose of determining whether an individual should become a candidate are not expenditures. Examples of activities permissible under this exemption if they are conducted to determine whether an individual should become a candidate include, but are not limited to, conducting a poll, telephone calls, and travel. Only funds permissible under the Act may be used for such activities. The individual shall keep records of all such payments. *See* 11 CFR 101.3. If the individual subsequently becomes a candidate, the payments made are subject to the reporting requirements of the Act. Such expenditures must be reported with the first report filed by the principal campaign committee of the candidate, regardless of the date the payments were made.

(b) *Exemption not applicable to individuals who have decided to become candidates.* This exemption does not apply to payments made for activities indicating that an individual has decided to become a candidate for a particular office or for activities relevant to conducting a campaign.

Examples of activities that indicate that an individual has decided to become a candidate include, but are not limited to:

(1) The individual uses general public political advertising to publicize his or her intention to campaign for Federal office.

(2) The individual raises funds in excess of what could reasonably be expected to be used for exploratory activities or undertakes activities designed to amass campaign funds that would be spent after he or she becomes a candidate.

(3) The individual makes or authorizes written or oral statements that refer to him or her as a candidate for a particular office.

(4) The individual conducts activities in close proximity to the election or over a protracted period of time.

(5) The individual has taken action to qualify for the ballot under State law.

§ 100.132 News story, commentary, or editorial by the media.

Any cost incurred in covering or carrying a new story, commentary, or editorial by any broadcasting station (including a cable television operator, programmer or producer), newspaper, magazine, or other periodical publication is not an expenditure unless the facility is owned or controlled by any political party, political committee, or candidate, in which case the costs for a news story:

(a) That represents a *bona fide* news account communicated in a publication of general circulation or on a licensed broadcasting facility; and

(b) That is part of a general pattern of campaign-related news account that give reasonably equal coverage to all opposing candidates in the circulation or listening area, is not an expenditure.

§ 100.133 Voter registration and get-out-the-vote activities.

Any cost incurred for activity designed to encourage individuals to register to vote or to vote is not an expenditure if no effort is or has been made to determine the party or candidate preference of individuals before encouraging them to register to vote or to vote, except that corporations and labor organizations shall engage in such activity in accordance with 11 CFR 114.4 (c) and (d). *See also* 11 CFR 114.3(c)(4).

§ 100.134 Internal communications by corporations, labor organizations, and membership organizations.

(a) *General provision.* Any cost incurred for any communication by a membership organization, including a labor organization, to its members, or any cost incurred for any communication by a corporation to its stockholders or executive or administrative personnel, is not an expenditure, except that the costs directly attributable to such a communication that expressly advocates the election or defeat of a clearly identified candidate (other than a communication primarily devoted to subjects other than the express advocacy of the election or defeat of a clearly identified candidate) shall, if those costs exceed $2,000 per election, be reported to the Commission on FEC Form 7 in accordance with 11 CFR 104.6.

(b) *Definition of labor organization.* For purposes of this section, *labor organization* means an organization of any kind (any local, national, or international union, or any local or State central body of a federation of unions is each considered a separate labor organization for purposes of this section) or any agency or employee representative committee or plan, in which employees participate and that exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(c) *Definition of stockholder.* For purposes of this section, *stockholder* means a person who has a vested beneficial interest in stock, has the power to direct how that stock shall be voted, if it is voting stock, and has the right to receive dividends.

(d) *Definition of executive or administrative personnel.* For purposes of this section, executive or administrative personnel means individuals employed by a corporation who are paid on a salary rather than hourly basis and who have policymaking, managerial, professional, or supervisory responsibilities.

(1) This definition includes—

(i) Individuals who run the corporation's business, such as officers, other executives, and plant, division, and section managers; and

(ii) Individuals following the recognized professions, such as lawyers and engineers.

(2) This definition does not include—

(i) Professionals who are represented by a labor organization;

(ii) Salaried foremen and other salaried lower level supervisors having direct supervision over hourly employees;

(iii) Former or retired personnel who are not stockholders; or

(iv) Individuals who may be paid by the corporation, such as consultants, but who are not employees, within the meaning of 26 CFR 31.3401(c)–(1), of the corporation for the purpose of the collection of, and liability for, employee tax under 26 CFR 1.3402(a)–(1).

(3) Individuals on commission may be considered executive or administrative personnel if they have policymaking, managerial, professional, or supervisory responsibility and if the individuals are employees, within the meaning of 26 CFR 31.3401(c)–(1), of the corporation for the purpose of the collection of, and liability for, employee tax under 26 CFR 31.3402(a)–(1).

(4) The Fair Labor Standards Act, 29 U.S.C. 201, *et seq.* and the regulations issued pursuant to such Act, 29 CFR part 541, may serve as a guideline in determining whether individuals have policymaking, managerial, professional, or supervisory responsibilities.

(e) *Definition of membership organization.* For purposes of this section membership organization means an unincorporated association, trade association, cooperative, corporation without capital stock, or a local, national, or international labor organization that:

(1) Is composed of members, some or all of whom are vested with the power and authority to operate or administer the organization, pursuant to the organization's articles, bylaws, constitution or other formal organizational documents;

(2) Expressly states the qualifications and requirements for membership in its articles, bylaws, constitution or other formal organizational documents;

(3) Makes its articles, bylaws, constitution or other formal organizational documents available to its members;

(4) Expressly solicits persons to become members;

(5) Expressly acknowledges the acceptance of membership, such as by sending a membership card or including the member's name on a membership newsletter list; and

(6) Is not organized primarily for the purpose of influencing the nomination for election, or election, of any individual for Federal office.

(f) *Definition of members.* For purposes of this section, the term *members* includes all persons who are currently satisfying the requirements for membership in a membership organization, affirmatively accept the membership organization's invitation to become a member, and either:

(1) Have some significant financial attachment to the membership organization, such as a significant investment or ownership stake; or

(2) Pay membership dues at least annually, of a specific amount predetermined by the organization; or

(3) Have a significant organizational attachment to the membership organization that includes: affirmation of membership on at least an annual basis and direct participatory rights in the governance of the organization. For example, such rights could include the right to vote directly or indirectly for at least one individual on the membership organization's highest governing board; the right to vote on policy questions where the highest governing body of the membership organization is obligated to abide by the results; the right to approve the organization's annual budget; or the right to participate directly in similar aspects of the organization's governance.

(g) *Additional considerations in determining membership.* Notwithstanding the requirements of paragraph (f) of this section, the Commission may determine, on a case-by-case basis, that persons who do not precisely meet the requirements of the general rule, but have a relatively enduring and independently significant financial or organizational attachment to the organization, may be considered members for purposes of this section. For example, student members who pay a lower amount of dues while in school, long term dues paying members who qualify for lifetime membership status with little or no dues obligation, and retired members may be considered members of the organization.

(h) *Members of local unions.* Notwithstanding the requirements of paragraph (f) of this section, members of a local union are considered to be members of any national or international union of which the local union is a part and of any federation with which the local, national, or international union is affiliated.

(i) *National federation structures.* In the case of a membership organization that has a national federation structure or has several levels, including, for example, national, state, regional and/or local affiliates, a person who qualifies as a member of any entity within the federation or of any affiliate by meeting the requirements of paragraphs (f)(1), (2), or (3) of this section shall also qualify as a member of all affiliates for purposes of paragraphs (d) through (i) of this section. The factors set forth at 11 CFR 100.5(g)(2), (3) and (4) shall be used to determine whether entities are affiliated for purposes of this paragraph.

(j) *Non-applicability of state law in determining status of membership organizations.* The status of a membership organization, and of members, for purposes of this section, shall be determined pursuant to paragraphs (d) through (i) of this section and not by provisions of state law governing unincorporated associations, trade associations, cooperatives, corporations without capital stock, or labor organizations.

(k) *Definition of election.* For purposes of this section, *election* means two separate processes in a calendar year, to each of which the $2,000 threshold described above applies separately. The first process is comprised of all primary elections for Federal office, whenever and wherever held; the second process is comprised of all general elections for Federal office, whenever and wherever held. The term election shall also include each special election held to fill a vacancy in a Federal office (11 CFR 100.2(f)) or each runoff election (11 CFR 100.2(d)).

(l) *Definition of corporation.* For purposes of this section, *corporation* means any separately incorporated entity, whether or not affiliated.

(m) *Reporting.* When the aggregate costs under this section exceed $2,000 per election, all costs of the communication(s) shall be reported on the filing dates specified in 11 CFR 104.6, and shall include the total amount expended for each candidate supported.

§ 100.135 Use of a volunteer's real or personal property.

No expenditure results where an individual, in the course of volunteering personal services on his or her residential premises to any candidate or political committee of a political party, provides the use of his or her real or personal property to such candidate for candidate-related activity or to such political committee of a political party for party-related activity. For the purposes of this section, an individual's residential premises shall include a recreation room in a residential complex where the individual volunteering services resides, provided that the room is available for use without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not an expenditure.

§ 100.136 Use of a church or a community room.

No expenditure results where an individual, in the course of volunteering personal services to any candidate or political committee of a political party, obtains the use of a church or community room and provides such room to any candidate for candidate-related activity or to any political committee of a political party for party-related activity, provided that the room is used on a regular basis by members of the community for noncommercial purposes and the room is available for use by members of the community without regard to political affiliation. A nominal fee paid by such individual for the use of such room is not an expenditure.

§ 100.137 Invitations, food, and beverages.

The cost of invitations, food, and beverages is not an expenditure where such items are voluntarily provided by an individual in rendering voluntary personal services on the individual's residential premises or in a church or community room as specified at 11 CFR 100.106 and 100.107 to a candidate for candidate-related activity or to a political committee of a political party for party-related activity, to the extent that: The aggregate value of such invitations, food and beverages provided by the individual on behalf of the candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in any calendar year.

§ 100.138 Sale of food and beverages by vendor.

The sale of any food or beverage by a vendor (whether incorporated or not) for use in a candidate's campaign, or for use by a political committee of a political party, at a charge less than the normal or comparable commercial charge, is not an expenditure, provided that the charge is at least equal to the cost of such food or beverage to the vendor, to the extent that: The aggregate value of such discount given by the vendor on behalf of any single candidate does not exceed $1,000 with respect to any single election; and on behalf of all political committees of each political party does not exceed $2,000 in a calendar year.

§ 100.139 Unreimbursed payment for transportation and subsistence expenses.

(a) *Transportation expenses.* Any unreimbursed payment for transportation expenses incurred by any individual on behalf of any candidate or political committee of a political party is not an expenditure to the extent that:

(1) The aggregate value of the payments made by such individual on behalf of a candidate does not exceed $1,000 with respect to a single election; and

(2) On behalf of all political committees of each political party does not exceed $2,000 in a calendar year.

(b) *Subsistence expenses.* Any unreimbursed payment from a volunteer's personal funds for usual and normal subsistence expenses incident to volunteer activity is not an expenditure.

§ 100.140 Slate cards and sample ballots.

The payment by a State or local committee of a political party of the costs of preparation, display, or mailing or other distribution incurred by such committee with respect to a printed slate card, sample ballot, palm card, or other printed listing(s) of three or more candidates for any public office for which an election is held in the State in which the committee is organized is not an expenditure. The payment of the portion of such costs allocable to Federal candidates must be made from funds subject to the limitations and prohibitions of the Act. If made by a political party committee, such payments shall be reported by that committee as disbursements, but need not be allocated in committee reports to specific candidates. This exemption shall not apply to costs incurred by such a committee with respect to the preparation and display of listings made on broadcasting stations, or in newspapers, magazines, and similar types of general public political advertising such as billboards. *But see* 11 CFR 100.24, 104.17(a), and part 300, subpart B for exempt activities that also constitute Federal election activity.

§ 100.141 Payment by corporations and labor organizations.

Any payment made or obligation incurred by a corporation or labor organization is not an expenditure if under the provisions of 11 CFR part 114 such payment or obligation would not constitute an expenditure by the corporation or labor organization.

§ 100.142 Bank loans.

(a) *General provisions.* Repayment of a loan of money to a candidate or a political committee by a State bank, a federally chartered depository institution (including a national bank) or a depository institution whose deposits and accounts are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration is not an expenditure by the lending institution if such loan is made in accordance with applicable banking laws and regulations and is made in the ordinary course of business. A loan will be deemed to be made in the ordinary course of business if it:

(1) Bears the usual and customary interest rate of the lending institution for the category of loan involved;

(2) Is made on a basis that assures repayment;

(3) Is evidenced by a written instrument; and

(4) Is subject to a due date or amortization schedule.

(b) *Reporting.* Such loans shall be reported by the political committee in accordance with 11 CFR 104.3(a) and (d).

(c) *Endorsers and guarantors.* Each endorser or guarantor shall be deemed to have contributed that portion of the total amount of the loan for which he or she agreed to be liable in a written agreement, except that, in the event of a signature by the candidate's spouse, the provisions of 11 CFR 100.52(b)(4) shall apply. Any reduction in the unpaid balance of the loan shall reduce proportionately the amount endorsed or guaranteed by each endorser or guarantor in such written agreement. In the event that the loan agreement does not stipulate the portion of the loan for which each endorser or guarantor is liable, the loan shall be considered an expenditure by each endorser or guarantor in the same proportion to the unpaid balance that each endorser or guarantor bears to the total number of endorsers or guarantors.

(d) *Overdrafts.* For the purpose of this section, repayment of an overdraft made on a checking or savings account of a political committee shall be considered an expenditure unless:

(1) The overdraft is made on an account that is subject to automatic overdraft protection; and

(2) The overdraft is subject to a definite interest rate and a definite repayment schedule.

(e) *Made on a basis that assures repayment.* A loan, including a line of credit, shall be considered made on a basis that assures repayment if it is obtained using either of the sources of repayment described in paragraphs (e)(1) or (2) of this section, or a combination of paragraphs (e)(1) or (2) of this section:

(1) (i) The lending institution making the loan has perfected a security interest in collateral owned by the candidate or political committee receiving the loan; the fair market value of the collateral is equal to or greater than the loan amount and any senior liens as determined on the date of the loan; and the candidate or political committee provides documentation to show that the lending institution has a perfected security interest in the collateral. Sources of collateral include, but are not limited to, ownership in real estate, personal property, goods, negotiable instruments, certificates of deposit, chattel papers, stocks, accounts receivable and cash on deposit.

(ii) Amounts guaranteed by secondary sources of repayment, such as guarantors and cosigners, shall not exceed the contribution limits of 11 CFR part 110 or contravene the prohibitions of 11 CFR 110.4, part 114 and part 115; or

(2) The lending institution making the loan has obtained a written agreement whereby the candidate or political committee receiving the loan has pledged future receipts, such as public financing payments under 11 CFR part 9001 through part 9012 or part 9031 through 9039, contributions, or interest income, provided that:

(i) The amount of the loan(s) obtained the basis of such funds does not exceed the amount of pledged funds;

(ii) Loan amounts are based on a reasonable expectation of the receipt of pledged funds. To that end, the candidate or political committee must furnish the lending institution documentation, i.e., cash flow charts or other financial plans, that reasonably establish that such future funds will be available;

(iii) A separate depository account is established at the lending institution or the lender obtains an assignment from the candidate or political committee to access funds in a committee account at another depository institution that meets the requirements of 11 CFR 103.2, and the committee has notified the other institution of this assignment;

(iv) The loan agreement requires the deposit of the public financing payments, contributions, interest or other income pledged as collateral into the separate depository account for the purpose of retiring the debt according to the repayment requirements of the loan; and

(v) In the case of public financing payments, the borrower authorizes the Secretary of the Treasury to directly deposit the payments into the depository account for the purpose of retiring the debt.

(3) If the requirements set forth in paragraph (e) of this section are not met, the Commission will consider the totality of circumstances on a case-by-case basis in determining whether a loan was made on a basis that assures repayment.

(f) This section shall not apply to loans described in 11 CFR 100.83 and 100.143.

§ 100.143 Brokerage loans and lines of credit to candidates.

Repayment of a loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, as described in 11 CFR 100.83, is not an expenditure.

§ 100.144 Office building for State, local, or district party committees or organizations.

A payment, distribution, loan, advance, or deposit of money or anything of value, made by, or on behalf of, a State, local, or district party committee or organization for the purchase or construction of an office building in accordance with 11 CFR 300.35 is not an expenditure.

§ 100.145 Legal or accounting services to political party committees.

Legal or accounting services rendered to or on behalf of any political committee of a political party are not expenditures if the person paying for such services is the regular employer of the individual rendering the services and such services are not attributable to activities that directly further the election of any designated candidate for Federal office. For purposes of this section, a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for such services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h).

§ 100.146 Legal or accounting services to other political committees.

Legal or accounting services rendered to or on behalf of an authorized committee of a candidate or any other political committee are not expenditures if the person paying for such services is the regular employer of the individual rendering such services and if the services are solely to ensure compliance with the Act or 26 U.S.C. 9001 et seq. and 9032 et seq. For purposes of this section, a partnership shall be deemed to be the regular employer of a partner. Amounts paid by the regular employer for these services shall be reported by the committee receiving such services in accordance with 11 CFR 104.3(h). Expenditures for these services by a candidate certified to receive Primary Matching Funds under 11 CFR part 9034 do not count against such candidate's expenditure limitations under 11 CFR part 9035 or 11 CFR 110.8. Unless paid for with federal funds received pursuant to 11 CFR part 9005, disbursements for these services by a candidate who is certified to receive payments from the Presidential Election Campaign Fund under 11 CFR part 9005 do not count against that candidate's expenditure limitations under 11 CFR 110.8.

§ 100.147 Volunteer activity for party committees.

The payment by a state or local committee of a political party of the costs of campaign materials (such as pins, bumper stickers, handbills, brochures, posters, party tabloids or newsletters, and yard signs) used by such committee in connection with volunteer activities on behalf of any nominee(s) of such party is not an expenditure, provided that the following conditions are met:

(a) *Exemption does not apply to general public communications or political advertising.* Such payment is not for costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For the purposes of this paragraph, the term *direct mail* means any mailing(s) by a commercial vendor or any mailing(s) made from commercial lists.

(b) *Allocation.* The portion of the cost of such materials allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act. *But see* 11 CFR part 300 for exempt activities that also constitute Federal election activity.

(c) *Contributions designated for Federal candidates.* Such payment is not made from contributions designated by the donor to be spent on behalf of a particular candidate or candidates for Federal office. For purposes of this paragraph, a contribution shall not be considered a designated contribution if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(d) *Distribution of materials by volunteers.* Such materials are distributed by volunteers and not by commercial or for-profit operations. For the purposes of this paragraph, payments by the party organization for travel and subsistence or customary token payments to volunteers do not remove such individuals from the volunteer category.

(e) *Reporting.* If made by a political party committee, such payments shall be reported by that committee as disbursements, in accordance with 11 CFR 104.3, but need not be allocated to specific candidates in committee reports.

(f) *State candidates and their campaign committees.* Payments by a State candidate or his or her campaign committee to a State or local political party committee for the State candidate's share of expenses for such campaign materials are not expenditures, provided the amount paid by the State candidate or his or her committee does not exceed his or her proportionate share of the expenses.

(g) Exemption not applicable to campaign materials purchased by national party committees. Campaign materials purchased by the national committee of a political party and delivered to a State or local party committee, or materials purchased with funds donated by the national committee to such State or local committee for the purchase of such materials, shall not qualify under this exemption. Rather, the cost of such materials shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

§ 100.148 Volunteer activity for candidate.

The payment by a candidate for any public office (including State or local office), or by such candidate's authorized committee, of the costs of that candidate's campaign materials that include information on or any reference to a candidate for Federal office and that are used in connection with volunteer activities (such as pins, bumper stickers, handbills, brochures, posters, and yard signs) is not an expenditure on behalf of such candidate for Federal office, provided that the payment is not for the use of broadcasting, newspapers, magazines, billboards, direct mail or similar types of general public communication or political advertising. The payment of the portion of the cost of such materials allocable to Federal candidates shall be made from contributions subject to the limitations and prohibitions of the Act. For purposes of this section, the term direct mail means mailings by commercial vendors or mailings made from lists that were not developed by the candidate. *But see* 11 CFR 100.24, 104.17(a), and part 300, subparts D and E for exempt activities that also constitute Federal election activity.

§ 100.149 Voter registration and get-out-the-vote activities for Presidential candidates (''coattails'' exception).

The payment by a State or local committee of a political party of the costs of voter registration and get-out-the-vote activities conducted by such committee on behalf of the Presidential and Vice Presidential nominee(s) of that party is not an expenditure for the purpose of influencing the election of such candidates provided that the following conditions are met:

(a) *Exemption not applicable to general public communication or political advertising.* Such payment is not for the costs incurred in connection with any broadcasting, newspaper, magazine, billboard, direct mail, or similar type of general public communication or political advertising. For purposes of this paragraph, the term direct mail means any mailing(s) by a

commercial vendor or any mailing(s) made from commercial lists.

(b) *Allocation.* The portion of the costs of such activities allocable to Federal candidates is paid from contributions subject to the limitations and prohibitions of the Act. *But see* 11 CFR 100.24, 104.17(a), and part 300, subpart B for exempt activities that also constitute Federal election activity.

(c) *Contributions designated for Federal candidates.* Such payment is not made from contributions designated to be spent on behalf of a particular candidate or candidates for Federal office. For the purposes of this paragraph, a contribution shall not be considered a designated contribution if the party committee disbursing the funds makes the final decision regarding which candidate(s) shall receive the benefit of such disbursement.

(d) *References to House or Senate candidates.* For purposes of this section, if such activities include references to any candidate(s) for the House or Senate, the costs of such activities that are allocable to that candidate(s) shall be an expenditure on behalf of such candidate(s) unless the mention of such candidate(s) is merely incidental to the overall activity.

(e) *Phone banks.* For purposes of this section, payment of the costs incurred in the use of phone banks in connection with voter registration and get-out-the-vote activities is not an expenditure when such phone banks are operated by volunteer workers. The use of paid professionals to design the phone bank system, develop calling instructions and train supervisors is permissible. The payment of the costs of such professional services is not an expenditure but shall be reported as a disbursement in accordance with 11 CFR 104.3 if made by a political committee.

(f) *Reporting of payments for voter registration and get-out-the-vote activities.* If made by a political committee, such payments for voter registration and get-out-the-vote activities shall be reported by that committee as disbursements, in accordance with 11 CFR 104.3 but such payments need not be allocated to specific candidates in committee reports except as provided in paragraph (d) of this section.

(g) *Exemption not applicable to donations by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities.* Payments made from funds donated by a national committee of a political party to a State or local party committee for voter registration and get-out-the-vote activities shall not qualify under this exemption. Rather, such funds shall be subject to the limitations of 2 U.S.C. 441a(d) and 11 CFR 110.7.

§ 100.150 Ballot access fees.

Amounts transferred by a party committee to another party committee or payments made to the appropriate State official of fees collected from candidates or their authorized committees as a condition of ballot access are not expenditures.

§ 100.151 Recounts.

A purchase, payment, distribution, loan, advance, or deposit of money or anything of value made with respect to a recount of the results of a Federal election, or an election contest concerning a Federal election, is not an expenditure except that the prohibitions of 11 CFR 110.4(a) and part 114 apply.

§ 100.152 Fundraising costs for Presidential candidates.

(a) *Costs incurred in connection with the solicitation of contributions.* Any costs incurred by a candidate or his or her authorized committee(s) in connection with the solicitation of contributions are not expenditures if incurred by a candidate who has been certified to receive Presidential Primary Matching Fund Payments, or by a candidate who has been certified to receive general election public financing under 26 U.S.C. 9004 and who is soliciting contributions in accordance with 26 U.S.C. 9003(b)(2) or 9003(c)(2) to the extent that the aggregate of such costs does not exceed 20 percent of the expenditure limitation applicable to the candidate. These costs shall, however, be reported as disbursements pursuant to 11 CFR part 104.

(b) *Definition of in connection with the solicitation of contributions.* For a candidate who has been certified to receive general election public financing under 26 U.S.C. 9004 and who is soliciting contributions in accordance with 26 U.S.C. 9003(b)(2) or 9003(c)(2), *in connection with the solicitation of contributions* means any cost reasonably related to fundraising activity, including the costs of printing and postage, the production of and space or air time for, advertisements used for fundraising, and the costs of meals, beverages, and other costs associated with a fundraising reception or dinner.

(c) *Limitation on costs that may be exempted.* For a candidate who has been certified to receive Presidential Primary Matching Fund Payments, the costs that may be exempted as fundraising expenses under this section shall not exceed 20% of the overall expenditure limitation under 11 CFR 9035.1, and shall equal the total of:

(1) All amounts excluded from the state expenditure limitations for exempt fundraising activities under 11 CFR 110.8(c)(2), plus

(2) An amount of costs that would otherwise be chargeable to the overall expenditure limitation but that are not chargeable to any state expenditure limitation, such as salary and travel expenses. See 11 CFR 106.2.

§ 100.153 Routine living expenses.

Payments by a candidate from his or her personal funds, as defined at 11 CFR 110.10(b), for the candidate's routine living expenses that would have been incurred without candidacy, including the cost of food and residence, are not expenditures. Payments for such expenses by a member of the candidate's family as defined in 11 CFR 113.1(g)(7), are not expenditures if the payments are made from an account jointly held with the candidate, or if the expenses were paid by the family member before the candidate became a candidate.

§ 100.154 Candidate debates.

Funds used to defray costs incurred in staging candidate debates in accordance with the provisions of 11 CFR 110.13 and 114.4(f) are not expenditures.

Dated: July 26, 2002.

David M. Mason,

Chairman, Federal Election Commission.

[FR Doc. 02–19339 Filed 8–2–02; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 520

Oral Dosage Form New Animal Drugs; Ivermectin Liquid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of an abbreviated new animal drug application (ANADA) filed by First Priority, Inc. The ANADA provides for oral use of an ivermectin solution in sheep for the treatment and control of various internal parasites.

DATES: This rule is effective August 5, 2002.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–101), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0209, e-mail: lluther@cvm.fda.gov.

SUPPLEMENTARY INFORMATION: First Priority, Inc., 1585 Todd Farm Dr., Elgin, IL 60123, filed ANADA 200–327 for PRIVERMECTIN (ivermectin) Drench for Sheep. The application provides for oral use of a 0.08 percent ivermectin solution in sheep for the treatment and control of various internal parasites. First Priority's PRIVERMECTIN Drench for Sheep is approved as a generic copy of Merial Limited's IVOMEC Drench for Sheep, approved under NADA 131–392. ANADA 200–327 is approved as of May 15, 2002, and the regulations are amended in § 520.1195 (21 CFR 520.1195) to reflect the approval. The basis of approval is discussed in the freedom of information summary. Section 520.1195 is also being amended to correctly describe the concentration of the product and to incorporate 21 CFR 520.1194 in a current format.

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

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

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

List of Subjects in 21 CFR Part 520

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 520 continues to read as follows:

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

§ 520.1194 [Removed]

2. Section 520.1194 *Ivermectin drench* is removed.

3. Section 520.1195 is revised to read as follows:

§ 520.1195 Ivermectin liquid.

(a) *Specifications*—(1) Each milliliter (mL) contains 10 milligrams (mg) ivermectin.

(2) Each mL of micellar solution contains 0.8 mg ivermectin.

(b) *Sponsors*. See sponsor numbers in § 510.600(c) of this chapter.

(1) Nos. 050604, 051259, 058829, and 059130 for use of product described in paragraph (a)(1) of this section as in paragraph (e)(1) of this section.

(2) Nos. 050604 and 058829 for use of product described in paragraph (a)(2) of this section as in paragraph (e)(2) of this section.

(c) *Related tolerances*. See § 556.344 of this chapter.

(d) *Special considerations*. See § 500.25 of this chapter.

(e) *Conditions of use*—(1) *Horses*—(i) *Amount*. 200 micrograms (mcg) per kilogram (/kg) of body weight as a single dose by stomach tube or as an oral drench.

(ii) *Indications for use*. For the treatment and control of large strongyles (*Strongylus equinus* (adult), *S. vulgaris* (adult and arterial larval stages), *S. endentatus* (adult and migrating tissue stages), *Triodontophorus* spp. (adult)); small strongyles, including those resistant to some benzimidazole class compounds (*Cyathostomum* spp. (adult and fourth-stage larvae), *Cylicocyclus* spp., *Cylicodontophorus* spp., *Cylicostephanus* spp.); pinworms (*Oxyuris equi* (adult and fourth-stage larvae)); ascarids (*Parascaris equorum* (adult and third- and fourth-stage larvae)); hairworms (*Trichostongylus axei*(adult)); large-mouth stomach worms (*Habronema muscae* (adult)); stomach bots (*Gastrophilus* spp. (oral and gastric stages)); lungworms (*Dictyocaulus arnfieldi* (adult and fourth-stage larvae)); intestinal threadworms (*Strongyloides westeri* (adult)); summer sores caused by *Habronema* and *Draschia* spp. cutaneous third-stage larvae; and dermatitis caused by neck threadworm microfilariae (*Onchocerca* spp.).

(iii) *Limitations*. Do not use in horses intended for food purposes. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(2) *Sheep*—(i) *Amount*. 200 mcg/kg (3 mL/26 pounds) of body weight as a single dose oral drench.

(ii) *Indications for use*. For treatment and control of the adult and fourth-stage larvae of gastrointestinal roundworms (*Haemonchus contortus*, *H. placei* (adults only), *Ostertagia circumcincta*, *Trichostrongylus axei*, *T. colubriformis*, *Cooperia oncophora* (adults only), *C. curticei*, *Oesophagostomum columbianum*, *O. venulosum*(adults only), *Nematodirus battus*, *N. spathiger*, *S. papillosus* (adults only), *Chabertia ovina* (adult only), *Trichuris ovis* (adults only)); lungworms (*D. filaria*); and all larval stages of the nasal bot *Oestrus ovis*.

(iii) *Limitations*. For use in sheep only. Do not use in other animal species as severe adverse reactions, including fatalities in dogs, may result. Do not treat sheep within 11 days of slaughter.

Dated: July 17, 2002.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 02–19729 Filed 8–2–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Seasonal Adjustments—Copper River, Afognak Bay, Southeastern Alaska Rivers

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Seasonal adjustments.

SUMMARY: This provides notice of the Federal Subsistence Board's in-season management actions to protect sockeye salmon escapement in Afognak Lake and in the Copper River, while still providing for a subsistence harvest opportunity. It also suspends the coho harvest regulations for three rivers in Southeastern Alaska where there are legal uncertainties and a possible conflict with an international treaty. The fishing schedules and closures will provide an exception to the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on February 7, 2002. Those regulations established seasons, harvest limits, methods, and means relating to the taking of fish and

shellfish for subsistence uses during the 2002 regulatory year.

DATES: The Afognak Bay action is effective June 13, 2002, through August 12, 2002. The second Copper River action is effective June 2, 2002, through July 31, 2002. The third Copper River action is effective June 8, 2002, through August 7, 2002. The fourth Copper River action is effective June 13, 2002, through August 12, 2002. The fifth Copper River action is effective June 20, 2002, through August 12, 2002. The sixth Copper River action is effective June 29, 2002, through August 28, 2002. The seventh Copper River action is effective July 8, 2002, through September 7, 2002. The eighth Copper River action is effective July 10, 2002, through August 31, 2002. The suspension of the coho harvest for the Stikine Taku and Alsek Rivers is effective July 10, 2002, through February 28, 2003.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Subsistence Program Manager, USDA—Forest Service, Alaska Region, telephone (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In December 1989, the Alaska Supreme Court ruled that the rural preference in the State subsistence statute violated the Alaska Constitution and, therefore, negated State compliance with ANILCA.

The Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. The Departments administer Title VIII through regulations at Title 50, Part 100 and Title 36, Part 242 of the Code of Federal Regulations (CFR). Consistent with Subparts A, B, and C of these regulations, as revised January 8, 1999, (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska State Director, Bureau of Land Management; the Alaska Regional Director, Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, which establish the program structure and determine which Alaska residents are eligible to take specific species for subsistence uses, and the annual Subpart D regulations, which establish seasons, harvest limits, and methods and means for subsistence take of species in specific areas. Subpart D regulations for the 2002 fishing seasons, harvest limits, and methods and means were published on February 7, 2002, (67 FR 5890). Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical closures and adjustments would apply to 36 CFR part 242 and 50 CFR part 100.

The Alaska Department of Fish and Game (ADF&G), under the direction of the Alaska Board of Fisheries (BOF), manages sport, commercial, personal use, and State subsistence harvest on all lands and waters throughout Alaska. However, on Federal lands and waters, the Federal Subsistence Board implements a subsistence priority for rural residents as provided by Title VIII of ANILCA. In providing this priority, the Board may, when necessary, preempt State harvest regulations for fish or wildlife on Federal lands and waters.

These adjustments (including restricted subsistence fishing schedules) are necessary because of predictions of potentially weak returns of chinook, summer-run chum, and fall-run chum salmon in the Yukon River drainage, poor runs of chinook and chum salmon in the Kuskokwim River drainage, and the need to manage the sockeye salmon run in the Chitina Subdistrict of the Copper River based on in-season run assessments. These actions are authorized and in accordance with 50 CFR 100.19(d)–(e) and 36 CFR 242.19(d)–(e).

Afognak Bay

The 2002 return of sockeye salmon to the Afognak River drainage is one of the lowest observed since 1986. Current weir counts and run timing allow managers to project that the total escapement may be substantially below the minimum escapement goal of 40,000 fish. In response to this poor return at this time, the Alaska Department of Fish and Game (ADF&G) has closed the State sport, commercial, and subsistence fisheries targeting sockeye salmon within Afognak Bay waters. After consultation with subsistence users and ADF&G managers, closure of the Federal subsistence seine and gill net fishery for salmon within the Afognak Bay waters of the Alaska Maritime National Wildlife Refuge is the responsible course of action as all remaining sockeye salmon entering Afognak Bay are required to achieve spawning escapement goals. Subsistence fishing with rod and reel for all species except sockeye salmon continues to be permitted. This closure action is taken to ensure the conservation of the Afognak River sockeye salmon stock.

Copper River—Chitina Subdistrict

In December 2001, the Board adopted regulatory proposals establishing a new Federal subsistence fishery in the Chitina Subdistrict of the Copper River. This fishery is open to Federally qualified users having customary and traditional use of salmon in this Subdistrict. The State also conducts a subsistence fishery in this Subdistrict that is open to all Alaska residents.

Management of the fishery is based on the numbers of salmon returning to the Copper River. A larger than predicted salmon run will allow additional fishing time. A smaller than predicted run will require restrictions to achieve upriver passage and spawning escapement goals. A run that approximates the pre-season forecast will allow fishing to proceed similar to the pre-season schedule with some adjustments made to fishing time based on in-season data. Adjustments to the preseason schedule are expected as a normal function of an abundance-based management strategy. State and Federal managers, reviewing and discussing all available in-season information, will make these adjustments.

While Federal and State regulations currently differ for this Subdistrict, the Board indicated that Federal in-season management actions regarding fishing periods were expected to mirror State actions for the 2002 season. The State established a preseason schedule of allowable fishing periods based on daily projected sonar estimates. This preseason schedule is intended to distribute the harvest throughout the salmon run and provide salmon for

upriver subsistence fisheries and the spawning escapement. State and Federal subsistence fisheries in this Subdistrict close simultaneously by regulation on September 30, 2002. No deviation from this date is anticipated.

Special Actions 2—8, adopted the changing State preseason schedule for the Federal subsistence fishery, adjusting the weekly or daily harvest period to protect the sockeye salmon run or to provide additional harvest opportunity as more fish entered the river. Each Special Action superseded the previous one. Continuous fishing with no additional adjustments is presently anticipated until the regularly scheduled end of the season (September 30, 2002.)

Southeastern Alaska Rivers

In December 2001, the Federal Subsistence Board adopted a proposal that established regulations for the taking of coho salmon throughout Southeast Alaska including on the Stikine, Taku and Alsek Rivers. The salmon resources on these three transboundary rivers are managed under the auspices of the Pacific Salmon Treaty (PST), an agreement for management of salmon stocks that are harvested by both the United States and Canada. The most recent agreement (the 1999 PST Revised Annexes) negotiated by the Pacific Salmon Commission, the administrative and management authority of the PST, has been interpreted as prohibiting the establishment of new fisheries until abundance based management plans are developed. There are legal uncertainties regarding the exact relationship of Title VIII of ANILCA to the PST and whether these fisheries are a matter of domestic allocation or constitute new fisheries. Action by the Federal Subsistence Board in December 2001 to establish a subsistence fishery in the transboundary rivers may violate the principles in Annex IV, Chapter 1 of the PST. The Board, therefore, acted to suspend the harvest for the remainder of the regulatory year for that portion of the requirements (50 CFR 100.27(i)(13)(vi) and 36 CFR 242.27(i)(13)(vi)) that allows a subsistence coho salmon fishery within the three transboundary rivers. The Board will continue to work within established international protocols through the PSC and the Transboundary Panel to provide future subsistence fisheries in these three transboundary rivers.

The Board finds that additional public notice and comment requirements under the Administrative Procedure Act (APA) for these emergency closures are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate and immediate conservation measures could seriously affect the continued viability of fish populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive additional public notice and comment procedures prior to implementation of these actions and pursuant to 5 U.S.C. 553(d)(3) to make this rule effective as indicated in the **DATES** section.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Final Environmental Impact Statement (FEIS) was published on February 28, 1992, and a Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD) was signed April 6, 1992. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations. A final rule that redefined the jurisdiction of the Federal Subsistence Management Program to include waters subject to the subsistence priority was published on January 8, 1999, (64 FR 1276.)

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The adjustment and emergency closures do not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

Other Requirements

The adjustments have been exempted from OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant economic effect (both positive and negative) on a small number of small entities supporting subsistence activities, such as boat, fishing gear, and gasoline dealers. The number of small entities affected is unknown; but, the effects will be seasonally and geographically-limited in nature and will likely not be significant. The Departments certify that the adjustments will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and 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.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, the adjustments have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that the adjustments will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that the adjustments meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the adjustments do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over fish and wildlife resources on Federal lands. Cooperative salmon run assessment efforts with ADF&G will continue.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As these actions are not expected to significantly affect energy supply, distribution, or use, they are not significant energy actions and no Statement of Energy Effects is required.

Drafting Information

William Knauer drafted this document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Rod Simmons, Alaska Regional Office, U.S. Fish and Wildlife Service; Bob Gerhard, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service, provided additional guidance.

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Dated: July 16, 2002.

Kenneth E. Thompson,

Subsistence Program Leader, USDA-Forest Service.

Dated: July 17, 2002.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 02–19620 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[OH1521; FRL72553]

Completeness Status of Oxides of Nitrogen Regulations; Submission of a Complete Plan by the State of Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; completeness determination.

SUMMARY: EPA is notifying the public that it has made a finding that Ohio's July 11, 2002 submission regarding State Implementation Plan (SIP) revisions for the reduction of oxides of nitrogen (NO_X) is a complete submission under the Clean Air Act. Ohio's SIP revision was submitted to satisfy EPA's October 27, 1998 regulation entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call''. The NO_X SIP Call originally required 22 states and the District of Columbia to submit enforceable SIP measures to control NO_X emissions. The intended effect of a NO_X SIP revision is to reduce emissions of NO_X in order to help attain the national ambient air quality standard for ozone.

On December 26, 2000, EPA determined that Ohio, along with several other states, had failed to submit a SIP in response to the NO_X SIP Call, thus starting an 18-month clock for the mandatory imposition of sanctions and the obligation for EPA to promulgate a Federal Implementation Plan (FIP) within 24 months. On July 11, 2002, Ohio submitted a NO_X SIP and EPA has determined that Ohio's SIP submission is complete. Therefore, through this rule, EPA is notifying the public that the sanctions clock as it pertains to Ohio is terminated.

This determination is limited to the completeness of Ohio's submission and is not an approval of Ohio's plan. A determination as to the adequacy of Ohio's plan will be made at a later date and only after a thorough review of Ohio's submission by EPA personnel and the completion of rule and comment rulemaking.

EFFECTIVE DATE: August 5, 2002.

FOR FURTHER INFORMATION CONTACT: John Paskevicz, Engineer, Regulation Development Section, Air Programs Branch, Air and Radiation Division (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312) 886–6084. Copies of documents relative to this action are available at the above listed contact for inspection during normal business hours. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day.

SUPPLEMENTARY INFORMATION:

The contents of this rule are listed in the following outline:

I. Background
A. What Criteria are Used to Judge the Submission Complete?
B. What is the Next Step?
II. What Action is EPA Taking Today?
III. Administrative Requirements

I. Background

Throughout this document, whenever ''we,'' ''us'' or ''our'' is used, we mean EPA.

This rule is simply an announcement that the NO_X SIP revision submitted by Ohio to EPA on July 11, 2002 has been found to be complete. NO_X control plans are required from certain states, including Ohio, as a result of EPA's NO_X SIP Call that found that certain upwind states were significantly contributing to ozone transport and preventing east coast states from attaining the ambient ozone air quality standard (63 FR 57356, October 27, 1998). Sources within states affected by this finding are large emitters of NO_X which, using available technology, can control NO_X emissions. These large emitters include coal fired electric generating units (EGUs) and industrial boilers (non-EGUs).

EPA's SIP Call established emission budgets, for all of the listed states (including the District of Columbia). Listed states are required to demonstrate in their NO_X plans that they can meet the EPA specified NO_X emissions budget. A major feature of the plans are allowance trading programs which states, including Ohio, have included to provide flexibility for sources to meet the strict emission reduction requirements of a state plan.

After a series of court challenges, the deadline by which most of the 22 states and the District of Columbia were required to submit NO_X SIP revisions was extended to October 30, 2000. *See* 65 FR 81366, December 26, 2000 (discussion of legal history surrounding EPA's NO_X SIP Call). Several states, including the State of Ohio, failed to submit NO_X plans by the October 2000 deadline. As a result, EPA published a finding of this failure in the **Federal Register** on December 26, 2000 (65 FR 81366). This finding triggered, among

other things, a mandatory application of sanctions in the ozone non-attainment areas of states that did not submit a plan. The sanctions were scheduled to take effect within 18 months of January 25, 2001, the effective date of EPA's December 2000 finding. The triggered sanctions included, among other things, the imposition of 2:1 offsets on new source construction in ozone non-attainment areas.

On July 11, 2002, Ohio submitted a NO_X plan to EPA. EPA has reviewed the plan and has determined that it contains all of the required elements for a complete submission. Therefore, EPA is taking action to stop the previously scheduled sanctions from taking effect in Ohio.

A. What Criteria Are Used To Judge the Submission Complete?

The criteria by which we determined the submission to be complete are outlined in 40 CFR part 51, appendix V, Criteria for Determining the Completeness of Plan Submissions. These criteria include: (1) A formal letter of submittal from the governor or his designee requesting approval; (2) approved rules or regulations noting the dates of adoption or effective date of the plan; (3) evidence that the state has legal authority to adopt and implement the plan; (4) a copy of the regulation or rule; signed, stamped, and dated by the appropriate state official; (5) evidence that the procedural requirements of the state were followed; (6) evidence of public notice; (7) evidence of public hearings; (8) compilation of public comments; (9) inventory of affected sources; and (10) a budget demonstration. EPA has determined that the State of Ohio's July 11, 2002 submission, contains all of these elements.

B. What Is the Next Step?

EPA is taking the next step to perform a detailed technical review of Ohio's rules and budget demonstration to determine if Ohio's plan is approvable. EPA intends to publish the results of this review at a later date. Ohio has indicated, in its effort to develop a State plan, that it wishes to have an approved SIP for the control of NO_X emissions from affected sources and intends to work diligently to that end. EPA, therefore, will continue to work with Ohio towards the goal of approving Ohio's plan.

II. What Action Is EPA Taking Today?

Today, EPA is announcing to the public that Ohio has submitted a complete NO_X State implementation plan in response to EPA's NO_X SIP Call, originally published on October 27, 1998 (63 FR 57356). We are also announcing that all of the potential sanctions, some of which were scheduled to take effect on July 25, 2002, in Ohio non-attainment areas, will not take effect because we are affirmatively determining that Ohio has corrected the original deficiency (failure to file a plan) that formed the basis of EPA's December 2000 finding (65 FR 81366). EPA will take action regarding the approval or disapproval of Ohio's submission at a later date.

III. Administrative Requirements

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

This rule also does not have 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 finds that a state submission is complete, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

The requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

This document is final agency action but is not subject to notice-and-comment requirements of the Administrative Procedures Act (APA), 5 U.S.C. 553(b). The EPA invokes, consistent with past practice (for example, 61 FR 36294), the good cause exception pursuant to the APA, 5 U.S.C. 553(b)(3)(B). The USEPA believes that because of the limited time provided to make findings of failure to submit and findings of incompleteness regarding SIP submissions or elements of SIP submission requirements, Congress did not intend such findings to be subject to notice-and-comment rulemaking. Notice and comment are unnecessary because no significant EPA judgment is involved in making a nonsubstantive findings of a SIP submission or elements of SIP submissions required by the CAA. Furthermore, providing notice and comment would be impracticable because of the limited time provided under the statute for making such determinations. The APA also provides that notice and comment may not be necessary where a rule relieves a restriction. Finally, notice and comment rulemaking would be contrary to the public interest because it would divert agency resources from the critical substantive review of complete SIPs. See 58 FR 51270, 51272, n.17 (October 1, 1993); 59 FR 39832, 39853 (August 4, 1994).

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

Under the section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 27, 2002. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Authority: 42 U.S.C. 7401–7671q.

Dated: July 23, 2002.

Thomas V. Skinner,

Regional Administrator, Region 5.

[FR Doc. 02–19692 Filed 8–2–02; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 182–4196a; FRL–7255–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Withdrawal of Direct Final Rule; Motor Vehicle Inspection and Maintenance Program—Request for Delay in the Incorporation of On-Board Diagnostics Testing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to our receipt of an adverse comment, EPA is withdrawing the direct final rule to approve Pennsylvania?s request for a one-year extension of the federal deadline to commence testing of automotive on-board diagnostic (OBD) systems as part of its motor vehicle inspection and maintenance program. In the direct final rule published on June 6, 2002 (67 FR 38894), EPA stated that if we received adverse public comment by July 8, 2002, the rule would be withdrawn and would not take effect. EPA subsequently received a letter of adverse comment. EPA will address the comments received in a subsequent final action based upon the proposed action also published on June 6, 2002 (67 FR 38924). EPA will not institute a second comment period on this action.

EFFECTIVE DATE: The Direct final rule is withdrawn as of August 5, 2002.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, via mail at: Air Quality Planning and Information Services Branch, Mail Code 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; or via telephone at: (215) 814–2176; or via e-mail at: *rehn.brian@epa.gov.*

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Ozone.

Dated: July 29, 2002.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

Accordingly, the addition of §52.2022(f) is withdrawn as of August 5, 2002.

[FR Doc. 02–19693 Filed 8–2–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC 96–45; FCC 02–196]

Federal-State Joint Board on Universal Service: Children's Internet Protection Act

AGENCY: Federal Communications Commission.

ACTION: Suspension of final rules; interim procedures; notice of modification of collection of information.

SUMMARY: In this document, the Commission adopts interim measures for the schools and libraries universal service support mechanism in response to the decision issued by the United States District Court for the Eastern District of Pennsylvania. The court held that section 1721(b) of the Children's Internet Protection Act (CIPA), codified at 47 U.S.C. 254(h)(6), was facially unconstitutional and enjoined the Commission from withholding federal funds from any public library for failure to comply with the Internet-filtering requirements of the provision. In keeping with the court's injunction, we suspend enforcement of those portions of § 54.520 of our rules implementing the provision pending final judicial action by the Supreme Court. We also adopt certain specific measures to ensure that libraries that have applied for discounted services under the schools and libraries support mechanism are not denied such discounts because of lack of compliance with the unconstitutional CIPA requirements. Finally, we direct the Universal Service Administrative Company to implement the necessary changes to program procedures and forms. We take these steps to respond promptly to the court's mandate and to ensure that the schools and libraries universal service support mechanism continues to operate in accordance with federal law.

EFFECTIVE DATE: August 5, 2002.

FOR FURTHER INFORMATION CONTACT: Peter Trachtenberg, Attorney-Advisor, (202) 418–7369.

SUPPLEMENTARY INFORMATION: This document, adopted and released on June 28, 2002, will be available for public inspection during regular business hours at the FCC Reference Information Center, Room CY–A257, at the Federal Communications Commission, 445 12th St., SW., Washington, DC 20554. The complete text is available through the Commission's duplicating contractor: Qualex International, Portals II, 445 12th Street, S.W., Room CY–B402, Washington, DC 20554, telephone 202–863–2898, facsimile 202–863–2898, or via e-mail at *qualexint@aol.com.*

Synopsis of Order

1. Pending Supreme Court action, we suspend enforcement against libraries of those sections of 47 CFR 54.520 that were adopted to implement 47 U.S.C. 254(h)(6). Specifically, we suspend enforcement of 47 CFR 54.520(c)(2)(i) and (iii), 54.520(c)(3), and 54.520(d) as they apply to all libraries, to the extent that these provisions require any library to filter or certify to such filtering under 47 U.S.C. 254(h)(6). We further suspend enforcement of 47 CFR 54.520(g)(1) as it applies to all libraries.

2. In addition, we direct the Schools and Libraries Division (SLD) of the Administrator to take the following specific actions to effectuate the principle that library applicants not be penalized for non-compliance with section 254(h)(6). First, SLD shall accept without penalty all FCC Forms 486 from Funding Year 4 library applicants that have not previously filed their FCC Forms 486 for a period lasting 120 days from the release date of this Order or the release date of a funding commitment decision letter, whichever is later. If a library applicant files an FCC Form 486 after that period, the normal 120 day rule shall be applied to the applicant's service requests, limiting funding to services received on or after the date 120 days prior to the postmark of the FCC Form 486.

3. Second, for those Funding Year 2001 library applicants that filed an FCC Form 486 after the October 28, 2001 deadline, SLD shall not apply any penalty for having missed the October

28, 2001 deadline, but such FCC Forms 486 shall still be subject to the normal 120 day rule.

4. Third, for those Funding Year 2001 library applicants that filed an FCC Form 486 by October 28, 2001 without completing the CIPA certifications, SLD shall accept these forms and process them without penalty for the lack of certification.

5. Fourth, SLD shall determine if there are consortia applicants that include library members and that either filed their FCC Forms 486 late or reduced the shared discount rate requested by eliminating the library members through an FCC Form 500. In the former case, SLD shall deal with these consortia in a manner consistent with the measures specified above. In the latter case, the consortia shall be given an opportunity, within 120 days of the release date of this Order, to request funded discounts at the original rate requested.

6. The measures specified above shall be taken only for library applicants. Because the court's decision does not address the constitutionality of the CIPA requirements as they apply to schools, all of the CIPA requirements as codified at sections 254(h)(5) and 254(l) and implemented by the Commission's rules remain in effect for schools. This includes schools that are members of consortia, including consortia comprised of both schools and libraries.

7. In addition, because the court's decision holds invalid only the filtering requirements set forth in section 254(h)(6) and does not address the validity of section 254(l), section 254(l) remains in effect with respect to libraries. Because the current FCC Form 486 and FCC Form 479 do not permit library applicants to certify to compliance only with section 254(l) without also certifying to compliance with section 254(h)(6), a change in these forms will be necessary so that libraries may certify to compliance with section 254(l) only. We therefore direct the Administrator, in consultation with the Bureau, to make any changes necessary to the procedures and to FCC Form 486 and FCC Form 479 consistent with this Order and the court's decision.

8. Accordingly, IT IS ORDERED that, pursuant to the authority of sections 1–5 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. 151–155, and 254, and the Children's Internet Protection Act, Public Law 106–554 §§ 1701 *et seq.* as codified at 47 U.S.C. 254(h) and (l), this Order is ADOPTED. The modifications to a collection of information contained within this Report and Order is contingent upon approval by the Office of Management and Budget.

9. IT IS FURTHER ORDERED that enforcement of §§ 54.520(c)(2)(i) and (iii), 54.520(c)(3), 54.520(d), and 54.520(g)(1) of the Commission's rules, 47 CFR 54.520, as they apply to all libraries and to the extent that they require any library to filter or certify to such filtering under 47 U.S.C. 254(h)(6), is SUSPENDED consistent with the terms of this Order.

10. IT IS FURTHER ORDERED that AUTHORITY IS DELEGATED to the CHIEF OF THE WIRELINE COMPETITION BUREAU pursuant to section 5(c) of the Communications Act of 1934, 47 U.S.C. 155(c), to modify any forms that are necessary to implement the decisions adopted in this Order.

11. IT IS FURTHER ORDERED that THIS ORDER IS EFFECTIVE August 5, 2002. Good cause exists to make this effective immediately upon publication in the **Federal Register**. The actions we take in this Order are intended to bring implementation of the CIPA into compliance with the judgment of the federal court. It is necessary that this Order take effect as soon as possible in order to best fulfill this purpose.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54–UNIVERSAL SERVICE

1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 1, 4(i), 201, 205, 214, and 254 unless otherwise noted.

2. The following note is added to § 54.520:

§ 54.520 Children's Internet Protection Act certifications required from recipients of discounts under the federal universal service support mechanism for schools and libraries.

* * * * *

Note to § 54.520: Enforcement of paragraphs (c)(2)(i) and (iii), (c)(3), (d), and (g)(1), as they apply to all libraries and to the extent that they require any library to filter or to certify to such filtering under 47 U.S.C. 254(h)(6), is suspended as of August 5, 2002.

[FR Doc. 02–19645 Filed 8–2–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 02–1777, MB Docket No. 01–23, RM–9960]

Digital Television Broadcast Service; Ontario, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of USA Station Group Partnership of Southern California, licensee of noncommercial station KFTR–TV, substitutes DTV channel 29c for DTV channel 47c at Ontario, California. *See* 16 FCC Rcd 2276 (2001). DTV channel 29c can be allotted to Ontario in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates 34–13–37 N. and 118–03–58 W. with a power of 155 kW, HAAT of 927 meters and with a DTV service population of 12,982,000.

With this action, this proceeding is terminated.

DATES: *Effective* September 12, 2002.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MB Docket No. 01–23, adopted July 23, 2002, and released July 29, 2002. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Digital television broadcasting, Television.

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

PART 73—[AMENDED]

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the DTV Table of Allotments under California, is

amended by removing DTV channel 47c and adding DTV channel 29c at Ontario.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 02–19490 Filed 8–2–02; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.; I.D. 073002A]

Fisheries of the Northeastern United States; Black Sea Bass Fishery; Commercial Quota Harvested for Quarter 3 Period

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

ACTION: Closure.

SUMMARY: NMFS announces that the black sea bass commercial quota available in the Quarter 3 period to the coastal states from Maine through North Carolina has been harvested. Commercial vessels may not land black sea bass in these states north of 35°15.3′ N. lat. for the remainder of the 2002 Quarter 3 quota period (through September 30, 2002). Regulations governing the black sea bass fishery require publication of this notification to advise the coastal states from Maine through North Carolina that the quota has been harvested and to advise vessel permit holders and dealer permit holders that no commercial quota is available for landing black sea bass in these states north of 35°15.3′ N. lat.

DATES: Effective 0001 hrs local time, August 6, 2002, through 2400 hrs local time, September 30, 2002.

FOR FURTHER INFORMATION CONTACT: Richard A. Pearson, Fishery Policy Analyst, at (978) 281–9279.

SUPPLEMENTARY INFORMATION: Regulations governing the black sea bass fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is allocated into four quota periods, based upon percentages of the annual quota. The Quarter 3 (July through September) commercial quota is distributed to the coastal states from Maine through North Carolina. The process to set the annual commercial quota is described in § 648.140.

The total commercial quota for black sea bass for the 2002 calendar year was initially set at 3,332,000 lb (1,511,370 kg) and then adjusted downward to 3,294,758 lb (1,494,477 kg) for research quota set-asides (66 FR 66351; December 26, 2001). The Quarter 3 period quota, which is equal to 12.33 percent of the annual commercial quota, is 406,244 lb (184,269 kg). The quota allocation was adjusted downward to compensate for 2001 Quarter 3 landings in excess of the 2001 Quarter 3 quota, consistent with the procedures specified at § 648.140. The final adjusted 2002 Quarter 3 quota is 400,101 lb (181,483 kg).

The Regional Administrator, Northeast Region, NMFS (Regional Administrator) monitors the commercial black sea bass quota for each quota period using dealer reports, state data, and other available information to determine when the commercial quota has been harvested. NMFS is required to publish a notification in the **Federal Register** advising and notifying commercial vessels and dealer permit holders that, effective upon a specific date, the black sea bass commercial quota has been harvested and no commercial quota is available for landing black sea bass for the remainder of the Quarter 3 period, north of 35°15.3′ N. lat. The Regional Administrator has determined, based upon dealer reports and other available information, that the black sea bass commercial quota for the 2002 Quarter 3 period has been harvested.

The regulations at § 648.4(b) provide that Federal black sea bass moratorium permit holders agree, as a condition of the permit, not to land black sea bass in any state after NMFS has published a notification in the **Federal Register** stating that the commercial quota for the period has been harvested and that no commercial quota for black sea bass is available. The Regional Administrator has determined that the Quarter 3 period for black sea bass no longer has commercial quota available. Therefore, effective 0001 hrs local time, August 6, 2002, further landings of black sea bass in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., by vessels holding commercial Federal fisheries permits are prohibited through September 30, 2002. The 2002 Quarter 4 period for commercial black sea bass harvest will open on October 1, 2002. Effective August 6, 2002, federally permitted dealers are also advised that they may not purchase black sea bass from federally permitted black sea bass moratorium permit holders who land in coastal states from Maine through North Carolina, north of 35°15.3′ N. lat., for the remainder of the Quarter 3 period (through September 30, 2002).

The regulations at § 648.4(b) also provide that, if the commercial black sea bass quota for a period is harvested and the coast is closed to the possession of black sea bass north of 35°15.3′N. lat., any vessel owners who hold valid commercial permits for both the black sea bass and the NMFS Southeast Region snapper-grouper fisheries may surrender their black sea bass moratorium permit by certified mail addressed to the Regional Administrator (see table 1 at § 600.502) and fish pursuant to their snapper-grouper permit, as long as fishing is conducted exclusively in waters, and landings are made, south of 35°15.3′ N. lat. A moratorium permit for the black sea bass fishery that is voluntarily relinquished or surrendered will be reissued upon the receipt of the vessel owner's written request after a minimum period of 6 months from the date of cancellation.

Classification

This action is required by 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: July 31, 2002.

John H. Dunnigan,

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

[FR Doc. 02–19688 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 011218304–1304–01; I.D. 073002B]

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of Pacific ocean perch in the Western Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of Pacific ocean perch in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the allocation of the Pacific ocean perch 2002 total

allowable catch (TAC) in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), July 31, 2002, until 2400 hrs, A.l.t., December 31, 2002.

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

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

The 2002 TAC allocation of Pacific ocean perch for the Western Regulatory Area was established as 2,610 metric tons by an emergency rule implementing 2002 harvest specifications and associated management measures for the groundfish fisheries off Alaska (67 FR 956, January 8, 2002, and 67 FR 34860, May 6, 2002).

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is contrary to the public interest. This requirement is contrary to the public interest as it would delay the closure of the fishery, lead to overharvesting the allocation of the TAC, and therefore reduce the public's ability to use and enjoy the fishery resource.

The Assistant Administrator for Fisheries, NOAA, also finds good cause to waive the 30–day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

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

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

Dated: July 31, 2002.

John H. Dunnigan,

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

[FR Doc. 02–19687 Filed 7–31–02; 3:17 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 67, No. 150
Monday, August 5, 2002

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 01–067–1]

Viruses, Serums, Toxins, and Analogous Products; Determination of Moisture Content in Desiccated Biological Products

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Virus-Serum-Toxin Act regulations for the determination of moisture content in desiccated biological products to specify that such determinations be made using the harmonized gravimetric method adopted by the International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products that expresses moisture content as the percentage of weight a product loses during a drying cycle, and to require that the maximum percentage of moisture permitted for a satisfactory test must be specified in a filed Outline of Production. We are proposing this change in order to replace the variety of tests for moisture determination that are currently described by manufacturers in Outlines of Production filed with the Animal and Plant Health Inspection Service with a test recognized as an international standard by scientific experts and regulatory authorities in the United States, Japan, and the European Union. In addition, we are proposing to amend sections of the regulations pertaining to general requirements for live bacterial vaccines and general requirements for live virus vaccines to specify the gravimetric method when testing for moisture content. These actions would update the regulations by providing a uniform method of determining moisture content in desiccated products and ensure the stability of that product during its dating period.

DATES: We will consider all comments that we receive on or before October 4, 2002.

ADDRESSES: You may submit comments by postal mail/commercial delivery or by e-mail. If you use postal mail/commercial delivery, please send four copies of your comment (an original and three copies) to: Docket No. 01–067–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 01–067–1. If you use e-mail, address your comment to regulations@aphis.usda.gov. Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 01–067–1'' on the subject line.

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

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

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief of Operational Support, Licensing and Policy Development, Center for Veterinary Biologics, VS, APHIS, 4700 River Road Unit 148, Riverdale, MD, 20737–1231; (301) 734–8245.

SUPPLEMENTARY INFORMATION:

Background

The Virus-Serum-Toxin Act regulations in 9 CFR part 113 (referred to below as the regulations) contain requirements for the preparation and testing of certain veterinary biological products. Section 113.29 of the regulations sets forth the requirement for determination of moisture content in desiccated biological products.

In this document, we are proposing to amend the regulations regarding the determination of moisture content in desiccated biological products. Residual moisture in desiccated biological products is related to the stability of these products during their dating period. Under the current regulations in § 113.29, a uniform method for determining residual moisture is not prescribed. Rather, biologics manufacturers establish an acceptable range for moisture for each of their products and test for moisture content using approved procedures specified in a filed Outline of Production. This allows biologics manufacturers to utilize test procedures that may be unique to specific products.

Three common methods are generally recognized for use in determining residual moisture:

- The titrimetric method, also known as the Karl Fischer method, which involves titration of the water content of a sample and comparison with a standard curve that has been created by titrating different volumes of water;
- The azeotropic method, which measures change in the composition (weight) of a mixture after it is boiled under a given pressure; and
- The gravimetric method, which expresses residual moisture as a percentage of weight a product loses during a drying cycle.

Although the gravimetric method or some variation thereof is used by most of the veterinary biologics manufacturers licensed by the U.S. Department of Agriculture (USDA) to test for residual moisture, the other methods may also be used if they are prescribed as a required test by regulatory authorities in other countries that receive these products as exports. Some manufacturers may be using two or more test methods in order to satisfy the regulatory requirements of other countries.

Currently, each manufacturer describes its own test for moisture content in its filed Outline of Production. Because of the variety of assay procedures specified in Outlines of Production and the conditions that exist in the different laboratories performing the procedures, even a subtle difference in conditions or technique can cause large variations in measured moisture content and raise questions concerning the stability of the

product. When performing moisture determinations, control of all critical factors that may affect an assay is important. The validity of the assay and the quality of the product during its dating period are greatly dependent on control of all factors critical to the assay. The use of a uniform method for determining the moisture content would allow for the control of all the critical factors that are part of the assay.

Therefore, in an attempt to harmonize residual moisture testing in countries with similar regulatory requirements, the International Cooperation on Harmonization of Technical Requirements for the Registration of Veterinary Medicinal Products (VICH) is recommending that regulatory authorities cooperating in the VICH initiative adopt a harmonized procedure for determining residual moisture that is based on the gravimetric method. (VICH is a unique project that brings together regulatory authorities of the United States, European Union, and Japan and representatives from the animal health industry in the three regions to harmonize technical requirements for veterinary products as a means of reducing the differences in technical requirements for veterinary drugs and biologics among regulatory agencies in different countries.) The agreement by VICH to recommend adoption of a harmonized gravimetric procedure was preceded by collaborative and comparative testing by regulatory agencies and representatives of the veterinary biologics industry to validate the method.[1] The harmonized procedure has been adopted in this proposed rule.

We are proposing to implement the recommendation of the VICH by amending the regulations in § 113.29 concerning determination of moisture content in desiccated biological products. We are proposing to require that final container samples of completed desiccated biological products be tested for residual moisture using the harmonized gravimetric method. We also are proposing to require that the maximum allowable moisture content for each product must be specified in the Outline of Production approved for filing by the Animal and Plant Health Inspection Service (APHIS). The majority of USDA-licensed biologics manufacturers currently specify a gravimetric method for determining residual moisture in their Outlines of Production. However, manufacturers are allowed to customize the assay procedure to accommodate conditions that are most suitable to a particular product. Therefore, while most manufacturers express moisture content as a percentage of weight a product loses during a drying cycle, the methods used to determine the percentage of weight loss are not uniform and, therefore, not easily duplicated or confirmed by other laboratories. This proposed rule would establish a uniform test method applicable to all products that are tested for moisture content.

The residual moisture assay proposed in this document would apply to final container samples of completed product for all desiccated vaccines. It was selected because it is a familiar, commonly used procedure that does not require special equipment or reagents, and should yield reproducible results in all laboratories. However, manufacturers would be allowed an exemption under § 113.4 of the regulations to use other test methods based on specific requirements or characteristics of the test material.

Determination of Moisture Content in Desiccated Biological Products

We are proposing to amend the regulations to specify that the requirements in § 113.29 pertain to using a VICH harmonized gravimetric method to determine the moisture content of desiccated biological products. The basis for this proposed amendment is the collaborative and comparative study performed by APHIS, other VICH members, and the animal health industry to validate the gravimetric method and earn its recognition as a VICH-recommended, harmonized procedure. In addition, we propose to amend the regulations in §§ 113.64 and 113.300 to specify the gravimetric method as the applicable procedure for determining moisture content.

Materials and Equipment

The proposed change to the regulations in § 113.29 would require the use of a heat-regulated vacuum oven with air-drying device attached to the inlet valve, a balance with a rated precision of ± 0.1 mg, and other commonly used and readily available laboratory equipment.

Compliance

Veterinary biologics manufacturers that determine moisture content in desiccated biological products by a method other than the gravimetric method that would be required by this proposed rule would be allowed 1 year after the effective date of the final rule to come into compliance or to request an exemption under § 113.4 of the regulations.

Executive Order 12866 and Regulatory Flexibility Act

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

We are proposing to amend the Virus-Serum-Toxin Act regulations for determination of moisture content in desiccated biological products to require that such moisture determinations be made using a VICH harmonized gravimetric method that determines residual moisture by measuring the percentage of weight a product loses during a product drying cycle. In addition, we are proposing to specify the gravimetric method as the applicable test for moisture content for live bacterial and live viral vaccines. The effect of this action would be to provide a standardized method for the determination of moisture content in desiccated biological products and ensure that such moisture determinations are uniform and reproducible.

This proposed rule would affect all licensed manufacturers of veterinary biologics that test desiccated vaccines for moisture content. Currently, there are approximately 135 veterinary biologics establishments, including permittees. According to the standards of the Small Business Administration, most veterinary biologics establishments would be classified as small entities.

This proposed rule should not impose any additional testing or economic burden on these manufacturers because the regulations currently require manufacturers to specify an assay procedure for moisture content in their filed Outline of Production, and most manufacturers currently specify the gravimetric method, or some variation thereof, as the test procedure that they are using. In addition, manufacturers would have the ability to request an exemption to use other test methods based on specific requirements or characteristics of the test material.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not

[1] We published a notice in the **Federal Register** on January 24, 2001 (65 FR 7614–7615, Docket No. 00–123–1), regarding the draft guideline ''Testing of Residual Moisture'' developed by VICH. The notice included information on how a copy of the draft guideline could be obtained from APHIS. The VICH harmonized gravimetric method can be viewed on the Internet at http://vich.eudra.org/htm/guidelines.htm#t3.

have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Virus-Serum-Toxin Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

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

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, Reporting, and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 113 as follows:

1. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.4.

2. Section 113.29 would be revised to read as follows:

§ 113.29 Determination of moisture content in desiccated biological products.

Methods provided in this section must be used when a determination of moisture content in desiccated biological products is prescribed in an applicable Standard Requirement or in the filed Outline of Production for the product. Firms currently using methods other than those provided in this section for determining the moisture content in desiccated biological products have until [Insert date 1 year from effective date of the final rule] to update their Outlines of Production to be in compliance with this requirement.

(a) Final container samples of completed product shall be tested. The weight loss of the sample due to drying in a vacuum oven shall be determined. All procedures should be performed in an environment with a relative humidity less than 45 percent. The equipment necessary to perform the test is as follows:

(1) Cylindrical weighing bottles with airtight glass stoppers.

(2) Vacuum oven equipped with validated thermometer and thermostat. A suitable air-drying device should be attached to the inlet valve.

(3) Balance, accurate to 0.1 mg (rated precision ± 0.01mg).

(4) Desiccator jar equipped with phosphorous pentoxide, silica gel, or equivalent.

(5) Desiccated vaccine in original sealed vial. Sample and control should be kept at room temperature in their original airtight containers until use.

(b) Test procedure:

(1) Thoroughly cleaned and labeled sample-weighing bottles with stoppers should be allowed to dry at 60 ± 3 °C under vacuum at less than 2.5 kPa.

(i) Transfer hot bottles and stoppers into the desiccator and allow to cool to room temperature.

(ii) After bottles have cooled, insert stoppers and weigh and record the weights of the bottles as ''A.''

(iii) Return weighing bottles to the desiccator.

(2) Remove the sample container seal.

(i) Using a spatula, break up the sample plug and transfer the required amount of sample to the previously tared weighing bottle.

(ii) Insert the stopper and weigh and record the weights of the weighing bottles as ''B.''

(3) Place the weighing bottle with the stopper at an angle in the vacuum oven. Set the vacuum to < 2.5 kPa and the temperature to 60 ± 3 °C.

(4) After a minimum of 3 hours of drying time, turn off the vacuum pump and allow dry air to bleed into the oven until the pressure inside the oven is equalized with the prevailing atmospheric pressure.

(5) While the bottle is still warm, replace the stopper in its normal position and transfer the weighing bottle to the desiccator .

(i) Allow a minimum of 2 hours for the weighing bottle to cool to room temperature or for its weight to reach equilibrium.

(ii) Weigh, and record the weight as ''C.''

(6) Calculate the percentage of moisture in the original sample as follows:

(B–C)/(B–A) × (100) = Percentage of residual moisture, where:

A = tare weight of weighing bottle

B–A = weight of sample before drying

B—C = weight of sample after drying

(7) The results are considered satisfactory if the percentage of residual moisture is less than or equal to the manufacturer's specification.

3. In § 113.64, paragraph (e) would be amended by adding a new paragraph (e)(3) as follows:

§ 113.64 General requirements for live bacterial vaccines.

* * * * *

(e) * * *

(3) Final container samples of completed product from each serial and subserial must be tested for moisture content in accordance with the test provided in § 113.29.

4. Section 113.300 would be amended by revising paragraph (e) as follows:

§ 113.300 General requirements for live virus vaccines.

* * * * *

(e) *Moisture content.* (1) The maximum moisture content in desiccated vaccines must be stated in the filed Outline of Production.

(2) Final container samples of completed product from each serial or subserial must be tested for moisture content in accordance with the test prescribed in § 113.29.

Done in Washington, DC, this 30th day of July 2002.

Peter Fernandez,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 02–19669 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–34–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 15

RIN 3038–AB91

Reporting Levels for Large Trader Reports; TRAKRS

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing to amend its regulations to establish a reporting level for TRAKRS futures contracts to be traded on the Chicago Mercantile Exchange (CME). The reporting level being proposed is 25,000 contracts.

DATES: Comments must be received by September 4, 2002.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581, attention: Office of the Secretariat. Comments may be sent by

facsimile transmission to (202) 418–5521 or by e-mail to *secretary@cftc.gov*. Reference should be made to ''Reporting Levels for TRAKRS.''

FOR FURTHER INFORMATION CONTACT: Gary J. Martinaitis, Deputy Associate Director, Market Surveillance Section, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Telephone: (202) 418–5260. E-mail: [*GMartinaitis@cftc.gov*].

SUPPLEMENTARY INFORMATION: On December 21, 2000, the President signed into law the Commodity Futures Modernization Act of 2000 (CFMA), Pub. L. No. 106–544, which extensively revises the Commodity Exchange Act (Act). Among other things, the CFMA facilitated the introduction of new futures products by the exchanges. The CME intends to introduce a new product, called TRAKRS, which are low notional value futures contracts based on broad based indices of stocks, bonds, currencies, or other financial instruments. The value of the first TRAKRS futures contract, with is scheduled to begin regular trading sessions on August 1, 2002, will be less than $25 at the start of trading.[1]

TRAKRS, like all other commodities traded on Commission-designated markets, will be subject to the Commission's large trader reporting rules. Those rules require futures commission merchants, members of contract markets and foreign brokers to report to the Commission position information of the largest futures and options traders and, upon special call by the Commission, require the traders themselves to file reports with the Commission. Reporting levels are set in the designated futures and option markets under the authority of sections 4i and 4c of the Act to ensure that the Commission receives adequate information to carry out its market surveillance programs. These market surveillance programs are designed to detect and to prevent market congestion and price manipulation and to enforce speculative position limits. They also provide information regarding the overall hedging and speculative use of, and foreign participation in, the futures markets and other matters of public interest.

Based upon its experience in administering a large trader reporting system that is designed to provide adequate market coverage in light of positions traded or expected to be traded, the Commission is proposing to establish a reporting level for TRAKRS of 25,000 contracts. The Commission intends to review this level over time to determine whether it provides adequate coverage. Furthermore, since the proposed reporting level is significantly influenced by the relatively low value of the initial TRAKRS contract (which will be less than $25), the Commission intends to reconsider this reporting level if new TRAKRS contracts are introduced at a substantially higher price or any TRAKRS contract begin to trade at a substantially higher price.

The Commission notes that the low value of TRAKRS contracts could result in very large positions being reported. Due to current limitations in the Commission's large trader record format,[2] and similar limitations in the CME's own large trader reporting system, the Commission is proposing that TRAKRS positions be reported under Part 17 of its rules, 17 CFR Part 17, only after they have been rounded down to the nearest 1000 and then divided by 1000. For example, a position of 27, 955 contracts would be rounded down to 27,000, divided by 1000 and reported as 27.[3]

Because, in the absence of this rule amendment, the Commission's default reporting level of 25 contracts would apply, the Commission hereby is granting no-action relief to futures commission merchants, members of contracts markets and foreign brokers that comply with the requirements on this proposed rule prior to its final adoption. Accordingly, the Commission will not bring any enforcement action against any futures commission merchant, member of a contract market or foreign broker who complies with the rule as proposed herein. Such futures commission merchants, members of contract markets and foreign brokers will, however, be required to bring their conduct into compliance with the final rule to the extent that the final rule differs from the proposed rule.

Cost Benefit Analysis

Section 15 of the Act requires the Commission to consider the costs and benefits of its action before issuing a new regulation under the Act. By its terms, section 15 does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the proposed regulation outweigh its costs. Rather, section 15 simply requires the Commission to ''consider the cost and benefits'' of the subject rule.

Section 15(a) further specifies that the costs and benefits of the proposed rule shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may, in its discretion, give greater weight to any one of the five enumerated areas of concern and may, in its discretion, determine that, notwithstanding its costs, a particular rule is necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The proposed rule imposes limited costs in terms of reporting requirements, particularly since most entities that trade on U.S. futures markets already file large trader reports with the Commission. Moreover, to reduce the cost of reporting, the Commission will periodically review the reporting level for TRAKRS, as it generally does for reporting levels for all commodities.[4] The countervailing benefits of these costs are that the Commission will have the necessary information to perform its market surveillance function and thus carry out its mandate of assuring the continued existence of competitive and efficient markets, protecting their price discovery function and protecting market participants and the public interest therein.

After considering these factors, the Commission has determined to propose the revision to part 15 set forth below.

The Commission specifically invites public comment on its application of the criteria contained in the Act for consideration. Commenters are also invited to submit any quantifiable date that they may have concerning the costs and benefits of the proposed rule with their comment letters.

Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.,* requires that federal agencies, in proposing rules, consider the impact of those rules on small entities. The Commission has previously determined that large traders and FCMs are not ''small entities'' for

[1] Securities broker-dealers and their registered representatives may offer and sell TRAKRS futures contract pursuant to a no-action letter issued by Commission staff on July 11, 2001. *See* CFTC Letter 02–22, Division of Trading and Markets, CFTC (July 11, 2001), available on the Commission website at *http://www.cftc.gov*.

[2] *See* 17 CFR 17.00(g)(1).

[3] Contract markets should continue to report under Part 16, 17 CFR Part 16, the actual TRAKRS position without regard to the reporting convention proposed to be applied for reports under part 17.

[4] *See, e.g.,* 65 FR 14452 (Mar. 17, 2000).

purposes of the RFA.[5] The proposed amendment to reporting requirements primarily impacts FCMs. Similarly, members of contract markets and foreign brokers report only if carrying or holding reportable, *i.e.,* large positions. Therefore, the Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the action taken herein will not have a significant economic impact on a substantial number of small entities. The Commission invites comments from any firm believing that these rules would have a significant economic impact on its operation.

B. Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) (PRA), which imposes certain requirements on federal agencies (including the Commission) in connection with their conducting or sponsoring any collection of information as fined by the PRA, does not apply to this rule. The Commission believes that the proposed rule amendment does not contain information requirements which require the approval of the Office of Management and Budget. The purpose of this rule is to establish a specific reporting level for TRAKRS.

List of Subjects in 17 CFR Part 15

Brokers, Reporting and recordkeeping requirements.

In consideration of the foregoing, and pursuant to the authority contained in the Act, and in particular sections 4g, 4i, 5, 5a and 8a of the Act, 7 U.S.C. 6g, 6i, 7, 7a and 12a, as amended, the Commission hereby proposes to amend Part 15 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 15—REPORTS—GENERAL PROVISIONS

1. The authority section for part 15 continues to read as follows:

Authority: U.S.C. §§ 2, 5, 6a 6c, 6f, 6g, 6i, 6k, 6m, 6n, 7, 7a, 9, 12a, 19, and 21, as amended by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. No. 106–554, 114 Stat. 2763 (2000); 5 U.S.C. 552 and 552(b).

2. Section 15.03 is proposed to be amended by revising paragraph (b) to read as follows:

§ 15.03 Reporting levels.

* * * * *

(b) The quantities for the purpose of reports filed under parts 17 and 18 of this chapter are as follows:

Commodity	Number of contracts
Agricultural:	
Wheat	100
Corn	150
Oats	60
Soybeans	100
Soybean Oil	200
Soybean Meal	200
Cotton	50
Frozen Concentrated Orange Juice	50
Rough Rice	50
Live Cattle	100
Feeder Cattle	50
Lean Hogs	100
Sugar No. 11	400
Sugar No. 14	100
Cocoa	100
Coffee	50
Natural Resources:	
Copper	100
Gold	200
Silver Bullion	150
Platinum	50
No. 2 Heating Oil	250
Crude Oil, Sweet	350
Unleaded Gasoline	150
Natural Gas	175
Financial:	
Municipal Bond Index	300
3-month (13-seek) U.S. Treasury Bills	150
30-Year U.S. Treasury Bonds	1,000
10-Year U.S. Treasury Notes	1,000
5-Year U.S. Treasury Notes	800
2-Year U.S. Treasury Notes	500
3-Month Eurodollar Time Deposit Rates	1,000
30-Day Fed Funds	300
1-month LIBOR Rates	300
3-month Euroyen	100
Major-Foreign Currencies	400
Other Foreign Currencies	100
U.S. Dollar Index	50
S&P 500 Stock Price Index	1,000
E-Mini S&P Stock Price Index	300
S&P 400 Midcap Stock Index	100
Dow Jones Industrial Average Index	100
New York Stock Exchange Composite Index	50
Amex Major Market Index, Maxi	100
NASDAQ 100 Stock Index	100
Russell 2000 Stock Index	100
Value Line Average Index	50
NIKKEI Stock Index	100
Goldman Sachs Commodity Index	100
Security Futures Products:	
Individual Equity Security	1,000
Narrow-Based Index of Equity Securities	200
TRAKRS	[1] 25,000
All Other Commodities	25

[1] For purposes of part 17, positions in TRAKRS should be reported by rounding down to the nearest 1000 and dividing by 1000.

Issued in Washington, DC this 30th day of July, 2002, by the Commission.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 02–19608 Filed 8–2–02; 8:45 am]

BILLING CODE 6351–01–M

[5] 47 FR 18618–20 (Apr. 30, 1982).

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. H–011G]

RIN No. 1218–AB89

Hearing Conservation Program for Construction Workers

AGENCY: Occupational Safety and Health Administration (OSHA), Department of Labor.

ACTION: Advance notice of proposed rulemaking (ANPR); request for information and comment.

SUMMARY: OSHA is considering rulemaking to revise the construction noise standards to include a hearing conservation component for the construction industry that provides a similar level of protection to that afforded to workers in general industry. OSHA is not, at this time, requesting information regarding the appropriateness of the permissible exposure limit (PEL) or exchange rate. This document asks the public to comment on whether specific provisions of OSHA's general industry hearing conservation amendment should be applied to the construction industry or if alternative strategies would be easier to implement and more cost effective.

DATES: Comments must be submitted by the following dates:

Hard Copy: Your comments must be submitted (postmarked or sent) by November 4, 2002.

Facsimile and electronic transmission: Your comments must be sent by November 4, 2002. (Please see the **SUPPLEMENTARY INFORMATION** provided below for additional information on submitting comments.)

ADDRESSES: *Regular mail, express delivery, hand-delivery, and messenger service:* You must submit three copies of your comments and attachments to the OSHA Docket Office, Docket No. H–011G, Room N–2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C., 20210. OSHA Docket Office and Department of Labor hours of operation are 8:15 a.m. to 4:45 p.m., EST .

Facsimile: If your comments, including any attachments, are 10 pages or fewer, you may fax them to the OSHA Docket Office at (202) 693–1648. You must include the docket number of this notice, Docket No. H–011G, in your comments.

Electronic: You may submit comments through the Internet at *http://ecomments.osha.gov*.

FOR FURTHER INFORMATION CONTACT: For general information and press inquiries, contact Ms. Bonnie Friedman, OSHA, Office of Information and Consumer Affairs, N–3647,200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–1999. For technical inquiries, contact Mr. Neil Davis, Directorate for Health Standards Programs, OSHA, N–3718, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2281. For additional copies of this **Federal Register** document, contact OSHA, Office of Publications, U.S. Department of Labor, Room N–3101, 200 Constitution Avenue, NW, Washington, DC, 20210; telephone (202) 693–1888. Electronic copies of this **Federal Register** document, as well as news releases and other relevant documents, are available at OSHA's web page on the Internet at *http://www.osha.gov*.

SUPPLEMENTARY INFORMATION:

Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this notice by (1) hard copy, or (2) FAX transmission (facsimile), or (3) electronically through the OSHA Webpage. Please note that you cannot attach materials, such as studies or journal articles, to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the address above. Comments and submissions posted on OSHA's Webpage are available at *www.osha.gov*. OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through the OSHA Webpage and for assistance in using the Webpage to locate docket submissions.

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I. Background

The Federal Government has recognized the hazardous conditions caused by noise on construction projects for many years. OSHA's current noise standard for construction stems from the occupational noise standard originally published in 1969 by the Bureau of Labor Standards under the authority of the Construction Safety Act (40 U.S.C. 333). OSHA adopted the construction noise standard in 1971 (36 FR 7340, 4/27/71) and later recodified it at 29 CFR 1926.52. Another section of the construction standard (29 CFR 1926.101) contains a provision requiring employers to provide hearing protection devices when needed. Both sections 1926.52 and 1926.101 apply to employers engaged in construction and renovation work when high noise levels are present.

A. Occupational Noise Exposure Standards in Construction

Paragraph (a) of section 1926.52 requires protection against the effects of noise exposure when 8-hour time-weighted average sound levels exceed a permissible exposure limit (PEL) of 90 decibels (dBA) measured on the A scale of a sound level meter set at slow response. The exposure level is raised 5 dB for every halving of exposure duration as shown in Table D–2 of the standard.

TABLE D–2.—PERMISSIBLE NOISE EXPOSURES

Duration per day, hours	Sound level DBA slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

Paragraph 29 CFR 1926.52(b) states that when employees are subjected to noise doses exceeding those shown in Table D–2, feasible administrative or engineering controls must be used to lower employee noise exposure. If such controls fail to reduce sound to the levels shown in the table, personal protective equipment must be provided and used to reduce noise exposure to within those levels.

Paragraph (c) defines continuous noise as noise levels where the maxima occur at intervals of 1 second or less, and paragraph (d)(1) requires that a ''continuing, effective hearing conservation program'' be administered whenever levels exceed those in the table. However, no details are given about the components of such a program. Paragraph (d)(2) gives instruction on how to calculate an employee's noise exposure when the employee is exposed to two or more periods of noise at different levels, and paragraph (e) states that exposure to impulsive or impact noise should not exceed a peak sound pressure level of 140 dB.

The requirements of 29 CFR 1926.101 are: (a) Hearing protection devices shall be provided and used wherever it is not feasible to reduce the noise exposure (level times duration) to within the Permissible Exposure Limit (PEL) specified in Table D–2 (see above); (b) hearing protection devices inserted in the ear shall be fitted by competent persons; and (c) plain cotton is not an acceptable protective device.

B. Occupational Noise Exposure Standard for General Industry

Workers in general industry are covered by the Agency's Occupational Noise Standard (29 CFR 1910.95), which sets maximum noise exposure levels and certain other requirements that are similar to those found in 29 CFR 1926.52 and 1926.101. However, the general industry noise standard provides more protection for general

industry workers than the construction standards provide for construction workers, due to the provisions of OSHA's 1983 Hearing Conservation Amendment (HCA), which added a requirement for employers to implement a hearing conservation program if employee noise exposures exceed a time-weighted average level (TWA) of 85 dBA over an 8-hour workday, using an exchange rate of 5 dB for each doubling or halving of exposure time. The HCA program (29 CFR 1910.95(c) through (o)) includes, among other things:

- Baseline and annual audiometric testing,
- Monitoring of noise exposure levels,
- Requirements to provide effective hearing protection devices (HPDs),
- Training and education, and
- The maintenance of employee exposure and hearing loss records.

OSHA requests information and data on whether the general industry requirements should be applied to construction work and, if so, how these requirements should be adapted for the construction industry.

C. Recommendations of NIOSH and Other Groups

In 1998, the National Institute for Occupational Safety and Health (NIOSH) published ''Criteria for a Recommended Standard; Occupational Exposure to Noise; Revised Criteria'', in which NIOSH recommended a maximum 8-hour TWA of 85 dBA and a 3-dB exchange rate (Ex. 2–1). NIOSH originally recommended an 8-hour TWA of 85 dBA and a 5-dB exchange rate in 1972. The revised 1998 NIOSH Criteria document also recommends specific requirements that they believe should be included in hearing conservation programs, such as noise exposure assessment; engineering and administrative controls and work practices; hearing protectors; medical surveillance; hazard communication; training; program evaluation; and recordkeeping. Some of the NIOSH recommendations are discussed in later sections along with questions about how an OSHA standard on noise in construction might implement the NIOSH recommendations. The American Conference of Governmental Industrial Hygienists also recommended an 85 dBA 8-hour TWA with a 3 dB exchange rate in 1994. (ACGIH, Threshold Limit Values and Biological Exposure Indices for 1994, Ex. 2–14)

In recent years, several groups have expressed a renewed interest in the issue of hearing loss in construction workers. For example, the Laborers Health and Safety Fund of North America is sponsoring a Construction Noise Control Partnership made up of interested parties from labor, industry, academia, and government to discuss noise and hearing conservation issues. The Laborers Health and Safety Fund has also co-sponsored several conferences to discuss the best practices for preventing hearing loss in the construction industry.

D. Noise Induced Hearing Loss

In the preamble to the HCA, first issued on January 16, 1981 (46 FR 4078), OSHA described the risk of ''material impairment'' of health resulting from a working lifetime of noise exposure based on data developed by three organizations: The International Organization for Standardization (ISO), the U.S. Environmental Protection Agency (EPA), and NIOSH. The risk estimates are presented in Table 1 as reprinted in the 1998 NIOSH criteria document (Ex. 2–1).

TABLE 1.—ESTIMATED EXCESS RISK OF INCURRING MATERIAL HEARING IMPAIRMENT [1] AS A FUNCTION OF AVERAGE DAILY NOISE EXPOSURE OVER A 40-YEAR WORKING LIFETIME [2]

Reporting organization	Average daily noise exposure (dBA)	Excess organization Risk (%) [3]
ISO	90	21
	85	10
	80	0
EPA	90	22
	85	12
	80	5
NIOSH	90	29
	85	15
	80	3

[1] For purposes of comparison in this table, material hearing impairment is defined as an average of the Hearing Threshold Levels (HTLs) for both ears at 500, 1000, and 2000 Hz that exceeds 25 dB.

[2] Adapted from 39 FR 43802.

[3] Percentage with material hearing impairment in an occupational-noise-exposed population after subtracting the percentage who would normally incur such impairment from other causes in an unexposed population, i.e., the percentage of the risk attributable to noise exposure at work.

This table shows that about one in four workers will experience impaired hearing when exposed to average daily noise levels of 90 dBA over a 40-year working lifetime. The risk is lower but still about one in eight workers at 85 dBA over 40-year working lifetime. As a result of this residual risk, OSHA established an ''action level'' of 85 dBA for an 8-hour TWA in its general industry noise standard (even at 80 dBA, EPA and NIOSH report a small risk of hearing impairment). When employees are occupationally exposed at or above the action level, the general industry noise standard requires employers to take certain steps to prevent noise-exposed workers from developing hearing loss. The steps required by the HCA include: Noise exposure monitoring, audiometric testing, the provision of hearing protectors, and recordkeeping.

Noise-induced hearing loss can be a serious disability. Once noise exposure damages the sensory-neural mechanism of the inner ear, the hearing loss is permanent (permanent threshold shift). The likelihood of permanent hearing loss increases with prolonged exposure. Noise-induced hearing loss can cause difficulty in hearing and understanding critical verbal instruction and warning sounds at work. It can also cause problems in hearing and perceiving spoken communication, thus interfering with normal social interaction outside the workplace.

Exposure to other agents can adversely affect the auditory system and may worsen noise-induced hearing loss (Ex. 2–1). These agents include some organic solvents, physical agents, such as whole-body vibration, and gases, such as carbon monoxide. Excessive noise may also accelerate age-related hearing loss in exposed workers, causing more serious auditory impairment than might have otherwise occurred.

E. Noise Exposure In Construction

Many construction jobs, such as concrete work, site excavation, highway construction, and carpentry involve high levels of noise. Major noise sources include heavy equipment, such as loaders, dozers, and cranes, as well as tools like jackhammers and chipping guns. Excessive noise at construction sites not only causes hearing loss, but can create a safety hazard by masking the sounds of oncoming vehicles (Ex. 2–2). Hearing loss and the use of hearing protectors by those with pre-existing hearing loss may further interfere with the workers' ability to hear and perceive the sounds of danger. Although these difficulties occur in many occupational settings, they are a particular problem in construction, where a variety of moving vehicles, back-up alarms, and other signals and activities may occur simultaneously.

There is a large body of literature describing occupational hearing loss from noise exposure (see, e.g., Exs. 2–2, 2–3, 2–4, 2–5, 2–6). OSHA

commissioned several studies during 1997–1999 to provide recent information targeted specifically to the construction population. One, by Alice H. Suter, Ph.D., is entitled ''Construction Noise: Exposure, Effects, and the Potential for Remediation'' (Ex. 2–2). Three by Dale Hattis, Ph.D., of the Center for Technology, Environment, and Development, Clark University, are: ''Preliminary Analysis of OSHA Inspection Data for Noise Exposures in Construction'' (1997) (Ex. 2–3); ''Occupational Noise Sources and Exposures in Construction Industries,'' *Human and Ecological Risk Assessment* 4:1417–1441(1998) (Ex. 2–4); and ''Expected Hearing Loss and Disability from Noise Exposures in Construction'' (co-author, Anna Makri) (1999) (Ex. 2–5). Dr. Suter also wrote a monograph in 1992 on the effects of noise on workers' ability to communicate entitled ''Communication and Job Performance in Noise: A Review,'' *ASHA Monographs* No. 28 (American Speech-Language-Hearing Association, Rockville, Maryland) (Ex. 2–6).

These studies show that as many as 750,000 U.S. construction workers are currently exposed to hazardous noise levels (defined as a time weighted average of 85 dBA or above for 8 hours) on the job and that regular hearing protector use in the construction industry averages only about 15 to 33 percent among these noise-exposed workers (Exs. 2–2, 2–5). Hattis and Makri quantified the extent of hearing loss disability expected to occur among construction workers. Their measure of disability was based on the United Kingdom's ''% disability method'', which expresses the magnitude and duration of hearing loss disability in units of %-disability life-years, where one %-disability life-year is equal to the loss of one percent of overall hearing ability for one year (Ex. 2–5). Among the entire population of 5 million construction workers, Hattis and Makri estimated that between 25 million and 65 million %-disability life-years would accumulate each year taking into account age-related hearing loss, prevailing noise exposures, and current practice with regard to use of hearing protection (Ex. 2–5, pp. 49–52). To place the Hattis and Makri estimates of hearing disability in perspective, assume that the average age of the 750,000 most highly exposed workers is 38 and that workers are employed in the construction industry an average of 13 years (based on 1997 data for British Columbia workers, see Table 21 of Ex. 2–5). Assuming also that the average life span is 75 years, the estimated 25 million to 65 million %-disability life-years that are predicted to accumulate each year among the 750,000 most highly exposed construction workers means that construction workers exposed at or above 85 dB are predicted to lose, on average, between 12 and 30 percent of their hearing over their employment in the construction industry, and that the disability will persist for the remaining 37 years of life.[1] The authors conclude in their summary section that ''it is clear that construction worker noise-induced hearing loss is a significant national problem'' (Ex. 2–5).

Dr. Suter's review of the literature shows that the highest concentrations of workers with potentially hazardous noise exposures occur in highway and street construction, carpentry, and concrete work (Ex. 2–2). According to a 1995 study of Canadian workers by Sinclair and Haflidson, the average noise exposure for workers engaged in various types of construction is 98.8 dB, based on TWA sound levels using the 3-dB exchange rate. The average exposure would be lower if the 5-dB exchange rate were used. Boilermakers and ironworkers are particularly heavily exposed, largely as a result of pneumatic tool use (Ex. 2–7).

OSHA believes that these studies show that many U.S. construction workers suffer hearing loss from noise at their worksites. Other information shows that hearing conservation programs can be effective in reducing occupational hearing loss (Ex. 2–8). Therefore, OSHA is publishing this ANPR to solicit data, comments, and information about initiating rulemaking to revise the construction industry noise standard to include a hearing conservation component that will protect construction workers against further hearing loss.

[1] The derivation of the 13 (it is actually closer to 12) to 30 percent hearing loss for the average worker was calculated as follows. The Hattis and Makri population estimate of 25 million to 65 million % disability life-years accumulated each year was divided by the estimated 750,000 workers currently at and above 85 dBa eight hour TWA. This gives, on average, between 33.3 and 86.6% disability life-years accumulated each year by an individual worker over his entire lifetime. The resulting annualized individual risk is then multiplied by the average 13 years of employment to obtain the aggregate % disability life-years experienced by the typical worker as a result of his total exposure. if the typical worker is 38 years old and has an average life span of 75 years, then the disability life-years is divided by his remaining 37 years of life to obtain the 12 to 30 percent hearing loss estimate.

(a) $(25{,}000{,}000 \times 13) / 750{,}000 \times 37) = 11.7$ percent

(b) $(65{,}000{,}000 \times 13) / (750{,}000 \times 37) = 30.4$ percent

II. Request for Information, Data and Comments

OSHA solicits data and information on the following issues related to the prevention of work-related hearing loss in construction workers. In your response to these questions, please refer to the section and subsection headings (e.g. Section II.A.2.a. Hearing Conservation Program Provisions—Monitoring—Area Monitoring) as well as the specific question being referenced. Also, include relevant data and analyses to support your response.

A. Hearing Conservation Program Provisions

OSHA seeks information on whether and how the provisions of the general industry Hearing Conservation Amendment (paragraphs (c) through (o) of 29 CFR 1910.95) could be applied to the construction industry. Do the general industry requirements need to be altered to reflect the unique characteristics of the construction industry? For example, what methods have construction employers adopted to obtain baseline and periodic audiograms and to keep the records of these tests up-to-date and accessible? What approaches have employers found useful in achieving effective hearing protection device use in this industry? OSHA is particularly interested in receiving information on the results of hearing loss prevention program evaluations in the construction industry. The following paragraphs raise specific questions about selected provisions of the Hearing Conservation Amendment and their potential applicability in the construction environment.

1. Methods of Compliance

In paragraphs (c) and (d) of the general industry noise standard (29 CFR 1910.95), OSHA requires the employer to conduct an initial noise evaluation when exposure is expected to exceed 85 dBA. If this requirement was applied in a construction setting, a new evaluation might be required for each new construction site. Alternatively, in the asbestos standard (29 CFR 1926.1101(e)) and lead standard (29 CFR 1926.62(d)(2)) for construction activities, OSHA adopted a different approach of identifying tasks that are presumed to have high exposures and workers engaged in these tasks are protected by a combination of engineering and administrative controls supplemented by the use of personal protective equipment. Which approach is more appropriate to evaluate and control noise exposures in construction?

Please provide noise data from construction sites to support your position. If a certain set of procedures or tasks were identified by OSHA as having presumed significant noise exposure, which are the best criteria to use: Equipment type, task type, or job title by type of construction and phase of work? OSHA also believes that the time of tool use or time spent at a task is an essential or required element in any exposure calculation. Please provide your experience and data regarding the relative efficacy of the above criteria.

The British Columbia regulation requires employers to implement a written program that includes noise measurement, education and training, engineered noise control, hearing protection, posting of noise hazard areas, hearing tests, and annual program review (Ex. 2–9). The British Columbia program presumes that employees in specific construction occupations are routinely exposed to noise in excess of the exposure limits. These occupations are carpenters, plumber pipefitters, sprinkler installers, mobile equipment operators, steel erectors, welders/fabricators, sandblasters, drillers, electricians, concrete workers operating concrete pumps, vibrators, jack hammers or powered finishing equipment, and drywallers shooting track or boarding (Ex. 2–10). Are the trades identified in British Columbia as highly exposed, and therefore presumptively covered under the HCP, reasonable and comparable to United States conditions? Are there other occupations that should be presumed to be noisy enough to be a part of a hearing conservation program?

Investigators at the University of Washington are also conducting a series of studies on Washington state construction apprentices and journeymen. These study populations include bricklayers, carpenters, operating engineers, ironworkers, electricians, insulation workers, sheet metal workers, laborers and cement masons. (Ex. 2–12, 2–13) These studies will provide additional noise-related risk data on a current U.S. construction population. Are there any other investigations on the effects of hearing conservation programs in other populations of U.S. construction workers? If so, please provide study descriptions and data.

2. Monitoring

Paragraph (d)(1)(i) of the general industry noise standard (29 CFR 1910.95) addresses noise exposure monitoring. It requires monitoring when information indicates that any employee's exposure may equal or exceed an 8-hour TWA of 85 dBA. Employers may design their own sampling strategy so long as employees above this action level are included in the program. How much noise monitoring is currently being done at construction sites?

Many construction firms are small; approximately 85 percent of the firms employing 50 percent of the construction workforce have less than 20 employees. (U.S. Census Bureau, County Business Patterns, 1997) Should OSHA provide specific sampling strategies for the construction industry? Should these strategies be mandatory or recommended? When is exposure monitoring appropriate in the construction industry? What criteria should trigger noise exposure monitoring?

a. Area Monitoring

Paragraph (d)(1)(ii) of the general industry noise standard (29 CFR 1910.95) permits employers to use area monitoring under certain circumstances, but where conditions such as high worker mobility, significant variations in sound level, or a significant component of impulse noise makes area monitoring inappropriate, representative personal sampling must be performed. These latter conditions characterize most construction sites. Are there any circumstances in the construction industry where area monitoring would be appropriate?

b. Continuous, Intermittent and Impulsive Sound

Paragraph (d)(2)(i) of the general industry noise standard (29 CFR 1910.95) requires that all continuous, intermittent and impulsive sound levels from 80 dB to 130 dB be integrated into the measurement of noise exposure. The range of 80 to130 dB as opposed to a range of 80 to 140 dB reflected the technological limitations of sound level meters and dosimeters at the time of the standard's promulgation. OSHA, in the preamble of the 1981 rulemaking, stated the intent to increase the upper limit to 140 dB, as improved dosimeters became readily available (46 FR 4135, 1/16/81). OSHA believes that most, if not all, of today's dosimeters and integrating sound level meters are capable of dynamic ranges from 80 dB to 140 dB. The NIOSH revised noise criteria (Ex. 2–1) and the ACGIH TLV for noise (Ex. 2–11) recommend the inclusion of all continuous, intermittent, and impulsive noise from 80 to 140 DBA in the calculation of employee exposure or dose. OSHA seeks information on the characterization of construction workers' exposures to impulse or impact noise, particularly in the range of 130–140 dB. Is the integration of all noise levels between 80 dBA and 140 dB the appropriate criteria for calculating construction workers' noise dose? Please support your answer. What are the additional costs associated with this requirement and how can they be minimized? Is 140 dB the appropriate ceiling level for impulse noise?

c. Repeat Noise Monitoring

Paragraph (d)(3) of the general industry noise standard (29 CFR 1910.95) requires that monitoring be repeated whenever a change in production, process, equipment or control increases noise exposures to the extent that additional employees may be exposed at or above the action level, or the attenuation provided by hearing protectors may be rendered inadequate. OSHA is seeking information on whether it would be practical to apply such a requirement in the construction environment. Would employers know when to repeat noise exposure monitoring? Should there be a more specific requirement, such as the NIOSH recommendation for remonitoring every 2 years or if workers are developing significant threshold shifts (STSs)(Ex. 2–1)? Would such a requirement be useful, feasible, or effective in the construction industry? Are there any alternative monitoring schemes that would be easier for construction employers to follow that would obtain the same objective?

d. Secondary Sources of Noise Exposure

The construction noise literature and field observations indicate that there are multiple sources of significant noise exposure during many phases of different types of construction projects (Ex 2–12). Many times the primary sources of exposure are tools or equipment being used by co-workers nearby (jackhammer) or by another craft working nearby (e.g. welder's compressor affecting electricians). Are there other methods, besides direct employee noise monitoring on a site-by-site basis that would characterize elevated noise exposure to other or co-workers who are not using tools or equipment generating loud noise? Please provide data showing the prevalence of noise exposures near or exceeding 85 dBA (1) to coworkers or helpers doing a supporting task, or (2) to other trades receiving secondary exposures they did not create. Also provide, if available, information on the trades, type of construction, tasks, tools or equipment used, and the range of exposure levels and distances from

noise source. Has any exposure or prediction modeling been done in this area? How can information concerning expected or measured secondary exposure be incorporated into training requirements, hazard warnings and the general phasing of work in different types of construction?

3. Employee Notification

Paragraph (e) of the general industry noise standard requires that employers notify each employee exposed at or above an 8-hour TWA of 85 dBA of the results of the employee's noise monitoring. No time limit is given for this notification. Is a similar notification requirement appropriate for the construction industry? Should employers be required to notify construction workers within a certain period, such as 1, 5, 10 or 15 days, of the results of noise exposure monitoring?

4. Audiometric Testing Program

Paragraph (g) of the general industry noise standard requires employers to make audiometric testing available, at no cost, to all employees who are exposed at or above the action level of 85 dBA. Is a similar requirement appropriate and feasible for the construction industry? How can this service be delivered in a cost-effective way to a mobile workforce of predominantly small employers? In general industry the trigger for audiometric testing is an employee exposure at or above 85 dBA. Are there alternative triggers that might be more appropriate or less burdensome to initiate audiometric testing in the construction industry? For example, should OSHA require audiometric testing for those in specified construction trades? Does OSHA need more precise provisions in terms of audiometric procedures, equipment, and sound booth requirements so as to reduce the variability between audiograms or has this variability been anticipated in the general industry hearing conservation standard? Please specify and support recommended alternatives, if any.

a. Baseline Audiograms

Paragraph (g)(5) of the general industry noise standard calls for a baseline audiogram to be performed within 6 months of an employee's first exposure at or above the action level unless the audiometric provider uses a mobile van, in which case the waiting period may be up to a year. Because of the mobility of many construction workers from employer to employer, these provisions, if adopted, would result in some construction workers not receiving baseline audiograms even after many years of noise exposure. OSHA seeks information on the best way to ensure that construction workers are given a baseline audiogram prior to exposure to harmful levels of noise. Should the maximum waiting period for baseline audiograms be shorter or longer than 6 months? For example, NIOSH recommends an audiogram within 30 days after hire. What length of time with a given employer should trigger the requirement to provide an audiometric test? Should the trigger for audiometric testing be by exposure level, type of construction, job process, job title or equipment type or should there be multiple triggers? Alternatively, should baseline audiograms be considered for all workers entering construction employment?

Paragraph (g)(5)(ii) of the general industry noise standard requires workers whose exposures equal or exceed the action level to use hearing protectors until a baseline audiogram is completed, if the employer is using the one-year period allowed when mobile test vans are used. Should a construction worker be allowed to have exposures above the action level but less than the PEL without hearing protectors for any amount of time before the baseline audiogram is obtained? Should the use of hearing protectors in this circumstance be advisory rather than mandatory if exposures are between the action level and the PEL?

Paragraph (g)(5)(iii) of the general industry noise standard requires that a baseline test be preceded by at least 14 hours without exposure to workplace noise. Should this requirement be extended to the construction industry?

b. Annual Testing

Paragraph (g)(6) of the general industry noise standard requires that employers obtain audiograms at least annually for employees exposed at or above the action level. The NIOSH Criteria Document (Ex. 2–1) contains a similar recommendation. OSHA is requesting information on the feasibility and desirability of annual audiograms for construction workers. Should the frequency of audiometric testing vary by the type of work and the degree of anticipated exposures? For example, should audiograms be required every six months for workers with exposures that are consistently above 100 dBA? Should audiograms be less frequent for workers whose measured or expected exposures are between 85 and 90 dBA? Is there a way to make sure that construction workers who move from one site to another during the year are identified and given annual audiometric tests?

c. Retest Audiograms

Paragraph (g)(7)(ii) of the general industry noise standard gives employers the option to retest an employee within 30 days if an STS has occurred and to consider the retest as the annual audiogram. Considering the high mobility of the construction workforce and NIOSH's recommendation for immediate retesting (Ex 2–1, pp 49–50), should there be a requirement for an immediate retest if an STS has occurred? Is a confirmatory retest within 30 days desirable or feasible for construction workers? Should there be a requirement or recommendation that the retest be preceded by 14 hours without exposure to workplace noise and should hearing protectors be allowed to substitute for this pre-test ''quiet''?

d. Follow-up Procedures for Audiograms Showing Hearing Loss

Paragraph (g)(8)(ii) of the general industry noise standard details follow-up procedures triggered by an STS unless a physician determines that the STS is neither work related nor aggravated by occupational noise exposure. These procedures include: (A) Fitting with hearing protectors and training in their use and care; (B) refitting and retraining for those already wearing hearing protectors; (C) referral for a clinical audiological or otological examination if additional testing is necessary or if an ear pathology (medical problem) is determined to be related to the wearing of hearing protectors; and (D) informing the worker of a need for an otological exam if an ear pathology is deemed unrelated to the use of hearing protectors.

OSHA is seeking comments and information on whether there are follow-up actions that should be taken even when an STS has not occurred, and specifically on the provisions of paragraph (g)(8)(ii)(C) of 1910.95, which require referral in cases where additional testing is necessary to obtain a valid audiogram or a medical problem is related to the wearing of hearing protectors, and paragraph (g)(8)(ii)(D) of 1910.95, informing the worker of a need for an otological exam regardless of whether the problem is related to the use of hearing protectors. Are there other circumstances where follow-up actions should be either required or recommended for construction workers, such as counseling in the event of an STS or pathology of the ear?

5. Hearing Protectors

The studies by Suter (Ex. 2–2) and Hattis and Makri (Ex. 2–5) report that currently available data (1998) on the use of hearing protectors among U.S. construction workers show that, at best, hearing protector use among workers routinely exposed to high noise levels is about 33%, with a range from 1% to 50% for workers in different trades. These authors note that this figure is likely to be an overestimate. This was an apparent improvement from the NIOSH NOES survey, 1981–1983, where the overall average use was 15% for workers exposed to 85 dBA or greater (Ex. 2–2). Are other data available on current hearing protector use in the U.S. construction industry? If yes, please provide such data or indicate where they may be obtained.

Dr. Suter's studies point out that construction workers need to hear warning signals and to communicate in noisy backgrounds (Exs. 2–2, 2–6). Operators of heavy mobile equipment and other workers who need to communicate with them need to be able to maintain effective two-way or multi-way communication while protecting their hearing. It is also essential for all construction workers to be able to hear and identify the location of warning signals, backup alarms, and spoken or shouted communication (localization). Workers who have already incurred hearing impairments and who must wear hearing protectors will experience difficulty hearing in those situations. The use of hearing protectors and the need for communication and identifying the location of co-workers complicate efforts to prevent noise-induced hearing loss. OSHA solicits information from employers, employees, and safety and health professionals on their experience with regard to the ability to communicate or other risks that may be incurred while wearing hearing protectors. This includes information on the effectiveness of traditional hearing protectors and particularly on the effectiveness of newer devices (both plugs and muffs) with uniform attenuation, active attenuators, and communication systems developed, at least in part, to address these problems.

a. When Should Hearing Protectors Be Required?

Paragraphs (i)(1) and (2) of the general industry noise standard require that hearing protectors be made available to all employees exposed at or above the action level of 85 dBA, but do not require workers to wear these devices until their exposures exceed the PEL or the worker has experienced a work-related STS. Should the requirement be contingent upon incurring an STS or waiting for a baseline audiogram, as in the general industry noise standard? Is there an increased hazard for these workers that is caused by the inability to hear warning signals at moderate noise levels, such as 80–85 dBA, when wearing hearing protectors?

Paragraph (b)(1) of OSHA's general industry noise standard requires that employers use feasible engineering or administrative controls whenever employees are exposed above the 90 dBA PEL. Whenever these controls fail to reduce sound levels to or below the PEL, employers must issue hearing protectors to employees and employees are required to use these devices. Similar requirements are found in 29 CFR 1926.52 and 1926.101 covering the construction industry. Whether workers must wear their hearing protectors for the entire workshift or only when noise levels exceed 90 dBA is not addressed. OSHA is aware of the potential safety hazard of overprotection during periods of relative quiet or even moderate noise levels.

The Agency is requesting information on the use of hearing protectors in varying noise environments, especially in the intermittent noise environments that characterize many construction exposures. Should construction workers be required to wear hearing protectors only in noise levels that exceed the PEL of 90 dBA, an action level of 85 dBA, or should they be required to wear hearing protectors in all noise environments where exposures are expected to exceed a certain TWA? If the requirement is only for levels above the action level, how would workers know when to put on their hearing protectors?

b. Selection of Hearing Protectors

Paragraph (i)(3) of the general industry noise standard states that employees must be given the opportunity to select their hearing protectors from a variety of suitable hearing protectors provided by the employer. This requirement has been interpreted to mean that at least one variety of plug and one variety of muff must be available (Ex. 2–14). Is a choice between two protectors sufficiently protective where noise exposure is often intermittent and communication may be of particular importance? The Agency solicits information on the appropriate type and number of hearing protectors which should be offered to construction workers.

c. Hearing Protector Attenuation

The general industry noise standard's paragraph (j)(1) requires employers to use one of the evaluation methods described in Appendix B, ''Methods for Estimating the Adequacy of Hearing Protection Attenuation'' to evaluate the amount of protection the hearing protector is likely to provide under workplace conditions. The vast majority of employers and hearing conservation professionals use the Noise Reduction Rating (NRR), which, according to an EPA regulation, must be printed on the hearing protector package. The NRR represents the noise reduction potential of the protector under laboratory conditions. There are, however, large differences between the hearing protector attenuation measured in the laboratory and that found in actual field use. Therefore, it is current OSHA policy to adjust the NRR when the use of hearing protectors is, under certain circumstances, permitted in lieu of engineering noise controls. Appendix B of the general industry noise standard calls for an additional reduction in the estimated attenuation of 7 dB when the average C-weighted noise level in the worker's environment is not known. In addition, the OSHA Technical Manual (Section III, Chapter 5) and OSHA's Enforcement Directive for Noise Enforcement (CPL 2–2.35A) use a safety factor of 50%, which is applied by further dividing the NRR by 2. Thus an earplug with an NRR of 28 dB would be considered to have useful attenuation of only 10.5 dB when the NRR is subtracted from the average A-weighted noise level in the worker's environment ($28 - 7 = 21 \div 2 = 10.5$).

NIOSH (Ex. 2–1) recommends de-rating (subtracting values from) the NRR, but conditions the amount of de-rating upon the type of hearing protector: 25% for earmuffs, 50% for slow-recovery foam earplugs, and 70% for all other plugs and semi-inserts. NIOSH further recommends that once manufacturers test and label their products using the new ''subject-fit'' method incorporated in ANSI S12.6–1997, the subject-fit noise reduction rating (NRR(SF)) should be used.

Should OSHA continue to recommend the use of the NRR for estimating the attenuation provided by hearing protectors for construction workers? Should a standard for construction recommend or require a 50% de-rating to account for the difference between laboratory and field performance? Should OSHA continue to require the 7-dB subtraction for spectral uncertainty? Should OSHA adopt the NIOSH device-dependent de-rating

formula discussed above? Should OSHA allow or recommend the NRR(SF) or a similar rating based on subject fit data as an alternative to the NRR?

6. Training Program

Paragraph (k) of the general industry noise standard contains requirements for training programs, which must be repeated annually for each employee in the hearing conservation program. These programs must include: Information on the effects of noise on hearing; the type of task or equipment that can cause loud noise and maximum usage time without hearing protection, the purpose of hearing protectors; the advantages, disadvantages, and attenuation of various types of hearing protectors; instructions on selection, fitting, use, and care of hearing protectors; and the purpose of audiometric test procedures. Are these training requirements appropriate for the construction industry? In general industry the trigger for training is an employee exposure at or above 85 dBA. Are there alternative triggers that might be more appropriate and less burdensome in the construction industry?

OSHA is aware that some hearing conservation training programs in general industry use written materials or videos without face-to-face training. The Agency seeks information on the success of such programs. Is there a need for face-to-face training in the construction industry? Why? Also, are there exemplary training programs that are construction or trade specific that should be brought to OSHA's attention? Briefly describe these programs.

7. Recordkeeping

Most construction work is characterized by relatively short job tenures with a given employer (median of 3 to 5 years), temporary or seasonal employment, and employment in very small firms. These features may make periodic audiometric testing and recordkeeping more difficult than in the general industry environment. OSHA is aware of two possible approaches to this logistical problem in construction: (1) Centralized (possibly web based) recordkeeping systems and (2) portable smart cards carried by workers (currently being used in British Columbia). Workers could also take their records manually from one employer to the next. This might work for employment of one or two years, but would be cumbersome and inefficient over a working lifetime. OSHA seeks information on successful approaches for maintaining and transferring medical records used in the construction industry, whether maintained by the company, state, union, trade association, or other groups. What problems have surfaced in these efforts? What costs are incurred and how are the delivery of services structured between the involved parties? In any shared record system, how is the privacy of the employee's medical data protected? For what duration should employers be required to retain records?

B. Other Hearing Conservation Issues Raised by NIOSH in its Criteria Document

Most of the issues raised by NIOSH in their 1998 criteria for a recommended noise standard have been discussed throughout this document. However, NIOSH made additional recommendations, three of which are discussed below.

1. Hazard Communication

a. Warning Signs

The general industry noise standard does not contain a provision for warning signs and regulated areas, although the NIOSH criteria document recommends a requirement stating that warning signs shall be clearly visible at the entrance to or at the periphery of areas where noise exposures routinely equal or exceed a TWA of 85 dBA (Ex. 2–1). Should a hearing conservation rule for construction have such a requirement? If so, should the requirement be for areas where noise levels or noise exposures (TWAs) equal or exceed a certain level? How should these areas be selected? Should OSHA give specific guidance on how to post these areas? Could the posting of warning signs serve as an alternative to noise monitoring under the assumption that the assigned site or project is above the hearing conservation action level?

b. Noise Labeling of Equipment and Tools

Another form of hazard communication is the labeling of equipment for noise levels at a set distance. Suter's report describes a program for labeling products used in construction that has been adopted by the European Economic Community (Ex. 2–2). The European construction noise directive requires manufacturers to display labels showing either the sound power level or sound pressure level at the operator's position. Suter points out that in the United States an ANSI standard is being developed for the purpose of labeling machinery and equipment. OSHA requests data and information, including the outcomes, of any noise labeling programs in the U.S. or abroad, as well as information about the progress of the ANSI working group, S12 WG38. Have employers used noise labels on equipment or tools to communicate risk of hearing loss?

2. Program Evaluation Criteria

The general industry noise standard does not include criteria for evaluating the effectiveness of hearing conservation programs. However, the NIOSH criteria document does contain a section on this topic and there is a draft ANSI standard, S12.13–1991 (currently in the process of revision), that addresses the evaluation of audiometric testing programs. NIOSH recommends a two-step process: (1) The evaluation of an individual worker's hearing loss prevention program at the time of the annual audiometric test, and (2) Annual evaluation on a programmatic level.

OSHA seeks information on methods to evaluate the success of hearing conservation programs in construction. If the occurrence of an STS is used as the measure of hearing loss, what rates of STSs are seen in effective programs, i.e., when does an employer know that the program is working? What other benchmarks can be used to evaluate a successful program in construction? OSHA also seeks information on the advisability of using the provisions of the draft ANSI standard, S12.13, for evaluating the effectiveness of hearing conservation programs through the examination of audiometric data. Is this method practical and does it produce useful results? Is there a simple self-evaluation tool that can be used by small employers?

3. ANSI Standards

NIOSH also recommended that any new hearing conservation requirements should incorporate the current ANSI standards intended to improve performance and calibration criteria for audiometric testing, audiometric booths and vans, dosimeters, and sound level instruments. Table 2 below briefly summarizes the relevant ANSI standards. Should OSHA adopt the most recent ANSI standards? Please provide data and documentation supporting your position. Are any of these ANSI standards not applicable to the construction industry?

TABLE 2.—ANSI STANDARDS RELEVANT TO AUDIOMETRIC TESTING

Equipment type or activity	Current ANSI standards	Select requirement changes
Audiometers	ANSI S3.6–1996	Tighter tolerances and criteria, multiple changes.
Audiometric test booths and vans	ANSI S3.1–1999	Less background noise permitted.
Noise Calibration, Calibrators	ANSI S1.40–1984	Tighter tolerances possible.
Integrating/Average Sound Level Meters	ANSI S1.43–1997	Broader performance range, 80–140 dB, TWA measures steady intermittent and impulsive sounds.
Noise Dosimeters	ANSI S1.25–1991	Same as above, 80–140 Db.

C. Noise and Safety on the Construction Site

Suter's work discusses the possible link between noise, hearing loss, and the occurrence of accidents in the construction industry, as well as studies of this problem in other industries (ship building, general industry) (Exs. 2–2; 2–6). OSHA seeks information and data on construction worker accidents associated with or caused by excessive construction project noise or noise-induced hearing loss, including individual accident investigation reports, and research results. The Agency also seeks information on the availability of warning signals, such as reverse alarms on heavy vehicles that are specially designed to be audible in the noise environments typical of construction sites or by workers with noise-induced hearing loss. Are there alternatives to reverse alarms (visual as well as acoustical) that have proven to be effective?

D. Noise Exposure Control

While OSHA is not considering changes to its requirements for controlling workplace noise levels at this time, the Agency is interested in obtaining information concerning the methods employers have used to successfully control or reduce noise levels on construction projects. This data may be used for several purposes, including:

- Identifying and establishing best practices
- Updating OSHA and NIOSH training materials
- Identifying effective engineering and administrative controls

1. Engineering and Administrative Controls

In construction, as in general industry, the preferred methods of abating the noise hazard are the use of engineering and administrative controls. OSHA solicits noise exposure data and noise abatement information from the manufacturers of equipment and tools used in the construction industry that emit high levels of noise and thus expose the operators and those working nearby to potentially hazardous noise levels. The Agency is particularly interested in noise exposure and noise abatement information on two major sources of construction noise: (1) Heavy equipment, such as loaders, dozers, asphalt spreaders, power shovels, crawler and other kinds of cranes, and (2) graders, and pneumatic tools, such as jackhammers and chipping guns.

What are the noise exposures of operators of heavy equipment and those who work nearby? What progress has been made over the last two decades to control the noise of heavy construction equipment? Are quieter tools powered by means other than pneumatic power available for the kinds of construction jobs traditionally done by pneumatic tools? Are these tools as efficient and cost-effective as the pneumatic versions? Please provide data on the availability of quieter equipment and tools, price quotes, productivity information, and any other data that would be helpful in determining the relative cost-effectiveness of purchasing quieter equipment. What types of engineering and administrative controls have proved most effective? How have these controls affected operations on construction sites?

2. Machine Design, Retrofit, and Substitutions

OSHA seeks information on quieter tools, equipment, or processes for the construction industry that have been developed either in the U.S. or abroad that could be substituted for existing noisy tools, equipment, and processes. The Agency also requests information from equipment manufacturers, noise control engineers, and others involved in the purchase, use, or modification of equipment or parts of equipment used in construction on those features of machine design and retrofit (including installation of mufflers, power rating of the engine, presence of enclosed, sound-insulated cabs) affecting the noise exposure of workers operating the equipment or working in the vicinity of such equipment. Please provide specific information on the types and noise emission levels (both sound power and sound pressure levels, if available), as well as information on the cost-effectiveness of various types of ''quiet'' construction equipment now being marketed and used in the construction industry. In commercial, road and bridge and residential construction, control of which types of equipment would have the greatest impact in reducing the number of people exposed and the intensity of exposure? Has any study or modeling been done in this area?

3. Administrative Controls

Administrative controls include changes in the work schedule or the provision of quiet areas to allow workers to recover from TTS. To what degree are administrative controls feasible or desirable in the construction industry? What administrative controls are used for noise control in the construction industry? How are such controls implemented? What are the costs? Are there any data on the effectiveness of administrative controls in the construction industry? Do certain construction operations preclude the use of administrative controls? If so, which are they, and why do they make the use of such controls difficult or impossible?

III. Authority

This document was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210. It is issued pursuant to sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); section 107 of the Construction Work Hours and Safety Standards Act (Construction Safety Act) (40 U.S.C. 333); Secretary of Labor's Order No. 3–2000 6–96 (65 FR 50017); and 29 CFR Part 1911.

Signed at Washington, DC, July 31, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

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BILLING CODE 4510–26–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AI62

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2003–2004 Subsistence Taking of Wildlife Regulations

AGENCIES: Forest Service, Agriculture; Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish regulations for hunting and trapping seasons, harvest limits, methods, and means related to taking of wildlife for subsistence uses during the 2003–2004 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. When final, this rulemaking would replace the wildlife taking regulations included in the ''Subsistence Management Regulations for Public Lands in Alaska, Subpart D—2002–2003 Subsistence Taking of Fish and Wildlife Regulations,'' which expire on June 30, 2003. This rule would also amend the Customary and Traditional Use Determinations of the Federal Subsistence Board and the General Regulations related to the taking of wildlife.

DATES: The Federal Subsistence Board must receive your written public comments and proposals to change this proposed rule no later than October 18, 2002. Federal Subsistence Regional Advisory Councils (Regional Councils) will hold public meetings to receive proposals to change this proposed rule from September 4, 2002–October 11, 2002. See **SUPPLEMENTARY INFORMATION** for additional information on the public meetings.

ADDRESSES: You may submit proposals electronically to *Subsistence@fws.gov.* See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing. You may also submit written comments and proposals to the Office of Subsistence Management, 3601 C Street, Suite 1030, Anchorage, Alaska 99503. The public meetings will be held at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for additional information on locations of the public meetings.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Public Review Process—Regulation Comments, Proposals, and Public Meetings

The Federal Subsistence Board (Board) will hold meetings on this proposed rule at the following locations in Alaska:

Region 1—Southeast Regional Council, Hoonah, September 30, 2002
Region 2—Southcentral Regional Council, Cordova, October 2, 2002
Region 3—Kodiak/Aleutians Regional Council, Nelson Lagoon, September 18, 2002
Region 4—Bristol Bay Regional Council, Naknek, September 30, 2002
Region 5—Yukon-Kuskokwim Delta Regional Council, Chevak, October 10, 2002
Region 6—Western Interior Regional Council, Holy Cross, October 3, 2002
Region 7—Seward Peninsula Regional Council, Nome, October 10, 2002
Region 8—Northwest Arctic Regional Council, Kotzebue, September 18, 2002
Region 9—Eastern Interior Regional Council, Beaver, October 8, 2002
Region 10—North Slope Regional Council, Barrow, September 4, 2002

We will publish notice of specific dates, times, and meeting locations in local and statewide newspapers prior to the meetings. We may need to change locations and dates based on weather or local circumstances. The amount of work on each Regional Council's agenda will determine the length of the Regional Council meetings.

Electronic filing of comments (preferred method): You may submit electronic comments (proposals) and other data to *Subsistence@fws.gov.* Please submit as either WordPerfect or MS Word files, avoiding the use of any special characters and any form of encryption.

We will compile and distribute for additional public review during November 2002 the written proposals to change Subpart D hunting and trapping regulations and customary and traditional use determinations in Subpart C. A 30-day public comment period will follow distribution of the compiled proposal packet. We will accept written public comments on distributed proposals during the public comment period, which is presently scheduled to end on January 6, 2003.

We will hold a second series of Regional Council meetings in February and March 2003, to assist the Regional Councils in developing recommendations to the Board. You may also present comments on published proposals to change hunting and trapping and customary and traditional use determination regulations to the Regional Councils at those winter meetings.

The Board will discuss and evaluate proposed changes to this rule during a public meeting scheduled to be held in Anchorage, May 2003. You may provide additional oral testimony on specific proposals before the Board at that time. The Board will then deliberate and take final action on proposals received that request changes to this proposed rule at that public meeting.

Please Note: The Board will not consider proposals for changes relating to fish or shellfish regulations at this time. The Board will be calling for proposed changes to those regulations in January 2003.

The Board's review of your comments and wildlife proposals will be facilitated by you providing the following information: (a) Your name, address, and telephone number; (b) The section and/or paragraph of the proposed rule for which your change is being suggested; (c) A statement explaining why the change is necessary; (d) The proposed wording change; (e) Any additional information you believe will help the Board in evaluating your proposal. Proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § __.24, Subpart C and §§ __.25 or __.26, Subpart D, may be rejected. The Board may defer review and action on some proposals if workload exceeds work capacity of staff, Regional Councils, or Board. These deferrals will be based on recommendations of the affected Regional Council, staff members, and on the basis of least harm to the subsistence user and the resource involved. Proposals should be specific to customary and traditional use determinations or to subsistence hunting and trapping seasons, harvest limits, and/or methods and means.

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior

and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA.

However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, as revised June 12, 2001, (66 FR 31533), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Regional Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, and the annual Subpart D regulations.

All Board members have reviewed this rule and agree with its substance. Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 would apply to regulations found in this subpart.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (2001) and 50 CFR 100.11 (2001), and for the purposes identified therein, we divide Alaska into ten subsistence resource regions, each of which is represented by a Regional Council. The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, will present their Council's recommendations at the Board meeting in May 2003.

Proposed Changes From 2002–2003 Seasons and Bag Limit Regulations

Subpart D regulations (§§ __.25 and __.26) are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations (§ __.24 of Subpart C) are also subject to an annual review process providing for modification each year. The text of the 2002–2003 Subparts C and D final rule, without modification, served as the foundation for the 2003–2004 Subparts C and D proposed rule. Please see 67 FR 43709, June 28, 2002. The amendments made to subparts C and D in that rule are the same as the amendments we are proposing in this rule. The regulations contained in this proposed rule would take effect on July 1, 2003, unless elements are changed by subsequent Board action following the public review process outlined herein.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance—A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

An environmental assessment was prepared in 1997 on the expansion of Federal jurisdiction over fisheries and is available by contacting the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction does not constitute a major Federal action, significantly affecting the human environment and has, therefore, signed a Finding of No Significant Impact.

Compliance with Section 810 of ANILCA—A Section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management Program. The intent of all Federal subsistence regulations is to accord

subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final Section 810 analysis determination appeared in the April 6, 1992, ROD, which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but it does not appear that the program may significantly restrict subsistence uses.

During the environmental assessment process, an evaluation of the effects of this rule was also conducted in accordance with Section 810. This evaluation supports the Secretaries' determination that the rule will not reach the ''may significantly restrict'' threshold for notice and hearings under ANILCA Section 810(a) for any subsistence resources or uses.

Paperwork Reduction Act—This rule contains information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. It applies to the use of public lands in Alaska. The information collection requirements are approved by OMB under 44 U.S.C. 3501 and have been assigned control number 1018–0075, which expires July 31, 2003. Federal agencies may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current valid OMB control number.

Currently, information is being collected by the use of a Federal Subsistence Registration Permit and Designated Hunter Application. The information collected on these two permits establishes whether an applicant qualifies to participate in a Federal subsistence hunt on public land in Alaska and provides a report of harvest and the location of harvest. The collected information is necessary to determine harvest success, harvest location, and population health in order to make management decisions relative to the conservation of healthy wildlife populations. Additional harvest information is obtained from harvest reports submitted to the State of Alaska. The recordkeeping burden for this aspect of the program is negligible (1 hour or less). This information is accessed via computer data base.

Form	Estimated number of respondents	Completion time for each form (hour)	Estimated annual response	Estimated annual burden (hours)	Hourly cost for respondent	Financial burden on respondents
Federal Subsistence Registration Permit.	5,000	¼	5,000	1,250	$20.00	$5.00 each or $25,000 total.
Designated Hunter Application	2,000	¼	2,000	500	20.00	$5.00 each or $10,000 total.

You may direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, DC 20503. Additional information collection requirements may be imposed if local advisory committees subject to the Federal Advisory Committee Act are established under subpart B. Such requirements will be submitted to OMB for approval prior to their implementation.

Economic Effects—This rule is not a significant rule subject to OMB review under Executive Order 12866.

This rulemaking will impose no significant costs on small entities; this rule does not restrict any existing sport or commercial fishery on the public lands, and subsistence fisheries will continue at essentially the same levels as they presently occur. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, and gasoline dealers. The number of small entities affected is unknown; but, the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources to be harvested under this rule are already being harvested and consumed by the local harvester and do not result in an additional dollar benefit to the economy. However, we estimate that 2 million pounds of meat are harvested by subsistence users annually and, if given an estimated dollar value of $3.00 per pound, would equate to about $6 million in food value state-wide.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations or governmental jurisdictions. The Departments certify based on the above figures that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. Under the Small Business Regulatory Enforcement Fairness Act (5 U.S.C. 801 *et seq.*), this rule is not a major rule. It does not have an effect on the economy of $100 million or more, will not cause a major increase in costs or prices for consumers, and 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.

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies and there is no cost imposed on any State or local entities or tribal governments.

The Secretaries have determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State

from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not a significant regulatory action under Executive Order 13211, affecting energy supply, distribution, or use, this action is not a significant action and no Statement of Energy Effects is required.

Drafting Information—William Knauer drafted these regulations under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Warren Eastland, Alaska Regional Office, Bureau of Indian Affairs; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; and Ken Thompson, USDA-Forest Service provided additional guidance.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

Dated: July 24, 2002.

Kenneth E. Thompson,

Subsistence Program Manager, USDA-Forest Service.

Peggy Fox,

Acting Chair, Federal Subsistence Board.

[FR Doc. 02–19621 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 68d

RIN 0925–AA18

Public Health Service; National Institutes of Health Loan Repayment Program for Research Generally (GR–LRP)

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The National Institutes of Health (NIH) proposes to issue regulations to implement section 487C of the Public Health Service Act, as amended, authorizing the NIH Loan Repayment Program for Research Generally. The purpose of the program is to recruit and retain appropriately qualified health professionals, as employees of the NIH, to conduct research by providing repayment of qualified educational loans.

DATES: Comments must be received on or before October 4, 2002, in order to assure that NIH will be able to consider the comments in preparing the final rule.

ADDRESSES: Comments should be sent to Jerry Moore, NIH Regulations Officer, Office of Management Assessment, NIH, 6011 Executive Blvd., Room 601, MSC 7669, Rockville, MD 20892. Comments may also be sent electronically by FAX (301–402–0169) or e-mail *(jm40z@nih.gov).*

FOR FURTHER INFORMATION CONTACT: Jerry Moore at the address above or telephone 301–496–4607 (not a toll-free number).

SUPPLEMENTARY INFORMATION: On June 10, 1993, the United States Congress enacted the NIH Revitalization Act of 1993 (Public Law 103–43). Section 1621 of Pub. L. 103–43 amended the Public Health Service (PHS) Act by adding a new section 487C (42 U.S.C. 288–3). Subsequently, section 410 of the Health Professions Education Partnership Act of 1998 (Public Law 105–392), enacted on November 13, 1998, amended section 487C. As amended, section 487C directs the Secretary to implement and establish a program of entering into agreements with appropriately qualified health professionals under which such health professionals agree to conduct research as employees of NIH for a period of at least three years, research in consideration of the Federal Government agreeing to repay, for each year of service, not more than $35,000 of the principal and interest of the educational loans of such health professionals. This program is known as the NIH Loan Repayment Program for Research Generally (GR–LRP). Section 487C further states that the provisions of subpart III of part D of title III of the PHS Act, which apply to the National Health Service Corps Loan Repayment Program, apply to the Loan Repayment Program for Research Generally, except to the extent they are inconsistent with the provisions of section 487C. The NIH is proposing to amend title 42 of the Code of Federal Regulations by adding a new part 68d to govern the administration of this loan repayment program.

The proposed regulations specify the scope and purpose of the program, who is eligible to apply, how individuals apply to participate in the program, how participants are selected, and the terms and conditions of the program. The purpose of this notice is to invite public comment on the proposed regulations. The following is provided as public information.

Executive Order 12866

Executive Order 12866, Regulatory Planning and Review, requires that all regulatory actions reflect consideration of the costs and benefits they generate, and that they meet certain standards, such as avoiding the imposition of unnecessary burdens on the affected public. If a regulatory action is deemed to fall within the scope of the definition of the term ''significant regulatory action'' contained in § 3(f) of the Order, pre-publication review by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is necessary. The OIRA reviewed this proposed rule under Executive Order 12866 and is deemed a significant regulatory action.

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires that regulatory proposals be analyzed to determine whether they create a significant impact on a substantial number of small entities. The Secretary certifies that any final rule resulting from this proposal will not have any such impact.

Executive Order 13132

Executive Order 13132, Federalism, requires that federal agencies consult with State and local government officials in the development of regulatory policies with federalism implications. The Acting Director, NIH, reviewed the proposed rule as required under the Order and determined that it does not have any federalism implications. The Secretary certifies that

the proposed rule will not have an effect on the States, or on the distribution of power and responsibilities among the various levels of government.

Paperwork Reduction Act

This proposed rule does not contain any information collection requirements which are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The application forms used by the NIH Loan Repayment Program for Research Generally have been approved by OMB under OMB No. 0925–0361 (expires December 31, 2004).

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbered program affected by the proposed regulations is:

93.232—NIH Loan Repayment Program for General Research

List of Subjects in 42 CFR Part 68d

Health—medical research; Loan repayment programs—health.

Dated: March 31, 2002.

Ruth L. Kirschstein,

Acting Director , National Institutes of Health.

Approved: May 29, 2002.

Tommy G. Thompson,

Secretary.

For reasons presented in the preamble, it is proposed to amend title 42 of the Code of Federal Regulations by adding a new Part 68d to read as set forth below.

PART 68d—NATIONAL INSTITUTES OF HEALTH (NIH) LOAN REPAYMENT PROGRAM FOR RESEARCH GENERALLY (GR–LRP)

Sec.

68d.1 What is the scope and purpose of the NIH Loan Repayment Program for Research Generally (GR–LRP)?
68d.2 Definitions.
68d.3 Who is eligible to apply?
68d.4 Who is eligible to participate?
68d.5 Who is ineligible to participate?
68d.6 How do individuals apply to participate in the GR–LRP?
68d.7 How are applicants selected to participate in the GR–LRP?
68d.8 What does the GR–LRP provide to participants?
68d.9 What loans qualify for repayment?
68d.10 What does an individual have to do in return for loan repayments received under the GR–LRP?
68d.11 How does an individual receive loan repayments beyond the initial three-year contract?
68d.12 What will happen if an individual does not comply with the terms and conditions of participation in the GR–LRP?
68d.13 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?
68d.14 When can a GR–LRP payment obligation be discharged in bankruptcy?
68d.15 Additional conditions.
68d.16 What other regulations and statutes apply?

Authority: 42 U.S.C. 288–3.

§ 68d.1 What is the scope and purpose of the NIH Loan Repayment Program for Research Generally (GR–LRP)?

The regulations of this part apply to the award of educational loan payments under the NIH Loan Repayment Program for Research Generally (GR–LRP) authorized by section 487C of the Public Health Service Act (42 U.S.C. 288–3). The purpose of this program is to address the need for biomedical and behavioral researchers by providing an economic incentive to appropriately qualified health professionals to conduct research as employees of the NIH.

§ 68d.2 Definitions.

As used in this part:

Act means the Public Health Service Act, as amended (42 U.S.C. 201 et seq.).

Applicant means an individual who applies to and meets the eligibility criteria for the GR–LRP.

Approved research means research approved by the General Research Loan Repayment Committee.

Commercial loans means loans made for educational purposes by banks, credit unions, savings and loan associations, not-for-profit organizations, insurance companies, schools, and other financial or credit institutions which are subject to examination and supervision in their capacity as lending institutions by an agency of the United States or of the State in which the lender has its principal place of business.

Current payment status means that a qualified educational loan is not past due in its payment schedule as determined by the lending institution.

Debt threshold means the minimum amount of qualified educational debt an individual must have, on their program eligibility date, in order to be eligible for Program benefits. Debt threshold is the amount of qualified educational debt equal to 20 percent of an individual's annual NIH salary on his/her program eligibility date.

Educational expenses means the cost of the health professional's undergraduate, graduate, and health professional school's education, including the tuition expenses and other educational expenses such as fees, books, supplies, educational equipment and materials, and laboratory expenses.

General Research Loan Repayment Committee (GR–LRC) means the scientific board, whose members are appointed by the Director, NIH, assembled to review, rank, and approve or disapprove General Research Loan Repayment Program applications. The GR–LRC is composed of NIH scientific staff and chaired by the Deputy Director for Intramural Research, NIH. Members are nominated by the Deputy Directors for Extramural and Intramural Research, NIH.

General Research Loan Repayment Program (GR–LRP or Program) means the NIH Loan Repayment Program for Research Generally authorized by section 487C of the Act, as amended.

General Research Loan Repayment Program (GR–LRP or Program) contract refers to the agreement, which is signed by an applicant and the Secretary, wherein the applicant agrees to engage in approved research as an employee of the NIH and the Secretary agrees to repay qualified educational loans for a prescribed period as specified in this part.

Government loans means loans made by Federal, State, county, or city agencies which are authorized by law to make such loans.

Institute, Center or Agency (ICA) means an institute, center, or agency of the National Institutes of Health.

Living expenses means the reasonable cost of room and board, transportation and commuting costs, and other reasonable costs incurred during an individual's attendance at an educational institution.

Participant means an individual whose application to the GR–LRP has been approved and whose Program contract has been executed by the Secretary.

Participant obligation means the amount of qualified educational debt payable by the participant. Specifically, participants are obligated to repay 50 percent of their debt threshold.

Program means the NIH Loan Repayment Program for Research Generally.

Program eligibility date means the date on which an individual's Program contract is executed by the Secretary and that individual is engaged in approved research as an employee of the NIH.

Qualified educational loans and interest/debt include Government and commercial educational loans and interest for:

(1) Undergraduate, graduate, and health professional school tuition expenses;

(2) Other reasonable educational expenses required by the school(s)

attended, including fees, books, supplies, educational equipment and materials, and laboratory expenses; and

(3) Reasonable living expenses, including the cost of room and board, transportation and commuting costs, and other reasonable living expenses incurred.

Reasonable educational and living expenses means those educational and living expenses which are equal to or less than the sum of the school's estimated standard student budget for educational and living expenses for the degree program and for the year(s) during which the participant was enrolled in school. If there is no standard budget available from the school or if the participant requests repayment for educational and living expenses which exceed the standard student budget, reasonableness of educational and living expenses incurred must be substantiated by additional contemporaneous documentation, as determined by the Secretary.

Repayable debt means the proportion, as established by the Secretary, of an individual's total qualified educational debt relative to the NIH salary, which can be paid by the GR–LRP. Specifically, qualifying educational debt amounts in excess of 50 percent of the debt threshold will be considered for repayment.

Salary means base pay. For individuals appointed under Title 42, salary includes base pay only; for those employed under Title 5, it includes base pay plus locality pay. For individuals appointed under the U.S. Commissioned Corps, salary includes base pay plus Basic Allowance for Subsistence (BAS) and Basic Allowance for Housing (BAH) and excludes special pays.

School means undergraduate, graduate, and health professions schools which are accredited by a body or bodies recognized for accreditation purposes by the Secretary of Education.

Secretary means the Secretary of Health and Human Services and any other officer or employee of the Department of Health and Human Services to whom the authority involved has been delegated.

Service means the Public Health Service.

State means one of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the U.S. Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

Withdrawal means a request by a participant, prior to the Program making payments on his or her behalf, for withdrawal from Program participation. A withdrawal is without penalty to the participant and without obligation to the Program.

§ 68d.3 Who is eligible to apply?

To be eligible to apply to the GR–LRP, an individual must be a citizen, national, or permanent resident of the United States; hold a Ph.D., M.D., D.O., D.D.S., D.M.D., D.V.M., D.P.M., Pharm.D., A.D.N./B.S.N., or equivalent degree; and have qualified educational debt in excess of the debt threshold.

§ 68d.4 Who is eligible to participate?

To be eligible to participate in the GR–LRP, an applicant must have the recommendation of the employing ICA Scientific Program Director, the concurrence of the employing ICA Director, and the approval of the GR–LRC. Since participation in the Program is contingent, in part, upon employment with NIH, a Program contract may not be awarded to an applicant until an employment commitment has been made by the employing ICA Personnel officer.

§ 68d.5 Who is ineligible to participate?

The following individuals are ineligible for GR–LRP participation:

(a) Persons who are not eligible applicants as specified under § 68d.3;

(b) Persons who owe an obligation of health professional service to the Federal Government, a State, or other entity, unless a deferral is granted for the length of his/her service obligation under the GR–LRP. The following are examples of programs which have a service obligation: Physicians Shortage Area Scholarship Program, National Research Service Award Program, Public Health Service Scholarship, National Health Service Corps Scholarship Program, Armed Forces (Army, Navy, or Air Force) Professions Scholarship Program, National Institutes of Health Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, and Indian Health Service Scholarship Program; or

(c) Persons who are not NIH employees, such as Intramural Research Training Award (IRTA) recipients, Cancer Research Training Award (CRTA) recipients, Visiting Fellows, National Research Service Award (NRSA) recipients, Guest Researchers or Special Volunteers, NIH-National Research Council (NRC) Biotechnology Research Associates Program participants, and Intergovernmental Personnel Act (IPA) participants.

§ 68d.6 How do individuals apply to participate in the GR–LRP?

An application for participation in the GR–LRP shall be submitted to the NIH office which is responsible for the Program's administration, in such form and manner as the Secretary may prescribe.

§ 68d.7 How are applicants selected to participate in the GR–LRP?

To be selected for participation in the GR–LRP, applicants must satisfy the following requirements:

(a) Applicants must meet the eligibility requirements specified in § 68d.3 and § 68d.4.

(b) Applicants must not be ineligible for participation as specified in § 68d.5.

(c) Applicants must be selected for approval by the GR–LRC, based upon a review of their applications.

§ 68d.8 What does the GR–LRP provide to participants?

(a) *Loan repayments.* For each year of service the individual agrees to serve, with a minimum of 3 years of obligated service, the Secretary may pay up to $35,000 per year of a participant's repayable debt.

(b) Payments on repayable debt will be made directly to a participant's lender(s). If there is more than one outstanding qualified educational loan, the Secretary will repay the loans in the following order, unless the Secretary determines significant savings would result from paying loans in a different order of priority:

(1) Loans guaranteed by the U.S. Department of Health and Human Services;

(2) Loans guaranteed by the U.S. Department of Education;

(3) Loans made or guaranteed by a State;

(4) Loans made by a School;

(5) Loans made by other entities.

(c) *Tax liability payments.* The Secretary shall make payments to partially reimburse the participant for the increased Federal tax liability resulting from loan repayments received under the GR–LRP. These Federal tax payments are 39 percent of the total annual loan repayments being made and are made to the Federal Reserve Bank as a credit to the participant's IRS account. The Secretary may make additional tax liability payments to those participants who show increased Federal, State and/or local tax liability.

(d) Under paragraphs (a), (b) and (c) of this section, the Secretary will make payments in the discharge of debt and resulting tax liabilities to the extent

appropriated funds are available for these purposes.

§ 68d.9 What loans qualify for repayment?

(a) The GR–LRP will repay participants' lenders the principal, interest, and related expenses of qualified Government and commercial educational loans obtained by participants for the following:

(1) Undergraduate, graduate, and health professional school tuition expenses;

(2) Other reasonable educational expenses required by the school(s) attended, including fees, books, supplies, educational equipment and materials, and laboratory expenses; and

(3) Reasonable living expenses, including the cost of room and board, transportation and commuting costs, and other living expenses as determined by the Secretary.

(b) The following educational loans are ineligible for repayment under the GR–LRP:

(1) Loans obtained from other than a government entity or commercial lending institution;

(2) Loans for which contemporaneous documentation is not available;

(3) Loans or portions of loans obtained for educational or living expenses which exceed the standard of reasonableness as determined by the participant's standard school budget for the year in which the loan was made, and are not determined by the Secretary to be reasonable based on additional documentation provided by the individual;

(4) Loans, financial debts, or service obligations incurred under the following programs: Physicians Shortage Area Scholarship Program, National Research Service Award Program, Public Health and National Health Service Corps Scholarship Training Program, National Health Service Corps Scholarship Program, Armed Forces (Army, Navy, or Air Force) Health Professions Scholarship Program, Indian Health Service Program, Undergraduate Scholarship Program for Individuals from Disadvantaged Backgrounds, and similar programs, upon determination by the Secretary, which provide loans, scholarships, loan repayments, or other awards in exchange for a future service obligation;

(5) Any loan in default or not in a current payment status;

(6) Loan amounts which participants have paid or were due to have paid prior to the program eligibility date;

(7) Loans (other than consolidation loans) for which promissory notes have been signed after the program eligibility date; and

(8) Payments on loan consolidations which include the underlying loans of spouses or other individuals.

§ 68d.10 What does an individual have to do in return for loan repayments received under the GR–LRP?

Individuals must agree to be primarily engaged in approved research, as employees of the NIH, for a minimum initial period of three consecutive years.

§ 68d.11 How does an individual receive loan repayments beyond the initial three-year contract?

An individual may apply for and the Secretary may grant extension contracts for one-year periods, if there is sufficient debt remaining to be repaid and the individual is engaged in approved research as an NIH employee.

§ 68d.12 What will happen if an individual does not comply with the terms and conditions of participation in the GR–LRP?

(a) Absent withdrawal (see § 68d.2), or termination under paragraph (d) of this section, any participant who fails to complete the minimum three-year service obligation required under the initial Program contract will be considered to have breached the contract and will be subject to assessment of monetary damages and penalties as follows:

(1) Participants who leave during the first year of the initial contract are liable for amounts already paid by the NIH on behalf of the participant plus an amount equal to $1,000 multiplied by the number of months of the original obligation.

(2) Participants who leave after the first year but before the end of the second year of the contract are liable for amounts already paid by the NIH on behalf of the participant plus $1,000 for each unserved month.

(3) Participants who leave after the second year but before the end of the third year of the contract are liable for amounts already paid by the NIH on behalf of the participant for periods of obligated service not served plus $10,000 if the individual fails to provide a one-year notice of the intended breach (or such shorter time as is determined to be adequate to find a replacement).

(b) Payments of any amount owed under paragraph (a) of this section shall be made within one year of the participant's breach.

(c) Participants who sign a continuation contract for any year beyond the initial three-year period and fail to complete the one-year period are liable for the pro rata amount of any benefits advanced beyond the period of completed service.

(d) Terminations will not be considered a breach of contract in cases where such terminations are beyond the control of the participant as follows:

(1) Terminations for cause or for convenience of the Government will not be considered a breach of contract and monetary damages will not be assessed.

(2) Occasionally, a participant's research assignment may evolve and change to the extent that the individual is no longer engaged in approved research. Similarly, the research needs and priorities of the ICA and/or the NIH may change to the extent that a determination is made that the health professional's skills may be better utilized in a non-approved research assignment. Under these circumstances, the following will apply:

(i) Program participation and benefits will cease as of the date an individual is no longer engaged in approved research; and

(ii) Normally, job changes of this nature will not be considered a breach of contract on the part of either the NIH or the participant. Based on the recommendation of the ICA Director and concurrence of the Secretary, the participant will be released from the remainder of his or her service obligation without assessment of monetary penalties. The participant in this case will be permitted to retain all Program benefits made or owed by NIH on his/her behalf up to the date the individual is no longer engaged in approved research, except for the pro rata amount of any benefits advanced beyond the period of completed service.

§ 68d.13 Under what circumstances can the service or payment obligation be canceled, waived, or suspended?

(a) Any obligation of a participant for service or payment will be canceled upon the death of the participant.

(b) The Secretary may waive or suspend any service or payment obligation incurred by the participant upon request whenever compliance by the participant:

(1) Is impossible,

(2) Would involve extreme hardship to the participant, or

(3) If enforcement of the service or payment obligation would be against equity and good conscience. The Secretary may approve a request for a suspension of the service or payment obligations for a period of 1 year. A renewal of this suspension may also be granted.

(c) Compliance by a participant with a service or payment obligation will be considered impossible if the Secretary determines, on the basis of information and documentation as may be required,

that the participant suffers from a physical or mental disability resulting in the permanent inability of the participant to perform the service or other activities which would be necessary to comply with the obligation.

(d) In determining whether to waive or suspend any or all of the service or payment obligations of a participant as imposing an undue hardship and being against equity and good conscience, the Secretary, on the basis of information and documentation as may be required, will consider:

(1) The participant's present financial resources and obligations;

(2) The participant's estimated future financial resources and obligations; and

(3) The extent to which the participant has problems of a personal nature, such as a physical or mental disability or terminal illness in the immediate family, which so intrude on the participant's present and future ability to perform as to raise a presumption that the individual will be unable to perform the obligation incurred.

§ 68d.14 When can a GR–LRP payment obligation be discharged in bankruptcy?

Any payment obligation incurred under § 68d.12 may be discharged in bankruptcy under Title 11 of the United States Code only if such discharge is granted after the expiration of the five-year period beginning on the first date that payment is required and only if the bankruptcy court finds that a non-discharge of the obligation would be unconscionable.

§ 68d.15 Additional conditions.

When a shortage of funds exists, participants may be funded only partially, as determined by the Secretary. However, once a GR–LRP contract has been signed by both parties, the Secretary will obligate such funds as necessary to ensure that sufficient funds will be available to pay benefits for the duration of the period of obligated service unless, by mutual written agreement between the Secretary and the participant, specified otherwise. Benefits will be paid on a quarterly basis after each service period unless specified otherwise by mutual written agreement between the Secretary and the participant. The Secretary may impose additional conditions as deemed necessary.

§ 68d.16 What other regulations and statutes apply?

Several other regulations and statutes apply to this part. These include, but are not necessarily limited to:

(a) Debt Collection Act of 1982, Public Law 97–365, as amended (5 U.S.C. 5514);

(b) Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*);

(c) Federal Debt Collection Procedures Act of 1990, Public Law 101–647 (28 U.S.C. 1); and

(d) Privacy Act of 1974 (5 U.S.C. 552a).

[FR Doc. 02–19610 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Notice of Availability of a Final Recovery Plan for the Howell's Spectacular Thelypody (*Thelypodium howellii* ssp. *spectabilis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of a final recovery plan for the Howell's spectacular thelypody (*Thelypodium howellii* ssp. *spectabilis*; thelypody). This threatened plant, a member of the mustard family, occurs on fewer than 12 small sites located within 100 acres of private lands near North Powder and Haines in eastern Oregon (Baker and Union Counties). The thelypody occurs in mesic, alkaline meadow habitats and all remaining populations occur within or directly adjacent to agricultural fields or urban areas. Actions needed for recovery include permanent protection of remaining populations and habitat, and management to provide for naturally reproducing populations that have stable or increasing trends.

ADDRESSES: Recovery plans that have been approved by the U.S. Fish and Wildlife Service are available on the World Wide Web at *http://www.r1.fws.gov/ecoservices/endangered/recovery/default.htm.* Recovery plans may also be obtained from: Fish and Wildlife Reference Service, 5430 Grosvenor Lane, Suite 110, Bethesda, Maryland 20814, (301) 429–6403 or 1–800–582–3421. The fee for the plan varies depending on the number of pages of the plan.

FOR FURTHER INFORMATION CONTACT: Johnna Roy, Wildlife Biologist, U.S. Fish and Wildlife Service, Snake River Fish and Wildlife Office, 1387 South Vinnell Way, Boise, ID 83709; phone (208) 378–5243.

SUPPLEMENTARY INFORMATION:

Background

Recovery of endangered or threatened animals and plants is a primary goal of the our endangered species program. A species is considered recovered when the species' ecosystem is restored and/or threats to the species are removed so that self-sustaining and self-regulating populations of the species can be supported as persistent members of native biotic communities. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for downlisting or delisting listed species, and estimate time and cost for implementing the measures needed for recovery.

The Endangered Species Act of 1973, as amended in 1988 (Act) (16 U.S.C. 1531 *et seq.*), requires that recovery plans be developed for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act requires that during recovery plan development, we provide public notice and an opportunity for public review and comment. Information presented during the comment period has been considered in the preparation of the final recovery plan, and is summarized in an appendix to the recovery plan. We will forward substantive comments regarding recovery plan implementation to appropriate Federal or other entities so that they can take these comments into account during the course of implementing recovery actions.

The thelypody was listed as a threatened species on June 25, 1999. This taxon is endemic to the Baker-Powder River Valley in eastern Oregon. It is currently found in five populations in Baker and Union Counties, Oregon. It formerly also occurred in the Willow Creek Valley in Malheur County. The species grows in alkaline meadows in valley bottoms, usually in and around shrubs such as greasewood or rabbitbrush. The plants are threatened by habitat modification such as grazing during spring and early summer, trampling, urban development, and competition from non-native plants.

The objective of this plan is to provide a framework for the recovery of the thelypody so that protection by the Act is no longer necessary. As recovery criteria are met, the status of the species will be reviewed and it will be considered for removal from the List of Endangered and Threatened Wildlife (50 CFR part 17). The Howell's spectacular thelypody will be considered for delisting when: (1) At least five stable or increasing thelypody

populations are distributed throughout its extant or historic range and populations must be naturally reproducing with stable or increasing trends for 10 years; (2) all five populations are located on permanently protected sites; (3) management plans have been developed and implemented for each site that specifically provide for the protection of thelypody and its habitat; and (4) a post-delisting monitoring plan is in place that will monitor the status of thelypody for at least 5 years at each site once it has been delisted.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533 (f).

Dated: June 3, 2002.

Rowand W. Gould,

Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 02–19624 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–55–P

Notices

Federal Register
Vol. 67, No. 150
Monday, August 5, 2002

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

False Island Timber Sale(s), Sitka Ranger District, Tongass National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Department of Agriculture, Forest Service will prepare an Environmental Impact Statement (EIS) for the False Island Timber Sale(s) project to disclose the environmental effects of proposed actions within the Project Area. The proposed project is located on Chichagof Island, part of the Sitka Ranger District of the Tongass National Forest. The proposed action provides for: (1) Timber harvest on approximately 1,400 acres of forested land resulting in the production of an estimated 44,000 CCF (hundred cubic feet) of sawlog and utility timber, (2) construction of approximately seven miles of specified road, eight miles of temporary road, and reconstruction of seven miles of previously constructed road, and (3) reconstruction of two existing log transfer facilities.

DATES: To be most useful, comments concerning the scope of the analysis for this project should be received within 45 days of publication.

ADDRESSES: Send written comments to: False Island Planning Team, Sitka Ranger District, 204 Siginaka Way, Sitka, AK 99835.

FOR FURTHER INFORMATION CONTACT: Carol Goularte, District Ranger or Rick Abt, Team Leader, phone (907) 747–4220, fax (907) 747–4253.

SUPPLEMENTARY INFORMATION:

This EIS will tier to the EIS for the 1997 Tongass Land and Resource Management Plan (TLRMP) that provides the overall guidance, goals, objectives, standards, guidelines, and management area direction to achieve the desired condition for the project area.

The False Island Project Area is located on the southeastern part of Chichagof Island about 35 air miles north of Sitka, Alaska, approximately 20 air miles west of Angoon, Alaska, and an estimated 15 air miles south of Tenakee Springs, Alaska. The Project Area is administered by the Sitka Ranger District of the Tongass National Forest, Sitka, Alaska and occurs in Value Comparison Units (VCU) 2410, 2420, 2430, 2440, and 2450 as designated by the TLRMP. The Project Area includes approximately 82,513 acres. It lies south of Kadashan River, extends east from Oly Creek to Lindenberg Head, and continues north of Little Basket Lake. The purpose and need for the False Island Timber Sales(s) Project is: (1) To implement the direction contained in the 1997 TLRMP and the 1997 ROD, including goals, objectives, management prescriptions, and standards and guidelines; (2) to maintain wood production from suitable timber lands, providing a continuous supply of wood to meet society's needs; (3) to help provide a stable supply of timber from the Tongass National Forest that meets existing and potential market demand and is consistent with sound multiple use and sustained yield objectives; and (4) to help meet the desired future condition of the landscape as described in the 1997 TLRMP. The False Island Timber Sale(s) Project is consistent with the 1997 Tongass Land Management Plan.

The Project Area includes portions of the Chicagof Roadless Area (311). In 2001, the Secretary of Agriculture began a review of the roadless area rule, and the Chief of the Forest Service undertook a review of the road management policy. These reviews have led the agency to initiate several Interim Directives intended to ensure full consideration of the values associated with inventoried roadless areas within the context of forest planning. In *Sierra Club* v. *Lyons* (J00–0009 (CV)), the U.S. District Court, District of Alaska enjoined the Tongass National Forest from taking any action to change the wilderness character of any roadless area until a Supplement to the 1997 TLMP Environmental Impact Statement (SEIS) has been completed. This SEIS is currently being prepared. Planning for the False Island Timber Sale(s) Project will continue simultaneously and in coordination with the SEIS and will meet the requirements in the Interim Directives. The repercussions of delaying the project planning process regarding road building and timber harvest, even for a relatively short period, can have a significant effect on the amount of timber available for sale.

The Project Area includes Old Growth Reserves (OGR) as designated in TLRMP. Sealaska Regional Native Corporation has recently acquired portions of these OGRs as a result of a land conveyance. A Forest Plan amendment may be required to change the location of the OGR to meet Forest Plan standards.

Decisions to be made include whether or not to authorize timber harvest within the False Island Project Area. In addition, if timber harvest will occur, the following will be determined: (1) Whether the design of the timber sale(s) is consistent with meeting the resource protection standards and guidelines set forth in the 1997 TLRMP and the 1997 ROD; (2) how much timber volume will be made available; (3) the location and design of the timber harvest units, log transfer facilities and road system, (4) mitigation and monitoring required for sound resource management, (5) whether there is a significant possibility of a significant restriction on subsistence uses, (6) road management objectives, including closures for resource protection and economics; and (7) the location for new OGR designation. In order to maintain the TLRMP standards for old growth, a Forest Plan amendment may be required to change the location of the medium OGR.

Tribal Governments, Federal, State, and local agencies, as well as individuals and organizations that may be interested in, or affected by, the Proposed Action are invited to participate in the scoping process. This process will determine the scope of the project and significant issues to be analyzed in depth in the Environmental Impact Statement. Following publication of this notice, a scoping document will be mailed to interested people and organizations. The document will briefly describe the project and Project Area, the purpose and need for the project, the Proposed Action, and will invite public comment. Scoping meetings will then be held in

Sitka and Angoon, Alaska. Locations and times of the scoping meetings will be announced in local newspapers and on local radio stations.

The Interdisciplinary Planning Team will review comments received during the scoping period to determine which issues are significant and within the scope of this project. The team will then develop a range of alternatives to address the significant issues. One of these will be the ''No Action'' alternative, in which no additional timber harvest or road construction is proposed. Other alternatives will consider various levels and locations of timber harvest in response to issues and non-timber objectives. The team will then prepare a Draft Environmental Impact Statement (DEIS) that will display the alternatives and the direct, indirect, and cumulative effects of each alternative.

The DEIS is expected to be filed with the Environmental Protection Agency (EPA) by November 2002. The comment period on the DEIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. In addition to commenting on the proposed action and the DEIS when it is released, agencies and other interested persons or groups are invited to write to or speak with Forest Service officials at any time during the planning process.

The Forest Service believes that at this early scoping stage, it is important to inform reviewers of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts. *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 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 during which the agency can meaningfully consider them and respond to them in the Final Environmental Impact Statement.

To assist the Forest Service in identifying and considering issues and concerns on the Proposed Action, comments on the Draft Environmental Impact Statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

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 Proposed Action, will be available for public inspection, *and may be released under* the Freedom of Information Act (FOIA). 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 parts 215 or 217. Additionally, pursuant to 7 CFR 1.27(d), any person may request that the agency withhold a submission from the public record by showing how the Freedom of Information Act permits such confidentiality. Persons requesting such confidentiality should be aware that, under the FOIA, confidentiality may be granted in only very limited circumstances, such as to protect trade secrets. The Forest Service will inform persons requesting confidentiality of the agency's decision regarding their request, and where the request is denied, the agency will return the submission and notify the requester that the comments may be resubmitted with or without the name and address.

The Final Environmental Impact Statement (FEIS) and Record of Decision for the False Island Timber Sale(s) is expected to be released in June 2003. The Responsible Official will make a decision regarding this proposal after considering public comments, the environmental consequences displayed in the FEIS, and applicable laws, regulations, and policies. The decision and supporting reasons will be documented in the Record of Decision (ROD). Permits required for implementation include the following

1. U.S. Army Corp of Engineers
   —Approval of discharge of dredged or fill material into the waters of the United States under Section 404 of the Clean Water Act;
   —Approval of the construction of structures or work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899;
2. Environmental Protection Agency
   —National Pollutant Discharge Elimination System (402) Permit;
   —Review Spill Prevention Control and Countermeasure Plan;
3. State of Alaska, Department of Natural Resources
   —Tideland Permit and Lease or Easement;
4. State of Alaska, Department of Environmental Conservation
   —Solid Waste Disposal Permit;
   —Certification of Compliance with Alaska Water Quality Standards (401 Certification)

Tom Puchlerz, Forest Supervisor, Tongass National Forest, 648 Mission Street, Ketchikan, Alaska 99901–6591, is the Responsible Official. In making the decision, the Responsible Official will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies. The Responsible Official will state the rationale for the chosen alternative in the Record of Decision.

Dated: July 29, 2002.

Thomas Puchlerz,

Forest Supervisor.

[FR Doc. 02–19622 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section IV of the Virginia State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), Department of Agriculture.

ACTION: Notice of availability of proposed changes in the Virginia NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Virginia that changes must be made in the NRCS State Technical Guide specifically in practice standards: #317 Composting Facility; #422, Hedgerow Planting; #500, Obstruction Removal; #580, Streambank and Shoreline Protection, and #359, Waste Treatment Lagoon to account for improved technology. These practices will be used to plan and install conservation practices on cropland,

pastureland, woodland, and wildlife land.

DATES: Comments will be received on or before September 4, 2002.

FOR FURTHER INFORMATION CONTACT: Inquire in writing to M. Denise Doetzer, State Conservationist, Natural Resources Conservation Service (NRCS), 1606 Santa Rosa Road, Suite 209, Richmond, Virginia 23229–5014; Telephone number (804) 287–1665; Fax number (804) 287–1736. Copies of the practice standards will be made available upon written request to the address shown above or on the Virginia NRCS web site *http://www.va.nrcs.usda.gov/DataTechRefs/Standards&Specs/EDITStds/EditStandards.htm.*

SUPPLEMENTARY INFORMATION: Section 343 of the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days, the NRCS in Virginia will receive comments relative to the proposed changes. Following that period, a determination will be made by the NRCS in Virginia regarding disposition of those comments and a final determination of change will be made to the subject standards.

Dated: July 22, 2002.

L. Willis Miller,

Assistant State Conservationist for Programs, Natural Resources Conservation Service, Richmond, Virginia.

[FR Doc. 02–19670 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No.: 020726181–2181–01]

RIN 0693–ZA49

Building Systems Research Grants Program; Availability of Funds

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The National Institute of Standards and Technology (NIST) invites proposals from eligible organizations for funding projects under the Building Systems Research Grants Program (Program). The Program is seeking proposals in two specific areas: (1) cyber-security of computerized building control and safety systems, and (2) design/construction product (and process) data models to support building systems commissioning, which occurs after construction is completed and before operation and maintenance begins.

DATES: Proposals must be received no later than 5 p.m. Eastern Daylight Time on September 4, 2002.

ADDRESSES: Submit one signed original and two copies of the proposal to: Building and Fire Research Laboratory (BFRL), Attn.: Ms. Tina Faecke, National Institute of Standards and Technology, 100 Bureau Drive, Stop 8602, Gaithersburg, Maryland 20899–8602, Tel: (301) 975–5911, E-mail: *tina.faecke@nist.gov,* Website: *http://www.bfrl.nist.gov.*

FOR FURTHER INFORMATION CONTACT: All grants related administration questions concerning these programs should be directed to the NIST Grants and Agreements Management Division at (301) 975–6328.

SUPPLEMENTARY INFORMATION:

Authority: As authorized by 15 U.S.C. 272(b) and (c), the NIST Building and Fire Research Laboratory is conducting a basic and applied building systems research program directly and through grants and cooperative agreements to eligible recipients.

Program Description and Objectives: The Building Systems Research Grants Program solicits proposals in support of the program objectives identified below. All proposals submitted to the Building Systems Research Grants Program must be in accordance with these program objectives. The appropriate Program Manager for each field of research may be contacted for clarification of the program objectives.

I. Cyber-Security of Computerized Building Control and Safety Systems—Evaluate and test different approaches to providing secure dynamic networks and mobile devices to communicating parties, including first responders, along with the capability to distinguish between legitimate entities and malicious intruders.

The contact person for this field of research is: Mr. Steven T. Bushby, and he may be reached at (301) 975–5873.

II. Design/Construction Product (and Process) Data Models to Support Building Commissioning, Which Occurs After Construction is Completed and Before Operation and Maintenance Begins—Determine the information needs of the building systems commissioning process and propose extensions or enhancements to the current product and process models being developed in the standards community to support the automation of this process.

The contact person for this field of research is: Dr. Kent A. Reed, and he may be reached at (301) 975–5852.

Eligibility: The Building Systems Research Grants Program is open to institutions of higher education; hospitals; non-profit organizations; commercial organizations; state, local, and Indian tribal governments; foreign governments; organizations under the jurisdiction of foreign governments; and international organizations.

Funding Availability: For fiscal year 2002, the Building Systems Research Grants Program anticipates funding one award of up to $300,000 in each field of systems research described in the Program Description and Objectives section of this notice.

Award Period: Proposals will be considered for research projects at a funding level not to exceed $300,000 per proposal within a two-year period. If an application is selected for funding, DoC has no obligation to provide any additional future funding in connection with that award.

Proposal Review Process: All applications received in response to this announcement will be reviewed to determine whether or not they are complete and responsive. Incomplete or non-responsive applications will not be reviewed for technical merit. The Program will retain one copy of each non-responsive application for three years for recordkeeping purposes. The remaining copies will be destroyed.

Responsive proposals will be forwarded to the Program Manager who will assign them to appropriate reviewers. At least three independent, objective individuals knowledgeable about the particular scientific area described above that the proposal addresses will conduct a technical review of each proposal, based on the evaluation criteria described below. When non-Federal reviewers are used, reviewers may discuss the proposals with each other, but scores will be determined on an individual basis, not as a consensus. The Program Manager will make funding recommendations to the Chief, Building Environment Division based on the technical evaluation score and the relationship of the work proposed to the objectives of the program.

In making application selections, the Chief, Building Environment Division will take into consideration the results of the evaluations, the scores of the reviewers, the Program Manager's recommendation, the availability of funds, and relevance to the objectives of the Building Systems Research Grants Program, as described in the Program

Description and Objectives section for this program.

The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The award decision of the Grants Officer is final. Applicants should allow up to 90 days processing time. The Program will retain one copy of each application that is not funded for three years for recordkeeping purposes. The remaining copies will be destroyed.

Evaluation Criteria: The technical evaluation criteria are as follows:

a. *Technical quality of the research.* Reviewers will assess the rationality, innovation and imagination of the proposal and the fit to NIST's in-house building systems research program. (0–35 points).

b. *Potential impact of the results.* Reviewers will assess the potential impact and the technical application of the results to our in-house building systems research program. (0–25 points)

c. *Staff and institution capability to do the work.* Reviewers will evaluate the quality of the facilities and experience of the staff to assess the likelihood of achieving the objective of the proposal. (0–20 points)

d. *Match of budget to proposed work.* Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–20 points)

Matching Requirements: Matching funds are not required.

Application Kit: For the Building Systems Research Grants Program, an application kit, containing all required application forms and certifications is available by contacting Ms. Tina Faecke, (301) 975–5911, or from the website: *http://www.bfrl.nist.gov/866/extramuralprogram.htm.*

Additional Information: The Department of Commerce Pre-Award Notification Requirements for Grants and Cooperative Agreements contained in the **Federal Register** notice of October 1, 2001 (66 FR 49917) are applicable to this solicitation. However, please note that the Department of Commerce will not implement the requirements of Executive Order 13202 (66 FR 49921), pursuant to guidance issued by the Office of Management and Budget, in light of a court opinion which found that the Executive Order was not legally authorized. See *Building and Construction Trades Department* v. *Allbaugh,* 172 F.Supp. 2d 138 (D.D.C. 2001). This decision is currently on appeal. When the case has been finally resolved, the Department will provide further information on implementation of Executive Order 13202.

In addition, the following information is applicable to this program.

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609. Where websites are referenced within this notice, those who do not have access to the internet websites may contact the appropriate Program official to obtain information.

Fees and/or Profit: It is not the intent of NIST to pay fee or profit for any of the financial assistance awards that may be issued pursuant to this announcement.

Automated Standardized Application for Payment System (ASAP): During FY 2002 and becoming mandatory in FY 2003, the Department of Commerce will begin using the Department of Treasury's ASAP. NIST began using the ASAP system in July 2001 and continues to establish new accounts in ASAP. Awards made pursuant to this announcement may contain the ASAP payment clause. In order to receive payments for services under these awards, recipients will be required to register with the Department of Treasury and indicate whether or not they will use the on-line or voice response method of withdrawing funds from their ASAP established accounts. More information regarding ASAP can be found on-line at http://www.fms.treas.gov/asap/index.html.

Paperwork Reduction Act: The standard forms in the application kit involve collections of information subject to the Paperwork Reduction Act. The use of Standard Forms 424, 424A, 424B, SF–LLL, and CD–346 have been approved by the Office of Management and Budget (OMB) under the respective Control Numbers 0348–0043, 0348–0044, 0348–0040, 0348–0046, and 0605–0001.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Type of Funding Instrument: The funding instrument will be a grant or cooperative agreement, depending on the nature of the proposed work. A grant will be used unless NIST is ''substantially involved'' in the project, in which case a cooperative agreement will be used. A common example of substantial involvement is collaboration between NIST scientists and recipient scientists or technicians. Further examples are listed in Section 5.03.d of Department of Commerce Administrative Order 203–26, which can be found at *http://www.doc.gov/oebam/GCA manual.htm.* NIST will make decisions regarding the use of a cooperative agreement on a case-by-case basis. Funding for contractual arrangements for services and products for delivery to NIST is not available under this announcement.

Classification: This funding notice was determined to be ''not significant'' for purposes of Executive Order 12866.

It has been determined that this notice does not contain policies with Federalism implications as that term is defined in Executive Order 13132.

Applications under these programs are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Because notice and comment are not required under 5 U.S.C. 553, or any other law, for notices relating to public property, loans, grants, benefits or contracts (5 U.S.C. 553(a)), a Regulatory Flexibility Analysis is not required and has not been prepared for this notice, 5 U.S.C. 601 et seq.

Dated: July 29, 2002.

Arden L. Bement, Jr.,

Director.

[FR Doc. 02–19699 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Deep Seabed Mining: Approval of Extension and Revision of Exploration License

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval of extension of Deep Seabed Mining Exploration License USA–1 and revision of exploration plan.

SUMMARY: On December 5, 2001, at 66 FR 234, the National Oceanic and Atmospheric Administration (NOAA) noticed receipt of an application for a five-year extension of Deep Seabed Mining–Exploration License USA–1 and revision of exploration plan from Ocean

Minerals Company (OMCO). No comments objecting to approval of the extension and revision were received. Pursuant to the Deep Seabed Hard Mineral Resources Act (Pub. L. 96–283) and 15 CFR part 970, on July 26, 2002, NOAA approved the extension of the license and revision to the exploration plan through the year 2004.

FOR FURTHER INFORMATION CONTACT: John King, Coastal Programs Division (NORM/3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, tel. (301) 713–3155, extension 188, e-mail *john.king@noaa.gov.*

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration.

Dated: July 26, 2002.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.

[FR Doc. 02–19686 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 073102A]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Western Pacific Fishery Management Council's (Council) Community Demonstration Project Program Advisory Panel (CDPP-AP) will meet to select and rank proposals to be recommended for Council review. The Advisory Panel will develop criteria, objectives and priorities for recommendation to the Council for a subsequent solicitation for the Community Demonstration Project Program.

DATES: The meetings will be held on August 21, 22, and 23, 2002. See **SUPPLEMENTARY INFORMATION** for specific dates, and times for the meetings.

ADDRESSES: The meeting will be held at the Council Office, 1164 Bishop Street, Suite 1400, Honolulu, HI; telephone: 808–522–8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808–522–8220.

SUPPLEMENTARY INFORMATION: On April 16, 2002 (67 FR 18512), proposals were solicited through the **Federal Register** for grants to support Community Demonstration Projects in the Western Pacific Area. The grants are authorized under section 111(b) of the Sustainable Fisheries Act of 1996, Public Law 104–297. Solicitation was closed on June 17, 2002, 5 p.m., Hawaii Time.

A meeting of the CDPP-AP is scheduled for August 22, 23, and 24, 2002, to review proposals and discuss the program.

At the meeting, the Advisory Panel will select proposals to be recommended for Council review. The Council or its designee will select proposals to be recommended for funding to the NMFS Grants Management Division. Successful applicants will be notified of their selection. Proposals not selected will be returned to the applicants. Successful applicants will participate in a Grant Workshop in Honolulu to complete their grant application.

The CDPP-AP will meet from 8 a.m., and as late as necessary to complete scheduled business. The order in which agenda items are addressed may change. The agenda for the CDPP-AP will include the items listed below:

August 22, 2002

1. Introductions
2. Report on the program implementation and workshops
3. Review selection criteria
4. Review of qualified proposals

August 23, 2002

1. Selection of proposals for recommendation to the Council
2. Program review
   a. Development and review of objectives and priorities for the next solicitation
   b. Review program eligibility criteria
   c. Workshop and materials
   d. Discussion and recommendations

August 24, 2002

1. Review and approval of Advisory Panel report
   a. Memorandum of selection
   b. Program review recommendations

Although other issues not contained in this notice may come before the Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during the meeting. Action will be restricted to those issues specifically identified in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, 808–522–8220 (voice) or 808–522–8226 (fax), at least 5 days prior to the meeting date.

Dated: July 31, 2002.

Theophilus R. Brainerd,,

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

[FR Doc. 02–19690 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072302A]

Marine Mammals; File Nos. 1026–1671 and 1033–1683 and Permit No. 358–1585–01

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

ACTION: Receipt of applications for permits and application for permit amendment.

SUMMARY: Notice is hereby given that the following applicants have applied in due form for a permit or permit amendment to take marine mammals for purposes of scientific research:

File No. 1026–1671–Belinda L. Rubinstein, New England Aquarium, Central Wharf, Boston, MA 02110;

File No. 1033–1683–Michael A. Castellini, Ph.D., Institute of Marine Science, School of Fisheries and Ocean Sciences, University of Alaska, Fairbanks, AK 99775; and

Permit No. 358–1585–01–Alaska Department of Fish and Game, (Dr. Robert Small, PI), Division of Wildlife Conservation, P.O. Box 25526, Juneau, AK 99802–5526.

DATES: Written or telefaxed comments on these actions must be received on or before September 4, 2002.

ADDRESSES: The applications and related documents are available for review upon written request or by appointment (see **SUPPLEMENTARY INFORMATION** for addresses).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Amy Sloan, 301/713–2289.

SUPPLEMENTARY INFORMATION: The subject permits and amendment request are 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).

Applications for Permit

Belinda L. Rubinstein (File No. 1026–1671) requests a permit to take five species of seals found in waters off he northeast U.S. coast. These include the harbor seal (*Phoca vitulina*), harp seal (*Phoca groenlandica*), gray seal(*Halichoerus grypus*), hooded seal (*Cystophora cristata*) and ringed seal (*Phoca hispida*). Seals will be captured, tagged, sampled (including tooth extraction, biopsy, milk collection and anal swabs), and released. In addition to taking wild animals, the applicant also requests authority to sample conspecifics held in rehabilitation facilities. The purposes of the research are to: study habitat utilization using satellite telemetry and flipper tagging, determine stock association, and monitor health.

Michael A. Castellini, Ph.D., (File No. 1033–1683) requests a permit to take Weddell seals (*Leptonychotes weddellii*) in the Antarctic. Seals will be captured, instrumented, sampled and released. The applicant proposes to study the nutrient metabolism in predatory carnivores by examining how Weddell seals process nutrients while foraging, examining the kinetics of lipid uptake and utilization during active foraging, use labeled traced experiments to quantify lipid turnover rates and separate the lipid pool into its various components. Other species such as leopard, crabeater, Ross, southern elephant, and Antarctic fur seals occur in the study area and may be incidentally harassed during capture operations.

Amendment Request

Permit No. 358–1565–01 authorizes the Alaska Department of Fish and Game scientists to capture, sample, handle, tag, collect samples from subsistence harvested animals and export samples for analysis. The Permit also authorizes two accidental mortalities per year not to exceed 500 over five years.

The Holder now requests authority to amend the Permit to allow implantation of subcutaneous radio-telemetry transmitters in harbor seals. In the initial pilot project, the Holder proposes to perform implant surgery on 10 of the seals already authorized to be taken. Pending a successful pilot season, individuals already authorized in the permit will receive subcutaneous implants of radio transmitters.

Additionally, the Holder requests authority to increase the number of accidental mortalities allowed per year from 2 during capture operations to 6 annually [which includes mortalities associated with tag implant and capture operations], not to exceed 10 over the next three years.

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 activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests for a public hearing on these applications 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 these particular requests 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 these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents are available for review in the following offices:

All files are available in the 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;

File No. 1026–1671: Assistant Regional Administrator for Protected Resources, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281–9200; fax (978)281–9371;

Assistant Regional Administrator for Protected Resources, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432; phone (727)570–5301; fax (727)570–5320.

File No. 1033–1683: Assistant Regional Administrator for Protected Resources, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

File No. 358–1585–01: Assistant Regional Administrator for Protected Resources, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249.

Dated: July 25, 2002.

Eugene T. Nitta,

Acting Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–19689 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 2002–C–003]

Request for Comments on Agenda for the National Intellectual Property Law Enforcement Coordination Council

AGENCIES: Department of Justice and United States Patent and Trademark Office, Department of Commerce, as Co-Chairs, National Intellectual Property Law Enforcement Coordination Council.

ACTION: Notice and request for public comments.

SUMMARY: The National Intellectual Property Law Enforcement Coordination Council (the Council) seeks public comments relating to the agenda and mission of the Council. Interested members of the public are invited to present written comments on how to improve overall coordination and the topics outlined in the Supplementary Information section of this Notice.

DATES: All comments are due by September 4, 2002.

ADDRESSES: Persons wishing to offer written comments should address comments to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Box 4, Washington, DC 20231, marked for the attention of Elizabeth Shaw. Comments may also be submitted by facsimile transmission to (703) 305–7575, or by electronic mail through the internet to *Elizabeth.shaw2@uspto.gov*. All comments will be maintained for public inspection in Room 902, Crystal Park II, 2121 Crystal Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Elizabeth Shaw by telephone at (703) 305–1033, by fax at (703) 305–7575, or by mail marked to her attention and addressed to the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, Box 4, Washington, DC 20231.

SUPPLEMENTARY INFORMATION:

Background

The National Intellectual Property Law Enforcement Coordination Council (the Council) was created pursuant to 15

USC 1128. The Council's mission is ''to coordinate domestic and international intellectual property law enforcement among federal and foreign entities.'' The Council consists of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, co-chair of the Council (The Honorable James E. Rogan); the Assistant Attorney General, Criminal Division, co-chair of the Council (The Honorable Michael Chertoff); the Under Secretary of State for Economic, Business, and Agricultural Affairs (The Honorable Alan P. Larson); the Deputy United States Trade Representative (Ambassador Peter Allgeier); the Commissioner of Customs (The Honorable Robert C. Bonner); and the Under Secretary of Commerce for International Trade (The Honorable Grant Aldonas). By statute, the Council shall also consult with the Register of Copyrights (The Honorable Marybeth Peters).

The work of the Council is a United States Government effort aimed at coordinating domestic and international intellectual property law enforcement among Federal and foreign entities. This coordinating role may be divided into two parts. The first is to provide a vehicle for agencies to share information on their activities relating to enforcement of intellectual property rights and related training activities. The second role involves projects that the Council itself may undertake.

The Council has identified the following areas of focus in fulfilling its mission: law enforcement liaison, training coordination, industry and other outreach, and increasing public awareness .

On June 5, 2000, the Council published a notice in the **Federal Register** seeking public comment on issues associated with the Council's mission (65 FR 35611 (2000)). A summary of comments previously received is published in the Council's 2000 Annual Report, available on the internet at *http://www.uspto.gov*.

Issues for Public Comment

How the Council may best address the areas of focus listed above;

Activities the private sector is engaged in relating to public awareness campaigns involving intellectual property rights protection;

How the Council may be effective in coordinating a public awareness campaign.

Guidelines for Written Comments

Written comments should include the following information: the name, affiliation, and title of the individual providing the written comment; and if applicable, an indication of whether the comments offered represent the views of the respondent's organization or personal views.

Parties offering written comments should also provide comments in an electronic format. Such submissions may be provided via internet electronic mail or on a 3.5″ floppy disk formatted for use in either a Macintosh or MS–DOS based computer. Electronic submissions should be provided as unformatted text (*e.g.* ASCII or plain text) or as formatted text in one of the following formats: Microsoft Word (Macintosh, DOS or Windows versions); or WordPerfect (Macintosh, DOS or Windows versions).

Information provided pursuant to this notice will be made part of the public record and may be made available via the internet. In view of this, parties should not submit information that they do not wish to be publicly disclosed or made electronically accessible. Parties who rely on confidential information to illustrate a point are requested to summarize, or otherwise submit, the information in a way that permits its public disclosure.

Dated: July 19, 2002.

James E. Rogan,

Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

Dated: July 25, 2002.

Michael Chertoff,

Assistant Attorney General for the Criminal Division, United States Department of Justice.

[FR Doc. 02–19612 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Taiwan

July 30, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: August 9, 2002.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryover, swing and special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 67232, published on December 28, 2001.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 30, 2002.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 2001, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Taiwan and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on August 9, 2002, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit [1]
Group I	
200–220, 224, 225/317/326, 226, 227, 300/301, 313–315, 360–363, 369–S [2], 369–O [3], 400–414, 469pt [4], 603, 604, 611, 613/614/615/617, 618, 619/620, 624, 625/626/627/628/629 and 666pt [5], as a group.	218,531,351 square meters equivalent.
Sublevels in Group I	
225/317/326	45,010,775 square meters.
619/620	16,661,808 square meters.
Group I subgroup	
200, 219, 313, 314, 315, 361, 369–S and 604, as a group	155,458,524 square meters equivalent.
Group II	
237, 239pt [6], 331pt. [7], 332, 333/334/335, 336, 338/339, 340–345, 347/348, 351, 352/652, 359–C/659–C [8], 659–H [9], 359pt. [10], 433-438, 440, 442, 443, 444, 445/446, 447/448, 459pt. [11], 631pt. [12], 633/634/635, 636, 638/639, 640, 641–644, 645/646, 647/648, 651, 659–S [13], 659pt. [14], 846 and 852, as a group.	618,291,051 square meters equivalent.
Sublevels in Group II	
336	157,797 dozen.
340	1,250,601 dozen.
352/652	3,618,536 dozen.
659–H	2,495,749 kilograms.
438	30,924 dozen.
633/634/635	1,667,128 dozen of which not more than 978,503 dozen shall be in Categories 633/634 and not more than 867,079 dozen shall be in Category 635.
638/639	6,541,662 dozen.
640	999,426 dozen of which not more than 281,710 dozen shall be in Category 640–Y [15].
642	819,415 dozen.
659–S	1,729,838 kilograms.
Group II Subgroup	
333/334/335, 341, 342, 351, 447/448, 636, 641 and 651, as a group	73,435,466 square meters equivalent.
Within Group II Subgroup	
333/334/335	347,640 dozen of which not more than 188,306 dozen shall be in Category 335.
341	366,238 dozen.
342	252,995 dozen.
351	322,641 dozen.
447/448	22,803 dozen.
636	406,481 dozen.
651	522,790 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

[2] Category 369–S: only HTS number 6307.10.2005.

[3] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.22.4020, 4202.22.4500, 4202.22.8030, 4202.32.4000, 4202.32.9530, 4202.92.0505, 4202.92.1500, 4202.92.3016, 4202.92.6091, 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020, 5805.00.3000, 5807.10.0510, 5807.90.0510, 6301.30.0010, 6301.30.0020, 6302,51.1000, 6302.51.2000, 6302.51.3000, 6302.51.4000, 6302.60.0010, 6302.60.0030, 6302.91.0005, 6302.91.0025, 6302.91.0045, 6302.91.0050, 6302.91.0060, 6303.11.0000, 6303.91.0010, 6303.91.0020, 6304.91.0020, 6304.92.0000, 6305.20.0000, 6306.11.0000, 6307.10.1020, 6307.10.1090, 6307.90.3010, 6307.90.4010, 6307.90.5010, 6307.90.8910, 6307.90.8945, 6307.90.9882, 6406.10.7700, 9404.90.1000, 9404.90.8040 and 9404.90.9505 (Category 369pt.).

[4] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010, 6304.19.3040, 6304.91.0050, 6304.99.1500, 6304.99.6010, 6308.00.0010 and 6406.10.9020.

[5] Category 666pt.: all HTS numbers except 5805.00.4010, 6301.10.0000, 6301.40.0010, 6301.40.0020, 6301.90.0010, 6302.53.0010, 6302.53.0020, 6302.53.0030, 6302.93.1000, 6302.93.2000, 6303.12.0000, 6303.19.0010, 6303.92.1000, 6303.92.2010, 6303.92.2020, 6303.99.0010, 6304.11.2000, 6304.19.1500, 6304.19.2000, 6304.91.0040, 6304.93.0000, 6304.99.6020, 6307.90.9884, 9404.90.8522 and 9404.90.9522.

[6] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[7] Category 331pt.: all HTS numbers except 6116.10.1720, 6116.10.4810, 6116.10.5510, 6116.10.7510, 6116.92.6410, 6116.92.6420, 6116.92.6430, 6116.92.6440, 6116.92.7450, 6116.92.7460, 6116.92.7470, 6116.92.8800, 6116.92.9400 and 6116.99.9510.

[8] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[9] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[10] Category 359pt.: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); 6115.19.8010, 6117.10.6010, 6117.20.9010, 6203.22.1000, 6204.22.1000, 6212.90.0010, 6214.90.0010, 6406.99.1550, 6505.90.1525, 6505.90.1540, 6505.90.2060 and 6505.90.2545.

[11] Category 459pt.: all HTS numbers except 6115.19.8020, 6117.10.1000, 6117.10.2010, 6117.20.9020, 6212.90.0020, 6214.20.0000, 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[12] Category 631pt.: all HTS numbers except 6116.10.1730, 6116.10.4820, 6116.10.5520, 6116.10.7520, 6116.93.8800, 6116.93.9400, 6116.99.4800, 6116.99.5400 and 6116.99.9530.

[13] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[14] Category 659pt.: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659–S); 6115.11.0010, 6115.12.2000, 6117.10.2030, 6117.20.9030, 6212.90.0030, 6214.30.0000, 6214.40.0000, 6406.99.1510 and 6406.99.1540.

[15] Category 640–Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 02–19634 Filed 8–2–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under OMB Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (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 costs and burden; it includes the actual data collection instruments [if any].

DATES: Comments must be submitted on or before September 4, 2002.

FOR FURTHER INFORMATION CONTACT: Nancy R. Page, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5136; FAX: (202) 418–5524; e-mail: *npage@cftc.gov* and refer to OMB Control No. 3038–0033.

SUPPLEMENTARY INFORMATION: This is a request for extension of a currently approved information collection.

Abstract: Title: Notification of Pending Legal Proceedings Pursuant to 17 CFR § 1.60, OMB Control No. 3038–0033—Extension.

The rules is designed to assist the Commission in monitoring legal proceedings involving the responsibilities imposed on contract markets and their officials and futures commission merchants and their principals by the Commodity Exchange Act, or otherwise. These rules are promulgated pursuant to the Commission's rulemaking authority contained in Sections 4a(a), 4i, and 8a(5) of the Act, 7 U.S.C. 6a(1), 6i and 12a(5).

An agency man 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 of the CFTC's regulations were published on December 30, 1981. See 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on June 27, 2002 (67 FR 43285).

Burden statement: The respondent burden for this collection is estimated to average .10 hours per response.

Respondents/Affected Entities: 100.

Estimated number of responses: 100.

Estimate total annual burden on respondents: 10 hours.

Frequency of collection: On occasion.

Send comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, to the addresses listed below. Please refer to OMB Control No. 3038–0033 in any correspondence.

Nancy R. Page, Office of General Counsel, U.S. Commodity Futures Trading Commission, 1155 21st Street, NW., Washington, DC 20581 and Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for CFTC, 725 17th Street, Washington, DC 20503.

Dated: July 31, 2002.

Catherine D. Dixon,

Assistant Secretary of the Commission

[FR Doc. 02–19701 Filed 8–2–02; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 02–22]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 02–33 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: July 26, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

25 JUL 2002

In reply refer to:
I-02/007721

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended, we are forwarding herewith Transmittal No. 02-33 and under separate cover the classified offset certificate thereto. This Transmittal concerns the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Lithuania for defense articles and service estimated to cost $34 million. Soon after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Reporting of Offset Agreements in accordance with Section 36(b)(1)(C) of the Arms Export Control Act (AECA), as amended, requires a description of any offset agreement with respect to this proposed sale. Section 36(g) of the AECA, as amended, provides that reported information related to offset agreements be treated as confidential information in accordance with section 12(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2411(c)). Information about offsets for this proposed sale are described in the enclosed confidential attachment.

Sincerely,

Richard J. Millies
Acting Director

Attachment
As stated

Separate Cover:
Offset certificate

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 02-33

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Lithuania

(ii) **Total Estimated Value:**

Major Defense Equipment*	$15 million
Other	$19 million
TOTAL	$34 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** 8 Vehicle Mounted STINGER Launch Platform systems; 69 STINGER RMP/Block I International missiles including 54 complete tactical missiles, 9 captive flight trainers, and 6 lot acceptance test missiles; 2 Portable Search and Target Acquisition Radars; 2 tactical operations centers; inert training missiles; remote terminal units, containers; modification/integration kits; systems integration; support equipment; training devices; spare and repair parts; publications and technical data; test support; personnel training and training equipment; U.S. Government and contractor engineering and logistics personnel services; a Quality Assurance Team; and other related elements of logistics support.

(iv) **Military Department:** Army (UAP)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** Yes. Consistent with FAR and DFARS.

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** See Annex attached.

(viii) **Date Report Delivered to Congress:** 25 JUL 2002

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Lithuania – Vehicle Mounted STINGER Platform Launched Air Defense System with RMP/Block 1 International Missiles

The Government of Lithuania has requested a possible sale of 8 Vehicle Mounted STINGER Launch Platform systems; 69 STINGER RMP/Block I International missiles including 54 complete tactical missiles, 9 captive flight trainers, and 6 lot acceptance test missiles; 2 Portable Search and Target Acquisition Radars; 2 tactical operations centers; inert training missiles; remote terminal units, containers; modification/integration kits; systems integration; support equipment; training devices; spare and repair parts; publications and technical data; test support; personnel training and training equipment; U.S. Government and contractor engineering and logistics personnel services; a Quality Assurance Team; and other related elements of logistics support. The estimated cost is $34 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security and defense of a friendly country which has been and continues to be an important Partnership for Peace member within Central Europe.

Lithuania will use the STINGER missiles to upgrade their air defense capability and will have no difficulty absorbing these new missiles into their armed forces. The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be: Raytheon Company of Tucson, Arizona. One or more proposed offset agreements may be related to this proposed sale.

Implementation of this proposed sale will require nine U.S. contractor representatives for up to two years and four additional U.S. contractor representatives for a week when the missiles arrive. Up to eight U.S. Government Quality Assurance Team will be required for one week following delivery of the missiles in Lithuania.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 02-33

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The STINGER Block 1 International missile system, hardware, software, guidance section of the missile, tracking head trainer and documentation contain sensitive technology and are classified Confidential. The system will be permanently mounted in the truck bed.

2. Missile system hardware and fire unit components contain sensitive/critical technologies which is primarily in the area of design and production know-how and not in end-items. This sensitive/critical technology is inherent in the hybrid microcircuit assemblies; microprocessors; magnetic and amorphous metals; purification; firmware; printed circuit boards; laser range finder; dual detector assembly; detector filters; missile software; optical coatings; ultraviolet sensors; semi-conductor detectors; infrared band sensors; compounding and handling of electronic, electro-optic, and optical materials; equipment operating instructions; energetic materials formulation technology; energetic materials fabrication and loading technology; warhead components seeker assembly and the Identification Friend or Foe (IFF) system with Mode 3 capabilities. Information on vulnerability to electronic countermeasures and counter-countermeasures, system performance capabilities and effectiveness, and test data are classified up to Secret.

3. Loss of this hardware and/or data could permit development of information leading to the exploitation of countermeasures. Therefore, if a technologically capable adversary were to obtain these devices, the missile system could be compromised through reverse engineering techniques which could defeat the weapon systems effectiveness.

4. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification. Moreover, the benefits to be derived from this proposed sale, as outlined in the Policy Justification, outweigh the potential damage that could result if the sensitive technology were revealed to unauthorized persons.

[FR Doc. 02–19602 Filed 8–2–02; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 02–35]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the house of Representatives, Transmittal 02–35 with attached transmittal and policy justification.

Dated: July 26, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

25 JUL 2002

In reply refer to:
I-02/008194

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended, we are forwarding herewith Transmittal No. 02-35, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $70 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Richard J. Millies
Acting Director

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 02-35

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Egypt

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$70 million
TOTAL	$70 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** six Theater Airborne Reconnaissance System (TARS) Pods, aircraft integration, ground station equipment, spare and repair parts, personnel training and equipment, publications, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support.

(iv) **Military Department:** Air Force (QEN)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

(viii) **Date Report Delivered to Congress:** 25 JUL 2002

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt – Theater Airborne Reconnaissance System Pods

The Government of Egypt has requested a possible sale of six Theater Airborne Reconnaissance System (TARS) Pods, aircraft integration, ground station equipment, spare and repair parts, personnel training and equipment, publications, U.S. Government and contractor engineering and logistics personnel services, and other related elements of logistics support. The estimated cost is $70 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Middle East.

The TARS will provide Egypt with under-the-weather, medium-to-high threat, short range, and daytime only imagery collection capability. It is an entry level, low technology system, which will provide Egypt important border-area image collection capability. These systems will be integrated on existing Block 40 F-16 aircraft to provide daytime electro-optical imagery along Egypt's borders. It also allows Egypt to provide support during coalition operations and exercises. The Egyptian Air Force should have no problem operating and maintaining the TARS system on the F-16 aircraft.

The principle contractors will be: BAE Systems of Syosset, New York, and Recon Optical Incorporated of Barrington, Illinois. There are no offset agreements proposed in connection with this potential sale.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

Implementation of this proposed sale will require semi-annual technical reviews with 10 each U.S. Government and contractor representatives to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 02–19603 Filed 8–2–02; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 02–55]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 02–55 with attached transmittal and policy justification.

Dated: July 30, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

26 JUL 2002
In reply refer to:
I-02/010033

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act (AECA), as amended, we are forwarding herewith Transmittal No. 02-55, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance (LOA) to Pakistan for defense articles and services estimated to cost $155 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

Richard J. Millies
Acting Director

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 02-55

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) **Prospective Purchaser:** Pakistan

(ii) **Total Estimated Value:**

Major Defense Equipment*	$ 0 million
Other	$155 million
TOTAL	$155 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:** six Aerostat L-88 Radar Systems, spare and repair parts, facility construction and support, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics support.

(iv) **Military Department:** Air Force (DWM)

(v) **Prior Related Cases, if any:** none

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:** none

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:** none

(viii) **Date Report Delivered to Congress:** 26 JUL 2002

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Pakistan – Aerostat L-88 Radar System

The Government of Pakistan has requested a possible sale of six Aerostat L-88 Radar Systems, spare and repair parts, facility construction and support, publications and technical documentation, personnel training and training equipment, U.S. Government and contractor engineering and logistics personnel services and other related elements of logistics support. The estimated cost is $155 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important partner in the war on terrorism in South Asia.

The radar systems will add to Pakistan's ability to monitor its western borders in support of OPERATION ENDURING FREEDOM and control narcotics trade activities. Specifically, the radar systems will be used to monitor ground traffic and low-flying aircraft along this border. The Aerostat is a relatively low technology, fixed site system which Pakistan can easily absorb and utilize within its existing structure.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Lockheed Martin-Akron of Akron, Ohio and/or TCOM, L.P. of Columbia, Maryland. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of eight each U.S. Government and contractor representatives for annual program management and technical reviews to Pakistan.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 02–19606 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Enduring Freedom Lessons Learned will meet in closed session on August 20, 2002, in the Pentagon, Washington, DC. This Task Force will review current activities of Operation Enduring Freedom to determine both near and longer-term technical and operational considerations that could be used to improve this operation and future campaigns initiated in the War Against Terrorism.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will review and evaluate operational policy and procedures, command and control, intelligence, combat support activities, weapon system performance, and science and technology requirements.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, this meeting will be closed to the public.

Dated: July 29, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–19600 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

AGENCY: Department of Defense.

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Defense Against Unconventional Use of Nuclear Weapons Against the U.S. Homeland will meet in closed session on September 17–18, 2002, at Lawrence Livermore National Laboratory and October 15–16, 2002, in Arlington, VA. This Task Force will review the Department of Defense's responsibilities, current capabilities, and the scope of activities conducted by DoD to ensure its future preparedness to prevent, deter, detect, identify, warn, defend against, respond to, and attribute attack of the U.S. homeland by unconventional delivery of conventional and unconventional nuclear weapons, as well as radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Task Force will determine the adequacy of the U.S. ability to detect, identify, respond, and prevent unconventional nuclear attacks by terrorist or sub-national entities. The Task Force will also identify capabilities of the Department to provide protection against such nuclear attacks in support of national capabilities in homeland defense.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, these meetings will be closed to the public.

Dated: July 29, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–19601 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Membership of the Performance Review Board

AGENCY: Defense Finance and Accounting Service, DoD

ACTION: None.

SUMMARY: This notice announces the appointment of the members of the Performance Review Board (PRB) of the Defense Finance and Accounting Service (DFAS). The publication of PRB membership is required by 5 U.S.C. 4314(c)(4).

The PRB provides fair and impartial review of Senior Executive Service performance appraisals and makes recommendations regarding performance ratings and performance awards to the Director, DFAS.

EFFECTIVE DATES: August 14, 2002.

FOR FURTHER INFORMATION CONTACT: Jerry Hovey, Human Capital and Staffing Division, Human Resources Directorate, Defense Finance and Accounting Service, Arlington, Virginia, (703) 607–3829.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 4314(c)(4), the following executives are appointed to the DFAS PRB: Rear Admiral Mark A. Young, Susan J. Grant, Zack E. Gaddy, James J. Cornell.

Executives listed will serve a 1-year renewable term, effective August 14, 2002.

Dated: July 30, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 02–19607 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Reissuance of Military Traffic Management Command Military Freight Rules Publication 1B as Military Freight Rules Publication 1C

AGENCY: Department of the Army, DoD.

ACTION: Notice; Request for comments.

SUMMARY: The Military Traffic Management Command (MTMC) as the Department of Defense (DOD) Traffic Manager for surface and surface inter-modal traffic management services (Defense Transportation Regulation vol. 2, pgs 201–13 through 201–14) hereby cancels Military Freight Traffic Rules Publication (MFTRP) 1B in its entirety and replaces it with the revised MFTRP 1C outlined herein, effective November 1, 2002. The purpose of this issuance is to incorporate significant changes to the Security Service rules due to recent world events, add interim changes made since the last revision, update addresses and contact information, and introduce new items to the motor carriers doing business with DOD shippers. Motor carriers and anyone interested may view the proposed MFTRP 1C on the Internet at *www.mtmc.army.mil* with proposed changes highlighted. After accessing the MTMC web site, interested parties should enter the ''Publications'' area,

then ''Air/Land'' to find the proposed MFTRP 1C.

DATES: Comments must be submitted on or before October 4, 2002. The MFTRP 1B is cancelled and MFTRP 1C is effective with any accepted changes November 1, 2002.

ADDRESSES: Comments may be mailed to: MTMC Operations Center, ATTN: MTDC–OPCF, Room 207, 661 Sheppard Place, Fort Eustis, VA 23604–1644.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Lord at (757) 878–8547, e-mail: *lords@mtmc.army.mil* or Mr. Brad Bernard at (757) 878–8351, e-mail: *bernardb@mtmc.army.mil.*

SUPPLEMENTARY INFORMATION: The intent is to replace the entire text of the existing MFTRP 1B with the revised MFTRP 1C outlined herein. The specific changes are listed followed by either NEW or MODIFY to identify which items are new or being changed, then followed by a brief synopsis of the parts that are changed.

Items undergoing a significant change are as follows:

(1) Item 18 SpotBid—MODIFY—Sentence 7 now restricts Arms, Ammunition and Explosives (AA&E) from SpotBid.

(2) Section 2 Header—MODIFY—The 'and' is changed to 'or' e.g. Secret material or AA&E, allowing non-AA&E carriers which are qualified to offer Protective Security Service (PSS) for Secret shipments, to do so.

(3) Item 30 Constant Surveillance Service (CIS)—MODIFY—Qualified carrier representative must stay within 25 ft of vehicle; previously distance was 100 ft.

(4) Item 30 Constant Surveillance Service (CIS)—MODIFY—Carrier shall provide dual drivers if CIS shipment exceeds 500 miles.

(5) Item 31 Driver ID Requirements—MODIFY—Identification documents must be in English and document must employ tamper proof technology.

(6) Item 32 DOD Carrier Security Clearance Requirement—NEW—Effective 1 OCT 2002 carriers' personnel providing service for AA&E commodities, specifically drivers/dispatchers/key personnel etc. must have Secret clearances issued by the Defense Security Service (DSS).

(7) Item 35 Dual Driver with National Agency Check (DDN)—MODIFY—DDN no longer includes ';Exclusive Use'' (EXC) as part of the service, however, shippers are still required to request EXC on the BL when DDN is required.

(8) Item 40 Protective Security Service (PSS)—MODIFY—This Item was entirely rewritten to reflect revised security requirements and changes are too numerous to identify a specific change.

(9) Item 41 Security Escort Service (SEV)/Military Escort Service (MEV)—MODIFY—Escort vehicle must employ Satellite Motor Surveillance Service (SNS) and carriers providing transportation for commodities that require SEV may use other approved/qualified carriers as escort.

(10) Item 47 Satellite Motor Surveillance Service (SNS)—MODIFY—SNS charges rolled into linehaul IAW **Federal Register** Notice published on April 10, 2002 (67 FR 17415).

(11) Item 48 Transloading Arms, Ammunition, Explosives—MODIFY—Security Risk Category (CAT) I & II commodities may not be transloaded. CAT III, IV, and UNCAT 1.1, 1.2, 1.3 commodities may be transloaded at DOD installations and those same commodities in dromedary boxes may be Transloaded at MTMC approved carrier terminals.

(12) Item 49 Transportation Protective Service Compatibilities—MODIFY—Corrected Table.

(13) Item 65 Astray Freight and Emergency Notification—MODIFY—Added contact information for explosive cargo emergency response guidance.

(14) Item 70 Capacity Load—MODIFY—Added sentence 3b giving guidance on billing multiple vehicle shipments.

(15) Item 85 Detention—MODIFY—Carriers may charge for delays caused by Military Escort Vehicle (MEV).

(16) Item 106 Exceptions for Exclusive Use Service—MODIFY—Deleted sentence that included Exclusive Use as part of DDN and PSS.

(17) Item 178 Protective Tarps—MODIFY—Tarps for protective service must be water and fire resistant.

(18) Item 228 Towaway Service (TOW)—MODIFY—Removes commodity restrictions from Towaway service.

(19) Item 305 AA&E Shipment Delivery—ADD/NEW—Directs carriers to provide consignee adequate intransit delivery notification and allows carriers to charge DEL (1) per hour when drivers must guard shipment and/or DEL (2) per mile for diversion when destination cannot unload or provide secureholding.

(20) Item 311 Armed Guards—NEW—MTMC approved commercial terminals that are used for in-transit holding of DOD shipments containing any quantity of arms, ammunition, and explosives must provide armed guards.

(21) Item 312 Terminal Security—NEW—No CAT I & II commodities are allowed in carrier terminals; CAT III, IV, and UNCAT 1.1, 1.2, 1.3 commodities may be in carrier terminals up to 100 hours. Removes reference to CAT I & II in terminal, also standardizes all references to Security Risk Categories/Codes.

(22) Item 328 Dromedary Boxes—MODIFY—Clarifies what is an acceptable substitute for a dromedary.

(23) Section 5 Small Package Express—NEW—Rules governing Small Package ground voluntary tender shipments under 150 pounds which do not fall within scope of other small package contracts or Blanket Purchase Agreements.

(24) Item 1000 Abbreviations—NEW—CAT = Security Risk Category and SRC = Security Risk Code.

(25) Item 1031 E-mail addresses—NEW—List all E-mail addressing in the MFTRP to include how to propose changes to MFTRPs.

(26) Item 1032 SRC to CAT cross-reference—NEW—Self-explanatory.

Regulatory Flexibility Act

This change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612.

Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. *et seq.*, does not apply because no information collection requirements or recordkeeping responsibilities are imposed on offerors, contractors, or members of the public.

John Piparato,

Chief, Global Distribution—Domestic.

[FR Doc. 02–19704 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Bacterial Superantigen Vaccines

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent No. 6,399,332 entitled ''Bacterial Superantigen Vaccines,'' issued June 4, 2002. Foreign rights (PCT/US98/16766) are also available. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge

Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The present invention relates to genetically attenuated super-antigen toxin vaccines altered such that superantigen attributes are absent, however the superantigen is effectively recognized and an appropriate immune response is produced. The attenuated superantigen toxins are shown to protect animals against challenge with wild type toxin. Methods of producing and using the altered superantigen toxins are described.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19708 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Catheter Securing Device

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 09/894,880 entitled ''Catheter Securing Device,'' filed June 29, 2001. Foreign rights (PCT/US01/20772) are also available. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Material Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A securing device for a catheter such as an endotracheal tube that preferably includes a guard that covers a patient's upper or lower teeth and a latch mounted on the guard for release ably immobilizing a catheter with respect to the guard. The guard preferably includes (or is attached to) a wedge, which contacts the patient's molars to prevent the guard from shifting in the patient's mouth and assists in keeping the patients teeth apart.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19713 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Chimeric Filovirus Glycoprotein

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 10/066,506 entitled ''Chimeric Filovirus Glycoprotein,'' filed January 31, 2002. Foreign rights are also available (PCT/US02/03339). The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Chimeric GP molecules were constructed which contain portions of both the EBOV and MBGV GP proteins by swapping the subunits between EBOV and MBGV. The chimeric molecules were cloned into an alphavirus replicon, which offers the advantage of high protein expression levels in mammalian cells and is a proven vaccine vector. These chimeric molecules fully protected guinea pigs from MBGV challenge, and conversely protected the animals from EBOV challenge. These results indicate that a protective epitope resides within the GP2 submit of the MBGV GP protein and at least partially within the GP2 subunit of the EBOV GP protein. Additionally these results show that a construction of a single-component bivalent vaccine protective in guinea pigs is achievable.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19714 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Concerning Dip-Stick Assay for C-Reactive Protein

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent No. 6,406,862 entitled ''Dip-Stick Assay for C-Reactive Protein,'' issued June 18, 2002. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: A C-reactive protein concentration level test and kit for on-site determination of C-reactive protein levels in biological samples is disclosed.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19711 Filed 2–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Free Floating Cryostat Sections for Immunoelectron Microscopy

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 09/949,572 entitled ''Free Floating Cryostat Sections for Immunoelectron Microscopy,'' filed September 10, 2001. Foreign rights are also available (PCT/US01/28340). The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: This invention relates to the field of histology and immuno-histology using immunoelectron microscopy. More specifically, this invention relates to the field of free-floating cryostat sections for use in light and electron microscopy to bridge the gap between these two viewing mediums.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19709 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Heterologous Protection Induced by Immunization With Invaplex Vaccine

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 10/150,814 entitled ''Heterologous Protection Induced by Immunization with Invaplex Vaccine,'' filed May 17, 2002. Foreign rights (PCT/US02/16029) are also available. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, Maryland 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: In this application is described a composition, Invaplex, derived from a gram negative bacteria for use in generating an immune response in a subject against one or more heterologous species or strains of gram-negative bacteria.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19710 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Microfluidized Leishmania Lysate and Methods of Making and Using Thereof

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of U.S. Patent Application No. 09/975,020 entitled ''Microfluidized Leishmania Lysate and Methods of Making and Using Thereof,'' filed October 12, 2001. Foreign rights (PCT/US01/31894) are also available. The United States Government, as represented by the Secretary of the Army has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: This invention relates generally to microfluidized *Leishmania* lysate preparations. In particular, the present invention relates to microfluidized *Leishmania* lysate preparations for assays and immunogenic compositions.

Luz D. Ortiz,

Army Federla Register Liaison Officer.

[FR Doc. 02–19715 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Applications Concerning Specific Inihibitors and Therapeutic Agents for Botulinum Toxin B and Tetanus Neurotoxins

AGENCY: Department of the Army, DOD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 and 404.7, announcement is made of the availability for licensing of the related U.S. patent applications concerning ''Specific Inhibitors and therapeutic Agents for Botulinum Toxin B and Tetanus Neurotoxins'' listed below. The United States Government, as represented by the Secretary of the Army, has rights in these inventions. Foreign rights are also available.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 1702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–6664, bh at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The following patents are available for licensing:

(1) *U.S. Patent Application No.:* 09/570,022.

Filed: May 12, 2000.

Title: Previns as Specific Inhibitors and Therapeutic Agents for Botulinum Toxin B and Tetanus Neurotoxins.

Supplementary Information: The compounds of the invention may be used as molecular building blocks to create compounds that are optimized for inhibiting the protease activity of Botulinum B and tetanus toxins. Foreign rights (PCT/US00/13215) are also available.

(2) *U.S. Patent Application No.:* 09/570,023.

Filed: May 12, 2000.

Title: Buforin I as a Specific Inhibitor and Therapeutic Agent for Botulinum Toxin B and Tetanus Neurotoxins.

Supplementary Information: The compounds of the invention may be used to inhibit the protease activity of Botulinum B and tetanus toxins. . Foreign rights (PCT/US00/12909) are also available.

(3) *U.S. Patent Application No.:* 09/979,101.

Filed: November 19, 2001.

Title: Previns as Specific Inhibitors and Therapeutic Agents for Botulinum Toxin B and Tetanus Neurotoxins.

Supplementary Information: The compounds of the invention may be used as molecular building blocks to create compounds that are optimized for inhibiting the protease activity of Botulinum B and tetanus toxins. Foreign rights (PCT/US00/13215) are also available.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19712 Filed 8–2–02; 8:45 am]

BILLING CODE 3910–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Prospective Grant of a Partially Exclusive License

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent.

SUMMARY: In accordance with the provisions of 15 U.S.C. 209(c)(1) and 37 CFR part 404.7(a)(1)(I), U.S. Army Soldier and Biological Chemical Command (SBCCOM) hereby gives notice that it is contemplating the grant of a partially exclusive license in the United States to practice the inventions embodied in U.S. Patents 5,884,418, issued March 23, 1999, entitled, ''Process and System for Impregnating Garments with Insect Repellent'' and 5,930,909, issued August 3, 1999, entitled, ''System for Impregnating Garments with Insect Repellent'' to Spinnerin Dye, LLC having a place of business in South Hackensack, New Jersey and Buzz Off Insect Shield, LLC having a place of business in Greensboro, North Carolina.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Rosenkrans at U.S. Army Soldier and Biological Chemical Command, Kansas Street, Natick, MA 01760, Phone: (508) 233–4928 or E-mail: *Robert.Rosenkrans@natick.army.mil.*

SUPPLEMENTARY INFORMATION: The prospective partially exclusive licenses 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 licenses may be granted, unless SBCCOM receives written evidence and argument to establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Written objections along with supporting evidence, if any, are to be filed on or before August 20, 2002.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 02–19703 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to Alter a System of Records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration adds four routine uses to the existing system of records.

DATES: This proposed action would be effective without further notice on September 4, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 22, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 30, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0195–2b USACIDC

SYSTEM NAME:

Criminal Investigation and Crime Laboratory Files (December 8, 2000, 65 FR 77002).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add 'witnessing' to entry.

CATEGORIES OF RECORDS IN THE SYSTEM:

Add 'and criminal intelligence reports', 'suspects', 'polygraph reports', and 'and intelligence' to entry.

* * * * *

PURPOSE(S):

Delete entry and replace with 'To conduct criminal investigations, crime prevention and criminal intelligence activities; to accomplish management studies involving the analysis, compilation of statistics, quality control, etc., to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism. Includes personnel security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Department of the Army.

The records in this system are used for the following purposes: Suitability for access or continued access to classified information; suitability for promotion, employment, or assignment; suitability for access to military installations or industrial firms engaged in government projects/contracts; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; advising higher authorities and Army commands of the important developments impacting on security, good order or discipline; reporting of statistical data to Army commands and higher authority; input into the Defense Security Service managed Defense Clearance and Investigations Index (DCII) database under system notice V5–02.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Add three new paragraphs 'To Federal, state, and local agencies to comply with the Victim and Witness Assistance Program and the Victims' Rights and Restitution Act of 1990, when the agency is requesting information on behalf of the individual.

To Federal, state, and local law enforcement agencies and private sector entities for the purposes of complying with mandatory background checks, i.e., Brady Handgun Violence Prevention Act (18 U.S.C. 922) and the National Child Protection Act of 1993 (42 U.S.C. 5119 *et seq.*).

To Federal, state, and local child protection services or family support agencies for the purpose of providing assistance to the individual.

To the Immigration and Naturalization Service, Department of Justice, for use in alien admission and naturalization inquiries conducted under Section 105 of the Immigration and Naturalization Act of 1952, as amended.'

STORAGE:

Delete entry and replace with 'Paper records in file folders and on electronic media.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Reports of Investigation:

At Headquarters, U.S. Army Criminal Investigation Command (USACIDC), criminal investigative case files are retained for 40 years after final action, except that at USACIDC subordinate elements, such files are retained from 1 to 5 years depending on the level of such unit and the data involved

Laboratory Reports: Laboratory reports at the USACIDC laboratory are destroyed after 5 years.

Criminal Intelligence Reports: At Headquarters, USACIDC Intelligence Division criminal intelligence reports are destroyed when no longer needed. Except reports containing information of current operation value may be kept and reviewed yearly for continued retention, not to exceed 20 years. Group headquarters destroy after 5 years. District and field office elements destroy after 3 years or when no longer needed.'

* * * * *

A0195–2b USACIDC

SYSTEM NAME: CRIMINAL INVESTIGATION AND CRIME LABORATORY FILES.

SYSTEM LOCATION:

Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

Segments exist at subordinate U.S. Army Criminal Investigation Command elements. Addresses may be obtained from the Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

An automated index of cases is maintained at the U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any individual, civilian or military, involved in, witnessing or suspected of being involved in or reporting possible criminal activity affecting the interests, property, and/or personnel of the U.S. Army.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, rank, date and place of birth, chronology of events; reports of investigation and criminal intelligence reports containing statements of witnesses, suspects, subject and agents; laboratory reports, polygraph reports, documentary evidence, physical evidence, summary and administrative data pertaining to preparation and distribution of the report; basis for allegations; Serious or Sensitive Incident Reports, modus operandi and other investigative information from Federal, State, and local investigative and intelligence agencies and departments; similar relevant documents. Indices contain codes for the type of crime, location of investigation, year and date of offense, names and personal identifiers of persons who have been subjects of electronic surveillance, suspects, subjects and victims of crimes, report number which allows access to records noted above; agencies, firms, Army and Defense Department organizations which were the subjects or victims of criminal investigations; and disposition and suspense of offenders listed in criminal investigative case files, witness identification data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 195–2, Criminal Investigation Activities; 42 U.S.C. 10606 *et seq.*; DoD Directive 1030.1, Victim and Witness Assistance; and E.O. 9397 (SSN).

PURPOSE(S):

To conduct criminal investigations, crime prevention and criminal intelligence activities; to accomplish management studies involving the analysis, compilation of statistics, quality control, etc., to ensure that completed investigations are legally sufficient and result in overall improvement in techniques, training and professionalism. Includes personnel security, internal security, criminal, and other law enforcement matters, all of which are essential to the effective operation of the Department of the Army.

The records in this system are used for the following purposes: Suitability for access or continued access to classified information; suitability for promotion, employment, or assignment; suitability for access to military installations or industrial firms engaged in government projects/contracts; suitability for awards or similar benefits; use in current law enforcement investigation or program of any type including applicants; use in judicial or adjudicative proceedings including litigation or in accordance with a court order; advising higher authorities and Army commands of the important developments impacting on security, good order or discipline; reporting of statistical data to Army commands and higher authority; input into the Defense Security Service managed Defense Clearance and Investigations Index (DCII) database under system notice V5–02.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information concerning criminal or possible criminal activity is disclosed to Federal, State, local and/or foreign law enforcement agencies in accomplishing and enforcing criminal laws; analyzing modus operandi, detecting organized criminal activity, or criminal justice employment. Information may also be disclosed to foreign countries under the provisions of the Status of Forces Agreements, or Treaties.

To the Department of Veterans Affairs to verify veterans claims. Criminal investigative files may be used to adjudicate veteran claims for disability benefits, post dramatic stress disorder, and other veteran entitlements.

To Federal, state, and local agencies to comply with the Victim and Witness Assistance Program and the Victims' Rights and Restitution Act of 1990,

when the agency is requesting information on behalf of the individual.

To Federal, state, and local law enforcement agencies and private sector entities for the purposes of complying with mandatory background checks, i.e., Brady Handgun Violence Prevention Act (18 U.S.C. 922) and the National Child Protection Act of 1993 (42 U.S.C. 5119 et seq.).

To Federal, state, and local child protection services or family support agencies for the purpose of providing assistance to the individual.

To victims and witnesses of a crime for purposes of providing information, consistent with the requirements of the Victim and Witness Assistance Program, regarding the investigation and disposition of an offense.

To the Immigration and Naturalization Service, Department of Justice, for use in alien admission and naturalization inquiries conducted under Section 105 of the Immigration and Naturalization Act of 1952, as amended.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in file folders and on electronic media.

RETRIEVABILITY:

By name or other identifier of individual.

SAFEGUARDS:

Access is limited to designated authorized individuals having official need for the information in the performance of their duties. Buildings housing records are protected by security guards.

RETENTION AND DISPOSAL:

Reports of Investigation: At Headquarters, U.S. Army Criminal Investigation Command (USACIDC), criminal investigative case files are retained for 40 years after final action, except that at USACIDC subordinate elements, such files are retained from 1 to 5 years depending on the level of such unit and the data involved.

Laboratory Reports: Laboratory reports at the USACIDC laboratory are destroyed after 5 years.

Criminal Intelligence Reports: At Headquarters, USACIDC Intelligence Division criminal intelligence reports are destroyed when no longer needed. Except reports containing information of current operation value may be kept and reviewed yearly for continued retention, not to exceed 20 years. Group headquarters destroy after 5 years. District and field office elements destroy after 3 years or when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Headquarters, U.S. Army Criminal Investigation Command, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5506.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

RECORD ACCESS PROCEDURES:

Individual seeking access to information about themselves contained in this system should address written inquiries to the Director, U.S. Army Crime Records Center, U.S. Army Criminal Investigation Command, ATTN: CICR–FP, 6010 6th Street, Building 1465, Fort Belvoir, VA 22060–5585.

For verification purposes, individual should provide the full name, date and place of birth, current address, telephone numbers, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Suspects, witnesses, victims, USACIDC special agents and other personnel, informants; various Department of Defense, federal, state, and local investigative agencies; departments or agencies of foreign governments; and any other individual or organization which may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt pursuant to 5 U.S.C. 552a(j)(2) if the information is compiled and maintained by a component of the agency which performs as its principle function any activity pertaining to the enforcement of criminal laws.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 02–19604 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to add a system of records.

SUMMARY: The Department of the Army is proposing to add a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on September 4, 2002 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on July 22, 2002, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: July 30, 2002.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0040–5a DASG

SYSTEM NAME:

DoD Health Surveillance/Assessment Registries.

SYSTEM LOCATION:

U.S. Army Center for Health Promotion and Prevention Medicine, 5158 Blackhawk Road, Aberdeen Proving Ground, MD 21010–5403; and

Army Medical Surveillance Activity, Building T–20, Room 213, 6900 Georgia Avenue, NW, Washington, DC 20307–5001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: ANY INDIVIDUAL THAT PARTICIPATES IN A DOD HEALTH SURVEY.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system of records originates from health surveys/assessments (e.g., Pentagon Post Disaster Health Assessment) conducted by or for the Department of Defense. Records being maintained include individual's name, Social Security Number, date of birth, sex, branch of service, home address, age, medical treatment facility, condition of medical and physical health and capabilities, responses to survey questions, register number assigned, and similar records, information and reports, relevant to the various registries, (e.g., cancer, Human Immunodeficiency Virus (HIV), serum repository).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; 10 U.S.C. 3013, Secretary of the Army, 10 U.S.C. 8013, Secretary of the Air Force, 10 U.S.C. 5013, Secretary of the Navy; DoD Instruction 1100.13, Surveys of DoD Personnel; DoD Directive 6490.2, Joint Medical Surveillance; DoD Directive 6490.3, Implementation and Application of Joint Medical Surveillance for Deployments; and E.O. 9397 (SSN).

PURPOSE(S):

To record, store and document injury, illness and exposure to chemical/biochemical elements, and collect data for statistical purposes. To enhance efficient management practices and effective analysis and comparisons of statistical data utilized in the public health assessment data registry.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Information is retrieved by individual's name, Social Security Number, and registry number.

SAFEGUARDS:

Records are maintained within secured buildings in areas accessible only to persons having official need, and who therefore are properly trained and screened. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Records are destroyed when no longer needed for reference and for conducting business.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Center for Health Promotion and Prevention Medicine, 5158 Blackhawk Road, Aberdeen Proving Ground, MD 21010–5403.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, U.S. Army Center for Health Promotion and Prevention Medicine, 5158 Blackhawk Road, Aberdeen Proving Ground, MD 21010–5403.

For verification purposes, individual should provide the full name, Social Security Number, details which will assist in locating record, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, U.S. Army Center for Health Promotion and Prevention Medicine, 5158 Blackhawk Road, Aberdeen Proving Ground, MD 21010–5403.

For verification purposes, individual should provide the full name, Social Security Number, details which will assist in locating record, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual and mortality reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 02–19605 Filed 8–2–02; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement for the Lake Okeechobee Watershed Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps), Jacksonville District, intends to prepare an integrated Project Implementation Report/Draft Environmental Impact Statement (PIR/DEIS) for the Lake Okeechobee Watershed Project. The study is a cooperative effort between the Corps and the South Florida Water Management District (SFWMD), which is also a cooperating agency for this DEIS. One of the recommendations of the final report of the Central & South Florida (C&SF) Comprehensive Review Study (Restudy) was the implementation of the Lake Okeechobee Watershed Project. This project is intended to improve the water quality of Lake Okeechobee and it's tributaries by capturing and treating surface water discharges into the watershed, while managing optimal water levels necessary to improve the habitats within the lake and downstream bodies. This project is a component of the Comprehensive Everglades Restoration Plan, a multi-year effort to restore the greater Everglades ecosystem while providing water supply and other water-related benefits to South Florida over many decades.

FOR FURTHER INFORMATION CONTACT: Mr. Brad Tarr, U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970,

Jacksonville, FL, 32232–0019, by e-mail bradley.a.tarr@usace.army.mil, or by telephone at 904–232–3582.

SUPPLEMENTARY INFORMATION:

a. *Authorization:* The authority for this project is contained within the Water Resources Development Act (WRDA) 2000. The ''Design Agreement between the Department of the Army and the SFWMD for the Design of Elements of the Comprehensive Plan for the Everglades and South Florida Ecosystem Restoration Project'' contains additional guidance.

b. *Study Area:* Lake Okeechobee lies 30 miles west of the Atlantic Ocean and 60 miles east of the Gulf of Mexico, in the central part of the Florida peninsula. The Lake is approximately 730 square miles, and is the principal natural reservoir in south Florida. The study area includes portions of St. Lucie, Martin, Okeechobee, Glades, and Hendry Counties.

c. *Project Scope:* The Lake Okeechobee Watershed Project includes four separable elements including; North of Lake Okeechobee Storage Reservoir, Taylor Creek/Nubbin Slough Storage and Treatment Area, Lake Okeechobee Watershed Quality Treatment Facilities, and Lake Okeechobee Tributary Sediment Dredging. The Restudy recommends the construction of 14,375 acres of reservoir-assisted stormwater treatment areas, a 17,500 acre reservoir with a 2,500 acre stormwater treatment area (providing up to 210,000 acre-feet of storage), the removal of 150 tons of phosphorus from tributaries, and the restoration of approximately 3,500 acres of wetlands.

The objectives of the project are to improve the water quality of inflows to Lake Okeechobee, store excess water to allow for better management of Lake Okeechobee water levels and reduce damaging fresh water releases to the Caloosahatchee estuary and the St. Lucie estuary, and restore several wetlands in the basins. Wet season runoff from the watershed north of the Lake will be attenuated by reservoirs and restored wetlands. The increased storage capacity in these basins will reduce the duration and frequency of both extreme high and low water levels in the Lake that are stressful to the Lake's littoral zone and ecosystem and will reduce large discharges from the Lake that damage the downstream estuarine ecosystems. Runoff from the basins will be diverted to stormwater treatments areas to reduce phosphorus loading to the Lake.

The study will evaluate alternatives based on their ability to improve water deliveries to the natural system, protect and conserve water resources, improve water quality, protect or restore fish and wildlife and their associated habitat, restore and manage wetland and associated upland ecosystems, sustain economic and natural resources, and other performance criteria being developed by the Project Delivery Team.

d. *Preliminary Alternatives:* Formulation of alternative plans will involve the selection of the most suitable locations, sizes, depths, and configurations of facilities through detailed planning and design.

The Environmental Impact Statement (EIS) will include an evaluation of adverse environmental impacts, including but not limited to, water quality, socio-economic, archaeological and biological. In addition to adverse impacts, the evaluation will also focus on how well the plans perform with regard to specific performance measures.

e. *Issues:* The EIS will address the impacts of capturing and holding excess water in large storage areas during wet periods and the subsequent release for later use during dry periods into stormwater treatment areas.

The EIS will also address environmental issues: water quality; impacts to the estuaries; flood protection; aesthetics and recreation; fish and wildlife resources, including protected species; cultural resources; and other impacts identified through scoping, public involvement, and interagency coordination.

f. *Scoping:* A scoping letter and public workshops will be used to invite comments on alternatives and issues from Federal, State, and local agencies, affected Indian tribes, and other interested private organizations and individuals. The next public workshop is scheduled for 13 August 2002, at the Okeechobee Freshman Campus Auditorium, on 700 SW., Avenue, Okeechobee, Florida. The meeting will begin at 6 p.m. and continue to 9 p.m.

Other public meeting will be held over the course of the study; the exact location, dates, and times will be announced in public notices and local newspapers.

g. *DEIS Preparation:* The integrated draft PIR, which will include a DEIS, is currently scheduled for publication in November 2005.

Dated: February 2, 2002.

James C. Duck,

Chief, Planning Division.

[FR Doc. 02–19707 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–AJ–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Availability of the Draft Environmental Impact Statement for the Centralia Flood Reduction Project, Lewis County, WA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the U.S. Army Corps of Engineers (USACE), Seattle District has prepared a Draft Environmental Impact Statement (DEIS) examining the impacts of feasible structural and nonstructural alternatives to reduce flood damage within Lewis County, WA.

The alternatives initially considered included: (1) No action; (2) modifications to Skookumchuck Dam; (3) overbank excavation and flow-way bypass at various locations; (4) construction of a flood levee system; (5) upstream flow-restriction structures and upstream flood-water storage; (6) non-structural flood control measures including watershed management, flood-proofing structures, developing evacuation plans, and removal of certain structures from the floodplain; and (7) a variety of flood control, regulatory, and planning measures developed by an interagency committee. After initial screening of the above alternatives for engineering feasibility, economic justification, environmental effects and other criteria, four were carried forward for detailed analysis: (1) Alternative #3 combined with alternative #2 (specifically Centralia overbank excavation and Chehalis SR6 flow-way bypass with modifications to Skookumchuck Dam); (2) alternative #4 combined with modifications to Skookumchuck Dam (preferred alternative); (3) alternative #7 combined with modifications to Skookumchuck Dam; and (4) no action.

DATES: The comment period for this DEIS is 45 days from the date of publication in the **Federal Register** or September 18, 2002, whichever is later.

ADDRESSES: Comments may be submitted to the attention of: Mr. George A. Hart, Environmental Coordinator, U.S. Army Corps of Engineers, P.O. Box 3755, Seattle, WA 98124–3755; Fax: (206) 764–4470, or e-mail *george.a.hart@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Mr. George A. Hart at the above address, e-mail, or telephone (206) 764–3641.

SUPPLEMENTARY INFORMATION: The Chehalis River basin is located in west central Washington, south of Olympia. The focus of the flood damage reduction study encompasses the cities of Centralia and Chehalis and the urbanizing areas immediately adjacent to the cities.

The cities of Centralia and Chehalis have been subject to repeated flooding for many years. This flooding has caused extensive damage to private and public property and periodic closure of critical transportation routes resulting in significant economic losses. Flood closures of the transportation routes have also significantly disrupted emergency response actions by local governments. Stream habitat functions of the Chehalis River and its tributaries have been affected from long-term development throughout the Chehalis Basin. This has resulted in the diminishment of the remaining habitat resources to adequately support sustainable fish and wildlife resources. The losses of wetlands, riparian areas, and backwater channels have also contributed to increased flooding in the area. The purpose of the Centralia-Chehalis Flood Damage Reduction study are to reduce flood hazards in the project area, the cities of Centralia and Chehalis, and the urbanizing area immediately adjacent and to incorporate appropriate fish and wildlife habitat improvements. Flood hazards are defined as significant damage to existing structures, high risk to life, and extended closures of transportation corridors.

Authority for this study is contained in Section 401(a) of the 1986 Flood Control Act (Pub. L. 99–662). This section provided authorization for the construction of ''works of improvement'' substantially in accordance with the Report of the Chief of Engineers, dated June 20, 1984.

Request for copies of the Centralia Flood Reduction Project DEIS or other information regarding this environmental analysis should be addressed to Mr. Hart (see **ADDRESSES**). Copies of the DEIS are also available for public inspection and review at the following locations:

(1) U.S. Army Corps of Engineers, Federal Center South, 4735 Marginal Way, Seattle, WA 98124–2385.

(2) Chehalis Timberland Library, 76 N.E. Part Street, P.O. Box 419, Chehalis, WA 98532–0419; (360) 748–3301.

(3) Timberland Regional Library, 110 S. Silver, Centralia, WA 98531–4296; (360) 736–0183.

(4) Timberland Regional Library, 125 South Main Street, Montesano, WA 98563; (360) 249–4211.

(5) Internet at: *http://www.nws.usace.army.mil/ers/doc_table.cfm.*

A public hearing on the Centralia Flood Reduction Project DEIS will be held August 21, 2002 at the Lewis County Court House, Lewis County, WA starting at 6 p.m. USACE personnel will be present to answer questions. The hearings will provide an opportunity for information exchange and discussion between USACE and the public, as well as opportunities for the public to present oral or written comments.

Ralph H. Graves,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 02–19705 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–ER–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Cancellation of Notice of Intent To Prepare a Draft Environmental Impact Statement for the Mississippi River Diversion Near Benny's Bay, Mississippi River Delta, LA

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of cancellation.

SUMMARY: The U.S. Army Corps of Engineers, New Orleans District, is canceling a notice of intent to prepare a Draft Environmental Impact Statement (EIS) published in the **Federal Register** (66 FR 65681), December 20, 2001.

FOR FURTHER INFORMATION CONTACT: Questions concerning this notice should be addressed to Mr. Michael Salyer: U.S. Army Corps of Engineers, PM–RS, P.O. Box 60267, New Orleans, LA 70160–0267, phone (504) 862–2037, fax number (504) 862–2572 or by E-mail at *michael.r.salyer@mvn02.usace.army.mil.*

SUPPLEMENTARY INFORMATION: As a result of additional information, a decision was reached that significant impacts are no longer anticipated at the outset of planning for the Mississippi River Diversion near Benny's Bay, Mississippi River Delta, LA. An environmental analysis will be accomplished through an Environmental Assessment (EA) and not an EIS. Upon completion of the EA, full disclosure to the public will be accomplished as mandated through Engineers Regulation 200–2. Should the EA indicate 1 significant impacts as a result of the diversion project, another notice of intent would be published at that time to specify the intent to prepare an EIS; formal procedures for the public scoping process would ensue at that time.

Dated: July 19, 2002.

Peter J. Rowan,

Colonel, U.S. Army, District Engineer.

[FR Doc. 02–19706 Filed 8–2–02; 8:45 am]

BILLING CODE 3710–84–P

DEPARTMENT OF DEFENSE

Department of the Navy

Record of Decision for Proposed Future Operations and Facility Modernization at the Naval Air Warfare Center Weapons Division Point Mugu Sea Range, Point Mugu, CA

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy announces its decision to modernize facilities and support current levels of weapons test and evaluation activities, increased levels of fleet training activities, and Theater Missile Defense testing and training at the Naval Air Warfare Center Weapons Division Point Mugu Sea Range, Point Mugu, CA.

SUPPLEMENTARY INFORMATION: Pursuant to Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. Sections 4321 *et seq.*; Council on Environmental Quality regulations (40 CFR Parts 1500–1508), Department of the Navy regulations (32 CFR 775); and Executive Order 12114 (Environmental Effects Abroad of Major Federal Actions), the Department of the Navy (Navy) announces its decision to modernize facilities and support current levels of weapons test and evaluation activities, increased levels of fleet training activities, and Theater Missile Defense (TMD) testing and training on the Sea Range, as described in the Preferred Alternative. This decision will enable the Navy to conduct state-of-the-art weapons systems testing and evaluation and maintain the level of operational readiness of our military services on a safe, operationally realistic, and thoroughly instrumented Sea Range.

Background and Issues: The 36,000 square mile Sea Range lies both inside and outside U.S. territorial waters and includes San Nicolas Island and assets at Naval Base Ventura County (NBVC), Point Mugu, CA. It is scheduled and managed by Naval Air Warfare Center Weapons Division (NAWCWPNS) Point Mugu. The Navy has continuously operated the Sea Range for more than 50 years. It provides a safe, highly instrumented volume of air and sea space in which to conduct controlled

test and evaluation of sea, land, and air weapons systems. The test and evaluation process is critical to the assessment, improvement, and safe operation of current and future weapons systems. The Sea Range also provides realistic training opportunities. Maintaining military units in their highest state of operational readiness has become even more demanding as military strategy increasingly involves the use of new or enhanced technologies.

Alternatives: A screening process, based upon criteria set out in the Environmental Impact Statement/ Overseas Environmental Impact Statement (EIS/OEIS), was conducted to identify a reasonable range of alternatives that would satisfy the Navy's purpose and need. Three alternatives were analyzed in detail in the EIS/OEIS: the Preferred Alternative, the Minimum Components Alternative, and the No Action Alternative.

The Preferred Alternative was comprised of the following elements: (1) Continued testing activities at the Sea Range at current levels, including air-to-air, air-to-surface, surface-to-air, surface-to-surface, and subsurface-to-surface tests; 2) TMD testing and training elements (boost phase, upper tier, lower tier, and nearshore intercept); (3) up to three Fleet training events annually; (4) up to four special warfare training events annually; (5) continuation of other training activities at current levels; and (6) facility modernizations at NVBC Point Mugu and San Nicolas Island to enhance the capability of the Sea Range to support existing and future operations. Facility modernization would include new launch pads at NVBC Point Mugu and construction and operation of missile launchers, a range support building, and five multiple-purpose instrumentation sites at San Nicholas Island.

The Minimum Components Alternative was comprised by the following elements: (1) Testing activities at current levels; (2) up to eight nearshore intercept TMD events annually; (3) up to four Fleet training exercises annually; (4) other training activities at current levels, and (5) facility modernization that includes the construction of five multiple-purpose instrumentation sites on San Nicolas Island.

Under the No Action Alternative, the Navy would continue test and training operations at current annual levels. No TMD activities would be conducted and there would be no facility modernizations. The No Action Alternative is the environmentally preferred alternative because it involves no change to the physical environment.

Environmental Impacts: Potential environmental impacts occurring both inside and outside U.S. territory were analyzed in this combined EIS/OEIS for each of the three alternatives. No significant impacts on any resource, either inside or outside U.S. territory, were identified. The results of consultations conducted with federal regulatory agencies are briefly described below.

The Navy initiated informal consultation with the National Marine Fisheries Service (NMFS) under Section 7 of the Endangered Species Act (16 U.S.C. Section 1531) for all activities on the Sea Range addressed in the EIS/ OEIS. The consultation concluded in January 2002, with the NMFS determination that all current activities, and those future activities to be accommodated as part of the Preferred Alternative, would not adversely affect federally listed species under their jurisdiction.

The Navy also coordinated with NMFS on the Marine Mammal Protection Act (16 U.S.C. Section 1431 et seq.). For all activities at sea, the Navy determined that ''takes'' of marine mammals are unlikely. To accommodate missile launch events potentially affecting pinnipeds (seals and sea lions) hauled out on land at San Nicolas Island, the Navy applied for and received an Incidental Harassment Authorization (IHA). The term of the IHA is one year.

In January 1999, the Navy initiated formal consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) for all activities associated with the preferred alternative that may adversely affect federally listed species under USFWS jurisdiction onboard NVBC Point Mugu. The USFWS issued a No Jeopardy Final Programmatic Biological Opinion in June 2001 that addresses all activities associated with the Preferred Alternative.

In December 2000, the Navy initiated formal consultation with the USFWS under Section 7 of the Endangered Species Act for all activities associated with the Preferred Alternative that may adversely affect federally listed species under USFWS jurisdiction on San Nicolas Island. The USFWS issued a No Jeopardy Final Programmatic Biological Opinion in October 2001 that addresses all activities associated with the Preferred Alternative.

Mitigation: Environmental management procedures and mitigation measures incorporated into the EIS/ OEIS process, including those in the Biological Opinions issued by the USFWS and the IHA issued by NMFS, are summarized below.

Marine Mammal Mitigation/ Monitoring Measures Associated with the Sea Range Section 7 Consultation: NMFS and the Navy agreed to five standard operating procedures to protect marine mammals during operations on the Sea Range: (1) There will be no intentional interaction between marine mammals and Navy ships and aircraft; (2) when vessels are on the Sea Range, safety lookouts are to be posted 24 hours a day to look for any and all objects in the water, including marine mammals, with all sightings reported to the ship's bridge for tracking; (3) when whales have been sighted in an area, ships will undertake increased vigilance and reasonable and practicable actions, including changing speed and/or direction (as dictated by environmental and safety or weather conditions), to avoid collisions and activities that might result in close interaction between the vessels and marine mammals; (4) in the event of a collision between a Navy vessel and a marine mammal, the Navy will notify NMFS as soon as practicable (normally within 48 hours of the incident) and provide a follow-up written report or a schedule for submission of a report within 30 days; and (5) for intercepts close to San Nicolas Island, the Navy will increase marine mammal survey efforts beyond those for normal open ocean operations.

Marine Mammal Mitigation and Monitoring Measures Under the IHA: The Navy expects that planned launches will cause disturbance reactions by some of the pinnipeds hauled out on San Nicolas Island beaches, but there would be no pinniped mortality and no significant long-term effect on pinniped stocks. Where practicable, and when doing so will not compromise operational safety requirements or mission goals, the Navy will implement the following marine mammal monitoring and mitigation procedures: (1) Personnel will be prohibited from entering pinniped haul-out sites below a missile's predicted flight path prior to launch; (2) launch activities during harbor seal pupping seasons will be avoided; (3) launch activities during the pupping seasons of other pinnipeds will be limited; (4) target missiles will not be launched at low elevations on launch azimuths that pass close to beach haul-out site(s); (5) multiple target launches in quick succession over haul-out sites will be avoided, especially when young pups are present; (6) night-time launch activities will be limited; (7) during aircraft and helicopter operations, a minimum altitude of 1,000 feet will be

maintained from pinniped haul-out sites; and (8) NMFS will be contacted within 48 hours if injurious or lethal takes are discovered during marine mammal monitoring.

Mitigation/Monitoring Procedures Under the NBVC Point Mugu Biological Opinion: USFWS and the Navy agreed to annual reporting and implementation of mitigation and conservation measures. The Navy has already implemented a jet assisted takeoff (JATO) bottle retrieval program for the salt marsh in front of Building 55. In addition, the Navy will: (1) Conduct standardized and consistent population monitoring of salt marsh bird's-beak, western snowy plover, California least tern, and light-footed clapper rail; (2) areas shall be restored as salt marsh, sandy beach, or other habitat for listed species where physical parameters are appropriate and no other use is anticipated; (3) aircraft overflights will be modified and monitored by air operations personnel in order to avoid and minimize potential adverse effects to listed species; (4) Base personnel and contractors shall be educated on the identification and importance of conserving listed species, and their personal responsibilities in that regard; (5) All mitigation measures shall be evaluated to determine their effectiveness in avoiding and minimizing take of listed species, and where these mitigation measures are not effective, corrective measures shall be implemented.

Mitigation/Monitoring Procedures Under the San Nicolas Island Biological Opinion: The Navy has closed the south side of the island to all activities year-round from the barge landing at Daytona Beach to Bachelor Beach to protect three species of marine mammals, western snowy plovers, Brandt's cormorants, western gulls, and California brown pelicans, and to provide undisturbed habitat for a variety of other wildlife species. Other mitigation and conservation measures to be implemented by the Navy, in addition to annual reporting, include: (1) Closure of western snowy plover nesting areas during the breeding season using signs and barricades; (2) regular and consistent monitoring of the distribution and status of listed species, particularly those with habitat in or near operational areas, in order to assess the potential effects of Navy activities; (3) mandatory attendance by permanent and visiting island personnel at an ''environmental briefing'' on personal responsibilities regarding protected species under federal legislation and Navy regulations; (4) restoration of island night lizard habitat using revegetation; (5) alteration of the substrate immediately adjacent to the Building 807 launch area (during the nonbreeding season) to reduce its attractiveness as a nest site by snowy plovers (this area is not designated critical habitat for the species); (6) thorough cleaning and inspection of construction equipment, vehicles, and supplies prior to their shipment to San Nicolas Island to reduce the potential for introduction of non-native species; (7) whenever feasible, staging areas for temporary storage of equipment and materials will be sited in areas with low island night lizard densities; and (8) when practicable, proposed facility construction projects sites and associated access roads will be placed to avoid habitat that may harbor island night lizards.

Cultural Resources: Prior to use of the drop zone located in the near-shore areas of Becher's Bay at Santa Rosa Island, the Navy will conduct a thorough survey of the entire impact area, in addition to a buffer zone, for the presence of shipwrecks. If resources are found to be present, the Navy will comply with Section 106 of the National Historic Preservation Act.

As concluded in the EIS/OEIS and this Record of Decision, all practicable means to avoid or minimize environmental harm that would result from implementing this alternative will be adopted by the Navy.

Response to Comments Received Regarding the Final EIS: Comments on the EIS/OEIS were received from USFWS. No other comments were received from any other federal agency, state or local agencies, or from non-governmental organizations or individual members of the public.

The USFWS commented that the Final EIS/OEIS did not recognize that programmatic Biological Opinions had been completed for both NBVC Point Mugu and San Nicolas Island and that the Navy may have erroneously concluded in the EIS/OEIS that these Biological Opinions would protect all ''sensitive species'' present at the installations, not just those that are federally listed as endangered or threatened or proposed for listing. The Navy indicates that in Chapter 4.8, the Final EIS/OEIS contains a thorough discussion of both completed Biological Opinions. In addition, the Navy acknowledges that the Biological Opinions pertain only to the protection of federally listed endangered or threatened species or those proposed for listing.

Conclusions: After carefully considering the purpose and need of the proposed action, the analysis contained in the EIS/OEIS, the IHA issued by NMFS, the Biological Opinions issued by USFWS, and the comments received on the EIS/OEIS from federal, state, and local agencies, non-governmental organizations, and individual members of the public, I have determined that the Preferred Alternative will best meet the needs of the Navy. I have also determined that the Preferred Alternative will cause no significant harm to the resources of the global commons. Therefore, implementation of the Preferred Alternative will enable NAWCWPNS Point Mugu to continue to conduct state-of-the-art weapons systems testing and evaluation and maintain the operational readiness of our military services on a safe, operationally realistic, and thoroughly instrumented Sea Range.

Dated: July 24, 2002.

Donald R. Schregardus,

Deputy Assistant Secretary of the Navy (Environment).

[FR Doc. 02–19629 Filed 8–2–02; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Protests, and Motions To Intervene

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12234–000.

c. *Date filed:* June 17, 2002.

d. *Applicant:* Lower Anacoco Hydro, LLC.

e. *Name and Location of Project:* The Lower Anacoco Dam Project would be located on the Bayou Anacoco in Vernon Parish, Louisiana. The proposed project would be located on an existing dam owned by the Louisiana Department of Wildlife and Fisheries and would not occupy any federal lands or facilities.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630, Fax (208) 745–7909.

h. *FERC Contact:* Tom Papsidero, (202) 219–2715.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. 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. Please include the project number (P–12234–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed run-of-river project would consist of: (1) An existing 3,600-foot-long, 47-foot-high concrete dam, (2) an impoundment, Lake Anacoco, with a surface area of 2,600 acres and a storage capacity of 24,000 acre-feet at normal maximum water surface elevation of 200 feet, (3) a proposed powerhouse with a total installed capacity of 1.2 megawatts, (4) a proposed 100-foot-long, 7-foot-diameter penstock, (5) a proposed 1-mile-long, 15 kv transmission line, and (6) appurtenant facilities. The project would operate in a run-of-river mode and would have an average annual generation of 10.5 GWh.

k. 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). A copy is also available for inspection and reproduction at the address in item g above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19655 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–391–000]

Natural Gas Pipeline Company of America; Notice of Intent To Prepare an Environmental Assessment for the Proposed North Lansing Storage Field NSS Project and Request for Comments on Environmental Issues

July 30, 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 North Lansing Storage Field NSS Project involving construction and operation of facilities by Natural Gas Pipeline Company of America (NGPL) in Harrison County, Texas [1] These facilities would consist of one additional 6,000 horsepower compressor at an existing compressor station, drill 17 additional injection/withdrawal wells, and about 4,255 feet of connecting well pipelines and appurtenant facilities. The project

[1] NGPL's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

would create an additional 10.7 billion cubic feet of gas storage service capability beginning in 2003. This 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 Natural Gas Pipeline Company of America (NGPL) 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.gov).

Summary of the Proposed Project

NGPL seeks authority to:

- Install one 6,000 horsepower electric-motor-driven compressor at existing Compressor Station 388 in Harrison County; Texas;
- Drill 17 additional injection/withdrawal wells in Harrison County, Texas; well installation would require development of 8 well drilling pads (1 to 3 wells would be drilled at each pad). Each new well would be offset from existing or new well by about 100 feet. Each well pad would disturb an area of about 600 feet by 600 feet;
- Construct a total of 4,255 feet of 10-inch-diameter laterals that would connect the new wells to pipelines; and
- Expand an electrical substation at Compressor Station 388.

The general location of the facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the proposed facilities would require about 51.9 acres of land. Following construction, about 20.3 acres would be maintained as permanent right-of-way. The remaining 31.6 acres of land would be restored and allowed to revert to its former use.

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[3] to discover and address concerns the public may have about proposals. This process is referred to as ''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, fisheries,
- Vegetation and wildlife
- Endangered and threatened
- Air quality and noise
- Land use
- Cultural resources and wetlands
- Hazardous waste
- Public safety species

We will also 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.

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 National Fuel. This preliminary list of issues may be changed based on your comments and our analysis.

- The project has a potential to impact cultural resources.
- Four intermittent streams may be impacted.
- The project may have noise impacts on nearby residences.
- Threatened and endangered species may be impacted

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations/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 Branch 2).
- Reference Docket No. CP02–391–000.
- Mail your comments so that they will be received in Washington, DC on or before August 28, 2002.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission encourages electronic filing of any comments or interventions or protests to this proceeding. *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-

[2] The appendices referenced in this notice are 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., 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.

[3] ''We'', ''us'', ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an ''intervenor.'' Intervenors play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (*see* appendix 2).[4] 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.

Environmental Mailing List

This notice is being sent to individuals, organizations, and government entities interested in and/or potentially affected by the proposed project. It is also being sent to all identified potential right-of-way grantors. By this notice we are also asking governmental agencies, especially those in appendix 3, to express their interest in becoming cooperating agencies for the preparation of the EA.

Additional Information

Additional information about the proposed project is available from the Commission's Office of External Affairs at 1–866–208–FERC (direct line) or you can call the FERC operator at 1–800–847–8885 and ask for External Affairs. Information is also available on the FERC Web site (*www.ferc.gov*) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

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 Web site, 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) 208–2222.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19647 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

[4] Interventions may also be filed electronically via the Internet in lieu of paper. *See* the previous discussion on filing comments electronically.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1984–083]

Wisconsin Department of Natural Resources v. Wisconsin River Power Company; Notice of Complaint

July 30, 2002.

Take notice that on July 8, 2002, the State of Wisconsin Department of Natural Resources (WDNR) filed a complaint pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 (2002), and Part I of the Federal Power Act, 16 U.S.C. 791, *et seq.*, against Wisconsin River Power Company (WRPC), licensee of the Petenwell and Castle Rock Project No. 1984, located on the Wisconsin River in Wood, Juneau, and Adams Counties, Wisconsin. WDNR alleges that WRPC has violated Articles 410 and 411 of its project license by marketing and selling licensee-owned lands. On July 18, 2002, the licensee filed an answer to WDNR's complaint. Copies of the complaint are on file with the Commission and are available for public inspection in the Commission's Public Reference Room. The complaint may also be viewed on the Internet at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance).

Any person desiring to be heard or to protest this filing should file comments, a motion to intervene, or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). The licensee's answer to the complaint and all comments, motions, or protests must be filed on or before August 19, 2002. Any entity wishing to become a party must file a motion to intervene. The answer to the complaint, comments, motions to intervene, and protests may be filed electronically via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(ii), and the instructions on the Commission's Web site under the ''e-filing'' link. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19648 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. EC98–40–000, et al.]

American Electric Power Company, et al.; Electric Rate and Corporate Regulation Filings

July 26, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. American Electric Power Company

[Docket Nos. EC98–40–000, ER98–2777–000 and ER98–2786–000]

Take notice that on July 23, 2002, Charles River Associates Incorporated filed Market Monitoring of American Electric Power: Eighth Quarterly Report and a request for privileged treatment of the portions of certain documents.

Comment Date: August 13, 2002.

2. Nevada Power Company

[Docket Nos. ER01–2754–005, ER01–2755–004, ER01–2758–004, and ER01–2759–004 (Not Consolidated)]

Take notice that on July 23, 2002, Nevada Power Company (Nevada Power) filed, pursuant to Section 205 of the Federal Power Act and the Commission's Order dated June 12, 2002,in the above-referenced proceedings, an executed version of Service Agreement No. 100, which is a transmission service agreement (TSA) with Pinnacle West Energy Corporation (Pinnacle West). An unexecuted version of the TSA was included in Nevada Power's compliance filing of July 12, 2002. Since that time, Pinnacle West has executed the TSA and Nevada Power is now filing it in executed form. No changes were made to the TSA filed on July 12 other than its execution by the parties.

Comment Date: August 13, 2002.

3. NorthWestern Energy, L.L.C.

[Docket Nos. ER02–1784–001 and SC00–1–004]

Take notice that on July 23, 2002, NorthWestern Energy, L.L.C. (NorthWestern Energy) tendered for filing a Notice of Cancellation of FERC Rate Schedules 39 and 181 (requirements service to Central Montana Electric Power Cooperative, Inc. and Big Horn Electric Cooperative) in compliance with the Commission's order in *NorthWestern Energy, L.L.C.,* 100 FERC ¶ 61,049 (2002) and *Montana Power Company,* 91 FERC ¶ 61,296 (2000). NorthWestern Energy requests an effective date of February 15, 2002 for the notice of cancellation.

Comment Date: August 13, 2002.

4. Virginia Electric and Power Company

[Docket No. ER02–2359–000]

Take notice that on July 23, 2002, Virginia Electric and Power Company (Dominion Virginia Power or the Company) tendered for filing the following:

1. Service Agreement for Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Select Energy, Inc. designated as Service Agreement No. 370 under the Company's FERC Electric Tariff, Second Revised Volume No. 5;

2. Service Agreement for Non-Firm Point-to-Point Transmission Service by Virginia Electric and Power Company to Select Energy, Inc. designated as Service Agreement No. 371 under the Company's FERC Electric Tariff, Second Revised Volume No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to Select Energy, Inc. under the rates, terms and conditions of the Open Access Transmission Tariff. Dominion Virginia Power requests an effective date of June 24, 2002, as requested by the customer.

Copies of the filing were served upon Select Energy, Inc., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment Date: August 13, 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. 02–19614 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–613–002, et al.]

San Diego Gas & Electric Company, et al.; Electric Rate and Corporate Regulation Filings

July 29, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. San Diego Gas & Electric Company

[Docket No. ER02–613–002]

Take notice that on July 24, 2002 San Diego Gas & Electric Company (SDG&E) tendered for filing with the Federal Energy Regulatory Commission (Commission) its corrected Transmission Owner Tariff sheets in accordance with the Commission's Order Conditionally Accepting Tariff Sheets as Modified, issued in the above docket on June 27, 2002 (99 FERC ¶ 61,364).

The corrections reflect an increase to SDG&E's Reliability Must Run (RMR) revenue requirement that will allow SDG&E to recover franchise fee payments to the cities and counties in its service territory for the period beginning May 1, 2002 through December 31, 2002, subject to refund, as stated in the June 27, 2002 order. The corrected tariff sheets are effective July 1, 2002.

Comment Date: August 14, 2002.

2. San Diego Gas & Electric Company

[Docket No. ER02–1558–002]

Take notice that on July 22, 2002 San Diego Gas & Electric Company (SDG&E) tendered for filing with the Federal Energy Regulatory Commission (Commission) Amendment No. 1 to Service Agreement No. 5 to SDG&E's FERC Electric Tariff, First Revised Volume No. 6.

The Amendment No. 1, incorporates a change to the rate of the Operating & Maintenance (O&M) charges to be paid by RAMCO Escondido to SDG&E. The change in O&M rate was approved by the Commission in a letter order dated June 11, 2002.

SDG&E states in its filing that copies of the Amendment No. 1 have been served on RAMCO, Inc.

Comment Date: August 12, 2002.

3. Dominion Energy Marketing, Inc.

[Docket No. ER02–2360–000]

Take notice that on July 24, 2002, Dominion Energy Marketing, Inc. (the Company) respectfully tendered for filing the a Service Agreement by Dominion Energy Marketing, Inc. to Old Dominion Electric Cooperative designated as Service Agreement No. 7 under the Company's Market-Based Sales Tariff, FERC Electric Tariff, Original Volume No. 1, effective on December 15, 2000. The Company requests an effective date of June 26, 2002, as requested by the customer.

Copies of the filing were served upon the Old Dominion Electric Cooperative, the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

Comment Date: August 14, 2002.

4. WPS Westwood Generation, LLC

[Docket No. ER02–2361–000]

Take notice that July 24, 2002 WPS Resources Corporation, on behalf of WPS Westwood Generation, LLC (WPS Westwood), tendered for filing with the Federal Energy Regulatory Commission (Commission) a rate schedule and cost support for WPS Westwood's Reactive Supply and Voltage Control from Generation Sources Service to be provided by its 30 MW Generating station located in Joliett, Pennsylvania pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 824d; Part 35 of the Commission's regulations, 18 CFR Part 35; and Schedule 2 of the PJM Interconnection, L.L.C. (PJM) Open Access Transmission Tariff with a requested effective date of July 25, 2002.

Copies of the filing were served on PJM and the Pennsylvania Public Utilities Commission.

Comment Date: August 14, 2002.

5. Sunbury Generation, LLC

[Docket No. ER02–2362–000]

Take notice that on July 24, 2002 WPS Resources Corporation on behalf of Sunbury Generation, LLC (Sunbury) tendered for filing with the Federal Energy Regulatory Commission (Commission) a rate schedule and cost support for Sunbury's Reactive Supply and Voltage Control from Generation Sources Service Reactive Power Service to be provided by the 389 MW coal-fired units in its generating station located in Snyder County, Pennsylvania pursuant to Section 205 of the Federal Power Act, 16 U.S.C. § 724d; Part 35 of the Commission's regulations, 18 CFR Part 35; and Schedule 2 of the PJM Interconnection, L.L.C. (PJM) Open Access Transmission Tariff with a requested effective date of July 25, 2002.

Copies of the filing were served on PJM and the Pennsylvania public Utilities Commission.

Comment Date: August 14, 2002.

6. MEG Marketing, LLC

[Docket No. ER02–2368–000]

Take notice that on July 23, 2002, MEG Marketing, LLC (MEG) filed a notice of cancellation of MEG's Rate Schedule FERC No. 2, as supplemented by Supplement No. 1 to Rate Schedule FERC No. 2, filed with the Federal Energy Regulatory Commission by MEG in FERC Docket No. ER98–2284–004 on April 14, 1999, and effective June 14, 1999. MEG's Rate Schedule FERC No. 2, as supplemented, superseded its Rate Schedule FERC No. 1, filed in Docket No. ER98–2284–000 on March 24, 1998, and effective May 4, 1998. MEG proposes that the cancellation be effective as of July 23, 2002.

Comment Date: August 13, 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. 02–19613 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To File Application for a New License

July 30, 2002.

Take notice that the following notice of intent has been filed with the Commission and is available for public inspection:

a. *Type of filing:* Notice of Intent to File an Application for New License.

b. *Project No:* 2101.

c. *Date filed:* July 18, 2002.

d. *Submitted By:* Sacramento Municipal Utility District.

e. *Name of Project:* Upper American River Project.

f. *Location:* Project is located in Sacramento County and EL Dorado County, California, along the Rubicon River, Silver Creek, and South Fork of the American River. Nearby cities include Placerville, South Lake Tahoe, Folsom, and Sacramento, California.

g. *Filed Pursuant to:* Section 15 of the Federal Power Act, 18 CFR 16.6.

h. Pursuant to Section 16.19 of the Commission's regulations, the licensee is required to make available the information described in Section 16.7 of the regulations. Such information is available from the Sacramento Municipal Utility District, 6301 S. Street, Hydro Relicensing Public Library, Sacramento, CA., 95817–1899, 916–648–1234.

i. *FERC Contact:* James Fargo, 202–219–2848. James.Fargo@Ferc.Gov.

j. *Expiration Date of Current License:* July 31, 2007.

k. *Project Description:* The project's facilities include three dams and storage reservoirs, eight diversion dams and eight powerhouses with a total generating capacity of approximately 68,800 kilowatts.

l. The licensee states its unequivocal intent to submit an application for a new license for Project No. 2101. Pursuant to 18 CFR 16.9(b)(1) each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by July 31, 2005.

A copy of the Notice of Intent is on file with the Commission and is 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). A copy is also available for inspection and reproduction at the address in the item above.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19649 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Intent To Prepare an Environmental Assessment; Notice Soliciting Written Scoping Comments

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New License.

b. *Project No.:* 2574–032.

c. *Date filed:* April 29, 2002.

d. *Applicant:* Merimil Limited Partnership.

e. *Name of Project:* Lockwood Hydroelectric Project.

f. *Location:* On the Kennebec River in Kennebec County, near City of Waterville and Town of Winslow, Maine. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. F. Allen Wiley, Kennebec Hydro Resources Inc., c/o FPL Energy Maine Hydro, LLC, 150 Main Street, Lewiston, ME 04240, (207) 795–1342.

i. *FERC Contact:* David Turner, (202) 219–2844 or *david.turner@ferc.gov*.

j. *Deadline for filing scoping comments:* August 29, 2002.

All documents (original and eight copies) should be filed with: Magalie R.

Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

Scoping comments 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, *http://www.ferc.gov*, under the ''e-Filing'' link.

k. This application is not ready for environmental analysis at this time.

l. *Description of the Project:* The existing Lockwood Project consists of: (1) A 1,300-foot-long concrete gravity dam, consisting of three spillway sections, a small island, and the forebay headworks; (2) 450-foot-long forebay; (3) a 81.5-acre reservoir; (3) two powerhouses, one containing six vertical Francis type turbines and the second containing one horizontal variable pitch kaplan turbine, for a total installed capacity of 7,250 kilowatts; (4) about 4,225 feet of buried and overhead transmission lines; and (5) appurtenant facilities.

m. A copy of the application is on file with the Commission and is 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). A copy is also available for inspection and reproduction at the address in item h above.

n. *Scoping Process:* The Commission intends to prepare an Environmental Assessment (EA) for the project in accordance with the National Environmental Policy Act. The EA will consider both site-specific and cumulative environmental impacts and reasonable alternatives to the proposed action.

Commission staff do not propose to conduct any on-site scoping meetings at this time. Instead, we will solicit comments, recommendations, information, and alternatives by issuing Scoping Document 1 (SD1).

Copies of SD1 outlining the subject areas to be addressed in the EA were distributed to the parties on the Commission's mailing list. Copies of SD1 may be viewed on the Web at *http://www.ferc.gov* using the ''RIMS'' link—select ''Docket #'' and follow the instructions (call 202–208–2222 for assistance).

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19659 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of Licenses and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following hydroelectric applications have been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of Licenses.

b. *Project Nos.:* 3939–020 and 3940–014.

c. *Date Filed:* June 28, 2002.

d. *Applicants:* City of Denton, Texas (Transferor) and Spencer Station Generating Company, L.P. (Transferee).

e. *Name of Projects:* Ray Roberts Dam and Lewisville Dam.

f. *Location:* The projects are located on the Elm Fork of the Trinity River, in Denton County, Texas, occupy lands of the United States, and utilize the U.S. Army Corps of Engineers' Federal Ray Roberts Dam and Federal Lewisville Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicants Contacts:* Kenneth M. Simon, Dickstein Shapiro Morin & Oshinsky LLP, 2101 L Street, NW., Washington, DC 20037, (202) 785–9700 (for the City of Denton); Donna M. Attanasio and Daniel A. Hagan, Dewey Ballantine LLP, 1775 Pennsylvania Avenue, NW., Washington, DC 20006, (202) 429–2327 (for Spencer Station Generating Company, L.P.).

i. *FERC Contact:* Regina Saizan, (202) 219–2673.

j. *Deadline for filing comments and or motions:* August 30, 2002.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the Project Numbers (3939–020 and 3940–014) on any comments or motions filed.

k. *Description of Transfers:* On June 29, 2001, the transferor sold a significant portion of its electric generating assets, including both projects, to the transferee. The applicants seek Commission approval to transfer the licenses for both projects from the City of Denton, Texas to Spencer Station Generating Company, L.P.

l. *Location of the Application:* 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). A copy is also available for inspection and reproduction at the address in item h above.

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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, 214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an

agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.

Deputy Secretary

[FR Doc. 02–19651 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License to Increase Generating Capacity.

b. *Project No:* 10805–034.

c. *Date Filed:* July 26, 2002.

d. *Applicant:* Midwest Hydraulic Company.

e. *Name of Project:* Hatfield Hydroelectric.

f. *Location:* The project is located on the Black River, in Jackson and Clark Counties, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a) § 825(r) and § 799 and 801.

h. *Applicant Contact:* A.R. Blystra, Midwest Hydraulic Company, P.O. Box 1078, Holland, MI 49422–1078, (616) 394–0606.

i. *FERC Contact:* Any questions on this notice should be addressed to Mrs. Anumzziatta Purchiaroni at (202) 219–3297, or e-mail address: *anumzziatta.purchiaroni@ferc.gov*.

j. *Deadline for filing comments and or motions:* August 16, 2002.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Please include the project number (P–10805–034) on any comments or motions filed.

k. *Description of Request:* Midwest Hydroelectric is proposing to replace a non-functioning exciter unit with a 100-kW generating unit. The unit will use 18 cfs of water and operation will occur when there are sufficient flows above existing project hydraulic capacity. Installation will take approximately 2 weeks and involve minor changes to the powerhouse.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. 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). A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

q. 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.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19652 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12224–000.

c. *Date filed:* June 17, 2002.

d. *Applicant:* Eagle Mountain Hydro, LLC.

e. *Name of Project:* Eagle Mountain Dam Hydroelectric Project.

f. *Location:* On the West Fork Trinity River, in Tarrant County, Texas. The project does not utilize federal or tribal lands.

g. *Filed pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

h. *Applicant Contact:* Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, Idaho 83442 (208) 745–8630.

i. *FERC Contact:* Regina Saizan, (202) 219–2673.

j. *Deadline for filing motions to intervene, protests, and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12224–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 85—foot-high, 4,400-foot-long concrete dam, (2) a proposed 78-inch-diameter steel penstock approximately 250 feet long, (3) a proposed powerhouse containing one turbine generator having a total installed capacity of 1.5 MW, (4) a proposed 1-mile-long, 15 kV transmission line, and (5) appurtenant facilities. The project

would have an annual generation of 2.9 GWh.

l. 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). A copy is also available for inspection and reproduction at the address in item h above.

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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant (s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19653 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Aceepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12230–000.

c. *Date filed:* June 17, 2002.

d. *Applicant:* Lake Bistineau Hydro, LLC.

e. *Name of Project:* Lake Bistineau Hydroelectric Project.

f. *Location:* At an existing dam owned by the Louisiana Department of Wildlife and Fisheries, on the Loggy Bayou, in Bienville Parish, Louisiana. The project does not utilize federal or tribal lands.

g. *Filed pursuant to:* Federal Power Act, 16 USC 791(a)–825(r).

h. *Applicant Contact:* Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, Idaho 83442 (208) 745–8630.

i. *FERC Contact:* Regina Saizan, (202) 219–2673.

j. *Deadline for filing motions to intervene, protests, and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12230–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 46-foot-high, 7,635-foot-long concrete dam, (2) two proposed 144-inch-diameter steel penstocks approximately100 feet long, (3) a proposed powerhouse containing two turbine generators having a total installed capacity of 9.3 MW, (4) a proposed 1-mile-long, 25 kV

transmission line, and (5) appurtenant facilities. The project would have an annual generation of 20.8 Gwh.

l. 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). A copy is also available for inspection and reproduction at the address in item h above.

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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant (s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19654 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12240–000.

c. *Date filed:* June 17, 2002.

d. *Applicant:* Pat Mayse Hydro, LLC.

e. *Name of Project:* Pat Mayse Dam Hydroelectric Project.

f. *Location:* At an existing dam owned by the U.S. Army Corps of Engineers, on Sanders Creek in Lamar County, Texas. Part of the project would be on lands administered by the U.S. Army Corps of Engineers.

g. *Filed pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

h. *Applicant Contact:* Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, Idaho 83442 (208) 745–8630.

i. *FERC Contact:* Regina Saizan, (202) 219–2673.

j. *Deadline for filing motions to intervene, protests, and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12240–000) on any comments, protests, or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) An existing 63-foot-high, 7,080-foot-long concrete dam, (2) a proposed 132-inch-diameter steel penstock approximately 250 feet long, (3) a proposed powerhouse containing one turbine generator having a total installed capacity of 4 MW, (4) a proposed 1-mile-long, 25 kV transmission line, and

(5) appurtenant facilities. The project would have an annual generation of 12 GWh.

l. 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). A copy is also available for inspection and reproduction at the address in item h above.

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.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant (s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19656 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12278–000.

c. *Date filed:* June 26, 2002.

d. *Applicant:* KR 6 Hydro, LLC.

e. *Name and Location of Project:* The Kentucky River L&D #6 Hydroelectric Project would be located on the Kentucky River in Mercer County, Kentucky. The project would utilize the U.S. Army Corps of Engineers' existing Lock and Dam No. 6.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions and 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. Please include the project number (P–12278–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project*: The proposed project, using the existing Kentucky River Lock and Dam No. 6, would consist of: (1) A proposed 50-foot-long, 12-foot-diameter concrete penstock, (2) a proposed powerhouse containing one

generating unit with an installed capacity of 2.5 megawatts, (3) a proposed five-mile-long, 25-kilovolt transmission line, and (4) appurtenant facilities. The project would have an average annual generation of 14 gigawatthours.

k. 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). A copy is also available for inspection and reproduction at the address in item g. above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19657 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12284–000.

c. *Date filed:* June 26, 2002.

d. *Applicant:* Bayview Hydro, LLC.

e. *Name and Location of Project:* The Bayview Lake Dam Hydroelectric Project would be located at an existing dam owned by USX Corporation on Village Creek in Jefferson County, Alabama.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions and 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. Please include the project number (P–12284–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project*: The proposed project would consist of: (1) The existing 100-foot-high, 550-foot-long gravity dam impounding Bayview Lake, which has a 397-acre surface area at normal maximum water surface elevation 494 feet, (2) a proposed 250-

foot-long, 60-inch-diameter steel penstock, (3) a proposed powerhouse containing one generating unit with an installed capacity of one megawatt, (4) a proposed two-mile-long, 15-kilovolt transmission line, and (5) appurtenant facilities. The project would have an average annual generation of 5.6 gigawatt hours.

k. 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). A copy is also available for inspection and reproduction at the address in item g. above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19658 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12289–000.

c. *Date filed:* July 2, 2002.

d. *Applicant:* Universal Electric Power Corporation.

e. *Name and Location of Project:* The Crooked Creek Dam Hydroelectric Project would be located on Crooked Creek in Armstrong County, Pennsylvania. The project would utilize the U.S. Army Corps of Engineers' existing Crooked Creek Dam and Lake.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant Contact:* Mr. Raymond Helter, Universal Electric Power Corporation, 1145 Highbrook Street, Akron, OH 44301, (330) 535–7115.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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. Please include the project number (P–12289–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the existing Crooked Creek Dam and Lake, would consist of: (1) A proposed 46-foot-long, 66-inch-diameter steel penstock, (2) a proposed

powerhouse containing one generating unit with an installed capacity of 1.06 megawatts, (3) a proposed 1,200-foot-long, 12.7-kilovolt transmission line, and (4) appurtenant facilities. The project would have an average annual generation of 3.5 gigawatthours.

k. 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). A copy is also available for inspection and reproduction at the address in item g. above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19569 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12292–000.

c. *Date filed:* July 5, 2002.

d. *Applicant:* Pleasant Hill Hydro, LLC.

e. *Name of Project:* Pleasant Hill Dam Hydroelectric Project.

f. *Location:* At an existing dam owned by the U.S. Army Corps of Engineers (Corps), on the Clear Fork branch of the Mohican River in Ashland County, Ohio. Part of the project would be on lands administered by the Corps.

g. *Filed pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

h. *Applicant Contact:* Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, Idaho 83442 (208) 745–8630.

i. *FERC Contact:* Regina Saizan, (202) 219–2673.

j. *Deadline for filing motions to intervene, protests, and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–12292–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed run-of-river project would be located at the Corps' Pleasant Hill Dam and would consist of: (1) A proposed 60-inch-diameter steel penstock approximately 200 feet long, (2) a proposed powerhouse containing one turbine generator having a total installed capacity of 1.5 MW, (3) a proposed 1-

mile-long, 25 kV transmission line, and (4) appurtenant facilities. The project would have an annual generation of 5.4 GWh.

l. 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). A copy is also available for inspection and reproduction at the address in item h above.

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.

m. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant (s) named in this public notice.

p. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19660 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

July 30, 2002.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12300–000.

c. *Date filed:* July 5, 2002.

d. *Applicant:* Dover Hydro, LLC.

e. *Name and Location of Project:* The Dover Dam Hydroelectric Project would be located on the Tuscarawas River in Tuscarawas County, Ohio. The project would utilize the U.S. Army Corps of Engineers' existing Dover Dam and Lake.

f. *Filed Pursuant to:* Federal Power Act, 16 USC 791(a)—825(r).

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

i. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. 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. Please include the project number (P–12300–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of Project:* The proposed project, using the existing Dover Dam and Lake, would consist of: (1) A proposed 300-foot-long, 10-foot-diameter steel penstock, (2) a proposed powerhouse containing one generating

unit with an installed capacity of 4.8 megawatts, (3) a proposed one-mile-long, 25-kilovolt transmission line, and (4) appurtenant facilities. The project would have an average annual generation of 23.8 gigawatthours.

k. 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). A copy is also available for inspection and reproduction at the address in item g. above.

l. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

m. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

n. Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

o. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–19661 Filed 8–2–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7255–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; NESHAP: Steel Pickling; 40 CFR Part 63, Subpart CCC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Emission Standard for Hazardous Air Pollutants (NESHAP): Steel Pickling; 40 CFR part 63, subpart CCC; OMB Control No. 2060–0419; expiration date July 31, 2002. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 4, 2002.

ADDRESSES: Send comments, referencing EPA ICR No. 1821.03 and OMB Control No. 2060–0419 to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 566–1672, by E-Mail at *auby.susan@epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1821.03. For technical questions about the ICR contact María Malavé; in the Office of Compliance at (202) 564–7027 or via E-mail to *malave.maria@epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: NESHAP (National Emission Standard for Hazardous Air Pollutants): Steel Pickling; 40 CFR part 63, Subpart CCC; OMB Control No. 2060–0419, EPA ICR No. 1821.03; expiration date July 31, 2002. This is a request for extension of a currently approved collection.

Abstract: The National Emission Standards for Hazardous Air Pollutants

(NESHAP) for Steel Pickling, published at 40 CFR part 63, subpart CCC, were proposed on September 18, 1997, (62 FR 49051) and promulgated on June 22, 1999 (64 FR 33202). This rule applies to all facilities that pickle steel using hydrochloric acid or regenerate hydrochloric acid, and are major sources or are part of a facility that is a major source. This regulation does not apply to any pickling line that uses an acid other than hydrochloric acid or an acid solution containing less than 6 percent HCl or at a temperature less than 100 °F. This rulemaking establishes limits for hydrochloric acid emissions from continuous and batch pickling lines and acid regeneration units and limits for chlorine emissions from acid regeneration units. Also, operational and equipment standards are established for stationary acid storage vessels.

The monitoring, recordkeeping, and reporting requirements outlined in the rule are similar to those required for other NESHAP regulations. Plants must demonstrate compliance with the emission standards by monitoring their control devices and performing annual emissions testing. Consistent with the NESHAP General Provisions (40 CFR part 63, subpart A), respondents would submit one-time notifications of applicability and a one-time report on performance test results for the primary emission control device. Plants also must develop and implement a Startup, Shutdown, and Malfunction Plan (SSMP) and submit semiannual reports of any event where the procedures in the plan were not followed. Sources are required to submit semiannual reports at all times including for periods of monitoring exceedances and periods of compliance certifying that no exceedances have occurred. Subpart CCC also requires the owner or operator to submit a written maintenance plan for each emission control device. These notifications, reports, and records are essential in determining compliance, and are required of all sources subject to NESHAP. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least five years following the date of such measurements, maintenance reports, and records.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on October 29, 2001. No comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 108.8 hours per response. 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.

Respondents/Affected Entities: Major sources that pickle steel using hydrochloric acid or regenerate hydrochloric acid/Affected entities include continuous and batch pickling lines, acid regeneration units, and stationary acid storage vessels.

Estimated Number of Respondents: 71.3.

Frequency of Response: Initial and semiannual.

Estimated Total Annual Hour Burden: 25,104 hours.

Estimated Total Annualized Capital and Operating & Maintenance Cost Burden: $8,388.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA Preliminary ICR No. 1821.03 and OMB Control No. 2060–0419, in any correspondence.

Dated: July 29, 2002.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 02–19695 Filed 8–2–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7255–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules: Lead and Copper Rule Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules: Lead and Copper Rule Amendment, EPA ICR No. 1896.04, OMB Control No. 2040–0204. This ICR amendment will add the updated burden and costs for the Lead & Copper Rule (LCR) ICR, which expires September 30, 2002, to the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules ICR. The ICR amendment describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before September 4, 2002.

ADDRESSES: Send comments, referencing EPA ICR No 1896.04 and OMB Control No. 2040–0204, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 566–1672, by E-mail at *auby.susan@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1896.04. For technical questions about the ICR contact Lisa Christ at (202)564–8354, fax (202) 564–3755, *e-mail:christ.lisa@epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: Disinfectants/Disinfection Byproducts, Chemical and

Radionuclides Rules: Lead and Copper Rule Amendment, EPA ICR No. 1896.04, OMB Control No. 2040–0204. This amendment will update burden and costs associated with the LCR and move the burden from the National Primary Drinking Water Regulations for Lead and Copper; Final Rule, EPA No. 1912.01, OMB Control No. 2040–0210, which expires September 2002, to the Disinfectants/Disinfection Byproducts, Chemical and Radionuclides Rules ICR, EPA ICR No. 1896.03, OMB Control No. 2040–0204. The Disinfectants/Disinfection Byproducts, Chemical, and Radionuclides Rules ICR is the result of a consolidation of activities covered in the 1998 Stage 1 Disenfenfectants/Disinfection Byproduct Rule (DBPR) ICR, some rules and activities covered in the 1993 Public Water Systems Supervision (PWSS) program ICR and activities and rules previously covered in other Office of Ground Water and Drinking Water (OGWDW) standalone ICRs. As part of the consolidation effort, the Disinfectants/Disinfection, Chemical, and Radionuclides Rules ICR will be amended to include burden and costs associated with the Lead and Copper Rule. The National Primary Drinking Water Regulations (NPDWRs) for Lead and Copper (The Lead and Copper Rule or LCR), promulgated by EPA in 1991, is a regulatory program mandated by the Safe Drinking Water Act (SDWA). The LCR's goal is to reduce the levels of lead and copper at the tap to as close to the maximum contaminant level goals of 0 parts per billion (ppb) of lead and 1.3 ppb of copper as possible. To accomplish this, the LCR requires community and non-transient non-community water systems to conduct periodic monitoring to optimize corrosion control and, under specified conditions, install source water treatment, conduct public education, and/or replace lead service lines in the distribution system.

In January 2000, EPA published the Lead and Copper Rule Minor Revisions (LCRMR) which eliminated unnecessary requirements, streamlined and reduced reporting burden, and promoted consistent national implementation. The LCRMR do not affect the lead or copper rule maximum contaminant level goals, action levels, or the basic regulatory requirements. Monitoring, reporting and recordkeeping are required at both the system and State levels under the National Primary Drinking Water Regulations (NPDWRs). EPA has chosen to require the least frequent collection that remains consistent with overall public health preservation objectives. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 9, 2002 (67 FR 17070–17071), no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this amendment to a collection of information is estimated to average 2.3 hours per response. 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.

Respondents/Affected Entities: Public Water Systems and Primacy Agents.

Estimated Number of Respondents: 74,587.

Frequency of Response: Bi-weekly, monthly, quarterly, annually, semi-annually, triennially, and every nine years.

Estimated Total Annual Hour Burden: 1,780,049 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $11,456,047.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1896.04 and OMB Control No. 2040–0204 in any correspondence.

Dated: July 26, 2002.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 02–19696 Filed 8–2–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:30 a.m. on Tuesday, August 6, 2002, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider matters relating to the Corporation's enforcement and corporate activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC:

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–3742.

Dated: August 1, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 02–19811 Filed 8–1–02; 2:18 pm]

BILLING CODE 6714–01–M

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 011812.

Title: Contship/CMA CGM-Safmarine Space Charter Agreement.

Parties: Contship Containerlines, CMA CGM, S.A., Safmarine Containerlines N.V.

Synopsis: The proposed agreement authorizes Contship and CMA CGM to charter space to Safmarine on the service they operate between the Indian Subcontinent/Middle East and the U.S. East Coast. The parties request expedited review.

By Order of the Federal Maritime Commission.

Dated: July 30, 2002.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–19615 Filed 8–2–02; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 02N–0330]

International Conference on Harmonisation Workshop on Gene Therapy; Public Meeting

AGENCY: Food and Drug Administration, HHS

ACTION: Notice of public meeting.

The Food and Drug Administration (FDA) is announcing a public meeting entitled ''Public Meeting: ICH Workshop on Gene Therapy.'' The purpose of the meeting is to solicit input and conduct discussion on gene therapy issues regarding the development of viral vector reference materials, adenovirus shedding, and the safe use of Lentivirus vectors in clinical trials.

Date and Time: The meeting will be held on September 9, 2002, from 8 a.m. to 5 p.m.

Location: The meeting will be held at the Sheraton Premiere Tysons Corner, McLean, VA.

Contact: Stephanie Simek, Division of Cellular and Gene Therapies (HFM–591), Food and Drug Administration, Woodmont Office Complex One, 1401 Rockville Pike, suite 380 North, Rockville, MD 20852, 301–827–5102, FAX 301–827–5397.

Registration and Request for Oral Representations: Send registration information (including name, title, firm name, address, telephone, and fax number), and written material and requests to make oral presentations, to the contact person by August 26, 2002. To register electronically, please see the Pharmaceutical Research and Manufacturers of America at http://www.phrma.org/meetings/ and register by August 16, 2002.

If you need special accommodations due to a disability, please contact Stephanie Simek at least 7 days in advance.

SUPPLEMENTARY INFORMATION:

I. Background

The International Conference on Harmonisation (ICH) was organized to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. ICH is concerned with harmonization among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission; the European Federation of Pharmaceutical Industries Associations; the Japanese Ministry of Health, Labor and Welfare; the Japanese Pharmaceutical Manufacturers Association; the Center for Drug Evaluation and Research and the Center for Biologics Evaluation and Research, FDA; and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations. The ICH Steering Committee includes representatives from each of the ICH sponsors and Canadian Therapeutics Programme, and the European Free Trade Area. The ICH process has achieved significant harmonization of the technical requirements for the approval of pharmaceuticals for human use in the three ICH regions. The current ICH process and structure can be found on the Internet at http://www.ifpma.org/ich1.html.

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of gene therapy regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to participating with the international community in the development and clinical use of safer and more effective gene therapy products.

The ICH held its first workshop on Gene Therapy in Chiba Japan, May 21 through 24, 2001. The workshop was held as a joint regulatory/industry project to improve, through harmonization, the efficiency of the process for sharing information on the development of gene therapy products in Europe, Japan, and the United States without compromising the regulatory obligations of safety and effectiveness.

At this workshop, it was agreed that the scientific principles for the regulation of gene therapy or gene therapy products are currently harmonized in the three ICH regions. Because the field of gene therapy is extremely complex and rapidly evolving, the group suggested that an exchange of scientific expertise and experience among the ICH partners could foster prospective harmonization of technical requirements.

It was then agreed that an ICH scientific workshop would be held in conjunction with the Spring ICH Steering Committee and Expert Working Group meetings in Washington, DC.

II. Issues To Be Discussed at the Public Meeting

The issues to be discussed include the following: (1) Development of viral vector reference standards, and (2) safe use of Lentivirus vectors in gene therapy clinical trials.

Interested persons may take part in an open discussion at two sessions during the September 9, 2002, meeting. The morning panel discussion will be between approximately 9:45 a.m. and 10:45 a.m. and will be focused on the development of viral vector reference standards. The afternoon discussion panel will be scheduled between approximately 3:40 p.m. and 4:40 p.m. and will focus on the safe use of Lentivirus vectors in gene therapy clinical trials.

The agenda for the public meeting will be made available on August 26, 2002, at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, under docket number 02N–0330.

Transcripts: Transcripts of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, rm. 12A–16, Rockville, MD 20857, approximately 15 working days after the meeting at a cost of 10 cents per page.

Dated: July 29, 2002.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 02–19728 Filed 8–2–02; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; National Kidney Disease Education Program Evaluation Survey

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), the National Institutes of Health (NIH), will publish periodic summaries of proposed projects to be submitted to the Office of Management (OMB) for review and approval.

Proposed Collection:

Title: National Kidney Disease Education Program Evaluation Survey.

Type of Information Collection Request: New.

Need and Use of Information Collection: NIDDK will conduct a survey to monitor and evaluate the effects of a pilot kidney disease education program. This will be accomplished through baseline and follow-up surveys of the primary target audience members, i.e. African American adults and primary care providers, in four pilot site locations. The research is designed to assess the overall impact of the program, but also to provide information that will be useful in developing and refining this and future programs.

Frequency of Response: A baseline and follow-up survey will each require a onetime response.

Affected Public: Individuals or households, clinics or doctor's offices.

Type of Respondents: African-American adults, and Primary Care Providers (e.g., physicians, physician assistants, and nurse practitioners, etc.).

The annual reporting burden is as follows:

Estimated Number of Respondents: 2,000.

Estimated Number of Responses per Respondent: 1 (Respondents will answer a single survey: African American adults will complete a 20 minute computer assisted telephone interview (CATI); Primary care providers will complete a 10 minute faxed survey.

Average Burden Hours Per Response: .298

Estimated Total Annual Burden Hours Requested: 596.

The annualized total cost of respondents' time is estimated at $10,684. All respondents will be contacted via telephone. To reduce respondent burden and overall costs of administering the study, it is expected that random digit dialing will be used to contact African American adults and telephone lists will be used to contact primary care providers. Because different program materials will be developed for each audience the questionnaires will be tailored such that respondents will be asked only target-audience pertinent questions. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Type of respondents	Number of respondents	Frequency of response	Average time per response	Annual hour burden
African Americans	1,600	1.0	.33	528
Primary Care Providers	400	1.0	.17	68
Total	2,000			596

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) 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) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Mimi Lising, Project Officer, NIDDK National Kidney Disease Education Program, NIH, Building 31, Room 9A04, Bethesda, MD 20892–2560, or call non-toll-free number (301) 496–3583 or e-mail your request, including your address, to: *lisingm@extra.niddk.nih.gov*.

Comments Due Date: Comments regarding this information are best assured of having their full effect if received within 60 days following the date of this publication.

Dated: July 17, 2002.

Barbara Merchant,

Executive Officer, NIDDK.

[FR Doc. 02–19726 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; Extended Lung Cancer Incidence Follow-Up for the Mayo Lung Project Participants

SUMMARY: In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Collection: Title: Extended Lung Cancer Incidence Follow-Up for the Mayo Lung Project Participants.

Type of Information Collection Request: EXTENSION, OMB No. 0925–0496, expiration date 10–31–2002.

Need and Use of Information Collection: The Mayo Lung Project (MLP) was an NCI-funded randomized controlled trial (RCT) of lung cancer screening conducted among 9,211 male smokers from 1971 to 1983. No reduction in lung cancer mortality was observed in the MLP with an intense regimen of x-ray and sputum cytology screening. Recent analysis of updated mortality and case survival data (through 1996) suggests that lesions with little-to-no clinical relevance (over-diagnosis may have been detected through screening in the MLP intervention arm. Over-diagnosis leads to unnecessary medical interventions, including diagnostic and treatment procedures that carry with them varying degrees of risk. Consequently, over-diagnosis can result in considerable harm, including premature death, that would not have occurred in the absence of screening. The persistence, after screening ends, of an excess of lung cancer cases in the intervention arm is the strongest evidence in support of over-diagnosis, but this information cannot be adequately obtained with available MLP data. Therefore, we propose to re-contact the MLP participants and/or their next-of-kin to determine the participants who were diagnosed with lung cancer after the formal end of the Project. These data will allow the NCI to either more-convincingly state or perhaps refute the

possibility of over-diagnosis in lung cancer screening, and may be used to guide future research agendas and lung cancer screening policies.

Frequency of response: Once.

Affected public: Individuals.

Type of respondents: MLP participants or their next-of-kin. The annual reporting burden is as follows:

Maximum number of respondents: 6,223;

Estimated number of Responses per Respondent: 1.

Average Burden Hours Per Response: 0.25;

Estimated Maximum Total Annual Burden Hours Requested: 1,556. The annualized cost to respondents is estimated at zero. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for comments: Written comments and/or suggestions from the public and affected agencies should address one or more of the following points: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Pamela Marcus, Epidemiologist, Biometry Research Group, Division of Cancer Prevention, National Cancer Institute, Suite 3131 EPN, 6130 Executive Blvd, Bethesda, MD 20892–7354; or call non-toll free 301–496–7468; or email *pm145q@nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

Dated: July 29, 2002.

Reesa L. Nichols,

NCI Project Clearance Liaison.

[FR Doc. 02–19727 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory General Medical Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory General Medical Sciences Council.

Date: September 12–13, 2002.

Closed: September 12, 2002, 8:30 am to 10:30 am.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Open: September 12, 2002, 10:30 am to 5 pm.

Agenda: For the discussion of program policies and issues, opening remarks, report of the Director, NIGMS, new potential opportunities and other business of Council.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Closed: September 13, 2002, 8:30 am to adjournment.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.

Contact Person: Norka Ruiz Bravo, PhD, Associate Director for Extramural Activities, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 2AN24G, Bethesda, MD 20892, (301) 594–4499.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *http://pub.nigms.nih.gov/council/,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19716 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting.

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Deafness and Other Communication Disorders Advisory Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Deafness and Other Communication Disorders Advisory Council.

Date: September 13, 2002.

Open: 8:30 a.m. to 11:30 a.m.

Agenda: Staff reports on divisional, programmatic, and special activities.

Place: 31 Center Drive, Bldg. 31, Conf. Rm. 6, Bethesda, MD 20892.

Closed: 11:30 a.m. to Adjournment.

Agenda: To review and evaluate grant applications.

Place: 31 Center Drive, Bldg. 31, Conf. Rm. 6, Bethesda, MD 20892.

Contact Person: Craig A. Jordan, PhD, Chief, Scientific Review Branch, NIH/NIDCD/DER, Executive Plaza South, Room 400C, Bethesda, MD 20892–7180, 301–496–8683.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a photo I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page: *http://www.nidcd.nih.gov/about/councils/ndcdac/ndcdac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19717 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, R13: Understanding Islet Biology.

Date: August 5, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: 2 Democracy Plaza, 6707 Democracy Boulevard, Room 752, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Francisco O. Calvo, PhD., Chief Review Branch, DEA, NIDDK, Room 752, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8897.

This notice is being published less than 15 days prior to the meetings due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19721 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, August 8, 2002, 4 p.m. to August 8, 2002, 5 p.m. Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA, 22202 which was published in the **Federal Register** on July 15, 2002, 67 FR 46531.

The meeting on August 8, 2002 will be from 3 a.m. to 5 p.m. at the Courtyard by Marriott Hotel in Arlington, VA. The meeting is closed to the public.

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19722 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, August 7, 2002, 7 p.m. to August 8, 2002, 4 p.m., Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA, 22202 which was published in the **Federal Register** on July 15, 2002, 67 FR 46531.

The meeting on August 8, 2002 will be from 8 a.m. to 3 p.m. at the Courtyard by Marriott Hotel in Arlington, VA. The meeting is closed to the public.

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19723 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, August 6, 2002, 8 a.m. to August 6, 2002 5 p.m. Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA, 22202 which was published in the **Federal Register** on July 15, 2002, 67 FR 46531.

The meeting on August 6, 2002 will be held at the Courtyard by Marriott Hotel in Arlington, VA. The meeting is closed to the public.

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19724 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of meetings of the Board of Regents of the National Library of Medicine.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Regents of the National Library of Medicine, Extramural Programs Subcommittee.

Date: September 9, 2002.

Closed: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, 8600 Rockville Pike, Conference Room B, Bethesda, MD 20892.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

Name of Committee: Board of Regents of the National Library of Medicine, Subcommittee on Outreach and Public Information.

Date: September 10, 2002.

Open: 7:30 a.m. to 8:45 a.m.

Agenda: Program documents.

Place: National Library of Medicine, 8600 Rockville Pike, Conference Room B, Bethesda, MD 20892.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

Name of Committee: Board of Regents of the National Library of Medicine,

Date: September 10–11, 2002.

Open: September 10, 2002, 9 a.m. to 4:30 p.m.

Agenda: Administrative Reports and Program Discussion,

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Closed: September 10, 2002, 4:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Open: September 11, 2002, 9 a.m. to 12 p.m.

Agenda: Administrative Reports and Program Discussion.

Place: Library of Medicine, Board Room, Room 2E17, Bldg. 38, 8600 Rockville Pike, Bethesda, MD 20892.

Contact Person: Donald A.B. Lindberg, MD, Director, National Library of Medicine, National Institutes of Health, PHS, DHHS, Bldg 38, Room 2E17B, Bethesda, MD 20894.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance into the building by non-government employees. Persons without a government I.D. will need to show a phot I.D. and sign-in at the security desk upon entering the building.

Information is also available on the Institute's/Center's home page:*www.nim.nih.gov/od/bor.html,* where an agenda and any additional information for the meeting will be posted when available.

(Catalolgue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19718 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice hereby give of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BDCN–6 02.

Date: July 30, 2002.

Time: 4 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, BDCN–6 02.

Date: August 1, 2002.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 83.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19719 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, August 9, 2002, 2 p.m. to August 9, 2002, 3 p.m., NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on July 23, 2002, 67 FR 48199–48201.

The meeting will be held on August 12, 2002, from 12 p.m. to 1 p.m. The

location remains the same. The meeting is closed to the public.

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19720 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN–4 (07) Neurosciences.

Date: August 5, 2002.

Time: 12 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: August 6, 2002.

Time: 1 p.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5118, Bethesda, MD 20892, (301) 435–1259, *orrt@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN 4 (08) Behavioral Neurosicence.

Date: August 6, 2002.

Time: 12 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Drug Metabolism.

Date: August 7, 2002.

Time: 2 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN 4 (09) Neurosciences.

Date: August 9, 2002.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Daniel R. Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5176, MSC 7844, Bethesda, MD 20892, 301–435–1255.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 30, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–19725 Filed 8–2–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Mental Health Services; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a Telephone Conference Call meeting of the Center for Mental Health Services (CMHS) National Advisory Council in August 2002.

The meeting will include the review, discussion and evaluation of individual grant applications. Therefore the meeting will be closed to the public as determined by the Administrator, SAMHSA, in accordance with Title 5 U.S.C. 552b(c)(6) and 5 U.S.C. App. 2. & 10(d).

Substantive program information, a summary of the meeting and a roster of Council members may be obtained from the contact listed below.

Committee Name: Center for Mental Health Services National Advisory Council.

Meeting Date: August 5, 2002 (Closed).

Time: 12 p.m.–2 p.m.

Place(s): Parklawn Building, 5600 Fishers Lane, Conference Room 17–94, Rockville, Maryland 20857.

Contact: Eileen S. Pensinger, M.Ed., 5600 Fishers Lane, Parklawn Building, Room 17C–27, Rockville, Maryland 20857, Telephone: (301) 443–4823.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Dated: July 30, 2002.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–19633 Filed 8–2–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board to be held in September 2002.

A portion of the meeting will be open and will include a Department of Health

and Human Services drug testing program update, a Department of Transportation drug testing program update, and an update on the draft guidelines for alternative specimen testing and on-site testing. If anyone needs special accommodations for persons with disabilities, please notify the Contact listed below.

The meeting will include developing the final requirements for specimen validity testing that had been published in the **Federal Register** on August 21, 2001 (66 FR 43876), and evaluation of sensitive National Laboratory Certification Program (NLCP) internal operating procedures and program development issues. Therefore, a portion of the meeting will be closed to the public as determined by the SAMHSA Administrator in accordance with Title 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App.2, § 10(d).

A roster of the board members may be obtained from: Mrs. Giselle Hersh, Division of Workplace Programs, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, MD 20857, Telephone: (301) 443–6014. The transcript for the open session will be available on the following website: http://workplace.samhsa.gov. Additional information for this meeting may be obtained by contacting the individual listed below.

Committee Name: Center for Substance Abuse Prevention Drug Testing Advisory Board

Meeting Date: September 4, 2002; 8:30 a.m.–4:30 p.m. September 5, 2002; 8:30 a.m.–Noon

Place: Residence Inn by Marriott 7335 Wisconsin Avenue Bethesda, Maryland 20814

Type:

Open: September 4, 2002; 8:30 a.m.–10:00 a.m.

Closed: September 4, 2002; 10:00 a.m.–4:30 p.m.

Closed: September 5, 2002; 8:30 a.m.–Noon

Contact: Donna M. Bush, Ph.D., Executive Secretary Telephone: (301) 443–6014, and FAX: (301) 443–3031

Dated: July 26, 2002.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 02–19632 Filed 8–2–02; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR 4738–N–02]

Notice of Proposed Information Collection; Notice of Funding Availability (NOFA) for Healthy Homes and Lead Hazard Programs (Lead-Based Paint Hazard Control Grant Program, Healthy Homes Demonstration Grant Program, the Operation Lead Elimination Action Program, and the Healthy Homes and Lead Technical Studies Grant Program

AGENCY: Office of Healthy Homes and Lead Hazard Control, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement concerning the Notice of Funding Availability for Healthy Homes and Lead Hazard Programs 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: October 4, 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: Gail N. Ward, Reports Liaison Officer, Department of Housing and Urban Development, 451 7th Street, SW., Room P3206, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Matt Ammon, Department of Housing and Urban Development, 451 7th Street, SW., Room P3206, Washington, DC 20410, telephone number (202) 755–1785 extension 158 (this is not a toll-free number) for copies of the proposed forms and other available documents.

SUPPLEMENTARY INFORMATION: The Department is submitting 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.

Title of Proposal: Notice of Funding Availability (NOFA) for Healthy Homes and Lead Hazard Programs (Lead-Based Paint Hazard Control Grant Program, Healthy Homes Demonstration Grant Program, the Operation Lead Elimination Action Program, and the Healthy Homes and Lead Technical Studies Grant Program).

OMB Control Number: 2539–0015.

Need for the Information and Proposed Use: This information collection is required in conjunction with the issuance of NOFAs announcing the availability of approximately $97,500,000 for Healthy Homes and Lead Hazard Programs (Lead-Based Paint Hazard Control Grant Program, Healthy Homes Demonstration Grant Program, the Operation Lead Elimination Action Program, and the Healthy Homes and Lead Technical Studies Grant Program). Grants are authorized under Title X of the Housing and Community Development Act of 1992, Pub. L. 102–550, Section 1011(g) and other legislation.

Agency For Numbers: None.

Members of Affected Public: Potential applicants include a State, tribal, or unit of local governments. In addition, potential applicants to the Healthy Homes Demonstration Grant Program, the Operation Lead Elimination Action Program, and the Healthy Homes and Lead Technical Studies Grant Program may include not-for-profit institutions and for-profit firms located in the U.S.

Total Burden Estimate (First Year):

Task: Application Development.

Number of Respondents: 225.

Frequency of Response: 1.

Hours of Response: 80.

Burden Hours: 18,000.

Number of copies to be submitted to the Office of Lead Hazard Control for evaluation: Original and four (4) copies.

Award of Grant 65, 1, 16, 1,040.

Total Estimated Burden Hours: 19,040.

Status of the Proposed Information Collection: This is a revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35, as amended.

Dated: July 26, 2002.

David E. Jacobs,

Director, Office of Healthy Homes and Lead Hazard Control.

[FR Doc. 02–19596 Filed 8–2–02; 8:45 am]

BILLING CODE 4210–70–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–N–35]

Notice of Proposed Information Collection: Comment Request; Repayment Agreement

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, 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:* October 4, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Lester J. West, Director, Albany Financial Operations Center, Department of Housing and Urban Development, telephone (518) 464–4200 extension 4206 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting 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 is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Repayment Agreement.

OMB Control Number, if applicable: 2502–0483.

Description of the need for the information and proposed use: Once a Debt Servicing Representative has a clear understanding of the debtor's ability to repay the debt, attempts should be made to secure a signed repayment agreement.

Agency form numbers, if applicable: HUD–56146.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 250, the number of respondents is 500 generating approximately 500 annual responses, the frequency of response is on occasion, and the estimated time needed to prepare the response is 30 minutes.

Status of the proposed information collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., chapter 35, as amended.

Dated: July 24, 2002.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 02–19597 Filed 8–2–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–N–36]

Notice of Proposed Information Collection: Comment Request; Section 811 Supportive Housing for Persons With Disabilities—Application Submission Requirements

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, 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:* October 4, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: William Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3000 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting 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 is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Section 811 Supportive Housing for Persons with Disabilities—Application Submission Requirement.

OMB Control Number, if applicable: 2502–0462.

Description of the need for the information and proposed use: The collection of this information is necessary to the Department to assist HUD in determining applicant eligibility, and the applicant's ability to develop housing for the disabled that is within statutory and program criteria. A thorough evaluation of an applicant's submission is necessary to protect the Government's financial interest and to mitigate any possibility of fraud, waste, and mismanagement of public funds.

Agency form numbers, if applicable: HUD–92016–CA, HUD–92043, HUD–50070, HUD–50071, HUD–2880, HUD–2991, HUD–2992, SF–424, and SF–LLL.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 10,556, the number of respondents is 260 generating approximately 260 annual responses, the frequency of response is on occasion, and the estimated time needed to prepare the response varies from 20 minutes to 21 hours.

Status of the proposed information collection: Reinstatement, without change, of a previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., chapter 35, as amended.

Dated: July 24, 2002.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 02–19598 Filed 8–2–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4739–37]

Notice of Proposed Information Collection: Comment Request; Requisition for Disbursement of Section 202 Funds

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, 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:* October 4, 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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8003, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 708–3000 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting 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 is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Requisition of Disbursement of Section 202 Funds.

OMB Control Number, if applicable: 2502–0187.

Description of the need for the information and proposed use: This information collection is used by Owner entities and submitted to HUD on a periodic basis (generally monthly) during the course of construction for the purpose of obtaining Section 202/811 capital advance/loan funds. The information will also be used to identify the Owner, the project, the type of disbursement being requested, the items to be covered by the disbursement, and the name of the depository holding the Owner's bank account, including the account number.

Agency form numbers, if applicable: HUD–92403–CA and HUD–92403–EH.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated total number of hours needed to prepare the information collection is 3,168, the number of respondents is 664 generating approximately 6,336 annual responses, the frequency of response is monthly and on occasion, the estimated time needed to prepare the response is approximately 30 minutes.

Status of the proposed information collection: Reinstatement, with change, of a previously approved collection for which approval has expired.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: July 25, 2002.

Sean G. Cassidy,

General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 02–19599 Filed 8–2–02; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Notice of Proposed Information Collection

AGENCY: Office of the Secretary, Interior.

ACTION: Notice and Request of Comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Department of the Interior, Office of the Secretary is announcing its intention to request re-approval for the collection of information for the DI-Form 381, Claim for Relocation Payments—Residential and DI-Form 382, Claim for Relocation Payments-Nonresidential.

DATES: Comments on the proposed information collection must be received by October 4, 2002, to be assured of consideration.

ADDRESSES: Comments may be mailed to John Moresko, Department of the Interior, Office of Acquisition and Property Management, 1849 C Street NW., Mail Stop 5512, Washington, DC 20240. Comments may also be submitted electronically to *john_moresko@ios.doi.gov.*

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related forms, contact John Moresko at (202) 208–5704.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implements the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies an information collection activity that the Office of the Secretary will be submitting to OMB for extension or re-approval.

Form DI–381 and Form DI–382 were created because of the amendments to the Uniform Relocation Assistance and

Real Property Acquisition Policies Act of 1970 (Act) made by the Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Public Law 100–17.

The Office of the Secretary will request a 3-year term of approval for this information collection activity.

Comments are invited on: (1) The need for the collection of information for the performance of the function of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collection; and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany the Office of the Secretary's submission of the information collection request to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activity:

Title: Claim For Relocation Payments-Residential; Claim for Relocation Payments-Nonresidential.

OMB Control Number: 1084–0010.

Summary: The information required is obtained through application made by displaced person(s) or business(es) to the funding agency for determination as to the specific amount of monies due under the law.

Bureau Form Number: DI–381, DI–382.

Frequency of Collection: On occasion.

Description of Respondents: Individuals and businesses who are displaced because of Federal acquisitions of their real property.

Total Annual Response: 200.

Total Annual Burden Hours: 88 hours.

Dated: July 27, 2002.

Debra E. Sonderman,

Director, Office of Acquisition and Property Management.

[FR Doc. 02–19611 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–RF–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Information Quality Guidelines Pursuant to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106–554; H.R. 5658)

AGENCY: U.S. Department of the Interior.

ACTION: Notice of Availability of Proposed Bureau Information Quality Guidelines for: Bureau of Land Management; Bureau of Reclamation; Fish and Wildlife Service; Office of Surface Mining; Minerals Management Service; National Park Service; U.S. Geological Survey.

SUMMARY: The U.S. Department of the Interior is issuing notice of availability of the proposed bureau-specific Information Quality Guidelines in order to comply with the guidance published by the Office of Management and Budget, in the **Federal Register,** Vol., 2, No. 67, dated January 2, 2002, and re-issued February 22, 2002, Vol. 67, No. 36.

FOR FURTHER INFORMATION CONTACT: Nancy Trent, U.S. Department of the Interior, Office of the Chief Information Officer, Phone: 202–208–6051, fax: 202–501–7864.

SUPPLEMENTARY INFORMATION: The Department of the Interior issued proposed draft guidelines, made available for public comment on the web at *http://www.mms.gov/whatsnew/* on May 24, 2002, which provide a framework for these bureau policies and which may be referred to for more information, The U.S. Department of the Interior, its offices, and its component bureaus disseminate a wide variety of information to the public regarding the Nation's Federal lands, National Parks, natural resources, geographic and spatial data, wildlife and fisheries, and Indian lands. As the Department of the Interior operates a decentralized information management program, its subordinate bureaus are responsible for establishing administrative procedures for review of information quality. These proposed Information Quality Guidelines detail the procedures under which each separate bureau intends to operate. These documents are intended to incorporate the basic guidance set forth by the Office of Management and Budget, and the proposed guidance published by the U.S. Department of the Interior. Persons interested in reviewing the proposed Information Quality Guidelines issued by the Bureau of Land Management; Bureau of Reclamation; Fish and Wildlife Service; Office of Surface Mining; Minerals Management Service; National Parks Service; and the U.S. Geological Survey, may access these proposed guidelines via the website for the U.S. Department of the Interior (*http://;www.doi.gov*), then accessing *Bureaus,* then the bureau(s) of interest. Comments on a particular bureau's proposed guidelines should be submitted to that bureau according to the instructions on its website. Comment period will be open no less than thirty (30) days. The bureaus may specify a longer period.

Dated: July 26, 2002.

P. Lynn Scarlett,

Assistant Secretary for Policy, Management and Budget.

[FR Doc. 02–19609 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–RK–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Piping Plover (Charadrius melodus) Great Lakes Population Draft Recovery Plan for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces availability for public review of the draft recovery plan for the Great Lakes population of Piping Plovers (*Charadrius melodus*), a species that is federally listed as endangered under the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*). This species occurs or may occur on public and private land in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, Alabama, Florida, Georgia, Louisiana, North Carolina, South Carolina, Mississippi, and Texas. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before September 4, 2002, will be considered by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, East Lansing Ecological Services Field Office, 2651 Coolidge Road, East Lansing, Michigan 48823 or by accessing the website: *http://midwest.fws.gov/Endangered.*

FOR FURTHER INFORMATION CONTACT: Mr. Jack Dingledine at the above address, or telephone at (517) 351–6320. TTY users may contact Mr. Dingledine through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help

guide the recovery effort, the Service is working to prepare recovery plans for most of the federally listed threatened and endangered species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for reclassification and delisting, and provide estimates of the time and costs for implementing the recovery measures needed.

The Act, requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into consideration in the course of implementing approved recovery plans.

The Great Lakes population of piping plovers was listed as endangered on December 11, 1985. The species inhabits beaches on the Great Lakes during the breeding season of April through September, and winters on Atlantic and Gulf Coast beaches. Destruction of habitat, disturbance, and increased predation rates due to elevated predator densities in piping plover habitat are described as the main reasons for this species' endangered status and continue to be the primary threats to its recovery. Thirty nesting pairs were recorded in 2000, all in Michigan. Breeding has not occurred outside of Michigan and Wisconsin for over a decade, although occurrence during migration has been recorded in other Great Lakes States.

Critical habitat for the breeding population of the Great Lakes piping plover was designated on May 7, 2001. A total of 35 units, encompassing 325 kilometers (201 miles) of shoreline in eight states are included in the designation. Critical habitat designation identifies habitat areas that provide essential life cycle needs of the species and seeks to protect adequate habitat to meet the recovery criteria. Designation does not, however, signify that areas outside of designation are unimportant or may be required for recovery.

Recovery will be achieved and the species may be removed from the list of Threatened and Endangered Species when the following five criteria are met: (1) The population has increased to at least 150 pairs with at least 100 breeding pairs in Michigan and 50 breeding pairs distributed among other sites in other Great Lakes States; (2) five-year average fecundity has increased to 2.0 fledglings each pair per year across the breeding range; (3) essential breeding habitat in the Great Lakes region and wintering habitat areas are protected; (4) genetic diversity within the population is adequate for population persistence and can be maintained over the long-term; and (5) agreements and funding mechanisms are in place for long-term protection and management activities in essential breeding and wintering habitats. The species may be reclassified from endangered to threatened when the first four criteria are met and delisted when all five criteria are achieved.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be sent to the Field Supervisor, Ecological Services Field Office, and comments received will be available for public inspection by appointment during normal business hours (see **ADDRESSES** section.)

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 18, 2002.

Charles M. Wooley,

Assistant Regional Director, Ecological Services.

[FR Doc. 02–19626 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Illinois Cave Amphipod (*Gammarus acherondytes*) Draft Recovery Plan for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces availability of the endangered Illinois cave amphipod (*Gammarus acherondytes*) draft recovery plan for public review and comment. The Illinois cave amphipod is known only to occur in Monroe and St. Clair Counties in southwestern Illinois. The Service solicits review and comments from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before September 4, 2002 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, Rock Island Ecological Services Field Office, 4469 48th Avenue Court, Rock Island, Illinois 61201 or by accessing the website: *http://midwest.fws.gov/endangered.*

FOR FURTHER INFORMATION CONTACT: Ms. Jody Gustitus Millar at the above address, or telephone at (309) 793–5800. TTY users may contact Ms. Millar through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure, self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for the recovery levels for reclassification and delisting, and provide estimates of time and costs for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during the public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The document submitted for review is the Illinois Cave Amphipod (*Gammarus acherondytes*) Draft Recovery Plan. The Illinois cave amphipod was listed as endangered by the U.S. Fish and Wildlife Service on September 3, 1998, (63 FR 46900). The principle threat to the existence of the species is degradation of karst terrain habitat through groundwater contamination (resulting from urbanization, agricultural activities, and human and

animal waste from residential septic systems and livestock feedlots).

Historically, the Illinois cave amphipod was known to occur in six cave systems in Monroe and St. Clair Counties, Illinois. Its presence has not been confirmed in Madonnaville Cave, Monroe County and it appears to be extirpated from Stemler Cave, St. Clair County. Additional populations have been found within the known range of the species in two additional groundwater systems in Monroe County.

The quality and condition of groundwater in the amphipod's habitats are tied to land use practices within cave recharge areas. Surface activities that have the potential to contribute to the degradation of groundwater and cave habitats are best managed at the individual landowner and community level. The draft plan proposes to develop partnerships with Federal and state agencies, organizations, and private landowners that will provide mechanisms for protecting Illinois cave amphipod populations through voluntary and incentive-driven stewardship efforts.

Public Comments Solicited

The Service requests written comments on the recovery plan described. Comments should be sent to the Field Supervisor, Rock Island Ecological Services Field Office. All comments and materials received by the date specified will be considered prior to approval of the plan. They will also be available for public inspection, by appointment, during normal business hours (see **ADDRESSES** section).

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 19, 2002.

Charles M. Wooley,

Assistant Regional Director, Ecological Services.

[FR Doc. 02–19627 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of a Permit Application (Laster) for Incidental Take of the Houston Toad

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Michael Laster and Elizabeth Pardue (Applicants) have applied for an incidental take permit (TE–053011–0) pursuant to Section 10(a) of the Endangered Species Act (Act). The requested permit would authorize the incidental take of the endangered Houston toad. The proposed take would occur as a result of the construction and occupation of a single-family residence on approximately 0.5 acres of a 10.004-acre property in Cottletown Ranches Subdivision, Bastrop County, Texas.

DATES : Written comments on the application should be received within 30 days of the date of this publication.

ADDRESSES: Persons wishing to review the application may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103. Persons wishing to review the EA/HCP may obtain a copy by contacting Clayton Napier, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Austin, Texas. Written data or comments concerning the application and EA/HCP should be submitted to the Supervisor, U.S. Fish and Wildlife Service, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057). Please refer to permit number TE–053011–0 when submitting comments.

FOR FURTHER INFORMATION CONTACT: Clayton Napier, 10711 Burnet Road, Suite 200, Austin, Texas 78758 (512/490–0057).

SUPPLEMENTARY INFORMATION: Section 9 of the Act prohibits the ''taking'' of endangered species such as the Houston toad. However, the Fish and Wildlife Service (Service), under limited circumstances, may issue permits to take endangered wildlife species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered species are at 50 CFR 17.22.

The Service has prepared the Environmental Assessment/Habitat Conservation Plan (EA/HCP) for the incidental take application. A determination of jeopardy to the species or a Finding of No Significant Impact (FONSI) will not be made until at least 30 days from the date of publication of this notice. This notice is provided pursuant to Section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

Applicant: Michael Laster and Elizabeth Pardue plan to construct a single-family residence, within 5 years, on approximately 0.5 acres of a 10.004-acre property in Cottletown Ranches Subdivision, Bastrop County, Texas. Houston toads have been documented on or within one mile of the Cottletown Ranches Subdivision, which is evidence that take of the Houston toad will occur on this subject property. Therefore, the Service has recommended that the landowner apply for a 10(a)(1)(B) permit to be fully covered under the Endangered Species Act for any incidental take of the toad that may occur as a result of the Applicants' activities on the subject property. The Applicants voluntarily have agreed to apply for a 10(a)(1)(B) permit to reduce their risk of liability.

This action will eliminate 0.5 acres or less of Houston toad habitat and result in indirect impacts within the lot. The Applicant proposes to compensate for this incidental take of the Houston toad by providing $3,000.00 to the Houston Toad Conservation Fund at the National Fish and Wildlife Foundation for the specific purpose of land acquisition and management within Houston toad habitat.

Bryan Arroyo,

Acting Regional Director, Southwest Region.

[FR Doc. 02–19625 Filed 8–2–02; 8:45 am]

BILLING CODE 4510–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to approved Tribal-State Compact.

SUMMARY: Under Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Public Law 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of the approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Compact between the Northern Cheyenne Tribe and the State of Montana regarding the Class III Gaming on the Northern Gheyenne Reservation.

DATES: This action is effective August 5, 2002.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: July 19, 2002.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 02–19641 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–4N–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–310–1310–PB–24 1A]

Extension of Approved Information Collection, OMB Approval Number 1004–0074

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) to extend an existing approval to collect information to determine whether a bidder is qualified to hold a lease and to conduct geothermal resource operations under the terms of the Mineral Leasing Act of 1920 and the Geothermal Steam Act of 1969. BLM uses Forms 3000–2 and 3200–9 to collect this information.

DATES: You must submit your comments to BLM at the address below on or before October 4, 2002. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 0004–0074'' any your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW., Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Barbara Gamble, Fluids Minerals Group, on (202) 452–0338 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Ms. Gamble.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) the accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) ways to enhance the quality, utility, and clarity of the information collected; and

(d) ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

The Mineral Leasing Act of 1920, as amended (30 U.S.C. 181 *et seq.*), gives the Secretary of the Interior responsibility for oil and gas leasing on approximately 600 million acres of public lands and national forests, and private lands where the Federal Government retains the mineral rights. Congress passed the Federal Onshore Oil and Gas Leasing Reform Act of 1987 requiring BLM to offer all public lands that are available for oil and gas leasing by competitive oral bidding before accepting noncompetitive lease applications. The Department of the Interior Appropriations Act of 1981 (43 U.S.C. 6508) provides for the competitive leasing of the lands in the National Petroleum Reserve—Alaska. The Geothermal Steam Act of 1970 (30 U.S.C. 1001–1025) authorizes the Secretary of the Interior to issue leases for geothermal development.

The regulations (43 CFR part 3100) outline procedures for obtaining a lease to explore for, develop, and produce oil and gas resources located on public lands. The regulations (43 CFR part 3200) outline procedures to issue geothermal leases and the exploration, development and utilization of Federally-owned geothermal resources. BLM needs the information requested on the two forms to process lease bids for oil and gas and geothermal resources and to complete environmental reviews required by NEPA.

You must submit the forms to the proper BLM office. Form 3000–2 requires the name and address to identify the bidder. This allows BLM to ensure that the bidder meets the eligibility requirements in the regulations. The regulations require the bidder to submit one-fifth of the amount of the bid for a geothermal bid or the minimum acceptable bid for an oil and gas lease is the first year's rental and administrative fee. Form 3200–9 requires the name and address of the entity who will conduct operations on the land. You must also submit the legal land description of the lands you plan to enter or disturb for your exploration/operation. We use the starting and ending dates to determine how long the applicant/operator/contractor intends to conduct operations on the land.

Based on BLM's experience administering this program, we estimate the public reporting burden is 2 hours for completing Form 3000–2 and 2 hours for completing Form 3200–9. These estimates include the time spent on research, gathering, and assembling information, reviewing instructions, and completing the respective forms. In FY 2000, BLM estimated 393 competitive bids for oil and gas and geothermal resources and 50 Notice of Intent to Conduct Geothermal Resource Exploration Operations are filed annually, with a total annual burden of 886 hours. Respondents vary from individuals and small businesses to large corporations.

Any member of the public may request and obtain, without charge, a copy of BLM Forms 3000–2 or 3200–9 by contacting the person identified under **FOR FURTHER INFORMATION CONTACT.**

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of a public record.

Dated: July 18, 2002.

Michael H. Schwartz,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 02–19663 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–880–9500–PF–24 1A]

Extension of Approved Information Collection, OMB Approval Number 1004–0109

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) requests the Office of Management and Budget (OMB) to extend an existing approval to collection information from the Governors of States to allow the BLM to compute units of payments due to local governments under the Payments In Lieu of Taxes (PILT) Act of

September 13, 1982, as amended. The nonform information we collect under 43 CFR part 1881 helps local governments recover some of the expenses incurred by providing services on public lands.

DATES: You must submit your comments to BLM at the address below on or before October 4, 2002. BLM will not necessarily consider any comments received after the above date.

ADDRESSES: You may mail comments to: Regulatory Affairs Group (WO–630), Eastern States Office, 7450 Boston Blvd., Springfield, Virginia 22153.

You may send comments via Internet to: *WOComment@blm.gov.* Please include ''ATTN: 1004–0109'' and your name and address with your comments.

You may deliver comments to the Bureau of Land Management, Administrative Record, Room 401, 1620 L Street, NW, Washington, DC.

Comments will be available for public review at the L Street address during regular business hours (7:45 a.m. to 4:15 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: You may contact Bill Howell, Budget Group, on (202) 452–7721 (Commercial or FTS). Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) on 1–800–877–8330, 24 hours a day, seven days a week, to contact Mr. Howell.

SUPPLEMENTARY INFORMATION: 5 CFR 1320.12(a) requires that we provide a 60-day notice in the **Federal Register** concerning a collection of information to solicit comments on:

(a) Whether the collection of information is necessary for the proper functioning of the agency, including whether the information will have practical utility;

(b) the accuracy of our estimates of the information collection burden, including the validity of the methodology and assumptions we use;

(c) ways to enhance the quality, utility, and clarity of the information collected; and

(d) ways to minimize the information collection burden on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

BLM makes payments in lieu of taxes to units of local governments for certain Federal lands within their boundaries through authority provided under the Payment in Lieu of Taxes Act of October 20, 1976 (90 Stat. 2662, 31 U.S.C. 6901–6907). The implementing regulations (43 CFR part 1881) require the Governor of each State to furnish BLM with a listing of payments made to local governments by the State on behalf of the Federal Government under 11 receipt-sharing statutes. BLM provides the States with a printout matrix designed to facilitate recording the requested information. BLM uses the information provided by the States to compute the PILT payments to local governments within the State.

Based on BLM's experience in administering the PILT program, we estimate the public reporting burden is 20 hours. The respondents already maintain this information for their own record keeping purposes and need only transfer the information to the printout matrix that BLM will provide. The respondents are offices designated by the Governor of each State, usually the Treasurer's Office. The frequency of response is once annually, reporting on the previous fiscal year revenues. The number of responses per year is 50. We estimate the total annual burden is 1,000 hours.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of public record.

Dated: July 11, 2002.

Michael H. Schwartz,

Bureau of Land Management, Information Collection Clearance Officer.

[FR Doc. 02–19664 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[COC–23653]

Public Land Order No. 7530; Extension of Public Land Order No. 6311; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order extends Public Land Order No. 6311 for an additional 20-year period. This extension is necessary to continue the protection of the Forest Service's Fravert Administrative Site.

EFFECTIVE DATE: August 10, 2002.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215–7093, 303–239–3706.

SUPPLEMENTARY INFORMATION: By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 6311 (47 FR 34539, August 10, 1982), which withdrew public land to protect the Fravert Administrative Site, is hereby extended for an additional 20-year period on the following described land, which was formerly described by metes and bounds:

Sixth Principal Meridian

T. 6 S., R. 93 W., sec. 8, lot 1.

The area described contains 4.84 acres in Garfield County.

2. Public Land Order No. 6311 will expire August 9, 2022, unless, as a result of a review conducted prior to the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: July 18, 2002.

Rebecca W. Watson,

Assistant Secretary—Land and Minerals Management.

[FR Doc. 02–19665 Filed 8–2–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–050–5855–EU; N–61259, N–66238]

Notice of Realty Action: Direct Sale of Public Lands in Clark County, NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct sale to the City of Mesquite, Nevada.

SUMMARY: The Mesquite Lands Act of 1988, was amended by Section 121 of Public Law 104–208, dated September 30, 1996, to afford the City of Mesquite, Nevada (City) the exclusive right to purchase certain public lands, at not less than fair market value, for a period of 12 years. On October 24, 1996, these public lands were segregated from all forms of appropriation under the public land laws, including the general mining laws, until September 29, 2008. In accordance with the Act, the City has notified the Bureau of Land Management (BLM) as to which of the described lands the City wishes to purchase. The Mesquite Lands Act was further amended by Public Law 106–113, dated November 29, 1999, which provided that for a period of 12 years after the date of the enactment of this Amendment, the City shall have the exclusive right to purchase certain

public lands described in the Amendment. The lands are subject to all existing rights and for 12 years after the date of the enactment are withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws. The City has notified the Bureau of Land Management as to which of the described lands the City wishes to purchase at this time. The lands are identified for disposal through sale in the Las Vegas Resource Management Plan, and consist of approximately 2,346.30 acres.

Lands being offered to the City under Serial Number N–61259 are described as follows:

Mount Diablo Meridian, Nevada

T. 13 S., R. 71 E.,
Sec. 4, Lots 6 through 11, inclusive, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 5, Lots 5 through 12, inclusive, S½N½, S½;
Sec. 6, Lots 8 through 15, inclusive, S½N½, S½;
Sec. 7, N½.
T. 13 S., R. 70 E.,
Sec. 1, Lots 5 through 12, inclusive, S½N½, S½;
Sec. 11, E½SE¼;
Sec. 12, All;
Sec. 13, W½;
Sec. 14, E½NE¼, S½;
Sec. 23, Lots 5, 7, 8, and 10, N½, W½SW¼, NE¼SW¼;
Sec. 24, Lot 7, NW¼NW¼;
Sec. 26, Lots 9, 11, and 12.
Consisting of approximately 5,345.79 acres.

Lands being offered to the City under Serial Number N–66238 are described as follows:

Mount Diablo Meridian, Nevada

T. 13 S., R. 69 E.,
Sec. 25, Lots 5, 7, 10, and 13;
Sec. 36, All.
T. 13 S., R. 70 E.,
Sec. 27, Lots 4, 6, 12, 14, and 15, N½NE¼, NW¼, NW¼SW¼;
Sec. 28, Lot 1, NE¼, W½SE¼, NE¼SE¼;
Sec. 30, Lot 11;
Sec. 31, Lots 6, 7, 8, 10, 12, 14, and 16, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 32, Lots 1, 5, 8, and 11, S½NW¼, SW¼;
Sec. 33, Lots 3, 5, 7, and 9.
Consisting of approximately 2,346.30 acres.

The total acreage of the above-described lands is approximately 7,692.09 acres. The lands will be sold non-competitively to the City in accordance with Section 203 and Section 209 of the Federal Land Policy and Management Act of 1976, the Mesquite Lands Act of 1988, as amended, and the regulations at 43 CFR part 2710, at not less than the appraised fair market value (FMV).

When the lands are sold, conveyance of the locatable mineral interests will occur simultaneously with the sale of the land. The locatable mineral interests being offered have no known mineral value. Acceptance of the sale offer will constitute an application for conveyance of those mineral interests. In conjunction with the final payment, the applicant will be required to pay a $50.00 non-refundable filing fee for processing the conveyance of the locatable mineral interests.

The lands are not required for any federal purpose. The direct sale is consistent with current Bureau planning for this area and would be in the public interest. The patent will be subject to the provisions of the Federal Land Policy and Management Act and applicable regulations of the Secretary of the Interior, and the lands will be subject to the following terms and conditions:

1. A right-of-way is reserved for ditches and canals constructed by the authority of the United States under the Act of August 30, 1890, (43 U.S.C. 945).

2. All leaseable and saleable mineral deposits are reserved on land sold; permittees, licensees, and lessees retain the right to prospect for, mine, and remove the minerals owned by the United States under applicable law and any regulations that the Secretary of the Interior may prescribe, including all necessary access and exit rights.

3. The lands are subject to all valid existing rights. The lands may also be subject to applications received prior to publication of this notice if processing the application would have no adverse affect on the appraised FMV. Encumbrances of record are available for review during business hours, 7:30 a.m. to 4:15 p.m., PDT, Monday through Friday, at the Bureau of Land Management, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV.

4. The lands are subject to reservations for roads, public utilities and flood control purposes, both existing and proposed, in accordance with the local governing entities' Transportation Plans.

5. The purchaser/patentee, by accepting a patent, agrees to indemnify, defend, and hold the United States harmless from any costs, damages, claims, causes of action, penalties, fines, liabilities, and judgements of any kind or nature arising from the past, present, and future acts or omissions of the patentee or their employees, agents, contractors, or lessees, or any third-party, arising out of, or in connection with, the patentee's use, occupancy, or operations on the patented real property. This indemnification and hold harmless agreement includes, but is not limited to, acts and omissions of the patentee and their employees, agents, contractors, or lessees, or any third party, arising out of or in connection with the use and/or occupancy of the patented real property which has already resulted or does hereafter result in: (1) Violations of federal, state, and local laws and regulations that are now, or may in the future become, applicable to the real property; (2) Judgements, claims or demands of any kind assessed against the United States; (3) Costs, expenses, or damages of any kind incurred by the United States; (4) Other releases or threatened releases of solid or hazardous waste(s) and/or hazardous substances(s), as defined by federal or state environmental laws; off, on, into or under land, property and other interests of the United States; (5) Other activities by which solids or hazardous substances or wastes, as defined by federal and state environmental laws are generated, released, stored, used or otherwise disposed of on the patented real property, and any cleanup response, remedial action, or other actions related in any manner to said solid or hazardous substances or wastes; or (6) Natural resource damages as defined by federal and state law. This covenant shall be construed as running with the patented real property and may be enforced by the United States in a court of competent jurisdiction.

The lands have been withdrawn from all forms of entry and appropriation under the public land laws, including the mining laws, and from operation of the mineral leasing and geothermal leasing laws. Upon publication of this notice and until completion of the sale, the BLM is no longer accepting land use applications affecting any lands being offered for sale. Detailed information concerning this sale, including the maps, reservations, sale procedures and planning and environmental documents, is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130 or by calling (702) 515–5000.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed direct sale to the Las Vegas Field Manager, Las Vegas Field Office, 4701 North Torrey Pines Drive, Las Vegas, NV 89130. Any adverse comments will be reviewed by the State Director, who may sustain, vacate, or modify this realty action in whole or in part. In the absence of any adverse

comments, this realty action will become the final determination of the Department of the Interior. Any comments received during this process, as well as the commentor's name and address, will be available to the public in the administrative record and/or pursuant to a Freedom of Information Act request. You may indicate for the record that you do not wish your name and/or address be made available to the public. Any determination by the Bureau of Land Management to release or withhold the names and/or addresses of those who comment will be made on a case-by-case basis. A commentor's request to have their name and/or address withheld from public release will be honored to the extent permissible by law.

Lands will not be offered for sale until at least 60 days after the date of publication of this notice in the **Federal Register**.

Dated: August 1, 2002.

Mark Chatterton,

Acting Field Manager.

[FR Doc. 02–19781 Filed 8–1–02; 1:38 pm]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions that are new modified, discontinued, or completed since the last publication of this notice on April 25, 2002. The January 31, 2002, notice should be used as a reference point to identify changes. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Sandra L. Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in 52 FR 11954, April 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2002. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) The significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

BON—Basis of Negotiation
BCP—Boulder Canyon Project
Reclamation—Bureau of Reclamation
CAP—Central Arizona Project
CUP—Central Utah Project
CVP—Central Valley Project
CRSP—Colorado River Storage Project
D&MC—Drainage and Minor Construction
FR—Federal Register
IDD—Irrigation and Drainage District
ID—Irrigation District
M&I—Municipal and Industrial
NEPA—National Environmental Policy Act
O&M—Operation and Maintenance
P-SMBP—Pick-Sloan Missouri Basin Program
PPR—Present Perfected Right
RRA—Reclamation Reform Act
R&B—Rehabilitation and Betterment
SOD—Safety of Dams
SRPA—Small Reclamation Projects Act

WCUA—Water Conservation and Utilization Act
WD—Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5223.

New Contract Action

25. Twenty-three irrigation districts of the Arrowrock Division, Boise Project, Idaho: Repayment agreements with districts with spaceholder contracts for repayment, per legislation, of reimbursable share of costs to rehabilitate Arrowrock Dam Outlet Gates under the O&M program.

Modified Contract Action

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Fremont-Madison ID, Lenroot Canal Company, Liberty Park Canal Company, Poplar ID, all in the Minidoka Project, Idaho; and Juniper Flat District Improvement Company, Wapinitia Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA (Public Law 97–293).

Completed Contract Action

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Fremont-Madison ID, Lenroot Canal Company, Liberty Park Canal Company, Parsons Ditch Company, Poplar ID, Wearyrick Ditch Company, all in the Minidoka Project, Idaho; Juniper Flat District Improvement Company, Wapinitia Project, Oregon; and Gem, Ridgeview, and Owyhee IDs, Owyhee Project, Oregon: Amendatory repayment and water service contracts; purpose is to conform to the RRA (Public Law 97–293). Contracts with Parsons and Wearyrick Ditch Companies and Gem, Ridgeview, and Owyhee IDs were executed in April 2002.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New Contract Action

40. Placer County Water Agency, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and adjustment to Project water quantities. The amended contract will conform to current Reclamation law.

Modified Contract Action

39. Sacramento River Settlement Contracts, CVP, California: Up to 145 contracts and one contract with Colusa Drain Mutual Water Company will be renewed; water quantities for these contracts total 2.2M acre-feet. Colusa Drain Mutual Water Company will be renewed for a period of 25 years, and the rest will be renewed for a period of 40 years. These contracts will reflect an agreement to settle the dispute over water rights' claims on the Sacramento River.

Discontinued Contract Action

24. Resource Renewal Institute, CVP, California: Proposed water purchase agreement with Resource Renewal Institute for the permanent purchase of water rights on Butte Creek for instream flow purposes.

Lower Colorado Region: Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

New Contract Action

48. Harquahala Valley ID, CAP, Arizona: The District has requested that Reclamation transfer title to the District's CAP Distribution System and assign to the District, permanent easements acquired by the United States. Title transfer of the District's CAP distribution system is authorized by Public Law 101–628 and contract No. 3–07–30–W0289 between the District and Reclamation, dated December 8, 1992.

Completed Contract Actions

34. Gila River Farms, Arizona: Amendment of SRPA contract to restructure the repayment schedule.

38. Arizona State Land Department, CAP, Arizona: Proposed assignment of 1,000 acre-feet of the Department's CAP M&I water entitlement to the City of Peoria.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

New Contract Action

21. Uintah Water Conservancy District, Jensen Unit, CUP, Utah: Contract to allow the District to use up to approximately 2,500 acre-feet of project water for irrigation and M&I uses.

Great Plains Region: Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

Modified Contract Actions

12. City of Cheyenne, Kendrick Project, Wyoming: Negotiation of a long-term contract for storage space. Contract for up to 10,000 acre-feet of storage space for replacement water on a yearly basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

30. Milk River Project, Montana: City of Harlem water service contract expires December of 2002. Initiating negotiation for renewal of a water service contract for an annual supply of raw water for domestic use from the Milk River not to exceed 500 acre-feet. An interim contract may be issued to continue delivery of water until the necessary actions can be completed to renew the long-term contract. A draft contract is available for review and public comment. Comments are due by August 15, 2002.

42. Helena Valley Unit, P–SMBP, Montana: The long-term water service contract with the City of Helena, Montana, expires December 31, 2004. Initiating negotiations for contract renewal for an annual supply of raw water for domestic and municipal and industrial use from Helena Valley Reservoir not to exceed 5,680 acre-feet of water annually.

Completed Contract Action

11. P–SMBP, Kansas: Existing water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas were extended for a period of 4 years in accordance with Public Law 104–326. These contracts will be renewed prior to their expiration on December 31, 2003 (Kirwin ID), and December 31, 2005 (Webster ID). Reclamation has prepared a draft environmental assessment (DEA) for the conversion of long-term water service contracts to repayment contracts. On December 10, 2001, the DEA became available for a 30-day review and comment period. Public comments were accepted through January 9, 2002. Written comments were directed to Jill Manring, Team Leader, Bureau of Reclamation, PO Box 1607, Grand Island, NE 68802. Renewal of the existing water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas was completed on June 20, 2002, with the contracts being converted to long-term repayment contracts. These contracts were renewed prior to their expiration. The draft environmental assessment was issued in December 2001. The final environmental assessment was revised to incorporate the environmental commitments, public comments, and responses, additional information, and corrections and/or editorial changes. The Finding of No Significant Impact

for the Conversion of Long-Term Water Service Contracts to Repayment Contracts was executed on June 14, 2002.

Dated: July 10, 2002.

Sandra L. Simons,

Acting Deputy Director, Office of Policy.

[FR Doc. 02–19628 Filed 8–2–02; 8:45 am]

BILLING CODE 4310–MN–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting; Emergency Notice of Revised Agenda, USITC SE–02–023

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: August 6, 2002 at 11 a.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public. In accordance with 19 C.F.R. 201.35, the Commission has determined to revise the agenda for the meeting of August 6, 2002 at 11 a.m. as follows:

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. Nos. 303–TA–23, 731–TA–566–570, and 731–TA–641 (Final)(Reconsideration)(Remand) (Ferrosilicon from Brazil, China, Kazakhstan, Russia, Ukraine, and Venezuela)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' views on remand to the Court of International Trade on or before September 13, 2002.)
5. Inv. No. 731–TA–859 (Final)(Remand)(Certain Circular Seamless Stainless Steel Hollow Products from Japan)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' views on remand to the Court of International Trade on or before August 26, 2002.)
6. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting. Earlier announcement of this revised agenda was not possible.

Issued: August 1, 2002.

By order of the Commission.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 02–19812 Filed 8–1–02; 2:19 pm]

BILLING CODE 7020–02–U

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection, Comments Requested

ACTION: 30 Day Notice of Information Collection Under Review: Monthly Return of Arson Offenses Known to Law Enforcement.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the review procedures of the Paperwork Reduction Act of 1995. The 60-day notice was published in the **Federal Register** on April 29, 2002, (Volume 67, Number 82, Pages 20997–20998) and no comments were received from the public by the FBI. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 4, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (202) 395–6466, Washington, DC 20530. Comments may also be submitted to DOJ, Justice Management Division, Information Management and Security Staff, Attention: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Monthly Return of Arson Offenses Known to Law Enforcement.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form: I–725. Federal Bureau of Investigation.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State and Local Law Enforcement Agencies. This collection if needed to collect information on arson offenses throughout the United States. Data are tabulated and published in the annual *Crime in the United States.*

(5) An estimate of the total number of respondents and the number of time estimated for an average respondent to respond: Estimated number of respondents: 16,825 agencies with 201,900 estimated annual responses (includes zero reports); with an average completion time of 9 minutes a month per report.

(6) An estimate of the total public burden (in Hours) associated with this collection: 30,285 hours annually.

If additional information is required contact: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: July 29, 2002.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–19642 Filed 8–2–02; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 30 Day Notice of Information Collection Under Review: Number of Full-Time Law Enforcement Employees as of October 31.

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the review procedures of the Paperwork Reduction Act of 1995. The 60-day notice was published in the **Federal Register** on April 29, 2002, (Volume 67, Number 82, Pages 20998)) and no comments were received from the public by the FBI. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (202) 395–6466, Washington, DC 20530. Comments may also be submitted to DOJ, Justice Management Division, Information Management and Security Staff, Attention: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this Collection

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Number of Full-Time Law Enforcement Employees as of October 31.

(3) Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection: Form I–711a/711b/711c. Federal Bureau of Investigation.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: State and Local Law Enforcement Agencies. This collection is needed to determine the number of civilian and sworn full-time law enforcement employees throughout the United States. Data are tabulated and published in the annual *Crime in the United States.*

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Estimated number of respondents: 16,825 agencies with 16,825 responses (includes zero reports); with an average of 8 minutes a year devoted to compilation of data for this information collection.

(6) An estimate of the total public burden (in Hours) associated with this collection: 2,243 hours annually.

If additional information is required contact: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: July 29, 2002.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–19643 Filed 8–2–02; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

Agency Information Collection Activities; Proposed Collection; Comments Requested

ACTION: 30 day notice of information collection under review: age, sex, and race of persons arrested (18 years of age and over) and age, sex, and race of persons arrested (under 18 years of age).

The Department of Justice (DOJ), Federal Bureau of Investigation (FBI), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the review procedures of the Paperwork Reduction Act of 1995. The 60-day notice was published in the **Federal Register** on April 29, 2002, (Volume 67, Number 82, Pages 20998–20999) and no comments were received from the public by the FBI. The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until September 4, 2002. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to OMB, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer (202) 395–6466, Washington, DC 20530. Comments may also be submitted to DOJ, Justice Management Division, Information Management and Security Staff, Attention: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this collection:

(1) *Type of Information Collection:* Extension of currently approved collection.

(2) *Title of the Form/Collection:* Age, Sex, and Race of Persons Arrested (18 Years of Age and Over) and Age, Sex, and Race of Persons Arrested (Under 18 Years of Age).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: I–708. Federal Bureau of Investigation.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* State and Local Law Enforcement Agencies. This collection is needed to collect information on the age, sex, and race of all persons arrested throughout the United States. Data are tabulated and published in the annual *Crime in the United States.*

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: Estimated number of respondents:* 16,825 agencies with 403,800 responses (includes zero reports); with an average of 30 minutes a month devoted to compilation of data for this information collection.

(6) *An estimate of the total public burden (in Hours) associated with this collection:* 201,900 hours annually.

If additional information is required contact: Robert B. Briggs, Department Clearance Office, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1600, Patrick Henry Building, 601 D Street, NW., Washington, DC 20530.

Dated: July 29, 2002.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 02–19644 Filed 8–2–02; 8:45 am]

BILLING CODE 4410–02–M

DEPARTMENT OF LABOR

Office of Disability Employment Policy; Disability Technical Assistance for Providers (TAP) Cooperative Agreement

AGENCY: Office of Disability Employment Policy, Labor

ACTION: Notice of Availability of Funds and Solicitation for Cooperative Agreement Applications (SGA 02–15).

SUMMARY: The U.S. Department of Labor (DOL or the Department), Office of Disability Employment Policy (ODEP) announces the availability of $600,000 to award one cooperative agreement. This cooperative agreement will provide funds for the implementation of a national technical assistance and training effort designed to increase the capacity of Community Rehabilitation Programs (CRPs) and other community-based service providers that currently operate programs that result in segregated work outcomes and non-work options for people with disabilities in the ''Special Minimum Wage'' program established under section 14(c) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 214(c). The desired outcome of this proposed technical assistance and training effort is to work with providers using section 14(c) certificates to: (1) evolve their programs to provide integrated employment outcomes (*i.e.,* non section 14(c) employment) in non-stereotypical jobs based on customized employment strategies and individual choice; and (2) to increase wages of people with disabilities who are currently working at less than minimum wage through the use of customized employment strategies and individual choice.

This cooperative agreement is for a one-year period and may be renewed for up to four additional years depending upon project performance and funding availability. All forms necessary to prepare an application are included in this solicitation package.

This cooperative agreement anticipates substantial involvement between ODEP and the awardee during the performance of the project. Involvement will include collaboration or participation by ODEP in the management of the project throughout the period of the award. For example, ODEP will be involved in decisions involving strategy, hiring of personnel, deployment of resources, release of public information materials, quality assurance, coordination of activities with other offices, and conducting research.

DATES: One ink-signed original, complete application plus two (2) copies of the Technical Proposal and two copies of the Cost Proposal shall be submitted to the U.S. Department of Labor, Procurement Services Center, Grant Officer, Reference SGA 02–15, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210, not later than 4:45 p.m. Eastern Daylight Savings Time (EDST), September 4, 2002.

ADDRESSES: Applications must be directed to the U.S. Department of Labor, Procurement Services Center, Attention: Grant Officer, Reference Cooperative Agreement 02–15, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Application announcements or forms will not be mailed. The **Federal Register** may be obtained from your nearest government office or library. In addition, a copy of this notice and the application requirements may be downloaded from the Office of Disability Employment Policy's Web site at *http://www2.dol.gov./odep.* Questions concerning this solicitation may be sent to Cassandra Willis, at (202) 693–4570 (this is not a toll-free number). Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

Late Proposals: All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. It is recommended that you confirm receipt of your application by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, by telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

Acceptable Methods of Submission The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Office of Procurement Services Center after 4:45 p.m., EDST, September 4, 2002, will not be considered unless it is received before the award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before September 4, 2002; or

2. It was sent by U.S. Postal Service Express Mail Next Day Service-Post

Office to Addressee, not later than 5 p.m. at the place of mailing two working days, excluding weekends and Federal holidays, prior to September 4, 2002; and/or

3. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U. S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted; however the Department does not accept dates or date stamps on such packages as evidence of timely mailing. Thus, the applicant bears the responsibility of timely submission.

All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. Therefore, it is recommended that you confirm receipt of your application by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Authority

Consolidated Appropriations Act, 2001, Pub. L. 106–554, 114 Stat. 2763; 29 U.S.C. 557b; DOL, HHS, Education and Related Appropriations Act, 2002, Pub. L. 107–116, 115 Stat. 2177.

II. Background

Too often, many people with disabilities, including those in sheltered workshops, day activity center programs, many young people transitioning from school, and people covered by the U.S. Supreme Court's *Olmstead* v. *L.C* decision, 527 U.S. 581 (1999), are tracked into jobs that are customary and stereotypical. These employment options usually pay low wages, offer no benefits, and do not provide any opportunity for advancement. Fortunately programs and providers of employment services have challenged these conventional employment practices as too limiting for persons with disabilities, and have instead successfully facilitated employment in a variety of new and expanded jobs. These opportunities include employment in industries which offer increased earnings, benefits, and career advancement possibilities, such as jobs in technology-related industries, and professional, administrative, and office support. Such employment also includes self-employment and entrepreneurial opportunities, as well as a host of other individually designed, customized employment options.

People with disabilities and high support needs have traditionally been relegated to placements characterized by non-work activities, segregated environments, and/or part-time jobs where they earn less than minimum wage. A large percent of this population receives no employment services; are in institutional settings; or, are on waiting lists for available community programs. A recent GAO Report, *Special Minimum Wage Program* (September 2001) documents that there are about 424,000 employees with disabilities who earn less than minimum wage under section 14(c) of the Fair Labor Standards Act (FLSA). In addition, over half earn less than $2.50 per hour, and have been in the same segregated facility for over five years, and some for over 20 years. For every one person with a disability working in integrated settings through supportive employment, 4.5 people remain in segregated settings.

These circumstances continue to exist despite research and demonstration programs documenting that many members of this population can achieve customized, individually-determined, integrated, competitive jobs; can increase their earnings and develop assets; and, as a result, can more fully participate in community life. Increasing numbers of individuals once thought to be ''nonfeasible'' for employment are demonstrating their competence and capacity in non-stereotypical jobs that pay minimum wage or more, include benefits, and provide for career growth.

Negative stereotyping, unemployment, underemployment, and placement in segregated work and non-work settings are likely to continue for people with disabilities until there are systemic changes undertaken. One such change is increasing provider capacity to provide individually determined, customized employment in non-stereotypic jobs for persons with disabilities.

For purposes of this solicitation, customized employment means individualizing the employment relationship between employees and employers in ways that meet the needs of both. It is based on an individualized determination of the strengths, needs, and interests of the person with a disability, and is also designed to meet the specific needs of the employer. It may include employment developed through job carving, self-employment or entrepreneurial initiatives, or other job development or restructuring strategies that result in job responsibilities being customized and individually negotiated to fit the needs of individuals with a disability. Customized employment assumes the provision of reasonable accommodations and supports necessary for the individual to perform the functions of a job that is individually negotiated and developed.

Fortunately, customized employment strategies (such as supported employment, supported entrepreneurship, job carving and restructuring, development of micro-boards and microenterprises, use of personal agents, and use of individual vouchers, training accounts, and personal budgets) are increasingly leading to integrated community life and jobs for people with high support needs. However, there exists a critical lack of professional development efforts designed to increase service providers' expertise in utilizing such strategies to support people with disabilities who are seeking integrated, customized employment. Challenges exist related to: (1) Identifying strengths and needs of the individuals with disabilities; (2) providing individual negotiation with employers and job development personnel for identifying and securing desired employment; (3) understanding the range of customized employment strategies that may be utilized in securing the individual employment outcome; and (4) implementing organizational change strategies

necessary to incorporate such customized employment techniques into the provider services. Additional challenges relate to the need for Community Rehabilitation Programs and other community-based providers that currently operate programs under section 14(c) to be better equipped to effectively engage the employer/business community. In addition, the high staff turnover in direct service positions, which is typical in many community programs, further exacerbates the problem of inadequate staff capacity to effectively support people with disabilities into integrated customized employment. Finally, there is a critical need for providers participating in programs under section 14(c) to identify ways to more broadly and creatively use existing service and funding systems. The current initiative is designed to begin to address these needs through a program of technical assistance and training aimed at promoting organizational change.

Various community-based providers (*e.g.,* Community Rehabilitation Providers, school systems, public vocational rehabilitation agencies, substance abuse treatment providers, etc.), who are utilizing FLSA 14(c) Special Minimum Wage certificates can benefit from the technical assistance and training efforts to be provided by this cooperative agreement and can develop the necessary capacity to enable them to further refine their program so that customized employment outcomes will become their hallmark.

It is critical that community providers utilizing 14(c) certificates are supported and encouraged to further utilize customized employment strategies. Critical to this is the understanding that customized employment begins with identifying the strengths, interests and desires of the individual with a disability.

Providers utilizing section 14(c) certificates must also be able to better understand and respond to the needs of local employers; create ongoing partnerships with the business community; and function more as businesses. Other currently operating ODEP/DOL grant efforts (*e.g.*, Customized Employment Grants and The Technical Assistance Consortia for Adults and Youth with Disabilities) focus on building capacity of One-Stop Career Centers and other workforce development system partners. Still other federal, state, and local funding efforts focus on training exemplary providers to expand their services in other localities. This Technical Assistance for Providers (TAP) Cooperative Agreement seeks to integrate the aforementioned grant initiatives in its technical assistance and training efforts.

Currently, little attention is being given at the federal level to initiatives that focus on providing training and technical assistance to providers of segregated services (*e.g.,* sheltered workshops and day activity programs), and others participating in Special Minimum Wage programs under section 14(c) of the FLSA. If people with disabilities are to become employed in quality jobs, these providers must be the beneficiaries of targeted technical assistance and training efforts such as those proposed in this solicitation.

This cooperative agreement would also be consistent with the U.S. Department of Labor's commitment under Executive Order 13217, ''Community-Based Alternatives for Individuals with Disabilities,'' as stated in the November 8, 2001 Report to the Secretary of the United States Department of Health and Human Services. In this Report, ODEP indicated that it would collaborate with the Employment Standards Administration's Wage and Hour Division to develop training and technical assistance on increasing earnings and customized employment for individuals with disabilities earning commensurate wages under section 14(c) of the FLSA, and disseminate this assistance to their stakeholder networks.

III. Purpose

The purpose of this cooperative agreement is to help Community Rehabilitation Service Providers (CRSPs) and other disability community service providers operating section 14(c) programs to take a leadership role in changing their program outcomes from segregated and non-employment services to program outcomes that lead to customized, competitive employment in non-stereotypical jobs for people with disabilities. This cooperative agreement is for the purpose of developing and providing training and technical assistance designed to enable community-based providers that are currently participating in section 14(c) of the FLSA (Special Minimum Wage certificates) programs to develop and/or increase their program's provision of customized integrated employment outcomes for people with disabilities. Funds will be used to develop the capacity of community providers utilizing 14(c) certificates to effectively support the movement of people with disabilities into integrated jobs based upon customized employment strategies. Particular emphasis is to be placed on employment that pays above minimum wage and provides opportunities for career growth. It is expected that the awardee will take steps to establish a core of trained and committed community providers participating in section 14(c) programs who can then work with other providers participating in the section 14(c) program to replicate and expand upon these concepts. Further, the direct contact with community providers will offer the awardee insight and information on related policy concerns that shall be shared with ODEP/DOL on an ongoing basis.

This cooperative agreement is intended to: (1) Develop capacity for provision of customized employment strategies among providers who utilize the FLSA 14(c) program; (2) build effective relationships between employers and these employment service providers that result in the development of non-stereotypical employment opportunities, providing increased earnings, benefits, and career advancement potential for people with disabilities; (3) address the production, operations, and technical assistance needs of businesses to promote their hiring of people with disabilities in non-stereotypical jobs; (4) promote positive organizational change, as described in the ''Background'' section through professional and organizational development and other means of on-site assistance to individual providers; and (5) increase the number of section 14(c) providers that have the capacity to provide customized employment as eligible training providers with One-Stop Career Centers and other workforce development system partners. Efforts should be undertaken to ensure that community rehabilitation providers operating section 14(c) programs consider the possibilities of developing jobs for their customers in non-stereotypical occupations which lead to increased earnings, benefits, and career advancement possibilities. To accomplish these objectives, a comprehensive and integrated array of training and technical assistance initiatives will be undertaken, including utilization of experienced trainers using demonstrated effective training techniques and options, access to individual coaching, and other technical assistance for providers operating 14(c) programs seeking to undertake organizational change, and development and dissemination of information relevant to these goals.

IV. Statement of Work

The applicant must provide the following services and materials:

1. Develop and implement training at the programmatic and systemic levels

that promotes change from segregated work and non-work options for people with disabilities to integrated customized employment based on individual choice. The goal is to increase integrated, non-stereotypical employment, earnings, and opportunities for career advancement potential (as appropriate), based on the individual strengths and desires of the individual, as well as increased community participation through employment for people with disabilities. This requirement includes:

a. Documenting existing individual programmatic and systemic barriers to community-based employment for people with disabilities in the state;

b. Conducting needs assessment of community rehabilitation providers utilizing 14(c) certificates to assist in determining the array, type, and intensity of technical assistance, training and information to be provided;

c. Developing training and technical assistance materials and curriculum for providers utilizing 14(c) certificates to facilitate their understanding and adoption of person-driven, customized employment strategies resulting in community-based, integrated employment;

d. Utilizing the curriculum and materials developed to provide training for community rehabilitation providers that utilize 14(c) certificates to assist them in incorporating customized employment strategies and integrated employment outcomes into their programs;

e. Making all training/materials/curriculum available through distance learning options such as interactive websites and video conferencing;

f. Documenting the use of customized employment strategies by participating providers following any training, and how the use of such strategies impacts on successful employment outcomes; and

g. Documenting the increased participation of providers utilizing customized employment strategies as eligible training providers under the Workforce Investment Act (WIA) (Public Law No. 105–220, 29 U.S.C. 2801 et seq.).

2. Provide ongoing coaching and technical assistance to providers utilizing 14(c) certificates and WIA partners through phone and in-person assistance, as well as through on-line resources such as list-servs or e-mail responses to inquiries, including:

a. Providing personal technical assistance, training, and information for particular providers utilizing section 14(c) certificates to assist them in their organizational change to integrated, customized employment. Such technical assistance, training and information shall focus on integrating customized employment practices into the providers' services and result in increased choice, self-determination, and increased earnings for individuals with disabilities (including benefits and career advancement opportunities as appropriate). Such strategies shall also result in increased community participation for the people with disabilities involved;

b. Developing linkages and collaborating with other national federal initiatives providing services and supports for people with disabilities (including but not limited to systems change efforts promoting permanent systems improvement and comprehensive coordination; health care; housing; transportation; education; supported employment; benefits planning and assistance; small business development; and technology related assistance) and other national initiatives, as appropriate. Coordinating with DOL's other related initiatives (e.g., ETA's Work Incentive Grants) and ODEP's other initiatives (e.g., WorkFORCE Coordinating and Action Grants, Customized Employment Grants.);

c. Developing and communicating regularly with: (1) A network of local providers which can be utilized as a leadership network or constituency support group for this technical assistance and training effort; and (2) national experts in the area of customized employment strategies;

d. Developing ongoing communication and linkages with employers, trade associations, and professional and business service organizations; and

e. Assisting CRPs that provide customized employment services in becoming eligible training providers with One-Stop Career Centers and other workforce development system partners.

3. Acting as a central locus of information and expertise on customized, community-based employment for people with disabilities by:

a. Providing national linkages to information, experts and activities including exemplary and promising practices on how to promote organizational change (at the provider and system levels) that increases community-based, customized employment in non-stereotypical jobs for people with disabilities;

b. Providing information and conducting initiatives to educate employers and the general public about the abilities of people with disabilities to work in a wide variety of occupations and contribute to the workforce;

c. Providing information to people with disabilities and their families, and others, as appropriate, about promising practices that facilitate increased employment and earnings for people with disabilities;

d. Developing and disseminating materials to supplement existing technical assistance and training materials. All materials must be made available through an accessible Internet Web site;

e. Serving as a repository and dissemination center for information and materials developed by ODEP grantees, including promising practices; and

f. Providing coordination and information sharing among multiple DOL grantees and initiatives of other agencies related to people with disabilities (such as projects of the Rehabilitation Services Administration (RSA), Office of Special Education Programs (OSEP), Department of Health and Human Services (HHS), the Substance Abuse Mental Health Services Administration (SAMHSA), the Centers for Medicare and Medicaid Services (CMS), Social Security Administration (SSA), Small Business Administration (SBA), National Institute on Disability and Rehabilitation Research (NIDRR), including coordinating with other national initiatives).

4. Conducting policy studies, conduct evaluation of project activities, and otherwise collect and analyze employment policy-related information, as directed by the Office of Disability Employment Policy (ODEP), and otherwise support ODEP, as requested, in its efforts to increase integrated, customized employment, choice and wages for persons with disabilities, including the following:

a. Researching, collecting and disseminating information from states about effective policies and practices that support community-based employment over segregated services;

b. Collaborating with other federal technical assistance projects that provide information and/or technical assistance about increasing employment and needed supports for people with disabilities in conducting policy studies, as appropriate;

c. Collaborating with other research institutes, centers, and studies and evaluations that are supported by DOL and other relevant Federal agencies;

d. Conducting periodic studies and analysis about employment characteristics and conditions of people with disabilities currently in segregated

work and non-work settings such as day activity centers, job club programs, institutions, nursing homes and other facility-based settings, and collaborating with ODEP in developing a range of strategies to respond to identified needs;

e. Conducting periodic studies and analysis of federal and state policies which impede community-based employment for people and evaluate the effectiveness of new policy initiatives, such as the Ticket-to-Work, and Olmstead and Customized Employment Grants which are intended to address these barriers;

f. Conducting ongoing evaluation of the project using thorough and appropriate measures to determine the performance of the project to obtain its goals, objectives, and deliverable; and

g. Responding to requests for information, analysis and other assistance from ODEP on national employment policy as it impacts people with disabilities and the workforce investment system.

V. Funding Availability

The initial period of performance will be 12 months from the date of execution by the Government. Based on availability of funds and project performance, the Department may elect to exercise the option to extend this cooperative agreement for up to four additional option years for a total not to exceed 60 months. With the agreement of the awardee, the Department also may elect to change, modify and/or supplement this cooperative agreement during this period based on the Department's needs.

VI. Eligible Applicants

Eligible applicants may include a public, private non-profit, or for-profit organization or consortium, including community and faith-based organizations with demonstrated appropriate experience and expertise. If the proposal includes multiple consortia members, there must be a prime or lead member who is the responsible fiscal agent.

According to section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant, or loan. *See* 2 U.S.C. § 1611; 26 U.S.C. § 501(c)(4).

VII. Applications Contents

General Requirements—Two copies and an original of the proposal must be submitted, one of which must contain an original signature. Proposals must be submitted by the applicant only. There are three required sections of the application. Requirements for each section are provided in this application package.

Part I—Executive Summary

The Executive Summary must be no more than two single-spaced pages in length giving a clear summary of the project narrative.

Part II—Project Narrative—(Appendices: Letters of Commitment and Support, Resumes, etc.)

Applicants must include a project narrative that addresses the Statement of Work in Part IV of this notice and the selection criteria that are used by reviewers in evaluating the application in Part IX.

You must limit the project narrative to the equivalent of no more than 70 pages using the following standards. This page limit does not apply to Part I, the Executive Summary; Part III, the Project Financial Plan (Budget); and, the Appendices (the assurances and certifications, resumes, a bibliography or references, and the letters of support). A page is 8.5″ × 11″ (on one side only) with one-inch margins (top, bottom, and sides). All text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch (if using a non-proportional font or a typewriter, do not use more than 12 characters per inch.)

Part III—Project Financial Plan (Budget)

Applications must include a detailed financial plan that identifies by line item the budget plan designed to achieve the goals of this cooperative agreement. The Financial Plan must contain the SF–424, Application for Federal Assistance, (Appendix A) and a Budget Information Sheet SF–424A (Appendix B).

In addition, the budget must include on a separate page a detailed cost analysis of each line item. Justification for administrative costs must be provided. Approval of a budget by DOL is not the same as the approval of actual costs. The individual signing the SF–424 on behalf of the applicant must represent and be able to legally bind the responsible financial and administrative entity for a cooperative agreement should that application result in an award. The applicant must also include the Assurances and Certifications Signature Page (Appendix C).

IX. Evaluation Criteria/Selection

A. Evaluation Criteria

The application must include information of the type described below.

1. Significance of the Proposed Project (20 points)

In determining the significance of the proposed project, the Department considers the following factors:

a. The potential contribution of the proposed project to increase knowledge or understanding of problems, issues, or effective strategies for providing integrated employment outcomes in non-stereotypical jobs, based on customized employment strategies and individual choice for people with disabilities;

b. The extent to which the applicant demonstrates an understanding of the issues facing community providers as outlined in this SGA, especially those utilizing section 14(c) Special Minimum Wage certificates;

c. The extent to which the proposed project is likely to yield findings that may be used by other appropriate agencies and organizations;

d. The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for the products being used effectively in a variety of other settings;

e. The extent to which the proposed project disseminates promising practices in ways that will enable others to use the information or strategies; and

f. The importance or magnitude of the results that are likely to be attained by the proposed project.

2. Quality of the Project Design (20 points)

In evaluating the quality of the proposed project design, the Department considers the following factors:

a. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

b. The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population and other identified needs;

c. The extent to which the design of the proposed project provides an outline of training topics and content to be delivered or utilized; strategies for providing ongoing coaching and technical assistance to community providers; and other strategies to achieve the goals of this solicitation;

d. The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of this cooperative agreement;

e. The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, state, and Federal resources;

f. The extent to which the applicant encourages involvement of people with disabilities, relevant experts, and organizations in project activities; and

g. The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

3. Quality of Project Personnel (15 points)

The Project Narrative must describe the proposed staffing of the project and must identify and summarize the qualifications of the personnel who will carry it out. In addition, the Department considers the qualifications, including relevant education, training, and experience of key project personnel as well as the qualifications, including relevant training and experience of project consultants or subcontractors. Resumes must be included in the Appendices.

4. Adequacy of the Budget (10 points)

In evaluating the adequacy of the budget for the proposed project, the Department considers the following factors:

a. The extent to which the budget is adequate to support the proposed project and

b. The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

The applicant may include letters of commitment from proposed partners in the Appendix.

5. Quality of the Management Plan (20 points)

In evaluating the quality of the management plan for the proposed project, the Department considers the following factors:

a. The extent to which the management plan for project implementation achieves the objectives of the proposed project on time and within budget, including clearly defined staff responsibilities, and time allocated to project activities, time lines, milestones for accomplishing project tasks and project deliverables;

b. The adequacy of mechanisms for ensuring high-quality products and services from the proposed project; and

c. The extent to which the time commitments of the project director and/or principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

6. Quality of the Project Evaluation (15 points)

In evaluating the quality of the project's evaluation design, the Department considers the following factors:

a. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, context, and outcomes of the proposed project;

b. The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies;

c. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data;

d. The extent to which the evaluation will provide information to other programs about effective strategies suitable for replication or testing in other settings; and

e. The extent to which the methods of evaluation measure in both quantitative and qualitative terms, program results and satisfaction of people with disabilities.

B. Selection Criteria

Acceptance of a proposal and an award of federal funds to sponsor any program(s) is not a waiver of any cooperative agreement requirement and/or procedures. Awardees must comply with all applicable Federal statutes, regulations, administrative requirements and OMB Circulars. For example, the OMB circulars require, and an entity's procurement procedures must require, that all procurement transactions shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the award does not provide the justification or basis to sole-source the procurement, i.e., to avoid competition.

A panel will objectively rate each complete application against the criteria described in this solicitation. The panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to award a cooperative agreement either with or without discussion with the applicant. In situations where no discussion occurs, an award will be based on the signed SF–424 form (see Appendix A), which constitutes a binding offer. The Grant Officer may consider the panel's findings and any information that is available and will make final award decisions based on what is most advantageous to the government, considering factors such as:

1. Findings of the technical evaluation panel; and

2. The availability of funds.

X. Reporting

Awardees will be required to submit periodic financial and participation reports under this program. Specifically the following reports will be required:

1. Quarterly progress reports, and upon completion of the cooperative agreement period a final report. The quarterly report is estimated to take ten hours, and the final report is estimated to take 20 hours. The Department will work with the awardee to identify the requirements of the various reports, which will, among other things, include measures of ongoing analysis for continuous improvement and customer satisfaction.

2. Standard Form 269, Financial Status Report Form, on a quarterly basis;

3. Final Project Report, including an assessment of project performance and outcomes achieved. This report will be submitted in hard copy and on electronic disk using a format and instructions which will be provided by the Department. A draft of the final report is due to the Department 30 days before the termination of the cooperative agreement, and the final report is due 60 days after the termination of the cooperative agreement.

XI. Administration Provisions

A. Administrative Standards and Provisions

The monies awarded under this cooperative agreement shall be subject to the following:

29 CFR part 95—Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, etc.

29 CFR part 96—Federal Standards for Audit of Federally Funded Grants, Contracts, and Agreements.

29 CFR part 97—Uniform Administrative Requirement for Grants and Cooperative Agreements to State and Local Governments.

B. Allowable Cost

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

State and Local Government—OMB Circular A–87

Nonprofit Organizations—OMB Circular A–122

Profit-making Commercial Firms—48 CFR part 31

Profit will *not* be considered an allowable cost in any case.

C. Non-Discrimination Assurances

As a condition of the award, the applicant must certify that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

29 CFR part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of title VI of the Civil Rights Act of 1964.

29 CFR part 32—Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance. (Implementing section 504 of the Rehabilitation Act, 29 U.S.C. 794)

29 CFR part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et. seq.)

The applicant must include assurances and certifications that it will comply with these laws in its grant application. The assurances and certifications are attached as Appendix C.

Signed at Washington, DC this 30th day of July, 2002.

Lawrence J. Kuss,

Grant Officer.

Appendix A. Application for Federal Assistance, Form SF 424

Appendix B. Budget Information Sheet, Form SF 424A

Appendix C. Assurances and Certifications Signature Page 1

BILLING CODE 4510–CX–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED July 26, 2002	Applicant Identifier	
3. DATE RECEIVED BY STATE	State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	

1. TYPE OF SUBMISSION:

Application: ☐ **Construction** ☐ **Non-Construction**

Preapplication: ☐ **Construction** ☐ **Non-Construction**

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code):*

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant

b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ 0.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$ 0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$ 0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges *(sum of 6a-6h)*	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS *(sum of 6i and 6j)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
7. Program Income	$	$	$	$	$ 0.00

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Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$ 0.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL *(sum of lines 8-11)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 0.00	$	$	$	$
14. Non-Federal	0.00				
15. TOTAL *(sum of lines 13 and 14)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 7-97) Page 2

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES AND CERTIFICATIONS - SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Assurances - Non-Construction Programs

B. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions and Certifications Regarding Drug-Free/Tobacco-Free Workplace Requirements.

C. Certification of Release of Information

D. Applicant is not a 501 (c) (4) organization

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.

[FR Doc. 02–19637 Filed 8–2–02; 8:45 am]
BILLING CODE 4510–CX–C

DEPARTMENT OF LABOR

Office of Disability Employment Policy

Office of the 21st Century Workforce; and Center for Faith-Based Community Initiatives; Employment Training and Services Grants for Community and Faith-Based Organizations Serving People With Significant Disabilities (SGA 02–22)

AGENCY: Office of Disability Employment Policy, Department of Labor.

ACTION: Notice of Availability of Funds and Solicitation for Grant Applications for Employment Training and Services Grants for Community and Faith-Based Organizations Serving People with Significant Disabilities.

SUMMARY: The Office of Disability Employment Policy (ODEP) in collaboration with the Office of the 21st Century Workforce (Office of 21CW), and the Center for Faith-Based Community Initiatives (CFBCI or Center), announce the availability of up to $300,000 to award approximately three to five grants, ranging in amounts between $60,000 to $100,000 each, to community and faith-based organizations to implement model employment programs for people with significant disabilities [1] for the purposes of developing new or enhancing existing employment training and/or services. Grant activities may include the purchase and utilization of, and training in, the use of electronic and information technology (e.g., computers, computer software, fax machines, copiers, Internet, distance learning equipment). The intent of these grants is to provide community and faith-based organizations that wish to do so with the technical ability to offer employment training and related services to people with significant disabilities as service providers participating as partners within their local One-Stop Career Center. These grants will be limited to public or private non-profit community and faith-based organizations with a demonstrated record of service to their local communities. All forms necessary to prepare an application are included in this Solicitation for Grant Application (SGA).

DUE DATE: One ink-signed original, complete grant application plus two copies of the Technical Proposal and two copies of the Cost Proposal shall be submitted to the U.S. Department of Labor, Procurement Services Center, Attention Grant Officer, Reference SGA 02–22, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210, not later than 4:45 p.m. Eastern Daylight Savings Time (EDST), September 4, 2002. Hand-delivered applications must be received by the Procurement Services Center by that time.

ADDRESS: Applications must be hand delivered or mailed to the U.S. Department of Labor, Procurement Services Center, Attention: Cassandra Willis, Reference SGA 02–22, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Application announcements or forms will not be mailed. The **Federal Register** may be obtained from your nearest government office or library. In addition, a copy of this notice and the application requirements may be downloaded from the Office of Disability Employment Policy's website at *http://www2.dol.gov/odep.* All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. It is recommended that you confirm receipt of your application by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

Acceptable Methods of Submission

The grant application package must be received at the designated place by the date and time specified or it will *not* be considered. Any application received at the Office of Procurement Services Center after 4:45 p.m., EDST, September 4, 2002, will not be considered unless it is received before the award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before September 4, 2002; or

2. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days, excluding weekends and Federal holidays, prior to September 4, 2002; and/or

3. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (*not* a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U. S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted; however the Department does not accept dates or date stamps on such packages as evidence of timely mailing. Thus, the applicant bears the responsibility of timely submission.

All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. Therefore, it is recommended that you confirm receipt of your application by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Authority

Consolidated Appropriations Act, 2001, Pub. L. 106–554, 114 Stat. 2763; 29 U.S.C. 557b; DOL, HHS, Education and Related Appropriations Act, 2002, Pub. L. 107–116, 115 Stat. 2177; 21st Century Workforce Initiative, Exec. Order No. 13218, 66 Fed. Reg. 33627 (June 20, 2001); Agency Responsibilities with Respect to Faith-Based and Community Initiatives, Exec. Order No. 13198, 66 FR 8497 (January 29, 2001).

[1] For the purposes of this SGA, a person with a ''significant disability'' is defined as adult who has a physical or mental impairment that substantially limits one or more major life activities and has a record of such impairment.

II. Background

ODEP's mission is to provide leadership to increase employment opportunities for adults and youth with disabilities through expanded access to training, education, employment supports, assistive technology, integrated employment, entrepreneurial development and small business opportunities. ODEP also fosters the creation of employment opportunities by building partnerships with both public and private sector employers and with regional and local agencies to increase their awareness of the benefits of employing people with significant disabilities and to facilitate the use of the effective strategies to accomplish this goal.

The mission of the Office of the 21st CW is to ensure that all American workers have as fulfilling and financially rewarding a career as they aspire to have. Integral to this mission is making sure that no worker gets left behind in the limitless potential of the dynamic, global economy of this new millennium.

The Department of Labor's CFBCI seeks to create effective partnerships between faith-based and community-based organizations and the Department at the federal, state, and local levels. The purpose of these partnerships is to bring the faith-based and community-based organizations that are often in closest touch with the people and problems that are the focus of federal social policy efforts into the Department's employment and training programs.

The CFBCI coordinates a comprehensive departmental effort to incorporate faith-based and other community-based organizations into DOL programs and initiatives. CFBCI supports the creation of initiatives and programs within the Department that utilize the strengths of faith-based and community-based organizations to better address the needs of underprivileged populations. The Center directs national outreach efforts to educate faith-based and other community organizations about the opportunities for partnership with local One-Stop Career Centers, State and Local Workforce Investment Boards, State Workforce Agencies, and the U.S. Department of Labor. CFBCI also works in conjunction with DOL agencies to remove barriers to the participation of community and faith-based organizations in federal programs, including, but not limited to, the reform of regulations, procurement and other internal policies and practices, and outreach activities.

American workers with significant disabilities represent a potentially abundant labor resource for employers, but encounter a multitude of barriers, due, in part, to a lack of employment training opportunities, employment-related services and access to technology. Consequently, many people with significant disabilities have incomes at or below the poverty rate and are economically disadvantaged.

This SGA reflects collaboration between ODEP, Office of 21CW, and CFBCI born out of a commitment by each of these offices to ensure that people with significant disabilities acquire the skills and services they need to become employed through the One-Stop System in a variety of jobs, industries, and levels, based on consumer choice. A key component to employment success in the 21st century work place is access to primary resources, such as electronic and information technology (e.g., computers, computer software, fax machines, copiers, Internet, distance learning equipment). This SGA addresses the lack of these key resources by providing community and faith-based organizations with appropriate technological and other resources needed to allow them to effectively provide employment services to people with disabilities.

Throughout the nation, local community organizations, many of which are faith-based, make significant efforts to provide support and social services to people with significant disabilities. These efforts include, but are not limited to, food, shelter, counseling, and financial support. Increasingly, these efforts include employment training and placement assistance.

The effectiveness of employment training and services provided by community and faith-based organizations, however, is often thwarted by a lack of technological and other resources necessary to comprehensively address the employment needs of the individuals with significant disabilities. Incorporating community and faith-based organizations as employment service providers in the One-Stop Center System under the Workforce Investment Act of 1998 (WIA) (Public Law 105–220, 29 U.S.C. 2801 et seq.) will help to address this need. Access to electronic and information technology has the potential to increase the ability of these types of organizations to administer other social service programs such as those aimed at homelessness and reduced dependency on federally funded social programs.

Technology creates gateways to jobs and training for people with significant disabilities. Specialized devices, known as assistive technology, in conjunction with generic technology products and services designed for the broadest number of users (''universal design'') enable a person with a disability to earn a living and participate in the community. However, the resources for local community and faith-based organizations are limited. Many of these organizations are only able to operate through the support of community churches, synagogues, and other community-based and faith-based organizations. Their strength is frequently found in the humanity of their efforts and the support of their volunteers who contribute time and money. Additionally, these same organizations are often not equipped to apply for federal grants because of the complexity of the grant process.

As a result, community and faith-based organizations often lack the capacity and resources to provide employment or placement assistance services in the most effective or innovative manner. With access to appropriate technological and other resources, however, many local community and faith-based organizations may be in an excellent position to assist in increasing employment opportunities for the population with disabilities that they serve.

III. Purpose

The purpose of this grant program is to enable community and faith-based organizations, to institute and/or expand upon the level of employment-related services they provide to people with significant disabilities in their training and services programs, working in direct connection with the One-Stop Center system. Specifically, these organizations will have the opportunity to become active in or expand upon their current activities supporting the employment needs of people with significant disabilities. Where needed to further employment training and services to people with significant disabilities, this grant may be used to acquire distance learning capabilities and access electronic and information technology (e.g., computers, computer software, fax machines, copiers, Internet, distance learning equipment).

In responding to this SGA, the applicants must take into account the following parameters of the project:

- This SGA supports three to five grant demonstrations, not to exceed the amount of $100,000 each, for community and faith-based

organizations that institute or expand their services to include an employment services program.

• The demonstration must support employment opportunities for people with significant disabilities in the applicant's local community.

• The SGA does not require applicants to pursue access or acquisition to technology or technological training, but applicants are encouraged to consider conducting such activities where a need has been identified.

• Where necessary, accessible electronic, assistive, and information technology (e.g., computers, computer software, fax machines, copiers, Internet, distance learning equipment) may be purchased using grant funds to use in training customers with disabilities for gainful employment and to allow them to better access employment-related training and other services. This equipment will become the property of the grantee at the end of the grant period.

• An applicant can consider a range of model demonstration activities using technology, including the use of loaned accessible equipment for the home to enable the person to become trained and/or employed (e.g., laptop, adapted computer keyboards, large button keypads, software, TTY) or the use of technology where the organization is located to enable people with significant disabilities to search for jobs (e.g., Internet access and training on how to write and format a scannable resume, job search using the Internet).

• The applicant must explain how it will keep track of electronic and information technology equipment that is purchased with grant funds for use in an individual's home.

IV. Statement of Work

A successful applicant must initiate and/or expand its current support and social services programs to include employment training and services for people with significant disabilities and forge a link with the local One-Stop Center. In developing these strategies, the applicant must specifically outline its plan for: (1) Staffing and support of the proposed project; (2) recruitment of people with significant disabilities in the community who may benefit from employment training and services; and (3) the acquisition, installation, and maintenance of electronic and information technology (*e.g.,* computers, computer software, fax machines, copiers, Internet, distance learning equipment) either at the organization's location or in the person with disabilities' home if necessary to implement the proposed project. The applicant organizations must be prepared to implement their proposed employment training and services programs in accordance with the descriptions presented in their grant proposal.

In addition the applicant must:

• Provide a detailed plan for project goals, objectives, and activities;

• Produce procedures and materials that would enable other local community and faith-based organizations to adopt the best practices derived from this project;

• Explain how it will integrate employment training and employment services for people with significant disabilities into the existing infrastructure of the services and support it provides; and,

• Explain how it will work within the local One-Stop Center(s) to address barriers to employment for people with significant disabilities including those relating to access to technology. Also, the grantees must be prepared to submit a report of progress, six months after the award begins; and, a final report describing the grant's achievements, upon the conclusion of the award. These reports will be from three to six pages in length, with no more than two pages exclusively devoted to a progress narrative.

V. Funding Availability

The total amount of the funds to be awarded is $300,000, with individual awards of between $60,000 and $100,000. Accordingly, approximately three to five grants will be awarded. It is expected that the funds used for this SGA will support the costs associated with the development and implementation of an employment services training program in a community and faith-based organization, that, where feasible, employs the use of information technology (e.g., computers, computer software, fax machines, copiers, Internet, distance learning equipment).

VI. Eligible Applicants

Eligible applicants must be community and faith-based organizations operating at the local level. They must be public or private non-profit organizations, including community-based and faith-based organizations, with a demonstrated record of service to the community. States and other governmental entities are not eligible. Under Section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible for the receipt of federal funds constituting an award, grant, or loan. *See* 2 U.S.C. § 1611; 26 U.S.C. § 501(c)(4).

VII. Application Contents

There are three required Parts and an Appendix of the application. Requirements for each Part are provided in this application package, as are all required forms.

Part I—Project Financial Plan (Budget).

Part II—Executive Summary.

Part III—Project Narrative.

Appendices—Letters of Commitment/Support, Resumes, etc.

General Requirements

Two copies and an original of the proposal must be submitted, one of which must contain an original signature. Proposals must be submitted by the applicant only. Page limits do not apply to the Project Financial Plan, the Executive Summary, or the Appendices (assurances, resumes, bibliography or references as appropriate, and letters of support.) A font size of at least twelve point is required throughout.

Part I—Project Financial Plan (Budget)

To be considered, applications must include a detailed financial plan that identifies by line item the budget plan designed to achieve the goals of this grant. The Project Financial Plan must contain the SF–424, Application for Federal Assistance, (Appendix A) and an SF–424A Budget Information Sheet (Appendix B). The Project Financial Plan (Budget) must include on a separate page a detailed cost analysis of each line item. Justification for administrative costs must be provided. Approval of a budget by DOL is not the same as the approval of actual costs. The individual signing the SF–424 on behalf of the applicant must represent and be able to bind the responsible financial and administrative entity for a grant should that application result in an award.

Part II—Executive Summary

The application must contain an Executive Summary limited to no more than two single-spaced, single-sided pages that are not included in the overall page limit. Each application must provide a grant synopsis that identifies the following:

• The Applicant's capacity to administer this project including its demonstrated record of service to the community;

• The geographic area to be served through this grant; and

• The amount of funding requested and planned period of performance up to a year.

Part III—Project Narrative

The project narrative must describe how the applicant, as an employment service provider in the local One-Stop system, will provide employment services for people with significant disabilities. Specifically, the project narrative should set forth the strategic plan to implement the Statement of Work set forth earlier in this document. In developing the project narrative, the following should be incorporated:

• A description of the population to be served;

• A description of the employment training and/or services to be provided;

• A description of the current, if any, and/or proposed involvement with the local One-Stop Center;

• A description of the applicant's experience, if any, in managing resources through grant awards, from Federal, State or units of local governments, and/or from private organizations; and

• A description of the applicant's objectives, how the project results will be measured, and who will be responsible for providing DOL with financial and other information.

This project narrative may not exceed 15 pages. The narrative will be evaluated in accordance with the Evaluation Criteria/Selection section of this document. A Technical Evaluation Panel will assign scores that are based on how well the project narrative meets the evaluation criteria described in Section VIII of this solicitation. The panel will make recommendations to the Grant officer who will make the final determination based on all available information.

VIII. Evaluation Criteria/Selection

A. Evaluation Criteria

In evaluating the significance of the proposed project, the Department will consider the following factors:

(1). The potential of the proposed project to impact the employment opportunities of people with significant disabilities, including persons whose disabilities arise from chronic illnesses; and, its plans to work with the local One-Stop Center. (See Statement of Work section on preceding pages of this document for further guidance on what will be evaluated in this section of your proposal)—50 points

(2). The current employment needs of people with significant disabilities that this proposed project will attempt to meet (offer any statistics, case studies or other information which outline the reasons why the proposed grant program is needed in the community)—20 points

(3). The qualifications of available staff, including volunteer staff (identify who will direct and/or operate your proposed program and include in your proposal either resumes or brief summary statements indicative of their capabilities to deliver the proposed employment support services that you wish to fund under this grant program)—10 points

(4). Evidence of past community service by the organization (either describe or include in the Appendices any relevant articles, reports, statements, etc. which attest to the organization's record of serving your community with any kind of social services or support)—15 points

(5). The methodology for measuring success of this project. The objectives must be clearly defined and the applicant must describe how it will report: (a) The number of participants served; (b) the number of participants who received employment; (c) the types of training and/or services provided; and (d) the number of applicants that were referred for more advanced job training in the local One-Stop Center—5 points

B. Selection Criteria

Acceptance of a proposal and an award of federal funds to sponsor any program(s) is not a waiver of any grant requirement and/or procedures. Awardees must comply with all applicable Federal statutes, regulations, administrative requirements and OMB Circulars. For example, the OMB circulars require, and an entity's procurement procedures must require, that all procurement transactions shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the award does not provide the justification or basis to sole-source the procurement, i.e., to avoid competition.

A panel will objectively rate each complete application against the criteria described in this solicitation. The panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to award a cooperative agreement either with or without discussion with the applicant. In situations where no discussion occurs, an award will be based on the signed SF–424 form (see Appendix A), which constitutes a binding offer. The Grant Officer may consider the availability of funds and any information that is available and will make final award decisions based on what is most advantageous to the government, considering factors such as:

1. Findings of the technical evaluation panel;

2. Geographic distribution of the competitive applications;

3. Assuring a variety of program designs; and,

4. The availability of funds.

The Establishment Clause of the First Amendment of the United States Constitution prohibits the government from directly funding religious activity. These grants may not be used for instruction in religion or sacred literature, worship, prayer, proselytizing or other inherently religious practices. The services provided under these grants must be secular and non-ideological. Grant or sub-grant recipients, therefore, may not and will not be defined by reference to religion. Neutral, secular criteria that neither favor nor disfavor religion must be employed in their selection. In addition, under the WIA and DOL regulations implementing the Workforce Investment Act, a recipient may not employ or train a participant in sectarian activities, or permit participants to construct, operate, or maintain any part of a facility that is primarily used or devoted to sectarian instruction or worship. Under WIA, no individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

IX. Reporting

The grantee must furnish a progress report at the 6-month anniversary of the award; and a final report due approximately 45 days from the day of completion of the grant (approximately 12 months from the execution of the grant award). These reports should be no more than two pages of narrative, discussing the organization's efforts and progress in meeting the objectives of its proposal. Additionally, these reports should identify specific accounts of success in achieving employment outcomes and other accomplishments of the grant. In addition, a brief standard financial report will be required with each report.

X. Administration Provisions

A. Administrative Standards and Provisions

Grants awarded under this SGA are subject to the following:

29 CFR Part 95— Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and With Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations

29 CFR Part 96—Audit Requirements for Grants, Contracts and Other Agreements

B. Allowable Cost

Determinations of allowable costs shall be made in accordance with the following applicable Federal cost principles:

Nonprofit Organizations—OMB Circular A–122

Profit will *not* be considered an allowable cost in any case.

C. Grant Non-Discrimination Assurances

As a condition of the award the applicant must certify that it will comply with the nondiscrimination and equal opportunity provisions of the following laws:

29 CFR Part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964

29 CFR Part 32—Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance. (Implementing section 504 of the Rehabilitation Act, 29 U.S.C. 794)

29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (Implementing Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*)

29 CFR Part 37—Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (WIA) (Implementing Section 188 of the Workforce Investment Act, 29 U.S.C. 2938)

The applicant must include assurances and certifications that it will comply with these laws in its grant application. The assurances and certifications are attached as Appendix C.

Signed at Washington, DC this 30th day of, July 2002.

Lawrence J. Kuss,

Grant Officer.

Appendix A. Application for Federal Assistance, Form SF 424

Appendix B. Budget Information Sheet, Form SF 424A

Appendix C. Assurances and Certifications Signature Page

BILLING CODE 4510–CX–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED July 26, 2002	Applicant Identifier	
3. DATE RECEIVED BY STATE	State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	

1. TYPE OF SUBMISSION:

Application	Preapplication
☐ **Construction**	☐ **Construction**
☐ **Non-Construction**	☐ **Non-Construction**

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, State, and zip code):*	Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN):*

☐☐ — ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify):*

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐ — ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.):*

13. PROPOSED PROJECT		**14. CONGRESSIONAL DISTRICTS OF:**	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ 0.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

Previous Edition Usable
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Standard Form 424 (Rev. 7-97)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$ 0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$ 0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges *(sum of 6a-6h)*	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS *(sum of 6i and 6j)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
7. Program Income	$	$	$	$	$ 0.00

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$ 0.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL *(sum of lines 8-11)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 0.00	$	$	$	$
14. Non-Federal	0.00				
15. TOTAL *(sum of lines 13 and 14)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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Standard Form 424A (Rev. 7-97) Page 2

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES AND CERTIFICATIONS - SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Assurances - Non-Construction Programs

B. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions and Certifications Regarding Drug-Free/Tobacco-Free Workplace Requirements.

C. Certification of Release of Information

D. Applicant is not a 501 (c) (4) organization

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.

[FR Doc. 02–19639 Filed 8–2–02; 8:45 am]
BILLING CODE 4510–CX–C

DEPARTMENT OF LABOR

Office of Disability Employment Policy

Telework/Telecommuting Pilot Demonstration Grant for Adults with Significant Disabilities

AGENCY: Office of Disability Employment Policy, DOL.

ACTION: Notice of availability of funds and Solicitation for Grant Applications (SGA) for Telework/Telecommuting Pilot Demonstrations (SGA 02–16).

SUMMARY: The U.S. Department of Labor (''DOL'' or ''Department''), Office of Disability Employment Policy (''ODEP''), announces the availability of $1,000,000 to award one competitive grant to support the implementation and evaluation of three pilot demonstration projects involving DOL and two other Federal agencies over a period of 24 months designed to evaluate the extent to and the manner in which various home-based telework/telecommuting arrangements can enhance the employment of people with disabilities. This solicitation responds to an expression of Congressional intent in the Conference Report to ODEP's FY 2002 appropriation to set up these programs and to ''include in these pilots all appropriate positions, whether the work is performed in-house, contracted, or outsourced in the types of jobs which can be performed from home, such as customer service/call contact centers, and claims, loan or financial transaction processing operations.'' (H. Conf. Rep. No. 342, 107th Cong., 1st Sess. (2001)). Integral to the pilot projects will be tailored/individualized training, appropriate technology, and supportive mechanisms (e.g., reasonable accommodations, job coaching, shadowing, mentoring, customized employment, etc.).

A critical element of this endeavor will be the generation of data and information on successful strategies and approaches to telework/telecommuting, the difficulties and challenges that may be encountered, and mechanisms for addressing these challenges. This data will be used by DOL and other Federal entities in considering the development of telework/telecommuting options as an alternative to more traditional types of employment, particularly for people with significant disabilities.

The funds for this solicitation will be used to develop, implement, and evaluate three discrete pilot demonstration projects. The first pilot will be conducted at the U.S. Department of Labor and will involve the Labor Department's current call center operation. The other two pilot projects must involve two other types of jobs that can be performed from home such as customer service, claims, loan, financial transaction or processing operations in two additional Federal agencies.

These pilot demonstration projects will be staggered; each pilot will begin at a different time. Each pilot will run for a total of nine months—six months for a training/trial work period, and an additional three months for follow-up. The grantee funded under this solicitation must: (1) Identify positions appropriate for home-based work among the three Federal agencies included in the overall project; (2) equip and train qualified individuals with significant disabilities for these positions; and (3) report on the results of the telework/telecommuting pilot.

DATES: One ink-signed original, completed grant application plus two copies of the Technical Proposal and two copies of the Cost Proposal must be submitted to the U.S. Department of Labor, Procurement Services Center, Attention: Grant Officer Reference SGA 02–16, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210, not later than 4:45 p.m. Eastern Daylight Savings Time (EDST) September 4, 2002. Hand-delivered applications must be received by the Procurement Services Center by that time.

ADDRESSES: Applications must be directed to the U.S. Department of Labor, Procurement Services Center, Attention: Grant Officer, Reference SGA 02–16, Room N–5416, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Application announcements or forms will not be mailed. The **Federal Register** may be obtained from your nearest government office or library. In addition, a copy of this notice and the application requirement may be downloaded from the Office of Disability Employment Policy's Web site at *http://www2.dol.gov/odep.* Questions concerning this solicitation should be directed to Cassandra Willis at phone (202) 693–4570 (this is not a toll-free number). Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

Late Proposals: All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. Therefore, it is recommended that you confirm receipt of your application(s) by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, at (202) 693-4570, prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877-8339.

Acceptable Methods of Submission: The grant application package must be received at the designated place by the date and time specified or it will not be considered. Any application received at the Office of Procurement Services Center after 4:45 p.m., EDST, September 4, 2002, will not be considered unless it is received before the award is made and:

1. It was sent by registered or certified mail not later than the fifth calendar day before September 4, 2002; or 2. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5 p.m. at the place of mailing two working days, excluding weekends and Federal holidays, prior to September 4, 2002; and/or

3. It is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the U.S. Department of Labor at the address indicated.

The only acceptable evidence to establish the date of mailing of a late application sent by registered or certified mail is the U.S. Postal Service postmark on the envelope or wrapper and on the original receipt from the U.S. Postal Service. If the postmark is not legible, an application received after the above closing time and date shall be processed as if mailed late. ''Postmark'' means a printed, stamped or otherwise placed impression (not a postage meter machine impression) that is readily identifiable without further action as having been applied and affixed by an employee of the U.S. Postal Service on the date of mailing. Therefore, applicants should request the postal clerk place a legible hand cancellation ''bull's-eye'' postmark on both the receipt and the envelope or wrapper.

The only acceptable evidence to establish the time of receipt at the U. S. Department of Labor is the date/time stamp of the Procurement Services Center on the application wrapper or other documentary evidence or receipt maintained by that office.

Applications sent by other delivery services, such as Federal Express, UPS, etc., will also be accepted; however the Department does not accept dates or date stamps on such packages as evidence of timely mailing. Thus, the applicant bears the responsibility of timely submission.

All applicants are advised that U.S. mail delivery in the Washington, DC area has been erratic due to concerns involving anthrax contamination. All applicants must take this into consideration when preparing to meet the application deadline. Therefore, it is recommended that you confirm receipt of your application by contacting Cassandra Willis, U.S. Department of Labor, Procurement Services Center, telephone (202) 693–4570 (this is not a toll-free number), prior to the closing deadline. Persons who are deaf or hard of hearing may contact the Department via the Federal Relay Service, (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Authority

Consolidated Appropriations Act, 2001, Public Law 106–554, 114 Stat. 2763; 29 U.S.C. 557b; DOL, HHS, Education and Related Appropriations Act, 2002, Public Law 107–116, 115 Stat. 2177.

II. Background

The mission of the Office of Disability Employment Policy (ODEP) is to provide leadership to increase employment opportunities for adults and youth with disabilities through expanded access to training, education, employment supports, assistive technology, integrated employment, entrepreneurial development and small business opportunities. ODEP fosters the creation of employment opportunities by building partnerships with both public and private sector employers, and with regional and local agencies to: (1) Increase their awareness and experience the benefits of employing people with disabilities, including significant disabilities; and (2) facilitate the use of effective strategies to accomplish this goal.

Workers with significant disabilities are an important and insufficiently tapped resource for employers. As such, ODEP is committed to ensuring appropriate skills development and training opportunities, and supporting and encouraging the creative use of alternative employment strategies and employment supports for this population segment. Congress included $1,000,000 in FY 2002 for ODEP to explore the feasibility of developing and extending home-based telework/telecommuting options to people with significant disabilities through an evaluation of pilot demonstration projects. (H. Conf. Rep. No. 342, 107th Cong., 1st Sess. (2001)).

In general, ''telework/telecommuting'' is a collective term for a wide variety of work arrangements. Teleworkers/telecommuters may be employees or independent contractors who may work full-time or part-time. In addition teleworkers/telecommuters may work from home or a telecenter all of the time, or may alternate between the two. For the purposes of this solicitation, telework/telecommuting will refer to home-based settings only.

As a general matter, telework/telecommuting provides opportunities for all employees and employers seeking alternative employment options. For employers, telework/telecommuting can be useful in solving business problems by decreasing certain overhead costs; satisfying fluctuating demands for additional office and parking space; and helping its employees balance work and family demands and thereby increase their loyalty, productivity, and retention. For certain employees, telework/telecommuting is appealing because it can eliminate long commutes, and is flexible—allowing for balancing of work and home life, and reduced workplace distractions.

For people with significant disabilities, telework/telecommuting sometimes presents the most viable opportunity to work, due to the lack of reliable and available employment supports such as transportation and personal assistance. While telework/telecommuting is not a complete solution to the employment barriers encountered by persons with significant disabilities, home-based work can be an effective way of bringing persons with severe or significant disabilities who have limited ability to leave their homes into the workforce.

Effective telework/telecommuting policies are key to successful telework/telecommuting arrangements for persons with and without disabilities. Accordingly, the best practices derived from this project are likely to have utility extending beyond the employment of people with disabilities to the population generally.

III. Purpose and Parameters

The purpose of the grant award is to explore using telework/telecommuting in innovative ways in Federal agencies to support high quality employment for people with significant disabilities. Specifically, it will provide DOL and other participating agencies with a means to assess the extent to which tailored/individualized training, appropriate technology, and supportive mechanisms (e.g., reasonable accommodations, job coaching, shadowing, mentoring, customized employment, etc.) can facilitate various telework/telecommuting arrangements for people with significant disabilities. Through its evaluation research component, the grant will also generate data on both the benefits and the challenges encountered in creating home-based telework/telecommuting options for people with significant disabilities.

All forms necessary to prepare an application are included in this SGA. Additional forms can be obtained from the following OMB Web site address: *www.whitehouse.gov/OMB/grants/forms.html.* In responding to the SGA, the applicant must take into account the following parameters of this project:

- The award will support one grant that will be used to develop, implement, evaluate, and disseminate information that can increase critical knowledge of and provide data about ''best practices'' in a home-based telework/telecommuting environment for people with significant disabilities.
- The first pilot will be conducted at the U.S. Department of Labor and will involve the Labor Department's current call center operation. The other two pilot projects will involve two of the following: customer service, claims, loan, financial transaction or processing centers in two additional Federal agencies.
- For the purposes of this solicitation, ''telework/telecommuting'' is defined as work performed in a home-based workstation.
- The grantee must: (1) Identify appropriate positions within the three Federal agencies included in the overall project; (2) equip and train qualified individuals with significant disabilities for these positions; and (3) report on the results of the telework/telecommuting pilot.
- A person with a ''significant disability'' for purposes of this SGA is defined as an adult to whom one or more of the following applies: (1) Is a long-term user of a mobility aid (e.g., a cane or wheel chair); (2) Is unable, or needs assistance, to see, hear, or climb stairs; or (3) Is unable, or needs assistance, to get around inside the home, dress, eat, or prepare meals.
- During each nine-month pilot, the telework/telecommuting participants recruited as part of this solicitation will be employees of the applicant's organization. The applicant, therefore, may use grant funds to cover their employment costs (e.g., salaries, benefits, assistive technology, reasonable accommodations). Telework/telecommuting participants are to be compensated at prevailing rates equal to that of other trainees or employees with similar training, experience, and skills, performing similar work and such rates shall be in accordance with applicable

law, but in no event less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law.

• Applicants must prepare an evaluation plan for the three pilot demonstration projects which is to include, at a minimum: (1) The number of individuals with disabilities participating in telework/telecommuting positions; (2) the participants' attrition rates; (3) information on the performance of such individuals in comparison to people without significant disabilities performing similar jobs in the participating agency; and (4) the feasibility of employing more individuals with disabilities in home-based work in other Federal agency positions.

• The success of telework/telecommuting for people with significant disabilities will be measured in terms of growth (e.g., skills development, production, hiring level, etc.) and stability. Training will be a critical element in the pilot demonstrations inasmuch as it will be important that participants recruited for the pilot projects enhance their current skills level and develop additional skills and abilities to perform telework/telecommuting tasks. Accordingly, the applicant must describe the procedures and approach it will use to ensure that the particpants' training provides them with the specific skills needed for the target occupation, including the operation of relevant equipment, including assistive technology. The applicant must also discuss how it will assess and provide appropriate telework/telecommuting supports, needed accommodations, and training in self-management skills.

• In some cases, Federal agencies, such as DOL, contract for services such as call centers, claims processing, and application processing. Applicants should note that if the Federal agency that is to be a part of this demonstration uses a contractor for a job function which is potentially appropriate for home-based telework/telecommuting environment, the agency must agree to assist the applicant in working with the Federal contractor to identify appropriate positions for the pilot demonstration project.

• The applicant must describe the procedures and approaches it will use in cases where modifications (e.g., telephone lines, software, technology, etc.) may be required to facilitate the pilot demonstration projects (e.g., a contracted call center facility). Grant funds may be used for this purpose. This kind of facilitation may be accomplished in a number of ways, for example, by a subcontract with the contracted call center under which the call center purchases and installs all of the appropriate equipment, or by direct purchase and installation by the grantee with the consent of the call center contractor.

IV. Statement of Work

The applicant must design and implement pilot demonstration projects that incorporate research-based best practices, or that develop and evaluate additional practices that are flexible, unique, and innovative.

The successful applicant will develop and outline strategies to integrate specific job functions, ordinarily performed at a centrally located facility, into home-based work settings. Therefore, the applicant must include specific details concerning its personnel and support capacity for the pilot demonstration projects; the procedures and approaches for the recruitment, retention, and management of people with significant disabilities who prefer home-based telework/telecommuting; the acquisition, installation, and maintenance of equipment that will be required; necessary security; job task training, quality assurance, supervision, and technical assistance and training for the Federal agency and contractor (if applicable) supporting the pilot demonstrations.

The applicant must describe the methods and procedures for collecting, analyzing, and reporting data from the evaluation of the pilot demonstration projects. The applicant must describe the procedures and approaches for working with three Federal agencies (the Department of Labor and two other Federal agencies) in order to implement the various strategies proposed in relation to the specific employment situation in each agency (e.g., call center, claims processing, and/or application processing activity.) Additionally, the applicant must provide:

(1) a detailed management plan for project goals, objectives, and activities;

(2) a detailed timeline for phasing in the three pilot demonstration projects on a staggered basis; conducting evaluations of the pilots; and producing and submitting a final report;

(3) a detailed outline for an evaluation research design which includes: (a) A justification of appropriate evaluation methodology; (b) a descriptions of the outcome measures expected to be used to evaluate the pilot demonstration projects and determine the effectiveness of each; and (c) an explanation of how the evaluation information and data collected on the pilot demonstration projects will be aggregated and analyzed for the purpose of providing useful information about the overall feasibility of home-based telework/telecommuting for people with significant disabilities performing Federal sector jobs;

(4) documentation (e.g., letter of intent, memorandum of agreement) which reflects that each Federal agency which is to be included in the pilot demonstration project is committed to participating and working cooperatively with the applicant; or alternatively, a description of the process the applicant will use to recruit, enlist, and secure cooperation with each Federal agency the applicant wishes to include in the projects;

(5) a description detailing a plan for designing three distinct telework/telecommuting pilots in different environments. The first pilot will be conducted at the U.S. Department of Labor and will involve the Labor Department's current call center operation. The other two pilot projects must involve two other types of jobs that can be performed from home such as customer service, claims, loan, financial transaction or processing operations in two additional Federal agencies.

(6) a description of the procedures and approaches that will be used to integrate home-based telework/telecommuting into the existing infrastructure of any organizations currently providing contractual services within participating Federal agencies; and identify positions appropriate for home-based telework/telecommuting within the three Federal agencies included in the overall project; and address and resolve any problems and barriers;

(7) a description of the procedures and approaches which the applicant will use to: (a) Recruit and retain pilot demonstration participants; (b) employ pilot demonstration participants for up to nine months; (c) replace participants who drop out of the project, to the extent that funds and time will allow; and (d) address and resolve any other problems and barriers;

(8) a description of the procedures and approaches the applicant will use for: (a) The acquisition, installation, and maintenance of required equipment and implementation of necessary security measures; (b) job task training, quality assurance, and supervision; and (c) for providing technical assistance and training to the entity(ies) providing contractual services to the Federal government in jobs appropriate for home-based telework/telecommuting

which are to be included in the pilot demonstrations;

(9) a detailed description of procedures and materials that would enable others to replicate the successful strategies developed; and

(10) a description of procedures and approaches which will be used to provide ongoing communication and collaboration with, and input from ODEP's Project Officer on all grant-related activities.

Utilizing grant funds, the applicant must support the travel cost associated with sending at least one representative for two days to the annual ODEP Grantees' training conference, to be held in Washington, DC.

V. Funding Availability and Period of Performance

The period of performance will be 24 months from the date of the execution of the award unless extended by the Government. The amount of the grant awarded will be $1,000,000. It is expected that the costs associated with each individual pilot will vary, as the job functions/tasks and technology required to perform home-based teleworking/telecommuting within a participating agency will be different. The funds used for this SGA will support the costs associated with the development and implementation of the three Federal pilot demonstration projects, one of which is to be at DOL, to determine whether, and to what extent, home-based telework/telecommuting represents viable employment alternative for people with significant disabilities and for Federal agencies. To this end, the applicant may use the available funds to conduct a variety of activities to support these pilots such as recruitment, retention, training, acquiring needed technology and equipment, making modifications, planning, management activities, and evaluations. To the extent possible, the applicant should provide specific cost estimates and justifications for costs in its application. With the agreement of the grantee, the Department also may elect to change, modify, and/or supplement this grant during this period based on the Department's needs.

VI. Eligible Applicants

Applications will be accepted from both for profit and non-profit organizations. States and other governmental entities are ineligible. Applicants must have demonstrated experience in employment and disability research, and have demonstrated experience and capacity for providing services related to telework/telecommuting or technology generally for people with disabilities. According to section 18 of the Lobbying Disclosure Act of 1995, an organization, as described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities will not be eligible for the receipt of Federal funds constituting an award, grant, or loan. [See 2 U.S.C. 1611; 26 U.S.C. 501(c)(4).]

VII. Application Contents

General Requirements—Two copies and an original of the proposal must be submitted, one of which must contain an original signature. Proposals must be submitted by the applicant only. There are three required sections of the application. Requirements for each section are provided in this application package.

Part I—Executive Summary

The Executive Summary may not be more than two single-spaced pages in length giving a clear summary of the project narrative.

Part II—Project Narrative—(Appendices—Letters of Commitment/Support, Resumes, etc.)

Applicants must include a narrative that addresses the Statement of Work in Part IV of the notice and the evaluation/selection criteria in Part VIII that will be used by reviewers in evaluating the application. You must limit Part II to the equivalent of no more than 75 pages using the following standard. This page limit does not apply to Part I the Executive Summary; Part III the Project Financial Plan (Budget); and, the Appendices (the assurances and certifications, resumes, a bibliography or references, and the documentation of commitment/letters of support).

A page is 8.5″ x 11″ (on one side only) with one-inch margins (top, bottom, and sides). All text in the application narrative, including titles, headings, footnotes, quotations, and captions, as well as all text in charts, tables, figures, and graphs must be double-spaced (no more than three lines per vertical inch); and, if using a proportional computer font, use no smaller than a 12-point font, and an average character density no greater than 18 characters per inch (if using a non-proportional font or a typewriter, do not use more than 12 characters per inch.)

Part III—Project Financial Plan (Budget)

Applications must include a detailed financial plan, which identifies by line item the budget plan designed to achieve the goals of this grant. The Financial Plan must contain the SF–424, Application for Federal Assistance, (Appendix A) and a Budget Information Sheet SF–424A (Appendix B).

In addition, the budget must include, on a separate page, a detailed cost analysis of each line item. Justification for administrative costs must be provided. Approval of a budget by DOL is not the same as the approval of actual costs. The individual signing the SF–424 on behalf of the applicant must represent and be able to legally bind the responsible financial and administrative entity for a grant should that application result in an award. The applicant must also include the Assurances and Certifications Signature Page (Appendix C).

VIII. Evaluation Criteria/Selection

A. Evaluation Criteria

The application must include appropriate information of the type described below.

1. Significance of the Proposed Project (25 points)

In determining the significance of the proposed project, the Department considers the following factors:

a. The potential contribution of the proposed project to increase knowledge or understanding of problems, issues, or effective strategies for providing home-based telework/telecommuting options to people with significant disabilities as an alternative to traditional types of employment;

b. The extent to which the proposed project is likely to yield findings that may be used by other appropriate agencies and organizations;

c. The extent to which the proposed project involves the development or demonstration of promising new strategies that build upon, or are alternatives to, existing strategies;

d. The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including their potential for being used effectively in a variety of other settings;

e. The extent to which the promising practices of the proposed project are to be disseminated in ways that will enable others to use the information or strategies;

f. The potential replicability (national significance) of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings; and

g. The importance or magnitude of the results that are likely to be attained by the proposed project.

2. Quality of the Project Design (20 points)

In evaluating the quality of the proposed project design, the Department considers the following factors:

a. The adequacy of the documentation submitted in support of the proposed project to demonstrate the commitment of each Federal agency which is be included in the pilot demonstration or alternatively the quality of the plan that the applicant will use to recruit, enlist, and secure cooperation of Federal agencies which the applicant wishes to include in the projects;

b. The extent to which the proposal provides a description detailing a plan for designing three distinct pilot programs, in three different telework/telecommuting environments, with DOL and two additional Federal agencies.

c. The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable;

d. The extent to which the proposal incorporates the 9 key activities identified in Part IV, the Statement of Work;

e. The extent to which the design of the proposed project is appropriate to, and will successfully address the needs of the target population and other identified needs;

f. The extent to which the design of the proposed project can identify barriers and challenges associated with providing home-based telework/telecommuting options to persons with disabilities;

g. The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of this grant;

h. The extent to which the design of the proposed project reflects a review of disability related literature, up-to-date knowledge of research and effective practices relating to planning and implementing telework/telecommuting options, and the use of appropriate methodological tools to ensure successful achievement of project objectives;

i. The extent to which the applicant encourages involvement of people with significant disabilities most likely to benefit from home-based telework/telecommuting options, and relevant experts, and organizations in project activities; and

j. The extent to which performance feedback and continuous improvement are integral to the design of the proposed project.

k. The extent to which the design of the proposed project incorporates measures adequate to ensure that the current employees of a Federal contractor or Federal agency involved in the pilot project do not suffer a loss of wages, are not displaced, and are not deprived of any rights conferred as a result of a collective bargaining agreement or an existing contract for their services or as a result of grant activities.

3. Quality of Project Personnel (15 points)

The Project Narrative must describe the proposed staffing of the project and must identify and summarize the qualifications of the personnel who will carry it out. The Project Narrative should also describe how the applicant plans to comply with the employment discrimination and equal employment opportunity requirements of the various laws listed in the assurances section.

In addition, the Department considers the qualifications, including relevant education, training and experience of key project personnel as well as the qualifications, including relevant training and experience of project consultants or subcontractors. Resumes must be included in the Appendices.

4. Budget and Resource Capacity (10 points)

In evaluating the capacity of the applicant to carry out the proposed project, the Department considers the following factors:

a. The applicant's demonstrated experience in employment and disability research, and in providing services related to telework/telecommuting or technology generally for people with disabilities;

b. The extent to which the budget is adequate to support the proposed project; and

c. The extent to which the anticipated costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

5. Quality of the Management Plan (10 points)

In evaluating the quality of the management plan for the proposed project, the Department considers the following factors:

a. The extent to which the management plan for project implementation appears likely to achieve the objectives of the proposed project on time and within budget, and includes clearly defined staff responsibilities, time allocation to project activities, time lines, milestones for accomplishing project tasks, and project deliverables;

b. The adequacy of mechanisms for ensuring high-quality products and services relating to the scope of work for the proposed project; and

c. The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

6. Quality of the Project Evaluation (20 points)

In evaluating the quality of the project's evaluation design, the Department considers the following factors:

a. The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, context, and outcomes of the proposed project;

b. The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data;

c. The extent to which the evaluation will provide information to the Federal government and other employers about effective telework/telecommuting strategies suitable for replication or testing in other settings; and

d. The extent to which the methods of evaluation measure in both quantitative and qualitative terms program results and satisfaction of adults with disabilities.

B. Selection Criteria

Acceptance of a proposal and an award of Federal funds to sponsor any program(s) is not a waiver of any grant requirement and/or procedures. The selected applicant must comply with all applicable Federal statutes, regulations, administrative requirements and OMB circulars. For example, the OMB circulars require, and an entity's procurement procedures must require, that all procurement transactions shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the award does not provide the justification or basis to sole-source the procurement, i.e., avoid competition.

A panel will objectively rate each complete application against the criteria described in this SGA. The panel recommendations to the Grant Officer are advisory in nature. The Grant Officer may elect to award grants either with or without discussion with the applicant. In situations where no discussion occurs, an award will be based on the signed SF–424 form (see Appendix A), which constitutes a binding offer. The Grant Officer may consider the availability of funds and any

information that is available and will make final award decisions based on what is most advantageous to the government, considering factors such as:

(1) The findings of the grant technical evaluation panel; and

(2) The geographic distribution of the sites of the three demonstration projects.

IX. Reporting

The selected applicant must submit on a quarterly basis, beginning ninety days from the award of the grant, financial and participation reports under this program as prescribed by OMB Circulars A-110 codified at 29 CFR part 95. Specifically the following reports will be required:

1. *Quarterly report:* The quarterly report is estimated to take five hours to complete. The form for the Quarterly Report will be provided by ODEP. The Department will work with the grantee to help refine the requirements of the report, which, among other things, will include measures of ongoing analysis for continuous improvement;

2. *Standard Form 269:* Financial Status Report Form: This form is to be completed on a quarterly basis.

3. *Final Project Report:* The Final Project Report is to include an assessment of project performance and outcomes achieved. It is estimated that this report will take twenty hours to complete. This report will be submitted in hard copy and on electronic disk using a format and following instructions, which will be provided by the Department. A draft of the final report is due to the Department thirty days before the termination of the grant. The final report is due to DOL 60 days following the termination of the grant.

The Department will arrange for an independent evaluation of outcomes, impacts, and benefits of the project. The selected applicant must make records and data available to external evaluation personnel, as specified by the Department.

X. Administration Provisions

A. Administrative Standards and Provisions

Applicants are strongly encouraged to read these regulations before submitting a proposal. The grant awarded under this SGA shall be subject to the following as applicable:

(1) 29 CFR part 95—Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and With Commercial Organizations, Foreign Governments, Organizations Under the Jurisdiction of Foreign Governments, and International Organizations

(2) 29 CFR part 96—Audit Requirements for Grants, Contracts, and Other Agreements.

B. Allowable Cost

Determinations of allowable costs are made in accordance with the following applicable Federal cost principles:

(1) Nonprofit Organizations—OMB Circular A–122

(2) Profit-making Commercial Firms—48 CFR part 31

Profit will not be considered an allowable cost in any case.

C. Grant Non-Discrimination Assurances

As a condition of the award, the applicant must certify that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

29 CFR part 31—Nondiscrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964.

29 CFR part 32—Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance. (Implementing section 504 of the Rehabilitation Act, 29 U.S.C. 794)

29 CFR part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance. (Implementing title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq.)

The applicant must include assurances and certifications that it will comply with these laws in its grant application. The assurances and certifications are attached as Appendix C.

Signed at Washington, DC, this 30th day of July, 2002.

Lawrence J. Kuss,

Grant Officer.

APPENDIX A. Application for Federal Assistance, Form SF 424

APPENDIX B. Budget Information Sheet, Form SF 424A

APPENDIX C. Assurances and Certifications Signature Page

BILLING CODE 4510–CX–P

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

2. DATE SUBMITTED July 26, 2002	Applicant Identifier	
3. DATE RECEIVED BY STATE	State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	

1. TYPE OF SUBMISSION:

Application: ☐ **Construction** ☐ **Non-Construction**

Preapplication: ☐ **Construction** ☐ **Non-Construction**

5. APPLICANT INFORMATION

Legal Name:

Organizational Unit:

Address *(give city, county, State, and zip code)*:

Name and telephone number of person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER *(EIN)*: ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☐ **New** ☐ **Continuation** ☐ **Revision**

If Revision, enter appropriate letter(s) in box(es) ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other*(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: ☐☐ – ☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(Cities, Counties, States, etc.)*:

13. PROPOSED PROJECT

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant

b. Project

15. ESTIMATED FUNDING:

a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ 0.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ **Yes** **If "Yes," attach an explanation.** ☐ **No**

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative		e. Date Signed

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Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).
3.	State use only (if applicable).
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item:	Entry:
12.	List only the largest political entities affected (e.g., State, counties, cities).
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1.		$	$	$	$	$ 0.00
2.						0.00
3.						0.00
4.						0.00
5. Totals		$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	$	$	$	$	$ 0.00
b. Fringe Benefits					0.00
c. Travel					0.00
d. Equipment					0.00
e. Supplies					0.00
f. Contractual					0.00
g. Construction					0.00
h. Other					0.00
i. Total Direct Charges *(sum of 6a-6h)*	0.00	0.00	0.00	0.00	0.00
j. Indirect Charges					0.00
k. TOTALS *(sum of 6i and 6j)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00
7. Program Income	$	$	$	$	$ 0.00

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	$	$	$	$ 0.00
9.				0.00
10.				0.00
11.				0.00
12. TOTAL *(sum of lines 8-11)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$ 0.00	$	$	$	$
14. Non-Federal	0.00				
15. TOTAL *(sum of lines 13 and 14)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTAL *(sum of lines 16-19)*	$ 0.00	$ 0.00	$ 0.00	$ 0.00

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charges:
23. Remarks:	

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INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a *single* Federal grant program (Federal Domestic Assistance Catalog number) and *not requiring* a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a *single* program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in *Column* (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to *multiple* programs where one or more programs *require* a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount, Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines 8-11 Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines 16-19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)-(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section F. Other Budget Information

Line 21 - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES AND CERTIFICATIONS - SIGNATURE PAGE

The Department of Labor will not award a grant or agreement where the grantee/recipient has failed to accept the ASSURANCES AND CERTIFICATIONS contained in this section. By signing and returning this signature page, the grantee/recipient is providing the certifications set forth below:

A. Assurances - Non-Construction Programs

B. Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions and Certifications Regarding Drug-Free/Tobacco-Free Workplace Requirements.

C. Certification of Release of Information

D. Applicant is not a 501 (c) (4) organization

APPLICANT NAME and LEGAL ADDRESS:

If there is any reason why one of the assurances or certifications listed cannot be signed, please explain. Applicant need only submit and return this signature page with the grant application. All other instructions shall be kept on file by the applicant.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL TITLE

APPLICANT ORGANIZATION DATE SUBMITTED

Please Note: This signature page and any pertinent attachments which may be required by these assurances and certifications shall be attached to the applicant's Cost Proposal.

[FR Doc. 02–19640 Filed 8–2–02; 8:45 am]
BILLING CODE 4510–CX–C

DEPARTMENT OF LABOR

Bureau of International Labor Affairs

Request for Information on Efforts by Certain Countries To Eliminate the Worst Forms of Child Labor

AGENCY: The Bureau of International Labor Affairs, United States Department of Labor.

ACTION: Request for information on efforts by certain countries to eliminate the worst forms of child labor.

SUMMARY: This notice is a request for information for use in Department of Labor research regarding the implementation of international commitments to eliminate the worst forms of child labor by countries seeking benefits under the Generalized System of Preferences (GSP), and/or eligibility for additional benefits provided for in the Caribbean Basin Trade Partnership Act (CBTPA) or the African Growth and Development Act (AGOA).

The Trade and Development Act of 2000 (TDA) established a new eligibility criterion—concerning efforts to eliminate the worst forms of child labor—for receipt of these trade benefits. The TDA requires the Secretary of Labor to make annual findings with respect to beneficiary countries' implementation of their international commitments to eliminate the worst forms of child labor. The first annual report under the TDA was published on July 12, 2002. This information request is for use in producing the second report.

DATES: Submitters of information are requested to provide two (2) copies of their written submission to the International Child Labor Program at the address below by 5 p.m., September 6, 2002.

ADDRESSES: Written submissions should be addressed to Nicholas J. Levintow and/or Christine Camillo at the International Child Labor Program, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–5307, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Nicholas J. Levintow or Christine Camillo, Bureau of International Labor Affairs, International Child Labor Program, at (202) 693–4862, or (202) 693–4839; fax (202) 693–4830. The Department of Labor's international child labor reports can be read on the Internet at *http://www.dol.gov/ilab/reports/iclp/pubs_reports_ilab_iclp.htm* or can be obtained from the International Child Labor Program.

SUPPLEMENTARY INFORMATION: The Trade and Development Act of 2000 [Pub. L. 106–200], established new eligibility criteria concerning beneficiary country efforts to eliminate the worst forms of child labor for receipt of trade benefits under the GSP, CBTPA, and AGOA programs. The TDA amends the GSP reporting requirements of the Trade Act of 1974 (Section 504) [19 U.S.C. 2464] to require that the President's annual report on the status of internationally recognized worker rights include ''findings by the Secretary of Labor with respect to the beneficiary country's implementation of its international commitments to eliminate the worst forms of child labor.''

Title II of the TDA includes as a criteria for receiving benefits under the CBTPA ''whether the country has implemented its commitments to eliminate the worst forms of child labor, as defined in section 507(6) of the Trade Act of 1974.'' The TDA Conference Report [Joint Explanatory Statement of the Committee of Conference, 106th Cong.2d.sess. (2000)] indicates that ''the conferees intend that the GSP standard, including the provision with respect to implementation of obligations to eliminate the worst forms of child labor, apply to eligibility for those additional benefits'' [provided for in the AGOA.]

Scope of Report

Countries presently eligible under the GSP are: Albania, Angola, Antigua and Barbuda, Argentina, Armenia, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Colombia, Comoros, Congo (Brazzaville), Congo (Kinshasa), Costa Rica, Cote d'Ivoire, Croatia, Czech Republic, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Gabon, the Gambia, Georgia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Jamaica, Jordan, Kazakhstan, Kenya, Kiribati, Kyrgyzstan, Latvia, Lebanon, Lesotho, Lithuania, Macedonia (former Yugoslav Republic of), Madagascar, Malawi, Mali, Mauritania, Mauritius, Moldova, Mongolia, Morocco, Mozambique, Namibia, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Romania, Russia, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Slovakia, Solomon Islands, Somalia, South Africa, Sri Lanka, Suriname, Swaziland, Tanzania, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Tuvalu, Uganda, Uruguay, Uzbekistan, Vanuatu, Venezuela, Republic of Yemen, Zambia, and Zimbabwe.

Countries eligible or potentially eligible for additional benefits under the AGOA include: Angola, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Comoros, Congo (Brazzaville), Congo (Kinshasa), Cote d'Ivoire, Djibouti, Equatorial Guinea, Eritrea, Ethiopia, Gabon, the Gambia, Ghana, Guinea, Guinea Bissau, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Swaziland, Tanzania, Togo, Uganda, Zambia, and Zimbabwe.

Countries potentially eligible for additional benefits under the CBTPA are: Antigua and Barbuda, Aruba, Bahamas, Barbados, Belize, British Virgin Islands, Costa Rica, Dominica, Dominican Republic, El Salvador, Grenada, Guatemala, Guyana, Haiti, Honduras, Jamaica, Montserrat, Netherlands Antilles, Nicaragua, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Trinidad and Tobago.

Information Sought

The Department invites interested parties to submit written information relevant to the findings to be made by the Department of Labor under the TDA, for all listed countries. Information provided through public submission will be considered by the Department of Labor in preparing its findings. Materials submitted should be confined to the specific topic of the study. In particular, the Department's Bureau of International Labor Affairs is seeking written submissions on the following topics:

1. Whether the country has adequate laws and regulations proscribing the worst forms of child labor;
2. Whether the country has adequate laws and regulations for the implementation and enforcement of such laws and regulations;
3. Whether the country has established formal institutional mechanisms to investigate and address complaints relating to allegations of the worst forms of child labor;

4. Whether social programs exist in the country to prevent the engagement of children in the worst forms of child labor, and to assist in the removal of children engaged in the worst forms of child labor;

5. Whether the country has a comprehensive policy for the elimination of the worst forms of child labor;

6. Whether the country is making continual progress toward eliminating the worst forms of child labor.

Information relating to the nature and extent of child labor in the country is also sought.

Definition of ''Worst Forms of Child Labor''

The term ''Worst Forms of Child Labor'' in the TDA is defined by International Labor Organization (ILO) Convention No. 182, which defines a child as all persons under the age of 18, and the worst forms of child labor as comprising all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict; the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in relevant international treaties; or any work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

The TDA Conference Report noted that the phrase,

* * * work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children * * *

is to be defined as in Article II of Recommendation No. 190, which accompanies ILO Convention No. 182. This includes work that exposes children to physical, psychological, or sexual abuse; work underground, under water, at dangerous heights or in confined spaces; work with dangerous machinery, equipment or tools, or work under circumstances which involve the manual handling or transport of heavy loads; work in an unhealthy environment that exposes children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health; and work under particularly difficult conditions such as for long hours, during the night or under conditions where children are unreasonably confined to the premises of the employer.

The TDA Conference Report further indicated that the phrase,

* * * work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children * * *

be interpreted in a manner consistent with the intent of Article 4 of ILO Convention No. 182, which states that such work shall be determined by national laws or regulations or by the competent authority in the country involved.

This notice is a general solicitation of comments from the public.

Signed at Washington, DC, this 30th day of July, 2002.

Thomas B. Moorhead,

Deputy Under Secretary for International Labor Affairs.

[FR Doc. 02–19636 Filed 8–2–02; 8:45 am]

BILLING CODE 4510–28–P

DEPARTMENT OF LABOR

Employment and Training Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments concerning the proposed extension of the ETA 204, Experience Rating Report. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before October 4, 2002.

ADDRESSES: Edward M. Dullaghan, Office of Workforce Security, Employment and Training Administration, U.S. Department of Labor, Room S4231, 200 Constitution Ave. NW., Washington, DC, 20210; telephone number (202) 693–2927 (This is not a toll-free number); fax (202) 693–3229; e-mail *edullaghan@doleta.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The data submitted annually on the ETA 204 report enables the Employment and Training Administration to project revenues for the Unemployment Insurance program on a state-by-state basis and to measure the variations in assigned contribution rates which result from different experience rating systems. Used in conjunction with other data, the ETA 204 assists in determining the effects of certain factors (*e.g.*, seasonality, stabilization, expansion, or contraction in employment, etc.) on the unemployment experience of various groups of employers. The data also provide an early signal for potential solvency problems, are useful in analyzing factors which give rise to these potential problems and permit an evaluation of the effectiveness of the various approaches available to correct the detected problems. Further, the data are the basis for determining the Experience Rating Index; the index allows for the evaluation of the extent to which benefits in states are effectively charged, noncharged, and ineffectively charged.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

III. Current Actions

The extension of the Experience Rating Report will allow for the continued calculation of the Experience Rating Index and to continue experience rating analysis and research on a national, regional or state level.

Type of Review: Extension.

Agency: Employment and Training Administration.

Title: Experience Rating Report.

OMB Number: 1205–0164.

Affected Public: State Government.

Cite/Reference/Form/etc: ETA 204.

Frequency: Annually.

Total Responses: 53.

Average Time per Response: 15 minutes.

Estimated Total Burden Hours: 14.

Total Burden Cost (operating/maintaining): $350.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: July 30, 2002.

Grace A. Kilbane,

Administrator, Office of Workforce Security, Employment and Training Administration.

[FR Doc. 02–19635 Filed 8–2–02; 8:45 am]

BILLING CODE 4510–30–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–317 and 50–318]

Calvert Cliffs Nuclear Power Plant, Inc., Calvert Cliffs Nuclear Power Plant, Unit Nos 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License Nos. DPR–53 and DPR–69, issued to Calvert Cliffs Nuclear Power Plant, Inc. (the licensee), for operation of the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2, located in Calvert County, Maryland.

Environmental Assessment

Identification of Proposed Action

The proposed action would correct administrative errors in Section 5.6.5, ''Core Operating Limits Report (COLR),'' of the Technical Specifications (TSs) and Section 2.0, ''Environmental Protection Issues,'' of the Environmental Protection Program (EPP).

The proposed action is in accordance with the licensee's application dated January 31, 2002.

The Need for the Proposed Action

On March 17, 1994, the NRC staff issued Amendment Nos. 186/163 to the licensee. These amendments inadvertently introduced two typographical errors on Page 5.0–36 of the TSs.

Page 2–1 of the EPP states that the effective National Pollution Discharge Elimination System (NPDES) Permit is issued by ''the State of Maryland Department of Health and Mental Hygiene.'' This agency no longer exists; ''the Maryland Department of the Environment'' is the state agency currently responsible for regulation of matters involving water quality and aquatic biota.

The licensee proposed to correct these administrative errors. The proposed amendments have no impact on actual plant equipment, regulatory requirements, operating practices, or analyses.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that there is no significant environmental impact if the amendments are granted. No changes will be made to the design, licensing bases, or the applicable procedures at the unit. Other than the correction of administrative errors, no other changes will be made to the TSs and the EPP. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

The action does not involve the use of any different resource than those previously considered in the Final Environmental Statement for the Calvert Cliffs Nuclear Power Plant, Unit Nos. 1 and 2.

Agencies and Persons Contacted

On May 15, 2002, the NRC staff consulted with the Maryland State official, Richard McLean, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the foregoing environmental assessment, the NRC concludes that the proposed amendment will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed amendment.

For further details with respect to the proposed action, see the licensee's letter dated January 31, 2002. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room (PDR), located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management System (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/reading-rm/adams.html.* Persons who do not have access to ADAMS or who encounter problems in accessing the documents located in ADAMS, should contact the NRC PDR Reference staff by telephone at 1–800–397–4209 or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 30th day of July 2002.

For the Nuclear Regulatory Commission.

Richard J. Laufer,

Chief, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 02–19683 Filed 8–2–02; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

(Release No. 34–46280; File Nos. SR–Amex–2002–02, SR–BSE–2002–02, SR–CBOE–2002–02, SR–CHX–2002–06, SR–CSE–2002–02, SR–ISE–2002–06, SR–NASD–2002–08, SR–NYSE–2002–12, SR–PCX–2002–04, SR–Phlx–2002–05)

Self-Regulatory Organizations; American Stock Exchange LLC, Boston Stock Exchange, Inc., Chicago Board Options Exchange, Inc., Chicago Stock Exchange, Inc., Cincinnati Stock Exchange, Inc., International Securities Exchange LLC, National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Exchange, Inc., and the Philadelphia Stock Exchange, Inc.; Order Approving Proposed Rule Changes and Amendments Thereto Relating to Decimal Pricing

July 29, 2002.

I. Introduction

On June 8, 2000, the Securities and Exchange Commission (''Commission''), pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 (''Act''),[1] ordered the American Stock Exchange LLC (''Amex''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Board Options Exchange, Inc. (''CBOE''), the Chicago Stock Exchange, Inc. (''CHX''), the Cincinnati Stock Exchange, Inc. (''CSE''), the International Securities Exchange, LLC (''ISE''), the National Association of Securities Dealers, Inc. (''NASD''), the New York Stock Exchange, Inc. (''NYSE''), the Pacific Exchange, Inc. (''PCX'') and the Philadelphia Stock Exchange, Inc. (''Phlx'') (''Participant'' or ''Participants'') to act jointly in planning, discussing, developing, and submitting to the Commission a plan that would begin phasing in the implementation of decimal pricing in equity securities and options on or before September 5, 2000, and to fully implement the conversion to decimal pricing by April 9, 2001.[2] In its June 2000 Order, the Commission also suggested that the Participants discuss the development and implementation of a phase-in plan with interested market participants, including, but not limited to, the Securities Industry Association (''SIA'') and its members, the National Securities Clearing Corporation, the Depository Trust and Clearing Corporation (''DTCC''), the Options Clearing Corporation (''OCC''), the Securities Industry Automation Corporation, the Intermarket Trading System Operating Committee, the Options Price Reporting Authority, the Consolidated Tape Association, and the Consolidated Quote Operating Committee (collectively the ''Interested Parties''). In its June 2000 Order, the Commission indicated that the Participants' phase-in plan could establish a minimum price variation (''MPV'') for quoting equity securities during the conversion, provided that the MPV was set no greater than $0.05 and no less than $0.01. The Commission directed the Participants to submit studies to the Commission two months after full implementation of decimal pricing, analyzing the impact of decimal pricing on systems capacity, liquidity, and trading behavior, including an analysis of whether there should be a uniform minimum increment for a security (''Study'' or ''Studies''). The June 2000 Order also directed each Participant, within 30 days after submitting its Study, to file for notice, comment, and Commission consideration, proposed rule changes to permanently establish its choice of the MPVs by which equities and options are quoted on their respective markets. By its terms, the June 2000 Order would remain in effect until the Commission acts on the proposed rule changes filed by the individual Participants pursuant to Section 19(b)(2) of the Act[3] permanently establishing the MPVs by which equities and options are quoted on their respective markets or until otherwise ordered by the Commission.

The NYSE, on behalf of the Participants, submitted to the Commission the Decimals Implementation Plan for the Equities and Options Markets on July 26, 2000 (the ''Plan'').[4] The Plan indicated that the phase-in of decimal pricing for equities would begin on August 28, 2000, and that decimal pricing would be fully implemented for all equities and options by April 9, 2001. In the Plan, the Participants adopted on a pilot basis a uniform MPV of $0.01 for quoting equity securities.[5] Due to capacity limitations in quoting and trading options, however, the Plan selected uniform MPVs for quoting options that were closer to existing fractional MPVs: $0.05 for quoting equity options quoted under $3.00 and $0.10 for quoting equity options at $3.00 or greater.

As a result of the careful planning, preparation, and coordination among the markets, clearing agencies, vendors, and the securities industry, the phase-in of decimal pricing was completed on schedule and without significant operational problems or trading disruptions. Moreover, preliminary reviews by the Commission's Office of Economic Analysis (''OEA'') and Nasdaq indicated that some of the anticipated benefits of decimalization, such as the significant narrowing of quoted spreads, were evident almost immediately. For example, OEA estimated that, from December 2000 to March 2001, quoted spreads in securities listed on the NYSE narrowed an average of 37%. An even more dramatic reduction in quoted spreads was observed in Nasdaq securities, with spreads narrowing an average of 50% following decimalization. The overall narrowing of spreads was consistent with the view that decimalization had the potential to reduce trading costs for investors entering small orders that are executed at or within the quotes.

Nevertheless, the Commission has long recognized that the shift from fractional to decimal prices had the potential to influence market dynamics and trading behavior in ways that could affect the transparency, liquidity, and fairness of the markets. In view of the complexities of some of issues that were raised during the decimal conversion process, therefore, the Commission extended the deadline for submission of the Studies to September 10, 2001.[6]

In general, the Studies addressed the issues the Commission directed the Participants to analyze.[7] For example,

[1] Section 11A(a)(3)(B) of the Act authorizes the Commission, in furtherance of its statutory directive to facilitate the establishment of a national market system, by rule or order, ''to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under the Act in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities thereof.'' 15 U.S.C. 78k–1(a)(3)(B).

[2] *See* Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000) (''June 2000 Order'').

[3] 15 U.S.C. 78s(b)(2).

[4] *See* letter from Dennis L. Covelli, Vice President, NYSE, to Annette Nazareth, Director, Division of Market Regulation (''Division''), Commission, dated July 25, 2000.

[5] While the Plan set an MPV of $0.01 for consolidated quotations in equity securities, the Plan did not address the limited amount of stock trading at smaller price increments that had developed over recent years. For example, the last sale tape operated by Nasdaq records trade prices in increments of less than $0.01.

[6] *See* Securities Exchange Act Release No. 44336 (May 22, 2001), 66 FR 29368 (May 30, 2001). The Commission also extended the deadline for the Participants' MPV rule filings to November 5, 2001, and again to January 14, 2002. *See* Securities Exchange Act Release Nos. 44336 (May 22, 2001), 66 FR 29368 (May 30, 2001); and 44846 (September 25, 2001), 66 FR 49983 (October 1, 2001).

[7] *See The Impact of Decimalization on the Nasdaq Stock Market, Final Report to the SEC,* submitted by the Nasdaq Stock Market (''Nasdaq'') on behalf of the NASD, dated June 11, 2001 (''Nasdaq Study''); *Decimalization Impact Report,* submitted by the CHX on September 7, 2001 (''CHX Study''); *Decimalization of Trading on the New York Stock Exchange, A Report to the Securities*

Continued

the Studies submitted by the NYSE and Nasdaq confirmed preliminary estimates on the reduction of quoted spreads following decimalization. The NYSE Study found that bid-ask spreads in NYSE-listed stocks fell to less than half their pre-decimalization average size and effective spreads [8] averaged 43% lower. [9] Nasdaq also found that quoted and effective spreads declined for most Nasdaq stocks by an average of about 50%.[10]

Despite the liquidity improvements implied by smaller effective spreads, the Studies offered more mixed conclusions regarding liquidity and transparency. For example, the NYSE Study found that the amounts of buying or selling interest displayed at the quoted prices fell by an average of two-thirds for NYSE-listed securities, and that the cumulative amount of displayed liquidity on the overall limit order book also fell by two-thirds. [11] While the Nasdaq Study also found that the quoted size posted at the best bid or offer in Nasdaq securities also fell by about two-thirds, the cumulative displayed depth (measured by a specific distance from the bid-ask mid-point) fell by a much smaller percentage.[12] Moreover, Nasdaq found that there was no evidence to indicate that liquidity for large institutional investors had diminished, although there was evidence that large institutional orders may take longer to be ''worked.''§ [13]

The Studies also discussed a number of other issues related to the decimal conversion experience. For example, the NYSE and Nasdaq Studies indicated that, while decimalization had increased quote traffic in their stocks, these increases were not of a magnitude to strain systems capacity.[14] In addition, while some of the Studies also discussed some of the reported negative effects of decimalization, such as complaints by some institutional traders that professional traders were using penny increments to trade ahead of large orders (so-called ''penny jumping''),[15] none of the Studies offered compelling empirical evidence to suggest that the $0.01 MPV for stocks [16] or the $0.05 and $0.10 MPVs for options [17] should be changed.

The Participants individually filed proposed rule changes to implement the Plan, and individually submitted Studies as required by the Commission's June 2000 Order. As set forth below, the Participants submitted proposed rule changes necessary to make permanent the pilot rule changes previously adopted to implement decimal pricing.

II. Description of the Proposed Rule Changes

SR–Amex–2002–02

On January 14, 2002, the Amex filed SR–Amex–2002–02 to amend its equities and options rules to make permanent the pilot rules adopted in SR–Amex–2000–41.[18] On March 18, 2002, the Amex amended the proposed rule change.[19] The Amex again amended the proposal on April 18, 2002.[20] On May 8, 2002, notice of the proposed rule change, as amended, was published in the **Federal Register**.[21] The Commission received no comments on the proposal.

The Amex proposes to make permanent the MPVs for equities and options established on a pilot basis in SR-Amex-2000–41[22] of: $0.01 MPV for equities, exchange traded funds, and trust issued receipts; $0.05 MPV for option issues quoted under $3 a contract; and $0.10 MPV for option issues quoted at $3 a contract or greater. The proposal also deletes any remaining references to quoting in fractions.

SR–BSE–2002–02

On February 15, 2002, the BSE filed SR–BSE–2002–02 to amend its rules to delete all references to fractional pricing and to permanently the pilot rules established in SR–BSE–2000–11.[23] On March 1, 2002, the BSE amended the proposed rule change.[24] On March 18, 2002, notice of the proposed rule change, as amended, was published in

and Exchange Commission, submitted by the NYSE on September 7, 2001 (''NYSE Study''); *Decimal Pricing Impact Study for Equities and Options,* submitted by the Phlx on September 7, 2001 (''Phlx Study''); *Report on the Impact of Decimal Pricing,* submitted by the CBOE on September 10, 2001 (''CBOE Study''); letter from Jeffrey T. Brown, CSE, Vice President Regulation and General Counsel, to Jonathan G. Katz, Secretary for the Commission, dated September 10, 2001 (''CSE Study''); letter from David Krell, ISE, President & Chief Executive Officer, to Jonathan G. Katz, Secretary for the Commission, dated September 10, 2001 (''ISE Study''); *Report on Decimal Pricing,* submitted by the PCX on September 10, 2001 (''PCX Study''); *The Impact of Decimalization at the Boston Stock Exchange,* submitted by the BSE on September 26, 2001; and *The Impact of Decimalization, Final Report to the SEC,* dated September 10, 2001, but submitted on October 25, 2001, due to the effects on the Amex from the events of September 11, 2001 (''Amex Study'').

[8] The quote spread is the difference between the national best ask price and the national best bid price. The effective spread is twice the difference between the midpoint of the bid-ask spread and the price paid (or received) by investors, and accounts for trading that occurs at prices other than the quoted prices. Effective spreads are generally viewed as giving a more accurate view of trading costs and liquidity than do quoted spreads.

[9] *See* NYSE Study at 1.

[10] *See* Nasdaq Study at i.

[11] *See* NYSE Study at 2.

[12] *See* Nasdaq Study at i.

[13] *See* Nasdaq Study at 2.

[14] *See* NYSE Study at 1, 24, and 25, and Nasdaq Study at 1. While the NYSE Study found a very large rise in the number of transactions with a reduction in the size of limit orders and an increase in order cancellations, the Nasdaq Study found little change in the number of trades or share volume in Nasdaq stocks. *See* NYSE Study at 2, and Nasdaq Study at i, respectively.

[15] *See, e.g.,* NYSE Study at 2.

[16] Some of the Studies that cited apparent negative effects from decimalization in terms of market liquidity, transparency, and trading behavior (such as penny jumping) suggested that these effects would be exacerbated if the MPV for quoting stocks was reduced to less than $0.01. Moreover, these Studies opined that the use of ''sub-penny'' quotes across markets would likely lead to a large increase in the number of trades, cancellations, and quotes that would imply a need for substantially higher communications capacity and infrastructure. *See, e.g., id.,* at 3. The Commission has separately solicited public comments on the market structure and investor protection issues that could be raised if the current limited extent of sub-penny quoting and trading in stocks were significantly expanded. *See* Securities Exchange Act Release No. 44568 (July 18, 2001), 66 FR 38390 (July 24, 2001); as extended by Securities Exchange Act Release No. 44845 (September 25, 2001), 66 FR 49877 (October 1, 2001). The Commission received a total of 29 comment letters on this subject.

[17] Because the $0.05 and $0.10 MPVs selected by the Participants for options during the conversion process were not significantly different from the fractional MPVs used prior to the conversion, the studies submitted by the options exchanges could cite little or no evidence based on post-decimalization trading to argue for retaining or changing the decimal MPVs for options. *See generally* Amex Study, CBOE Study, ISE Study, PCX Study, and Phlx Study. The Amex Study, however, provided findings from a penny pilot simulation (based on a theoretical $0.01 MPV for options) that the Amex believed counseled against penny increments in options at this time. *See* Amex Study at 18.

[18] *See* Securities Exchange Act Release No. 43231 (August 30, 2000), 65 FR 54574 (September 8, 2000) (SR–Amex–2000–41).

[19] *See* letter from Geraldine Brindisi, Vice President and Corporate Secretary, Amex, to Alton S. Harvey, Assistant Director, Division, Commission, dated March 14, 2002 (''Amendment No. 1''). In Amendment No. 1, the Amex made technical corrections to the proposed rule text.

[20] *See* letter from Claire P. McGrath, Senior Vice President and Deputy General Counsel, Amex, to Alton S. Harvey, Assistant Director, Division, Commission, dated April 17, 2002 (''Amendment No. 2''). In Amendment No. 2, the Amex: (1) deleted the term ''Trading Increment'' from Amex Rule 1000, Commentary .03(e) and Amex Rule 1000A, Commentary, .02(e); and (2) amended Amex Rule 952(a) to replace the term ''trading increments'' with ''quoting increments.''

[21] *See* Securities Exchange Act Release No. 45858 (May 1, 2002), 67 FR 30984.

[22] *See supra* note 15.

[23] *See* Securities Exchange Act Release No. 43255 (September 6, 2000), 65 FR 54574 (September 14, 2000) (SR–BSE–2000–11).

[24] *See* letter from John A. Boese, Assistant Vice President, Legal and Regulatory, BSE, to Alton S. Harvey, Chief, Office of Market Watch, Division, Commission, dated February 28, 2002 (''Amendment No. 1''). In Amendment No. 1, the BSE asked that the proposed rule change be considered pursuant to Section 19(b)(2) of the Act. 15 U.S.C. 78s(b)(2).

the **Federal Register**.[25] The Commission received no comments on the proposal.

SR–CBOE–2002–02

On January 14, 2002, the CBOE filed SR–CBOE–2002–02 to permanently adopt the pilot MPV rules currently in place on the CBOE established in SR–CBOE–2000–07.[26] On March 20, 2002, notice of the proposed rule change was published in the **Federal Register**.[27] The Commission received no comments on the proposal.

The CBOE's MPVs established in CBOE–2000–07 are: $0.05 MPV for option issues quoted under $3 a contract; $0.10 MPV for option issues quoted at $3 a contract or greater; and a $0.01 MPV for the quoting of CBOE's equity products. The proposed rule change would also provide that future changes to the CBOE's MPVs would be handled as they were handled before the conversion to decimal pricing, namely that the CBOE Board of Directors may determine to change the minimum increments and that the CBOE will designate any such change as a stated policy, practice, or interpretation with respect to the administration of the CBOE minimum increment rule for bids and offers (CBOE Rule 6.42) within the meaning of Section 19(b)(3)(A) of the Exchange Act [28] and will file a rule change for effectiveness upon filing with the Commission. Lastly, the CBOE also seeks to formally eliminate CBOE Rule 15.11 (Mandatory Year 2000 Testing) and CBOE Rule 15.22 (Mandatory Decimal Pricing Testing), both of which have expired.

SR–CHX–2002–06

On March 1, 2002, the CHX filed SR–CHX–2002–06 to make permanent the pilot rule changes established in SR–CHX–2000–25[29] during the securities industry transition to a decimal pricing environment. On March 22, 2002, notice of the proposed rule change was published in the **Federal Register**.[30] The Commission received no comments on the proposal.

The CHX proposal would: (1) Make permanent the CHX's MPV of $0.01; (2) delete references to the procedures and conventions that were used during the conversion from quoting in fractions to quoting in decimals; and (3) remove all references to fractional price increments.[31]

SR–CSE–2002–02

On March 4, 2002, the CSE filed SR–CSE–2002–02 to make permanent the pilot rule changes established in SR–CSE–2000–01[32] and eliminate references to fractional price variations in stocks traded on the CSE. On March 18, 2002, notice of the proposed rule change was published in the **Federal Register**.[33] The Commission received no comments on the proposal.

The CSE proposes to activate the provisions of CSE Rules 11.3(a) and (c) to eliminate Rules 11.3(a) and (c). With regard to all equity securities, CSE Rule 11.3 will reflect only decimal pricing upon approval of this proposed rule change.

SR–ISE–2002–06

On February 12, 2002, the ISE filed SR–ISE–2002–06 to make permanent the pilot rule changes established in SR–ISE–2001–14 [34] setting forth its current minimum pricing increments for quotations as $0.05 for options trading at less than $3.00 and $0.10 for options trading at $3.00 or more. On March 18, 2002, notice of the proposed rule change was published in the **Federal Register**.[35] The Commission received no comments on the proposal.

SR–NASD–2002–08

On January 15, 2002, the NASD, through its subsidiary Nasdaq, filed SR–NASD–2002–08 to make permanent the pilot rule changes established in SR–NASD–2001–07.[36] On March 28, 2002, Nasdaq amended the proposed rule change.[37] On April 22, 2002, notice of the proposed rule change, as amended, was published in the **Federal Register**.[38] The Commission received no comments on the proposal.

The proposed rule change would amend NASD Rule 4613 to permanently adopt a $0.01 minimum quotation increment for Nasdaq securities. The proposed rule change would also permit Nasdaq to continue to display and disseminate quotations in Nasdaq securities in decimal-based increments to two places beyond the decimal point (*i.e.,* to the penny). This proposed rule change again reminds market participants that decimal quotations submitted to Nasdaq that do not comport with the penny minimum quotation increment standard will be rejected by Nasdaq systems.

SR–NYSE–2002–13

On March 5, 2002, the NYSE filed SR–NYSE–2002–13 to make permanent the pilot rules established in (SR–NYSE–2000–22), [39] and to amend its rules to eliminate references to fractional pricing increments and to make such rules compatible with quoting in decimals. On March 20, 2002, notice of the proposed rule change was published in the **Federal Register**.[40] The Commission received no comments on the proposal.

In SR–NYSE–2000–22,[41] the NYSE established an MPV of $0.01 for equities. In SR–NYSE–2002–13, the NYSE proposes to continue the MPV for equities of $0.01. The NYSE proposes to delete references to quoting in fractions that were retained in NYSE rules to accommodate securities that continued quoting in fractions during the phase in of full decimalization.

SR–PCX–2002–04

On January 15, 2002, the PCX filed SR–PCX–2002–04 to permanently adopt the pilot rule changes the PCX made in SR–PCX–2000–23 [42] and SR–PCX–2001–39.[43] On March 18, 2002, notice of the proposed rule change was published in the **Federal Register**.[44] The Commission received no comments on the proposal. The PCX is not making

[25] *See* Securities Exchange Act Release No. 45537 (March 12, 2002), 67 FR 12067.

[26] *See* Securities Exchange Act Release No. 43238 (August 31, 2000), 65 FR 54582 (September 8, 2000) (SR–CBOE–2000–07).

[27] *See* Securities Exchange Act Release No. 45543 (March 12, 2002), 67 FR 13029.

[28] 15 U.S.C. 78s(b)(3)(A).

[29] *See* Securities Exchange Act Release No. 43256 (September 6, 2000), 65 FR 55659 (September 14, 2000) (SR–CHX–2000–25).

[30] *See* Securities Exchange Act Release No. 45585 (March 18, 2002), 67 FR 13385.

[31] *See supra* note 17. SR–CHX–2000–25 contained language that sought to remove fractional references automatically once the transition to decimal trading had been completed. SR–CHX–2002–06 recognizes that that automatic removal was not an available alternative and formally removes the fractional references from the Exchange's rules.

[32] *See* Securities Exchange Act Release No. 43408 (October 3, 2000), 65 FR 60708 (October 12, 2000) (SR–CSE–2000–01).

[33] *See* Securities Exchange Act Release No. 45538 (March 12, 2002), 67 FR 12069.

[34] *See* Securities Exchange Act Release No. 44349 (May 24, 2001), 66 FR 9617 (May 31, 2001) (SR–ISE–2001–14).

[35] *See* Securities Exchange Act Release No. 45541 (March 12, 2002), 67 FR 12071.

[36] *See* Securities Exchange Act Release No. 43876 (January 23, 2001), 66 FR 8251 (January 30, 2001) (SR–NASD–2001–07).

[37] *See* letter from Thomas P. Moran, Associate General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division, Commission, dated March 28, 2002 (''Amendment No. 1''). In Amendment No. 1, Nasdaq made technical corrections to the proposed rule text.

[38] *See* Securities Exchange Act Release No. 45763 (April 16, 2002), 67 FR 19608.

[39] *See* Securities Exchange Act Release No. 43230 (August 30, 2000), 65 FR 54589 (September 8, 2000) (SR–NYSE–2000–22).

[40] *See* Securities Exchange Act Release No. 45547 (March 12, 2002), 67 FR 13031.

[41] *See supra* note 36.

[42] *See* Securities Exchange Act Release No. 43369 (September 27, 2000), 65 FR 59485 (October 5, 2000) (SR–PCX–2000–23).

[43] *See* Securities Exchange Act Release No. 45077 (November 19, 2001), 66 FR 59280 (November 27, 2001) (SR–PCX–2001–39) (eliminating all references to fractional pricing from its rules).

[44] *See* Securities Exchange Act Release No. 45544 (March 12, 2002), 67 FR 12074.

any changes to its rules; rather, the PCX is permanently adopting the rule changes that were initially implemented on a pilot basis.

SR–Phlx–2002–05

On January 14, 2002, the Phlx filed SR–Phlx–2002–05 with the Commission make permanent the pilot rule changes established in SR–Phlx–2000–05[45] that amended certain Phlx rules and Phlx Options Floor Procedure Advices and Order and Decorum Regulations (''Options Advices''), and to remove references to fractional pricing and references dual pricing in fractions and in decimals. On March 8, 2002, the Phlx amended the proposed rule change.[46] On March 22, 2002, notice of the proposed rule change, as amended, was published in the **Federal Register**.[47] The Commission received no comments on the proposal.

The Phlx proposes to continue the $0.01 MPV for equities, and the $0.05 and $0.10 MPVs for options and Exchange-Traded Fund Shares. The Phlx proposes to delete references to fractions and dual pricing from its options rules and Options Advices. According to the Phlx, the proposed amendments are non-substantive, technical changes for the purpose of conforming Phlx rules to the development of full decimalization in the securities industry.

This order approves all the proposed rule changes, as amended.

III. Discussion

The Commission has reviewed carefully the proposed rule changes, as amended, and the Studies, and finds, for the reasons set forth below, that the proposals are consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and a registered national securities association, and, in particular, with the requirements of Sections 6(b)(5)[48] and 15A(b)(6)[49] of the Act. Section 6(b)(5) of the Act[50] requires the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Section 15A(b)(6) of the Act[51] imposes the same requirements on a registered national securities association.

The Commission finds that the proposed rule changes are consistent with these Sections of the Act.[52] The Commission also finds that the proposed rule changes accurately and reasonably implement the requirements of the June 2000 Order.

Specifically, the Commission finds that the Participants complied with the June 2000 Order by jointly developing a phase-in plan for the implementation of decimal pricing, by submitting the Studies evaluating the impact of decimalization on the marketplace, and by filing proposed rule changes to permanently adopt pilot rules that were established during the initial phase-in of decimal pricing. After careful review of the Studies, discussions with the Participants and the with the Interested Parties, and complete review of the proposed rule changes, as amended, the Commission finds that the proposed rule changes to make permanent the pilot rules established during the phase-in of decimal pricing by the Participants, and to remove any remaining references to fractional pricing, are consistent with the Act.

The Commission notes that the Participants selected the MPVs, and agreed to abide by the MPV schedule set forth in the Plan while the Plan remained in effect. Specifically, the Participants chose an MPV of $0.01 MPV for equity issues, a $0.05 MPV for option issues quoted under $3.00 a contract, and a $0.10 MPV for option issues quoted at $3.00 a contract or greater. Notably, the Studies did not provide any compelling empirical evidence to suggest that the Commission should require the Participants to alter the MPVs they selected and used during implementation. Further, the Commission notes that the proposed rule changes described herein represent each Participant's individual choice permanently establishing the MPVs by which equities and/or options are quoted on its market.

Moreover, the Commission notes that, since the full implementation of decimal pricing, there have been no significant systems or capacity problems as a result of the conversion from quoting in fractions to decimals. The Commission received no comment letters on any of the proposed rule changes to make permanent the pilot proposed rule changes that the Participants established during the conversion to decimal pricing.

The Commission believes that the full implementation of decimal pricing, as represented by the proposed rule changes set forth herein, is consistent with the Act, because decimal pricing promotes just and equitable principles of trade, fosters cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities, removes impediments to and perfects the mechanism of a free and open market and a national market system, is designed to prevent fraudulent and manipulative acts and practices, and, in general, protects investors and the public interest.[53] The Commission acknowledges that, as the marketplace continues to evolve, and unforeseen issues arise, additional rule changes may be necessary to ensure the operation of a free and open market and a national market system in a decimals pricing environment. The Commission fully expects that the Participants will continue to review their rules and will make any changes necessary to further the public interest.

Moreover, the Commission notes that, while some Participants have rules that would permit changes to their MPVs by filing proposed rule changes under Section 19(b)(3)(A) of the Act,[54] the Commission believes if a proposed change raised significant capacity concerns or other issues that had the potential to disrupt the orderly operation of the national market system, it would not be appropriately filed under Section 19(b)(3)(A) of the Act.[55] Accordingly, any proposed change to a Participant's MPV that has the potential to raise such concerns should be implemented only after notice, comment, and Commission

[45] *See* Securities Exchange Act Release No. 43421 (October 6, 2000), 65 FR 61207 (October 16, 2000) (SR–Phlx–;2000–05).

[46] The Phlx submitted a new Form 19b–4, which replaced and superseded the original filing in its entirety.

[47] *See* Securities Exchange Act Release No. 45581 (March 18, 2002), 67 FR 12067.

[48] 15 U.S.C. 78f(b)(5).

[49] 15 U.S.C. 78o–3(b)(6).

[50] 15 U.S.C. 78f(b)(5).

[51] 15 U.S.C. 78o–3(b)(6).

[52] In approving these rules, the Commission has considered their impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[53] 15 U.S.C. 78f(b)(5); 15 U.S.C. 78o–3(b)(6).

[54] 15 U.S.C. 78s(b)(3)(A).

[55] *Id.* Section 19b(3)(C) of the Act provides that ''the Commission summarily may abrogate the change in the rules of the self-regulatory organization made thereby and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1) of this subsection and reviewed in accordance with the provisions of Section (2) of this subsection, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.'' 15 U.S.C. 78s(b)(3)(C).

consideration pursuant to Section 19(b)(2) of the Act.[56]

Finally, the Commission notes that this approval order marks the official end of the decimalization phase-in plan, established in the June 2000 Order. Any antitrust immunity conferred upon the Participants by the June 2000 Order is terminated as of the effective date of this order.[57]

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[58] that the proposals SR–Amex–2002–02, SR–BSE–2002–02, SR–CBOE–2002–02, SR–CHX–2002–06, SR–CSE–2002–02, SR–ISE–2002–06, SR–NASD–2002–08, SR–NYSE–2002–12, SR–PCX–2002–04, and SR–Phlx–2002–05 be and hereby are approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[59]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–19666 Filed 8–2–02; 8:45 am]

BILLING CODE 8010–01–P

[56] 15 U.S.C. 78s(b)(2).

[57] In issuing the June 2000 Order, the Commission instructed the Participants to act jointly in planning, discussing, developing, and submitting to the Commission the Plan, as discussed herein. *See supra* note 1. The June 2000 Order did not address: (a) any joint or other conduct that occurred prior to the issuance of the June 2000 Order or prior orders; and (b) any joint or other conduct occurring after June 8, 2000, that was not ordered or requested by the June 2000 Order.

[58] 15 U.S.C. 78s(b)(2).

[59] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46274; File No. SR–CSE–2001–06]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change and Amendment Nos. 1 and 2 Thereto by the Cincinnati Stock Exchange, Inc. Amending CSE Rule 12.6, Customer Priority, to Require Designated Dealers to Better Customer Orders at the National Best Bid or Offer by Whole Penny Increments

July 29, 2002.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on November 30, 2001, the Cincinnati Stock Exchange, Inc. (''CSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. On April 22, 2002, the CSE filed Amendment No. 1 to the proposal.[3] On April 26, 2002, the CSE filed Amendment No. 2 to the proposal.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to grant accelerated approval of the proposed rule change for a pilot period until September 30, 2002.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend CSE Rule 12.6, Customer Priority, by adding new Interpretation .02, which will require a CSE Designated Dealer (''Specialist'') to better the price of a customer limit order that is held by that Specialist if that Specialist determines to trade with an incoming market or marketable limit order. Under the rule, the Specialist will be required to better a customer limit order at the NBBO by at least one penny and at a price outside the current NBBO by at least the nearest penny increment. The Exchange is requesting approval of the proposed rule change on a pilot basis, through September 30, 2002. The text of the proposed rule change is set forth below. Proposed new language is in italics; proposed deletions are in brackets.

* * * * *

Chapter XII

Rule 12.6 Customer Priority

(a)–(c) No change.

Interpretations and Policies:

.01—No change.

.02(a)—A Designated Dealer shall be deemed to have violated Rule 12.6 if, while holding a customer limit order (as rounded to a penny increment) representing the NBBO, the Designated Dealer, for his own account, trades with an incoming market or marketable limit order at a price which is less than one penny better than the price of such customer limit order (not the quoted price) held by such Designated Dealer.

.02(b)—A Designated Dealer shall be deemed to have violated Rule 12.6 if, while holding a customer limit order (as rounded to a penny increment) at a price outside the current NBBO, the Designated Dealer, for his own account, trades with an incoming market or marketable limit order at a price which is less than the nearest penny increment to the actual price of the customer limit order (not the quoted price) held by such Designated Dealer.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 12.6[5] by adding an interpretation to the rule covering the trading of Nasdaq National Market (''NNM'') and SmallCap securities in subpenny increments.[6] New Interpretation .02 to the Rule will require a Specialist to better the price of a customer limit order held by the Specialist by at least one penny (for those customer limit orders at the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] In Amendment No. 1, the CSE requested that the proposal be converted to pilot status and that the pilot expire on September 30, 2002. *See* Letter from Jeffrey T. Brown, Senior Vice President and General Counsel, CSE, to Katherine England, Assistant Director, Division of Market Regulation (''Division''), SEC (April 19, 2002).

[4] In Amendment No. 2, the CSE requested that additional proposed rule language be added to the proposal so that the rule would apply in instances when the customer limit order is not at the national best bid or offer (''NBBO''), rather than just instances when the customer limit order is at the NBBO. *See* Letter from Jeffrey T. Brown, Senior Vice President and General Counsel, CSE, to Katherine England, Assistant Director, Division, SEC (April 25, 2002).

[5] CSE Rule 12.6 provides, in pertinent part, that no member shall (i) personally buy or initiate the purchase of any security traded on the Exchange for its own account or for any account in which it or any associated person of the member is directly or indirectly interested while such a member holds or has knowledge that any person associated with it holds an unexecuted market or limit price order to buy such security in the unit of trading for a customer, or (ii) sell or initiate the sale of any such security for any such account while it personally holds or has knowledge that any person associated with it holds an unexecuted market or limit price order to sell such security in the unit of trading for a customer.

[6] In conjunction with this proposed rule change, the CSE is requesting that the Commission grant exemptive relief pursuant to Rules 11Ac1–1(e)(17 CFR 240.11Ac1–1(e)), 11Ac1-2(g) (17 CFR 240.11Ac1–2(g)) and 11Ac1–4(d) (17 CFR 240.11Ac1–4(d)) to allow subpenny quotations to be rounded down (buy orders) and rounded up (sell orders) to the nearest penny for quote dissemination (''Exemptive Request''). *See* Letter to Annette Nazareth, Director, Division of Market Regulation (''Division''), Commission, from Jeffrey T. Brown, General Counsel, CSE (November 27, 2001).

NBBO) or by at least the nearest penny increment (for those customer limit orders that are not at the NBBO) if the Specialist determines to trade with an incoming market or marketable limit order.[7]

The purpose of the new Interpretation is to prevent a Specialist from taking unfair advantage of customer limit orders held by that Specialist by trading ahead of such orders with incoming market or marketable limit orders. Notwithstanding the fact that a Specialist may price-improve incoming orders by providing prices superior to that of customer limit orders it holds, customers should have a reasonable expectation to be filled at their limit order prices. This expectation should be reflected in reasonable access to incoming contra-side order flow, unless other customers place better-priced limit orders with the Specialist or the Specialist materially improves upon the customer limit order prices (not the customers' quoted prices) it holds.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6(b) of the Act,[8] in general, and Section 6(b)(5) of the Act,[9] in particular, which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange requests that this rule be approved on a pilot basis until September 30, 2002, to be co-extensive with: (a) The conditional temporary exemptive relief requested in the Exemptive Request [10]; (b) the Chicago Stock Exchange's (''CHX's'') similar pilot related to customer limit order protection;[11] and (c) the National Association of Securities Dealers, Inc.'s similar pilot related to customer limit order protection.[12]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR-CSE–2001–06 and should be submitted by August 26, 2002.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange,[13] and, in particular Section 6(b)(5) of the Act.[14]

Simultaneous with the filing of this proposal, the Commission received a request for exemptive relief submitted by the Exchange that would allow the Exchange, Exchange members, and vendors that disseminate Exchange quote information to display and disseminate their quotes for NNM and SmallCap securities in penny increments, while trading in sub-penny increments.[15] By letter dated July 26, 2002, the Division, pursuant to delegated authority under Rules 11Ac1–1(e),[16] 11Ac1–2(g),[17] and 11Ac1–4(d)[18] under the Act, granted a conditional temporary exemption to the Exchange, Exchange members, and vendors that disseminate CSE quote information to permit them to display and disseminate their quotes for NNM and SmallCap securities in rounded, penny increments without a rounding identifier.[19] The exemption expires September 30, 2002. The Commission believes that the proposed rule change should help to provide protection to customer limit orders in the subpenny trading environment by helping to ensure that such orders will continue to have access to market liquidity ahead of Exchange Specialists in appropriate circumstances.

The Commission finds good cause for approving the proposed rule change on a pilot basis prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission believes that granting accelerated approval to the proposed rule change will allow the Exchange to continue to provide protection to customer limit orders in subpenny increments for NNM and SmallCap securities. Moreover, the Commission believes that approving the proposal on an accelerated basis should help to ensure fair competition among the CSE, the CHX, and the Nasdaq Stock Market, Inc.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[20] that the proposed rule change (SR-CSE–2001–06) is hereby approved on an accelerated basis for a pilot period ending on September 30, 2002.

[7] Interpretation .01 to Rule 12.6 provides that ''[i]f a Designated Dealer holds for execution on the Exchange a customer buy order and a customer sell order that can be crossed, the Designated Dealer shall cross them without interpositioning itself as a dealer.''

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* Letter from Robert L.D. Colby, Deputy Director, Division, Commission, to Jeffrey T. Brown, General Counsel, CSE (July 26, 2002) (''Exemptive Relief Letter''). The letter outlines several other conditions to trading in subpenny increments. The Commission will examine data provided by the CSE as specified in the Exemptive Relief Letter and information provided by all self-regulatory organizations as required by the Commission's order concerning decimals implementation. *See* Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000). The Commission intends to reconsider the position expressed in its letter (July 26, 2002) before the expiration of the exemption on September 30, 2002.

[11] *See* Exchange Act Release No. 45755 (April 15, 2002), 67 FR 19607 (April 22, 2002).

[12] *See* Exchange Act Release No. 45762 (April 16, 2002), 67 FR 19787 (April 23, 2002).

[13] In granting approval of the proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[14] 15 U.S.C. 78f(b)(5).

[15] *See* Exemptive Request, *supra* note 6.

[16] 17 CFR 240.11Ac1–1(e).

[17] 17 CFR 240.11Ac1–2(g).

[18] 17 CFR 240.11Ac1–4(d).

[19] *See* Exemptive Relief Letter, *supra* note 10.

[20] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–19616 Filed 8–2–02; 8:45 am]

BILLING CODE 8010–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Review Under 49 U.S.C. 41720 of United/US Airways Agreements

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice requesting comments.

SUMMARY: United Air Lines and US Airways have submitted agreements to the Department for review under 49 U.S.C. 41720. That statute requires certain types of agreements between major U.S. passenger airlines to be submitted to the Department at least thirty days before the agreements' proposed effective date but does not require Department approval for the agreements. The Department may extend the waiting period for either or both of the United/US Airways agreements at the end of the thirty-day period or take other appropriate action. The Department is inviting interested persons to submit comments that would assist the Department in determining whether further action should be taken.

DATES: Any comments should be submitted by August 15, 2002.

ADDRESSES: Comments must be filed with Randall Bennett, Director, Office of Aviation Analysis, Room 6401, U.S. Department of Transportation, 400 7th St. SW., Washington, DC 20590. Late filed comments will be considered to the extent possible. To facilitate consideration of comments, each commenter should file three copies of its comments.

FOR FURTHER INFORMATION CONTACT: Thomas Ray, Office of the General Counsel, 400 Seventh St. SW., Washington, DC 20590, (202) 366–4731.

SUPPLEMENTARY INFORMATION: Congress enacted a provision, 49 U.S.C. 41720, that requires certain kinds of joint venture agreements among major U.S. passenger airlines to be submitted to the Department at least thirty days before they can be implemented. This requirement covers code-sharing agreements, long-term wet leases involving a substantial number of aircraft, and agreements concerning frequent flyer programs. The requirement would also cover certain other significant cooperative working arrangements designated by regulation. By publishing a notice in the **Federal Register**, we may extend the waiting period by 150 days with respect to a code-sharing agreement and by sixty days for the other types of agreements covered by the advance-filing requirement. At the end of the waiting period (either the thirty-day period or any extended period implemented by us), the parties are free to implement their agreement. We may also allow the joint venture agreement to be implemented before the thirty-day waiting period expires.

The statute does not require the parties to obtain our approval before they implement an agreement. To block two airlines from implementing an agreement, we would normally need to issue an order under 49 U.S.C. 41712 (formerly section 411 of the Federal Aviation Act) in a formal enforcement proceeding that determines that the agreement's implementation would be an unfair or deceptive practice or unfair method of competition that would violate that section.

We have not adopted regulations expanding the scope of the filing requirement or establishing procedures for our review of agreements submitted under 49 U.S.C. 41720.

In the past we have informally conducted the reviews authorized by 49 U.S.C. 41720. The airline parties to a joint venture agreement have filed the agreement directly with the Department staff that reviews them, we have not established a docketed proceeding on any such agreement, and we have not sought comments from other parties. In determining whether to extend the waiting period (or start a formal proceeding under section 41712), we have focused on whether the agreement would reduce competition. Our review is analogous to the review of major mergers and acquisitions conducted by the Justice Department and the Federal Trade Commission under the Hart-Scott-Rodino Act, 15 U.S.C. 18a, since we are considering whether we should institute a formal proceeding for determining whether an agreement would violate section 41712. We consult the Justice Department as part of our review, and we avoid unnecessary duplication of efforts by the Justice Department and this Department. If an agreement appears to violate the antitrust laws, the Justice Department may file suit and seek injunctive relief against the parties to the agreement.

On July 25 United and US Airways submitted code-share and frequent flyer program reciprocity agreements for review under 49 U.S.C. 41720. We still intend to conduct an informal review, but, due to the public interest in these agreements, we want to give interested persons an opportunity to submit comments. The views of outside parties may assist us in determining whether to extend the waiting period and whether either agreement presents serious issues under section 41712.

Since the statute requires us to decide within thirty days of filing to determine whether to extend the waiting period, we request that any comments be filed by August 15. To assist the commenters, United and US Airways have prepared a redacted copy of the agreements that will be available for review and copying in room PL–401 of the Nassif Building, located in the northeast corner on the Plaza level, 400 7th St. SW., Washington, DC. We are making the copy available there, even though this case is not docketed, because it is readily accessible to the public and has a copying machine for public use.

Issued in Washington, DC on August 1, 2002.

Read C. Van de Water,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 02–19810 Filed 8–1–02; 2:33 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice For Waiver Of Aeronautical Land-use Assurance Capital Airport, Springfield, IL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use and to authorize the sale/exchange of the airport property. The proposal consists of Parcel 16–3–F1, a 3.169 acre portion of Parcel 16–3–F, and Parcel 14–1, a 0.636 acre portion of Parcel 14. Presently the land is vacant an used as open land for control of FAR Part 77 surfaces and compatible land use and is not needed for aeronautical use, as shown on the Airport Layout Plan. Parcel 16–3–F (57.17 acres) was acquired in 1970 with partial Federal participation. Of the original 57.17 acres, 44.46 acres was purchased with Federal Participation. 12.71 acres of the original 57.17-acre parcel have been

[21] 17 CFR 200.30–3(a)(12).

previously released from Federal obligations to the Illinois Department of Transportation for highway Right-of-Way. Parcel 14 (215.70 acres) was acquired in 1946 without federal participation. Of the original 215.70 acres, 9.68 acres of this parcel have been previously released from Federal obligations to the Illinois Department of Transportation for highway Right-of-Way. It is the intent of the Springfield Airport Authority (SAA) to exchange Parcel 16–3–F1 for Parcel 14–1 (collectively 3.805 Acres) with the City of Springfield for the R.O.W. currently owned by the City of Springfield (1.958 Acres) that is located adjacent to the southeast quadrant General Aviation development area. While the acreages exchanged are not equal, the benefit the SAA will obtain from the acquisition of the 1.958 acres of R.O.W will outweigh the shortfall in releasing 3.805 acres, as the new acquisition will allow for further General Aviation development in the south quadrant area. This notice announces that the FAA intends to authorize the disposal/exchange of the subject airport property at Capital Airport, Springfield, IL. Approval does not constitute a commitment by the FAA to financially assist in disposal of the subject airport property nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before September 4, 2002.

FOR FURTHER INFORMATION CONTACT: Richard Pur, Program Manager, 2300 East Devon Avenue, Des Plaines, IL, 60018. Telephone Number 847–294–7527/FAX Number 847–294–7046. Documents reflecting this FAA action may be reviewed at this same location by appointment or at the Springfield Airport Authority, Capital Airport, 1200 Capital Airport Drive, Springfield, IL 62707.

SUPPLEMENTARY INFORMATION: The following legal description of the proposed land sale is:

Parcel 16–3–F1 (Part of Original Tract 16–3–F)

Part of the North Half of the Southwest Quarter of Section 16, Township 16 North, Range 5 West of the Third Principal Meridian, further described as follows:

Commencing at an axle marking the Southwest Corner of the North Half of the Southwest Quarter of said Section 16; thence North 00 degrees 54 minutes 59 seconds West, 639.06 feet along the west line of said Southwest Quarter, Section 16 to the Point of Beginning; thence North 00 degrees 54 minutes 59 seconds West, 234.84 feet along said west line; thence South 53 degrees 49 minutes 46 seconds East, 1080.74. feet; thence along a tangential curve to the left having a radius of 260.00 feet, arc length of 204.84 feet and a chord which bears South 76 degrees 23 minutes 58 seconds East, 199.58 feet; thence North 81 degrees 01 minutes 50 seconds East, approximately 294.57 feet to the west line of the Northeast Quarter of the Southwest Quarter of said Section 16, thence south along the west line on the Northeast Quarter of the Southwest Quarter of said Section 16, approximately 80.80 feet; thence South 81 degrees 01 minutes 50 seconds West, approximately 283.22 feet; thence along a tangential curve to the right having a radius of 340.00 feet, arc length of 267.87 and a chord which bears North 76 degrees 23 minutes 58 seconds West, 260.99 feet; thence North 53 degrees 49 minutes 46 seconds West, 797.21 feet; thence South 89 degrees 04 minutes 04 seconds West, 177.94 feet to the Point of Beginning. containing approximately 3.169 acres, more or less. Said parcel also being shown by the plat attached hereto and made a part hereof.

Parcel 14–1 (Part of Original Tract 14)

Part of the North Half of the Southwest Quarter of Section 16, Township 16, North, Range 5 West of the Third Principal Meridian, further described as follows:

Commencing at an axle marking the Southwest Corner of the North Half of the Southwest Quarter of said Section 16; thence North 00 degrees 54 minutes 59 seconds West, 639.06 feet along the west line of said Southwest Quarter, Section 16; thence North 00 degrees 54 minutes 59 seconds West, 234.84 feet along said west line; thence South 53 degrees 49 minutes 46 seconds East, 1080.74 feet; thence along a tangential curve to the left having a radius of 260.00 feet, arc length of 204.84 feet and a chord which bears South 76 degrees 23 minutes 58 seconds East, 199.58 feet; thence North 81 degrees 01 minutes 50 seconds East, approximately 294.57 feet to the west line of the Northeast Quarter of the Southwest Quarter of said Section 16 also being the Point of Beginning; thence continuing North 81 degrees 01 minutes 50 seconds East, approximately 329.52 feet to a point on the southwesterly right-of-way line of Relocated Township Road 810; thence along said southwesterly right-of-way line, along a non-tangent curve to the right having a radius of 750.09 feet, arc length of 82.65 feet and a chord which bears South 23 degrees 24 minutes 08 seconds East, 82.61 feet; thence South 81 degrees 01 minutes 50 seconds West, approximately 361.45 feet to the west line of the Northeast Quarter of the Southwest Quarter of said Section 16; thence north along the west line of the Northeast Quarter of the Southwest Quarter of said Section 16, 80.80 feet more or less to the point of Beginning. Containing 0.636 acres, more or less. Said parcel is shown by the plat attached hereto and made a part hereof.

This legal description does not represent a boundary survey and is based on a suggested land description provided by the SAA.

Issued in Des Plaines, Illinois on July 10, 2002.

Philip M. Smithmeyer,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 02–19681 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Release of Federal Property at Columbia Metropolitan Airport, Columbia, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Richland-Lexington Airport District to waive the requirement that a 3.95 acre parcel of Federal property, located at the Columbia Metropolitan Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before September 4, 2002.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Aimee A. McCormick, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Frank Manning, General Council for Richland-Lexington Airport District at the following address:

125–A Summer Lake Drive

West Columbia, SC 29170

FOR FURTHER INFORMATION CONTACT: Aimes McCormick, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7153. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Richland-Lexington Airport District to release 3.95 acres of Federal property at the Columbia Metropolitan Airport. The property will be released for purchase of compatible, industrial development. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Richland-Lexington Airport District.

Issued in Atlanta, Georgia on July 19, 2002.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 02–19676 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Delta County Airport, Escanaba, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use. There are no impacts to the airport by allowing the airport to dispose of the property. Parcel 63 was acquired April 1978. In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATES: Comments must be received on or before September 4, 2002.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Gilbert, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–650.6, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7281. Documents reflecting this FAA action may be reviewed at this same location or at Mr. Richard Severson (Airport Manager), Delta County Airport, 3300 Airport Road, Escanaba, Michigan 49829.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property:

The Northwest ¼ Southwest ¼ of Section 1, T38N, R23W, City of Escanaba, Delta County, Michigan.

This notice announces that the FAA intends to authorize the disposal of the subject airport property at Delta County Airport, Escanaba, Michigan.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenue.

Issued in Belleville, Michigan, July 25, 2002.

Arlene B. Draper,

Acting Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 02–19680 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration (FAA)

Notice of Opportunity for Public Comment on Surplus Property Release at Georgetown County Airport, Georgetown, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. Section 47153(c), notice is being given that the FAA is considering a request from the Georgetown County Airport Commission to waive the requirement that a 5.0-acre parcel of surplus property, located at the Georgetown County Airport, be used for aeronautical purposes.

DATES: Comments must be received on or before September 4, 2002.

ADDRESSES: Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Aimee A. McCormick, Program Manager, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to A.J. Rigby, Chairman of the Georgetown County Airport Commission at the following address: 302 Sundial Drive, PO Box 3757, Pawley's Island, SC 29585.

FOR FURTHER INFORMATION CONTACT: Aimee McCormick, Program Manager, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, Atlanta, GA 30337–2747, (404) 305–7153. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Georgetown County Airport Commission to release 5.0 acres of surplus property at the Georgetown County Airport. The property will be purchased to construct a manufacturing plant. The net proceeds from the sale of this property will be used for airport purposes. The proposed use of this property is compatible with airport operations.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.** In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Georgetown County Airport Commission.

Issued in Atlanta, Georgia on July 19, 2002.

Scott L. Seritt,

Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 02–19679 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2002–47]

Petitions for Exemption; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains the dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary

is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Vanessa Wilkins, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Tel. (202) 267–8029.

This notice is published pursuant to 14 CFR §§ 11.85 and 11.91.

Issued in Washington, DC on July 31, 2002.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2002–11900.
Petitioner: AMSAFE Aviation.
Section of 14 CFR Affected: 14 CFR 21.325(b)(3).
Description of Relief Sought/ Disposition: To permit AMSAFE to issue export airworthiness approvals for class II and class III products manufactured by AMSAFE Aviation UK in the United Kingdom under AMSAFE's technical standard order authorizations. *Grant, 07/19/2002, Exemption No. 7354A.*

Docket No.: FAA–2002–11901.
Petitioner: Embraer Aircraft Maintenance Services, Inc.
Section of 14 CFR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To permit Embrarer to establish and maintain a number of fixed locations within Embraer for the repair station inspection procedures manual (IPM) and assign IPMs to key individuals within departments instead of giving a copy of the IPM to each of its supervisory and inspection personnel. *Grant, 07/12/2002, Exemption No. 7835.*

Docket No.: FAA–2002–12332.
Petitioner: Chromalloy Gas Turbines Corporation.
Section of 14 CFR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To permit Chromalloy to make its IPM available electronically to its supervisory, inspection, and other personnel rather than give a copy of the IPM to each of its supervisory and inspection personnel. *Grant, 07/16/2002, Exemption No. 7836.*

Docket No.: FAA–2002–12402.
Petitioner: VARIG ENGENHARIE E MANUTENÇÃO S.A.
Section of 14 CFR Affected: 14 CFR 145.47(b).
Description of Relief Sought/ Disposition: To permit VARIG to use the calibration standards of the Instituto Nacional de Metrologia, Normalização e Qualidade Industrial, Brazil's national standards laboratory, in lieu of the calibration standards of the U.S. National Institute of Standards and Technology, formerly the National Bureau of Standards, to test its inspection and test equipment. *Grant, 07/16/2002, Exemption No. 7837.*

Docket No.: FAA–2002–12432.
Petitioner: American Airlines, Inc.
Section of 14 CFR Affected: 14 CFR 43.3(a) and 121.709(b)(3).
Description of Relief Sought/ Disposition: To permit American to allow its properly trained and certificated flight engineers to stow passenger supplemental oxygen masks during flight and to make the appropriate entry in the aircraft maintenance logbook. *Grant, 07/16/ 2002, Exemption No. 2678M.*

Docket No.: FAA–2002–12456 .
Petitioner: Unison Industries.
Section of 14 CFR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To permit Unison to give copies of its IPM to key individuals and make the manual available electronically to all other employees, rather than give a paper copy of the IPM to each of its supervisory and inspection personnel. *Grant, 07/10/ 2002, Exemption No. 7833.*

[FR Doc. 02–19682 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 199: Airport Security Access Control Systems

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 199 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 199: Airport Security Access Control Systems.

DATES: The meeting will be held on August 22, 2002 starting at 9:00 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC, 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 199 meeting. *NOTE: Consolidated Working Groups will be held on August 21 & 23.* The agenda for the Plenary Session will include:

- August 22:
  - Opening Session (Welcome, Introductory and Administrative Remarks, Agenda Overview, Review Minutes of Previous Meeting. Action Items from Last Meeting)
- Review of New Sections
  - Document Section 1
  - Document Section 2
  - Document Section 3
  - Document Section 4
  - Consolidated Appendix
- Closing Session (Any Other Business, Establish Agenda for Next Meeting, Date and Place of Next Meeting)

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 29, 2002.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 02–19675 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on August 27–29, 2002, starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, 1828 L Street, Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 198 meeting. The agenda will include:

- August 27:
  - Opening Plenary Session (Welcome and Introductory Remarks, Review Agenda and Minutes of Previous Meeting)
  - FAA Presentation on Airspace Planning (FAA–ATA)
  - Status of Working Group 4, VHF Data Link (VDL) 3 Implementation
  - Status of Working Group 5, VDL 3 Operational Safety Analysis, System Performance Requirements (OHA/SPR), for NEXCOM VDL 3
  - Status of Working Group 6, VDL 3 Interoperability of NEXCOM
  - Working Group 5 Presentation of WG–5 Draft Document for Plenary Approval
- August 28:
  - Working Group 4, NEXCOM Transition
- August 29:
  - Working Group 6, Interoperability of NEXCOM VDL Mode 3

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on July 29, 2002.

Janice L. Peters,

FAA Special Assistant, RTCA Advisory Committee.

[FR Doc. 02–19678 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Intelligent Transportation Society of America; Public Meeting

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The Intelligent Transportation Society of America (ITS AMERICA) will hold a meeting of its Coordinating Council on Tuesday, August 13, 2002, at Washington Marriott in Washington DC. The meeting runs from 9 a.m. to 1 p.m.

The General Session includes the following items: (1) Welcome; (2) Introductions and Antitrust statement; (3) Minutes—approval of minutes from last meeting; (4) Approval of Program Plan Homeland Security Supplement and Advice Letter; (5) Approval of IVI Advice Letter; (6) Review Leadership Steering Committee Appointments; (7) Discussion of Areas of Responsibility (coverage)—Forums and Programs; (8) Review Two-Day Summit Agenda and Discussion of Logistics; (9) Discussion of Outcome Strategies: Special Interest Groups, Management of Projects, Member Communication, and Other Items; (10) Other Business; (11) Lunch (at Noon); (12) Adjourn.

ITS AMERICA provides a forum for national discussion and recommendations on ITS activities including programs, research needs, strategic planning, standards, international liaison, and priorities.

The charter for the utilization of ITS AMERICA establishes this organization as an advisory committee under the Federal Advisory Committee Act (FACA) 5 USC app. 2, when it provides advice or recommendations to DOT officials on ITS policies and programs. (56 FR 9400, March 6, 1991).

DATES: The Coordinating Council of ITS AMERICA will meet on Tuesday, August 13, 2002 from 9 a.m.–1 p.m.

ADDRESSES: Washington Marriott, 1221 22nd Street, NW., Washington DC 20037. Meeting Room TBA. Phone: (202) 872–1500. Fax: (202) 872–1424.

FOR FURTHER INFORMATION CONTACT: Materials associated with this meeting may be examined at the offices of ITS AMERICA, 400 Virginia Avenue SW., Suite 800, Washington, DC 20024. Persons needing further information or who request to speak at this meeting should contact Debbie M. Busch at ITS AMERICA by telephone at (202) 484–2904 or by FAX at (202) 484–3483. The DOT contact is Kristy Frizzell, FHWA, HOIT, Washington, DC 20590, (202) 366–9536. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except for legal holidays.

(23 U.S.C. 315; 49 CFR 1.48)

Issued on: July 31, 2002.

Jeffrey Paniati,

Acting Associate Director, Office of Operations, Federal Highway Administration, and Acting Director, ITS Joint Program Office, Department of Transportation.

[FR Doc. 02–19673 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12990]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel FINNESSE.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 4, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12990. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build

requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement:

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* FINNESSE. *Owner:* Fairwinds Sailing LLC.

(2) Size, capacity and tonnage of vessel. *According to the applicant:* ''47.6 in length, US Coast Guard, 35 Gross Tons, 31 Net tons, Breadth: 14.5, and depth: 10.2.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant: ''The vessel will be used in the coastwide trade, specifically carrying passengers with a crew, for a fee. The vessel will have two bases of operation. One base will be from Woods Hole, Massachusetts and the vessel will cruise the waters from Eastport, Maine to Atlantic City, New Jersey. The second base of operation will be Fort Lauderdale, Florida and the cruising waters will cover the waters from Hilton Head, South Carolina to the Florida Keys.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1989. *Place of construction:* Finland.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''Both areas of operation have large passenger vessel activity with lots of opportunity for employment. The operators of FINNESSE are the principals of the company and are not competing for employment with other operators.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''There is no adverse effect on US vessel builders. Based on the size of the boat and the passenger capacity of less than 6 passengers, the vessel will not economically impact US vessel builders. The National Marine Manufacturers Association has data illustrating that there are 16 million vessels in the United States. The subject vessel's economic impact on United States vessel builders will be negligible.''

Dated: July 31, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–19684 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2002–12991]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel LAMLASH.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before September 4, 2002.

ADDRESSES: Comments should refer to docket number MARAD–2002–12991. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at *http://dmses.dot.gov/submit/.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended.

By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) Name of vessel and owner for which waiver is requested. *Name of vessel:* LAMLASH. *Owner:* Alastair Hunter-Henderson and Noralyn Marshall.

(2) Size, capacity and tonnage of vessel. According to the applicant: *''Length (ft.):* 59.3, *Hull Depth (ft.):* 9, *Hull Breath (ft.):* 16.2, *Gross Tonnage:* 43, *Net Tonnage:* 38, *Capacity:* not to exceed 12 passengers.''

(3) Intended use for vessel, including geographic region of intended operation and trade. According to the applicant:

Recreational chartering in US coastal waters both on the East Coast and the West Coast of the United States and Caribbean waters (including the US Virgin Islands) but excluding Alaska and Hawaii.''

(4) Date and Place of construction and (if applicable) rebuilding. *Date of construction:* 1990. *Place of construction:* Tan Shui, Taipei.

(5) A statement on the impact this waiver will have on other commercial passenger vessel operators. According to the applicant: ''The granting of the

waiver will have no impact on any other commercial passenger operators or existing operators.''

(6) A statement on the impact this waiver will have on U.S. shipyards. According to the applicant: ''The granting of the waiver will have no impact the operations of any U.S. shipyards.''

Dated: July 31, 2002.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 02–19685 Filed 8–2–02; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34231]

Missouri & Valley Park Railroad Corporation—Lease Exemption—The Burlington Northern and Santa Fe Railway Company

Missouri & Valley Park Railroad Corporation (MVP), a noncarrier, has filed a notice of exemption under 49 CFR 1150.31 to lease [1] from The Burlington Northern and Santa Fe Railway Company (BNSF) and operate approximately 2.14 miles of rail line between BNSF's milepost 20.50 near West Valley Park, MO, on the south side of the Cuba Sub Main Line, and at or near BNSF's milepost 18.36 on the Cuba Sub at East Valley Park, MO, on the south side of the Cuba Sub Main Line. MVP certifies that its projected revenues do not exceed those that would qualify it as a Class III rail carrier.

The transaction was due to be consummated on or after July 22, 2002. The earliest the transaction could have been consummated was on July 22, 2002, the effective date of the exemption (7 days after the exemption was filed).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34231, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Edwin I. Josephson, Chuhak & Tecson, P.C., 30 South Wacker Drive, Suite 2600, Chicago, IL 60606.

Board decisions and notices are available on our website at ''*www.stb.dot.gov.*''

Decided: July 25, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–19310 Filed 8–2–02; 8:45 am]

BILLING CODE 4915–00–P

[1] MVP states that it has also entered into a trackage and interchange agreement with BNSF that affects the above leased rail line.

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network; Proposed Collection; Comment Request; Suspicious Activity Report by the Securities and Futures Industry

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), Treasury.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, FinCEN invites comment on a proposed information collection contained in a new form, ''Suspicious Activity Report by the Securities and Futures Industry (SAR–SF).'' The form will be used by broker-dealers to report suspicious activity to the Department of the Treasury. Futures commission merchants may also use the form to report suspicious activity to the Department of the Treasury on a voluntary basis. This request for comments is being made pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. 3506(c)(2)(A).

DATES: Written comments are welcome and must be received on or before October 4, 2002.

ADDRESSES: Written comments should be submitted to: Office of Chief Counsel, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, Virginia 22183, Attention: PRA Comments—SAR-Securities and Futures Industry Form. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov,* again with a caption, in the body of the text, ''Attention: PRA Comments—SAR–Securities and Futures Industry Form.''

Inspection of comments. Comments may be inspected, between 10 a.m. and 4 p.m., in the FinCEN reading room in Washington, DC. Persons wishing to inspect the comments submitted must request an appointment by telephoning (202) 354–6400.

FOR FURTHER INFORMATION CONTACT: Peter Djinis, Executive Assistant Director Regulatory Policy, FinCEN, at (703) 905–3930; Russell Stephenson, Regulatory Program Specialist, Office of Compliance and Regulatory Enforcement, FinCEN, at (202) 354–6015; and Judith R. Starr, Chief Counsel and Christine L. Schuetz, Attorney-Advisor, Office of Chief Counsel, FinCEN, at (703) 905–3590.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report by the Securities and Futures Industry (SAR–SF).

OMB Number: 1506–0019.

Form Number: TD F 90–22.XX.

Abstract: The statute generally referred to as the ''Bank Secrecy Act,'' Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, *inter alia,* to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities, to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the Bank Secrecy Act appear at 31 CFR Part 103. The authority of the Secretary to administer the Bank Secrecy Act has been delegated to the Director of FinCEN.

The Secretary of the Treasury was granted authority in 1992, with the enactment of 31 U.S.C. 5318(g), to require financial institutions to report suspicious transactions. On July 1, 2002, FinCEN issued a final rule requiring brokers or dealers in securities (''broker-dealers'') to report suspicious transactions (''Broker-Dealer SAR Rule''). (67 FR 44048). The final rule can also be found at 31 CFR 103.19.

In the preamble to the final Broker-Dealer SAR Rule, FinCEN indicated that it would be developing a suspicious activity reporting form for broker-dealers entitled ''Suspicious Activity Report—Brokers or Dealers in Securities,'' or ''SAR-BD.''[2] The form may also be used by futures commission merchants (''FCMs'') registered with the Commodities Futures Trading

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (the ''USA Patriot Act''), P.L. 107–56.

[2] *See* 67 FR 44048, 44051.

Commission voluntarily to report suspicious activity to FinCEN. Thus, the title of the draft form has been revised slightly from ''SAR-BD'' to ''SAR-SF,'' and several fields are provided on the form for use by FCMs.[3]

The information collected on the new form is required to be provided pursuant to 31 U.S.C. 5318(g) and 31 CFR 103.19. This information will be made available, in accordance with strict safeguards, to appropriate criminal law enforcement and regulatory personnel, and to the registered securities associations and national securities exchanges (so-called self-regulatory organizations) for use in official performance of their duties, for regulatory purposes and in investigations and proceedings involving domestic and international money laundering, tax violations, fraud, and other financial crimes.

Reports filed by broker-dealers required to report suspicious transactions under 31 CFR 103.19, and any reports filed voluntarily by other broker-dealers will be subject to the protection from liability contained in 31 U.S.C. 5318(g)(3) and the provision contained in 31 U.S.C. 5318(g)(2) which prohibits notification of any person involved in the transaction that a suspicious activity report has been filed.

The draft SAR–SF is presented only for purposes of soliciting public comment on the form. This form should not be used at this time to report suspicious activity. A final version of the form will be made available at a later date.

Type of Review: New information collection.

Affected public: Business or other for-profit institutions.

Frequency: As required.

Estimated Burden: Reporting average of 40 minutes per response.[4]

Estimated number of respondents = 8,300.

Estimated Total Annual Responses = 2,000.

Estimated Total Annual Burden Hours: 1,350.

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. Records required to be retained under the Bank Secrecy Act must be retained for five years.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected: (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: July 26, 2002.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Attachment—Suspicious Activity Report by the Securities and Futures Industry

BILLING CODE 4810–02–P

[3] FinCEN anticipates issuing shortly a Notice of Proposed Rulemaking that would require FCMs to report suspicious activity.

[4] This burden relates to the completion of the SAR-SF form. The recordkeeping burden of 31 CFR 103.19 is reflected in the final rule requiring broker-dealers to file reports of suspicious activity. *See* 67 FR 44048, 44055.

TD F 90-22.XX
Treasury Form
January 2003

Suspicious Activity Report by the Securities and Futures Industry

Please type or print. Always complete entire report. Items marked with an asterisk * are considered critical. (See instructions).

OMB No. 1506 - 0019

1 Check the box if this report corrects a prior report (see instructions, page 7) ☐

Part I Subject Information

2 Check box ☐ if multiple subjects (See Instructions, page 7)

*3 Individual's last name or entity's full name | *4 First name | 5 Middle initial

6 also known as (AKA - individual), doing business as (DBA - entity) | 7 Occupation or type of business

*8 Address | *9 City

10 State | *11 ZIP code | *12 Country (if not U.S.) | 13 E-mail address (if available)

*14 SSN/ITIN (individual), or EIN (entity) | *15 Account number | No account affected ☐ | Account open? Yes ☐ No ☐ | 16 Date of birth ___/___/___ MM DD YYYY

*17 Government issued identification (If available)
a ☐ Driver's license/state ID b ☐ Passport c ☐ Alien registration d ☐ Corporate/Partnership Resolution
e ☐ Other _____
f ID Number _____ g Issuing authority _____

18 Phone number - work ( ) | 19 Phone number - home ( ) | 20 Is individual/business associated/affiliated with the reporting institution? (See instructions) a ☐ Yes b ☐ No

Part II Suspicious Activity Information

*21 Date or date range of suspicious activity
From ___/___/___ To ___/___/___
MM DD YYYY MM DD YYYY

*22 Total dollar amount involved in suspicious activity $ ___,___,___.00

*23 Instrument type (Check all that apply) a ☐ Bonds/Notes b ☐ Cash or equiv. c ☐ Commercial Paper d ☐ Commodity futures contract
e ☐ Money Market Mutual Fund f ☐ Mutual Fund g ☐ OTC Derivatives h ☐ Other derivatives i ☐ Commodity options
j ☐ Security Futures Products k ☐ Stocks l ☐ Warrants m ☐ Other securities n ☐ Other non-securities
o ☐ Foreign currency futures p ☐ Foreign currencies q ☐ Market where traded ___ r ☐ Other (Explain in Part VI)
(Enter appropriate three-letter code.)

24 CUSIP® number | 25 CUSIP® number | 26 CUSIP® number
27 CUSIP® number | 28 CUSIP® number | 29 CUSIP® number

*30 Type of suspicious activity:

a ☐ Bank Secrecy Act
b ☐ Bribery/gratuity
c ☐ Check fraud
d ☐ Computer intrusion
e ☐ Credit/debit card fraud
f ☐ Futures fraud
g ☐ Forgery
h ☐ Insider trading
i ☐ Mail fraud
j ☐ Margin violation
k ☐ Money laundering
l ☐ Market Manipulation
m ☐ Prearranged or other non-competitive trading
n ☐ Securities fraud
n ☐ Suspicious documents or ID presented
o ☐ Significant wire or other transactions without economic purpose
p ☐ Terrorist financing
q ☐ Wash or other fictitious trading
r ☐ Wire fraud
s ☐ Other (Describe in Part VI)

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Catalog No. XXXXXX

Part III Law Enforcement or Regulatory Contact Information 2

31 If a law enforcement or regulatory authority has been contacted (excluding submission of a SAR) check the appropriate box.

a ☐ DEA
b ☐ FBI
c ☐ IRS
d ☐ U.S. Attorney (**32)
e ☐ U.S. Customs Svc.
f ☐ U.S. Secret Svc.
g ☐ CFTC
h ☐ SEC
i ☐ NASD
j ☐ NFA
k ☐ NY Stock Exchg.
l ☐ Other Registered Futures Assoc
m ☐ Other registered entity-futures
n ☐ Other state/local
o ☐ Other SRO (PHLX, PCX, CBOE, AMEX, etc.)
p ☐ State securities regulator
q ☐ Foreign
r ☐ Other (Explain in Part VI)

32 Other authority contacted (for Box 31 m through s) ** List U.S. Attorney office here.

33 Name of individual contacted (for all of Box 31)

34 Telephone number of individual contacted (box 33)
( ) —

35 Date contacted
___/___/_____
MM DD YYYY

Part IV Reporting Financial Institution Information

*36 Name of financial institution or sole proprietorship

*37 EIN / SSN / ITIN

*38 Address

*39 City

*40 State

*41 ZIP code
—

42 Additional branch address locations handling account, activity or customer.

43 ☐ Multiple locations (see instructions)

44 City

45 State

46 ZIP code
—

47 Central Registration Depository number

48 SEC ID number
—

49 Nat'l. Futures Ass'n. ID number

50 Has this reporting individual/entity coordinated this report with another reporting individual/entity? Yes ☐ (Provide details in Part VI) No ☐

*51 Type of institution or individual- Check box(es) for functions that apply to this report

a ☐ Agriculture trade option merchant
b ☐ Affiliate of bank holding company
c ☐ Commodity pool operator
d ☐ Commodity trading advisor
e ☐ Direct participation program
f ☐ Futures commission merchant
g ☐ Futures floor broker
h ☐ Futures floor trader
i ☐ Introducing Broker-Futures
j ☐ Investment advisor
k ☐ Investment company - mutual fund
l ☐ Market maker
m ☐ Municipal securities dealer
n ☐ National Futures Assoc.
o ☐ Registered Enity-futures
p ☐ Other Registered Futures Assn.
q ☐ Securities broker - clearing
r ☐ Securities broker - introducing
s ☐ Securities dealer
t ☐ Securities floor broker
u ☐ Securities options broker-dealer
v ☐ Self regulatory organization (SRO)
w ☐ Specialist
x ☐ Subsidiary of bank
y ☐ U.S. Government broker-dealer
z ☐ U.S. Government interdealer broker
aa ☐ Variable life insurance or annuities broker-dealer
bb ☐ Other (List in Part VI)

Part V Contact For Assistance

*52 Last name of individual to be contacted regarding this report

*53 First name

*54 Middle initial

*55 Title/Position

*56 Work phone number
( ) —

*57 Date report prepared
___/___/_____
MM DD YYYY

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective means for financial institutions to notify appropriate law enforcement agencies of suspicious transactions that occur by, through, or at the financial institutions. This report is required by law, pursuant to authority contained in 31 U.S.C. 5318(g). Information collected on this report is confidential (31 U.S.C. 5318(g)). Federal securities regulatory agencies and the U.S. Departments of Justice and Treasury, and other authorized authorities may use and share this information. Public reporting and recordkeeping burden for this form is estimated to average 4 hours, 45 minutes per response, and includes time to gather and maintain information for the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and to the Financial Crimes Enforcement Network, Attn.: Paperwork Reduction Act, P.O. Box 39, Vienna VA 22183-0039. The agency may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

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Part VI Suspicious Activity Information - Narrative * 3

Explanation/description of suspicious activity(ies). This section of the report is **critical**. The care with which it is completed may determine whether or not the described activity and its possible criminal nature are clearly understood by investigators. Provide a clear, complete and chronological description (**not exceeding this page and the next page**) of the activity, including what is unusual, irregular or suspicious about the transaction(s), using the checklist below as a guide, as you prepare your account.

a. **Describe** conduct that raised suspicion.
b. **Explain** whether the transaction(s) was completed or only attempted.
c. **Describe** supporting documentation (e.g. transaction records, new account information, tape recordings, e-mail messages, correspondence, etc.) and retain such documentation in your file for five years.
d. **Explain** who benefited, financially or otherwise, from the transaction(s), how much and how (if known).
e. **Describe and retain** any admission, or explanation of the transaction(s) provided by the subject(s), or other persons. Indicate to whom and when it was given.
f. **Describe and retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners, SRO, or others.
g. **Indicate** where the possible violation of law(s) took place (e.g., main office, branch, other).
h. **Indicate** whether the suspicious activity is an isolated incident or relates to another transaction.
i. **Indicate** whether there is any related litigation. If so, specify its status.
j. **Recommend** any further investigation that might assist law enforcement authorities.
k. **Indicate** whether any information has been excluded from this report; if so, state reasons.
l. **Indicate** whether U.S. or foreign currency and/or U.S. or foreign negotiable instrument(s) were involved. If foreign, provide the amount, name of currency, and country of origin.
m. **Indicate** "Market where traded" and "Wire transfer identifier" information when appropriate.
n. **Indicate** whether funds or assets were recovered and, if so, enter the dollar value of the recovery in whole dollars only.
o. **Indicate** any additional account number(s), and any foreign bank(s) account number(s) which may be involved.
p. **Indicate** for a foreign national any available information on subject's passport(s), visa(s), and/or identification card(s). Include date, country, city of issue, issuing authority, and nationality.
q. **Describe** any suspicious activities that involve transfer of funds to or from a foreign country, or transactions in a foreign currency. Identify the country, sources and destinations of funds.
r. **Describe** subject(s) position if employed by the financial institution.
s. **Indicate** whether securities, futures or options were involved. If so, list the type, CUSIP® number or ISID® number, and amount.
t. **Indicate** the type of institution filing this report, if this is not clear from Part IV. For example, an investment advisor that is managing partner of a limited partnership that is acting as a hedge fund that detects suspicious activity tied in part to its hedge fund activities should note that it is operating as a hedge fund.
u. **Indicate** in instances when the subject or entity has a CRD or NFA number, what that number is.
v. **If correcting** a prior report, complete the form in its entirety and note the changes here in Part VI.

Information already provided in earlier parts of this form need not necessarily be repeated if the meaning is clear.

Supporting documentation should not be filed with this report. Maintain the information for your files.

Enter explanation/description in the space below. Continue on the next page if necessary.

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Suspicious Activity Report Narrative (continued) 4

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Suspicious Activity Report Instructions

5

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspicious transactions made to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, or under any contract or other legally enforceable agreement (including any arbitration agreement), for such disclosure or for any failure to provide notice of such disclosure to the person who is the subject of such disclosure or any other person identified in the disclosure."

Notification Prohibited Federal law (31 U.S.C. 5318(g)(2)) provides that a financial institution, and its directors, officers, employees, and agents who, voluntarily or by means of a suspicious activity report, reports suspicious transactions to the government, may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations that require immediate attention, such as terrorist financing or ongoing money laundering schemes, the financial institution shall immediately notify by telephone an appropriate law enforcement authority in addition to filing a timely suspicious activity report.

When to file a report

1. Every broker or dealer in securities within the United States (for purposes of this section, a "broker-dealer") shall file with FinCEN, to the extent and in the manner required by 31 CFR 103.19, a report of any suspicious transaction relevant to a possible violation of law or regulation. A broker-dealer may also file with FinCEN a report of any suspicious transaction that it believes is relevant to the possible violation of any law or regulation but whose reporting is not required by 31 CFR 103.19. A voluntary filing does not relieve a broker-dealer from the responsibility of complying with any other reporting requirements imposed by the Securities and Exchange Commission or a self-regulatory organization ("SRO") (as defined in section 3(a)(26) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(26)).

2. A transaction requires reporting if it is conducted or attempted by, at, or through a broker-dealer, it involves or aggregates funds or other assets of at least $5,000, and the broker-dealer knows, suspects, or has reason to suspect that the transaction (or a pattern of transactions of which the transaction is a part):

   i. Involves funds derived from illegal activity or is intended or conducted in order to hide or disguise funds or assets derived from illegal activity (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any federal law or regulation or to avoid any transaction reporting requirement under federal law or regulation;

   ii. Is designed, whether through structuring or other means, to evade any requirements of 31 CFR 103 or of any other regulations promulgated under the Bank Secrecy Act, Pub. L. 91-508, as amended, codified at 12 U.S.C. 1829b, 12 U.S.C. 1951-1959, and 31 U.S.C. 5311-5332;

   iii. Has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the broker-dealer knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction; or

   iv. Involves use of the broker-dealer to facilitate criminal activity.

3. The obligation to identify and properly and timely report a suspicious transaction rests with each broker-dealer involved in the transaction, provided that no more than one report is required to be filed by the broker-dealers involved in a particular transaction (so long as the report filed contains all relevant facts).

4. A SAR-SF shall be filed no later than 30 calendar days after the date of the initial detection by the reporting broker-dealer of facts that may constitute a basis for filing a SAR-SF. If no suspect is identified on the date of such initial detection, a broker-dealer may delay filing a SAR-SF for an additional 30 calendar days to identify a suspect, but in no case shall reporting be delayed more than 60 calendar days after the date of such initial detection. (continued)

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In situations involving violations that require immediate attention, such as money laundering schemes, the broker-dealer shall immediately notify by telephone an appropriate law enforcement authority in addition to filing timely a SAR-SF. Broker-dealers wishing voluntarily to report suspicious transactions that may relate to terrorist activity may call FinCEN's Financial Institutions Hotline at 1-866-556-3974 in addition to filing timely a SAR-SF if required by this section. The broker-dealer may also, but is not required to, contact the Securities and Exchange Commission to report in such situations.

5. **Exceptions.** A broker-dealer is not required to file a SAR-SF to report:

i. A robbery or burglary committed or attempted that is reported to appropriate law enforcement authorities, or for lost, missing, counterfeit, or stolen securities with respect to which the broker-dealer files a report pursuant to the reporting requirements of 17 CFR 240.17f-1;

ii. A violation otherwise required to be reported on a SAR-SF of any of the federal securities laws or rules of an SRO by the broker-dealer or any of its officers, directors, employees or other registered representatives, other than a violation of 17 CFR 240.17a-8 or 17 CFR 405.4, so long as such violation is appropriately reported to the SEC or an SRO.

6. The Bank Secrecy Act requires financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds $10,000. If a currency transaction exceeds $10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious aspects of the transaction). If a currency transaction is $10,000 or less and is suspicious, the institution should only file a suspicious activity report. Appropriate records must be maintained in each case.

See: 31 CFR Part 103; 17 CFR 240.17a-8; 17 CFR 405.4

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General Instructions

A. Abbreviations and Definitions

1. AKA-- also known as (individual)
2. ASE-- American Stock Exchange
3. CBOE-- Chicago Board Options Exchange
4. CPO-- Commodity Pool Operator
5. CRD-- Central Registration Depository
6. CFTC-- Commodity Futures Trading Commission
7. CTA-- Commodity Trading Advisor
8. CUSIP®-- Committee on Uniform Securities ID Procedures
9. DEA-- Drug Enforcement Administration
10. DBA-- doing business as (entity)
11. EIN-- Employer Identification Number
12. FBI-- Federal Bureau of Investigation
13. FCM-- Futures Commission Merchant
14. IA-- Investment Advisor
15. IB-- Introducing Broker-Futures
16. IRS-- Internal Revenue Service -Criminal Investigation
17. ITIN-- Individual taxpayer ID number
18. ISID®-- International Securities ID Directory
19. NASD-- National Assoc. of Securities Dealers
20. NFA-- National Futures Association
21. NYSE-- New York Stock Exchange
22. OTC-- Over-the-counter
23. PCX-- Pacific Exchange
24. PHLX-- Philadelphia Stock Exchange
25. RE-futures-- Registered entity-futures
26. RFA-- Registered futures association
27. SEC-- Securities and Exchange Commission
28. SRO- Self-Regulatory Organization- Securities
29. SSN-- social security number

B. How to make a report:

1. Send each completed suspicious activity report to:

Detroit Computing Center
Attn: SAR SF
P.O. Box XXXXX
Detroit, MI 48232

2. Leave blank any items that do not apply or for which information is unavailable.

3. Items marked with an asterisk * are considered critical and **are required to be completed if known.**

4. Complete each suspicious activity report by providing as much information as possible on initial and corrected reports.

5. Do not include supporting documentation with the suspicious activity report filed. Identify and retain a copy of the suspicious activity report and all supporting documentation (e.g. transaction records, new account information, tape recordings, e-mail messages, correspondence, etc.) or business record equivalent for your files for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.

6. If more than one subject is being reported, make a copy of page 1, complete only the subject information in Part I, and attach the additional page(s) behind page 1. If more space is needed to complete any other item(s), identify that item in Part VI by "item number," and provide the additional information.

7. Financial institutions are encouraged to provide copies of SARs to State and local authorities, if appropriate.

8. Type or complete the report using block written letters.

9. Enter all **dates** in MM/DD/YYYY format where MM=month, DD=day, and YYYY=year. Precede any single number with a zero, *i.e.*, 01,02, etc.

10. List all **Telephone numbers** with (area code) first and then the seven numbers, using the format, i.e., (XXX) XXX-XXXX. List international telephone and fax numbers in Part VI.

11. Always enter an **individual's name** by entering the last name, first name, and middle initial (if known). If a legal entity is listed, enter its name in the last name field.

12. Enter all **identifying numbers** (alien registration, Corporate/Partnership Resolution, CRD, CUSIP,® driver's license/state ID, EIN, ITIN, Foreign National ID, ISID,® NFAID, passport, SEC, and SSN etc.) starting from left to right. Do not include spaces, dashes, or other punctuation.

13. Enter all **Post Office ZIP codes** with at least the first five numbers (all nine (ZIP + 4)) if known) and listed from left to right.

14. Enter all **monetary amounts** in U.S. Dollars. Use whole dollar amounts rounded up when necessary. Use this format: $0,000,000.00. If foreign currency is involved, state name of currency and country of origin.

15. **Addresses, general.** Enter the permanent street address, city, two letter state/territory abbreviation used by the U.S. Postal Service and ZIP code (ZIP+4 if known) of the individual or entity. A post office box number should not be used for an individual, unless no other address is available. For an individual, also enter any apartment number or suite number, road or route number. If a P.O. Box is used for an entity, enter the street name, suite number, and road or route number. If the address of the individual or entity is in a foreign country, enter the city, province or state, postal code and the name of the country. Complete any part of the address that is known, even if the entire address is not known. If from the United States, leave country box blank.

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C. Specific Suspicious Activity Report Preparation Instructions

Item 1-- Type of report. Check Box , "Corrects Prior Report", if this report is filed to correct a previously filed SAR-SF. To correct a report, a new SAR must be completed in its entirety. Note corrected information in Section VI (see line"v").

PART I Subject Information

Item 2 -- Multiple Subjects. Check this box if multiple subjects are involved. Attach additional copy(ies) of Part I to this report.

Items 3, 4, and 5--*Name of Subject. See General Instruction B11. If the organization is operated under a different trade or business name than its legal name, enter the organization's legal name in Item 3 (e.g., Smith Enterprises, Inc.) and the name of the business in Item 6 (e.g., Smith's Tours). If more than one Part I is required, make a copy of page 1 and provide the additional information.

Item 6-- also known as (AKA-individual), or doing business as (DBA-entity). If a reporting institution has knowledge of a subject's separate "AKA" and/or entity's "DBA" name, enter it in Item 6.

Item 7-- Occupation/type of business. If known, identify the occupation, profession or business that best describes the individual in Part I (e.g., attorney, car dealer, carpenter, doctor, farmer, plumber, truck driver, etc.). Do not use nondescript terms such as businessman, merchant, store owner (unless store's name is provided), self employed, unemployed, or retired unless the regular or former occupation is provided. If the individual's business activities can be described more fully, provide the additional information in Part VI. Indicate in Item 7 if "unknown."

Items 8, 9, 10, 11, and 12-- *Address. See General Instructions B13 and B15.

Item 13-- E-mail address. Enter the subject's e-mail address if available.

Item 14-- *SSN/ITIN (individual) or EIN (entity). See General Instruction B12 and definitions. If the subject named in items 3 through 6 is a U.S. Citizen or an alien with a SSN, enter his or her SSN in Item 14. If that individual is an alien who has an ITIN, enter that number. If the subject is an entity, enter the EIN.

Item 15-- *Account number. See General Instruction B12. Enter the number of any account in or through which the suspicious activity occurred. If an account is not affected or if no affected account is known, mark the "no account affected" box. Check box to indicate if the account is open or closed. If more than one account is affected, provide the additional information in Part VI.

Item 16-- Date of birth. See General Instruction B9. If an individual is named in Items 3 through 5, enter the date of birth. If the month and/or day is not available or unknown, fill in with zeros (e.g., "01/00/1969" indicates an unknown date in January, 1969).

Item 17-- *Government issued identification. See General Instruction B12. Check the appropriate box showing the type of document used to verify the subject's identity. Box "d" denotes that a corporate or partnership resolution was used to identify an entity. If you check the "Other" box "e", be sure to specify the type of document used. In box "f", list the ID number of the identifying document. In box "g", list the issuing authority.

Items 18 & 19-- Telephone numbers. See General Instruction B10. List any additional number(s) (e.g., hotel, etc.) in Part VI.

Item 20-- Institution association. Indicate whether the subject identified in Part I is still associated with the reporting institution as an "associated person" as defined in section 3(a)(18) of the Securities Exchange Act of 1934 or CFTC rule 1. 3(aa), or is still "affiliated with" the reporting institution, as defined in the CFTC rule 4.7(a)(1)(i). If so, explain in Part VI.

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PART II Suspicious Activity Information

Item 21-- *Date or date range of suspicious activity. See General Instruction B9. Enter the date of the reported activity in the "From" field. If more than one day, indicate the duration of the activity by entering the first date in the "From" field and the last date in the "To" field. If the same individual or organization conducts multiple or related activities within the 30 calendar day period after the date of initial detection, the reporting institution may consider reporting the suspicious transactions on one form but only if doing so will fully describe what has occurred. A new report must be filed for other related suspicious transactions committed after the initial detection period.

Item 22-- *Total dollar amount. See General Instruction B14. Enter the total dollar value of the funds or assets involved in the suspicious activity that is conducted by the same individual or organization within the 30 calendar day period after the date of initial detection. For multiple or related suspicious transactions, show the breakdown of this aggregated total in Part VI. For abuse by a person associated with the institution, the value of this item can be zero (0). Do not use any words, such as "thousand", "million", etc. For foreign currency, convert to U.S. Dollars.

Item 23-- *Instrument type. Mark the type of instrument identified in Item 23. (Check all that apply.) In item 23b indicate U.S. Dollars only. For Item 23q, enter appropriate three-letter code.

Items 24, 25, 26, 27, 28, and 29-- CUSIP® Numbers. Enter up to six (6) securities numbers. If more, enter additional in Part VI.

Item 30-- *Type of suspicious activity. Check the box(es) that identifies the suspicious activity. More than one box may be checked. Provide a brief explanation in Part VI of why each box is checked. If none of these items applies, mark "other" and provide in Part VI an explanation of the type of suspicious activity.

PART III Law Enforcement or Regulatory Contact Information

Items 31, 32, and 33-- Contacting enforcement authorities. If no contact, go to **Part IV.** See General Instructions "A" "Abbreviations and Definitions" for law enforcement and regulatory identities. If you have advised any law enforcement authority SRO, RFA, or RE-futures entity of the suspicious transactions by telephone or written communication, complete this section. If box "d" or boxes "m" through "s" are checked, provide the name of the authority contacted in Item 32. If no contact, leave Items 31-35 blank.

Item 34-- Telephone number of individual contacted. See General Instruction B10 for format.

Item 35-- Date contacted. See General Instruction B9 for format.

Part IV Reporting Financial Institution Information

Item 36-- *Name of financial institution or sole proprietorship. Enter the full legal name of the institution, *i.e.*, the name shown on the charter or other document creating the entity and registered with the SEC or CFTC. If a sole proprietor, enter the business name of the proprietorship registered with the SEC or CFTC.

Item 37--*Employer identification number. See General Instruction B12. Enter the reporting financial institution's EIN. If sole proprietor enter SSN or ITIN.

Items *38, *39, *40, and *41-- Address. See General Instruction B15. This address should be of the principal office or headquarters in the United States.

Items 42, 43, 44, 45 and 46-- Additional address locations. See General Instruction 15. If more than one location is involved, e.g., branch office etc., provide the address of the location where the most significant portion of the suspicious transactions occurred. If more than two locations are involved check box 43 and list locations in Part VI.

Item 47-- Central Registration Depository number. See General Instruction B12. If none, leave blank.

Item 48-- SEC number. See General Instruction B12. If none, leave blank.

Item 49-- National Futures Association identification number. See General Instruction B12. If none, leave blank.

Item 50-- Dual reporting. If this is a coordinated report involving more than one individual/entity (see "When to file a report item 3") check the appropriate box and provide the details in Part VI.

Item 51-- *Type of reporting institution. Check all boxes that apply to this particular report. If **none** of these categories apply to you, explain in Part VI. The Federal Bureau of Public Debt, its agents, and any other Federal agency issuers of Federal securities should mark "U.S. Government broker/dealer." State or municipal issuers of municipal securities should mark "Municipal broker/dealer." A securities SRO, RFA or RE-futures entity filing this form should identify the institution type as that of the member institution for which this report is being filed, and in **Part V,** Items 52, 53, 54, 55, 56, and 57 identify the securities SRO, RFA or RE-futures entity individual to contact.

Part V Contact for assistance

Items 52, 53, and 54-- *Contact individual. See General Instruction B11.

Item 55-- *Title/Position. Enter the job title/position of the contact individual

Item 56-- *Work telephone number. See General Instruction B10.

Item 57-- *Date report prepared. See General Instruction B9.

Part VI *Suspicious Activity Information - Narrative See page 3 for instructions.

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[FR Doc. 02–19662 Filed 8–2–02; 8:45 am]

BILLING CODE 4810–02–C

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

July 30, 2002.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before September 4, 2002, to be assured of consideration.

U.S. Customs Service (CUS)

OMB Number: 1515–0051.
Form Number: Customs Form 7523.
Type of Review: Extension.
Title: Entry and Manifest of Merchandise Free of Duty, Carrier's Certificate and Release.
Description: Customs Form 7523 is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain conditions and by Customs to authorize the entry of such merchandise. It is also used by carriers to show that the articles being imported are to be released to the importer or consignee.
Respondents: Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 4,950.
Estimated Burden Hours Per Respondent: 5 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 8,247 hours.

OMB Number: 1515–0052.
Form Number: None.
Type of Review: Extension.
Title: Petition for Remission of Mitigation of Forfeitures and Penalties Incurred.
Description: Persons whose property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. The violator has the opportunity to claim mitigation and provides a record of such administration appeals.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 28,000.
Estimated Burden Hours Per Respondent: 14 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 6,500 hours.

OMB Number: 1515–0055.
Form Number: Customs Form 3229.
Type of Review: Extension.
Title: Certificate of Origin.
Description: This certification is required to determine whether an importer is entitled to duty-free entry for goods which are: (1) The growth or product of a U.S. insular possession, or (2) Caribbean Basin initiative imports.
Respondents: Business or other for-profit, Not-for-profit institutions.
Estimated Number of Respondents: 10.
Estimated Burden Hours Per Respondent : 22 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 113 hours.

OMB Number: 1515–0060.
Form Number: Customs Form 1300.
Type of Review: Extension.
Title: Vessel Entrance or Clearance Statement Form.
Description: This form is submitted upon the arrival of a vessel into the United States. Customs needs this information to record tonnage fees and to obligate the vessel captain to the truth of the manifest.
Respondents: Business or other for-profit, Individuals or households.
Estimated Number of Respondents: 12,000.
Estimated Burden Hours Per Respondent : 5 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 21,991 hours.

OMB Number: 1515–0181.
Form Number: None.
Type of Review: Extension.
Title: Line Release/Border Release Advanced Screening and Selectivity (BRASS).
Description: Line Release (new name-BRASS) was developed to release and track high volume and repetitive shipments using bar code technology.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions.
Estimated Number of Respondents: 257.
Estimated Burden Hours Per Respondent : 15 minutes.
Frequency of Response: On occasion.
Estimated Total Reporting Burden: 6,425 hours.

Clearance Officer: Tracey Denning , U.S. Customs Service, Information Services Branch, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Room 3.2.C, Washington, DC 20229, (202) 927–1429.

OMB Reviewer: Joseph F. Lackey, Jr., Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, (202) 395–7316.

Mary A. Able,
Departmental Reports Management Officer.

[FR Doc. 02–19702 Filed 8–2–02; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

General Counsel Designation No. 282; Appointment of Members to the Legal Division Performance Review Board

Under the authority granted to me as General Counsel of the Department of the Treasury by 31 U.S.C. 301 and 26 U.S.C. 7801, Treasury Department Order No. 101–5 (Revised), and pursuant to the Civil Services Reform Act, I hereby appoint the following individuals to the General Counsel Panel of the Legal Division Performance Review Board:

George B. Wolfe, Deputy General Counsel, who shall serve as Chairperson;

Thomas M. McGivern, Counselor to the General Counsel;

Kenneth R. Schmalzbach, Assistant General Counsel (General Law and Ethics);

Roberta K. McInerney, Assistant General Counsel (Banking & Finance);

Russell L. Munk, Assistant General Counsel (International Affairs);

William J. Fox, Associate Deputy General Counsel;

Marilyn L. Muench, Deputy Assistant General Counsel (International Affairs);

Traci J. Sanders, Deputy Counselor to the General Counsel;

John J. Manfreda, Chief Counsel, Bureau of Alcohol, Tobacco & Firearms;

Alfonso Robles, Chief Counsel, United States Customs Service;

John J. Kelleher, Chief Counsel, United States Secret Service;

Debra N. Diener, Chief Counsel, Financial Management Service;

Carrol H. Kinsey, Jr., Chief Counsel, Bureau of Engraving and Printing;

Judith Starr, Chief Counsel, Financial Crimes Enforcement Network; and

Daniel P. Shaver, Chief Counsel, U.S. Mint.

Dated: July 17, 2002.

David D. Aufhauser,

General Counsel.

[FR Doc. 02–19697 Filed 8–2–02; 8:45 am]

BILLING CODE 4810–39–M

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Liquidation—the Connecticut Surety Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: Liquidation of an insurance company formerly certified by this Department as an acceptable surety/reinsurer on Federal bonds.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6850.

SUPPLEMENTARY INFORMATION: The Connecticut Surety Company, a Connecticut company, formerly held a Certificate of Authority as an acceptable surety on Federal bonds and was last listed as such at 64 FR 35871, July 1, 1999. The Company's authority was terminated by the Department of the Treasury effective March 9, 2000. Notice of the termination was published in the **Federal Register** of March 21, 2000, on page 15196.

On May 17, 2002, upon a petition by the Insurance Commissioner of the State of Connecticut, the Superior Court of the Judicial District of Hartford, issued an Order of Liquidation with respect to The Connecticut Surety Company. Susan F. Cogswell, Insurance Commissioner of the State of Connecticut, and her successors in office were appointed as the Liquidator. All persons having claims against The Connecticut Surety Company must file their claims by November 15, 2002, or be barred from sharing in the distribution of assets.

All claims must be filed in writing and shall set forth the amount of the claim, the facts upon which the claim is based, and priorities asserted, and any other pertinent facts to substantiate the claim. Federal Agencies should assert claim priority status under 31 U.S.C. 3713, and send a copy of their claim, in writing, to: Department of Justice, Civil Division, Commercial Litigation Branch, P.O. Box 875, Ben Franklin Station, Washington, D.C. 20044–0875, Attn: Mr. Randy Harwell, Attorney.

The above office will consolidate and file any and all claims against The Connecticut Surety Company, on behalf of the United States Government. Any questions concerning filing of claims may be directed to Mr. Harwell at (202) 307–0180.

The Circular may be viewed and downloaded through the Internet (*http://www.fms.treas.gov/c570/index.html*). A hard copy may be purchased from the Government Printing Office (GPO), Subscription Service, Washington, DC, (202) 512–1800. When ordering the Circular from GPO, use the following stock number 048–000–00536–5.

Questions concerning this notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6F04, Hyattsville, MD 20782.

Dated: July 30, 2002.

Wanda Rogers,

Director, Financial Accounting and Services, Division Financial Management Service.

[FR Doc. 02–19700 Filed 8–2–02; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF VETERANS AFFAIRS

Research and Development Office; Notice of Intent to Grant Exclusive License

AGENCY: Research and Development Office, VA.

ACTION: Notice of Intent.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs Research and Development Office intends to grant to TransMedics, Inc., a Delaware corporation having a principal place of business in Woburn, Massachusetts, U.S.A., an exclusive license to U.S. Patent Numbers: 6,046,046, issued April 4, 2000, entitled Compositions, Methods and Devices for Maintaining an Organ; and 6,100,082, issued August 8, 2000, entitled Perfusion Apparatus and Method Including Chemical Compositions for Maintaining an Organ.

DATES: Comments must be received within fifteen (15) days from the date of this published Notice.

ADDRESSES: Send comments to: Mindy Aisen, M.D., Director of Technology Transfer, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. Telephone: (202) 408–3670; Facsimile: (202) 275–7228; e-mail: *mindy.aisen@mail.va.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the issued patents may be obtained from the U.S. Patent and Trademark Office at *http://www.uspto.gov.*

SUPPLEMENTARY INFORMATION: It is in the public interest to so license these inventions as TransMedics, Inc. 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 fifteen (15) days from the date of this published Notice, the Department of Veterans Affairs Research and Development Office 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.

Dated: July 29, 2002.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 02–19646 Filed 8–2–02; 8:45 am]

BILLING CODE 8320–01–P

Corrections

Federal Register

Vol. 67, No. 150

Monday, August 5, 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 EDUCATION

Office of Special Education and Rehabilitative Services

Correction

In notice document 02–16959 beginning on page 45278 in the issue of Monday, July 8, 2002, make the following correction:

On page 45280, in the third column, in paragraph (j)(4), in the eighth line, ''10 satellite'' should read ''satellite''.

[FR Doc. C2–16959 Filed 8–2–02; 8:45 am]

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002-NM-131-AD; Amendment 39-12825; AD 2002-14-25]

RIN 2120-AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes

Correction

In rule document 02–18028 beginning on page 48366 in the issue of Wednesday, July 24, 2002, make the following corrections:

1. On page 48366, in the second column, in the **ACTION** heading, ''Final rule'' should read ''Final rule; ''

2. On the same page, in the same column, in the **SUMMARY** heading, in the second line, ''directives'' should read ''directive ''.

3. On the same page, in the third column, in the first paragraph, in the 10th line, ''would '' should read ''could ''.

4. On the same page, in the same column, in the same paragraph, in the 13th line, ''needed '' should read ''intended ''.

5. On the same page, in the same column, in the **DATES** heading, in the second paragraph, in the 6th line, ''21567), '' should read ''21567 ''.

6. On the same page, in the same column, in the **ADDRESSES** heading, in the first paragraph, in the 14th line '' *9/anm*'' should read '' 9-anm''.

7. On the same page, in the same column, in the same paragraph, in the 17th line, '' 202'' should read ''2002 ''.

8. On the same page, in the same column, in the second paragraph, in the third line, ''Braileira '' should read ''Brasileira ''.

9. On page 48367, in the first column, in the **SUPPLEMENTARY INFORMATION** heading, in the third line, ''(65'' should read ''(67''.

10. On page 48367, in the first column, in the second paragraph, under the heading **Actions Since Issuance of Previous Rule**, in the sixth line, ''instruments'' should read ''instructions''.

11. On the same page, in the second column, in the fourth paragraph, in the third line, ''Organized '' should read ''Organize ''.

12. On the same page in the third column, in the second paragraph, in the 18th line, ''if filed '' should read ''if filed, ''.

§39.13 [Corrected]

13. On the same page in §39.13, in the same column, in the **Authority citation**, in the first line, ''100(g) '' should read ''106(g) ''.

14. On the same page in §39.13, in the same column, in the ninth line from the bottom, ''39-128.25 '' should read '' 39-12825''.

15. On page 48368, in the same section, in the first column, in **Note 1:**, in the fourth line, ''modified altered,'' should read ''modified, altered,''.

16. On the same page, in the same section, in the same column, the heading '' *Repetitive Inspectors (Tests)/Replacement*''should read '' *Repetitive Inspections (Tests)/Replacement*''.

17. On the same page, in the same section, in the same column, in paragraph (b), in the 11th line, ''their'' should read ''after''.

18. On the same page, in the same section, in the second column, in paragraph (f)(3), in the second line, ''Aeronautics'' should read ''Aeronautica''.

19. On the same page, in the same section, in the second column, in paragraph (f)(3), in the third line, ''San'' should read ''Sao''.

[FR Doc. C2–18028 Filed 8–2–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
August 5, 2002

Part II

Department of Housing and Urban Development

Notice of Funding Availability (NOFA) for the Operation Lead Elimination Action Program Fiscal Year 2002; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4757–N–01]

Notice of Funding Availability (NOFA) for the Operation Lead Elimination Action Program Fiscal Year 2002

AGENCY: Healthy Homes and Lead Hazard Control, Office of the Secretary.

ACTION: Notice of funding availability.

SUMMARY: *Purpose of the NOFA*. The purpose of the Operation Lead Elimination Action Program (LEAP) is to leverage private sector resources to eliminate lead poisoning as a major public health threat to young children.

Available Funds: $6.5 million.

Eligible Applicants: Not-for-profit and for-profit organizations and entities.

DATES: *Application Due Date*: October 31, 2002.

ADDITIONAL INFORMATION:

I. Application Due Date, Application Kits, Further Information, and Technical Assistance

Application Due Date. Submit your completed application (an original and four copies) to HUD, October 31, 2002, at the address shown below.

Address for Submitting Applications. The address for mailed applications is: Department of Housing and Urban Development, Office of Healthy Homes and Lead Hazard Control, 451 Seventh Street, SW, Room P3206, Washington, DC 20410.

Note New Security Procedures. HUD has implemented new security procedures that apply to application submission. Please read the following instructions carefully and completely. HUD's new policy is: No hand delivered applications will be accepted. Applications sent to the Robert C. Weaver HUD Headquarters Building may only be shipped using DHL, Falcon Carrier, Federal Express (FedEx), United Parcel Service (UPS), or the United States Postal Service (USPS). All mailed applications must be postmarked on or before midnight of their due date and received within 15 days of the due date. All applicants who mail applications must have a Certificate of Mailing (USPS Form 3817) as their documentary evidence that the application was filed on time.

Applications Sent by Overnight/ Express Mail Delivery to HUD Headquarters. If your application is sent by overnight delivery or express mail, your application will be timely filed if it is received before or on the application due date, or when you submit documentary evidence that your application was placed in transit with the overnight delivery/express mail service by no later than the application due date. Delivery must be made during HUD Headquarters business hours, between 8:30am and 5:30pm, Eastern Time, Monday through Friday.

For Application Kits and NOFA User Guide. You may obtain an application kit by calling the NOFA Information Center at 1–866–483–5327 (HUD–LEAP). Persons with speech or hearing impairments may call the Center's TTY number at 1–800–HUD–2209. When requesting an application kit, please refer to the Operation Lead Elimination Action Program (LEAP). Please be sure to provide your name, address (including zip code), and telephone number (including area code).

HUD is pleased to provide you with instructions for applying for this HUD program. Please note that if there is a discrepancy between information provided in the application kit and the information provided in the published NOFA, the information in the published NOFA prevails. Therefore, please be sure to review your application submission against the requirements in the NOFA.

For Further Information and Technical Assistance. You may contact Ellis G. Goldman, Director, Lead Hazard Control Grants Division, Office of Healthy Homes and Lead Hazard Control, at the address to which applications are to be submitted; telephone (202) 755–1785, extension 112 (this is not a toll-free number). If you are a hearing- or speech-impaired person, you may reach the above telephone numbers via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

II. Authority, Available Funding, and Amount Allocated

(A) The Operation Lead Elimination Program is authorized by HUD's FY 2002 Appropriation approved November 26, 2001 (Pub. L. 107–73).

(B) *Available Funding*. $6.5 million will be available for the FY 2002 Operation Lead Elimination Action Program (LEAP). Grants of 24 months duration will be awarded on a competitive basis following evaluation of all proposals according to the rating factors described in this NOFA. HUD anticipates that approximately 6–10 grants will be awarded.

(C) *Allocation of Funds/Grant Awards*. Operation LEAP will aggressively pursue additional private sector resources with the goal of securing the resources needed to eliminate lead-based paint hazards in housing. Resources generated by awardees must be used and/or distributed to assist National, State and local entities actively committed to lead hazard control in residential structures. All resources generated will be provided to state and local government and non-government entities that possess the requisite skills, certifications, and capacity to utilize these resources to conduct lead hazard control/abatement related activities in low-income privately owned rental or owner occupied housing containing lead-based paint hazards. All allocation decisions will be carried out with prior approval of the HUD Office of Healthy Homes and Lead Hazard Control.

III. Program Description, Eligible Applicants, Statutory Requirements, Eligible Activities, Strategies/ Approaches, Support Elements, and Ineligible Activities

(A) Program Description

Operation LEAP funds will be used to support non-profit and for-profit entities with substantial fund raising and/or leveraging skills to use those skills to mobilize substantial private sector resources for addressing lead hazards in housing. HUD is particularly looking for innovative or creative regional or nationwide fund raising and/or leveraging and mobilization strategies that can yield large amounts of contributions in a two-year time frame and also increase awareness of lead hazards and abatement measures in the home. Grants will be awarded to those entities that are able to demonstrate the ability to generate substantial private sector resources which can be used toward lead abatement programs and efforts, based upon the responses provided in the Factors for Award described below.

LEAP funds may also be used to eliminate lead-based paint hazards in low-income privately owned housing, which supplements the National strategy as defined by Title X of the Housing and Community Development Act of 1992 (42 U.S.C. 4851 *et. seq.*).

(B) Eligible Applicants

To be eligible to apply for funding under this program, the applicant must be a tax-exempt (501(c)), other non-profit or for-profit entity or firm.

(C) Eligible Activities

Activities that you may conduct for the purposes of developing a national or regional (multi-state) strategy designed to leverage or mobilize resources from the private sector may include but are not limited to:

(1) Recruiting and placing appropriate staff skilled in leveraging private sector resources;

(2) Identifying innovative approaches for mobilizing resources and coordinating activities among a number of diverse organizations in both the public and private sector;

(3) Providing all necessary administrative and indirect support, including rent, equipment, materials, travel expenses and logistics, and subcontractors/consultants necessary to carry out grant activities; and

(4) Conducting fund raising activities which will result in increased funding resources for use in carrying out lead hazard abatement and control activities in low-income privately owned or owner occupied housing with lead-based paint hazards.

(5) Other activities that may be carried out include: (a) Performing dust, paint or soil testing, hazard screens, inspections, and risk assessments of eligible housing constructed before 1978 to determine the presence of lead-based paint and/or lead hazards from paint, dust, or soil.

(a) Conducting lead hazard control, which may include: interim control of lead based paint hazards in housing (which may include specialized cleaning techniques to address lead dust); and abatement of lead-based paint hazards, including soil and dust, by means of removal, enclosure, encapsulation, or replacement methods. Unless there are only a few surfaces coated with lead paint, complete abatement of all lead-based paint or lead-contaminated soil is not usually acceptable as a cost-effective strategy unless justification is provided and subsequently approved by HUD. Abatement of lead-contaminated soil should be limited to areas with bare soil in the immediate vicinity of the structure, *i.e.,* drip line or foundation of the structure being treated, and children's play areas. All hazard control activities must comply with 24 CFR part 35, subpart R, the HUD Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing and all applicable Federal, State and local regulations; in the case of a conflict between any of the above, the more stringent shall apply.

(b) Carrying out temporary relocation of families and individuals during the period in which lead hazard control is conducted and until the time the affected unit receives clearance for re-occupancy.

(c) Performing blood lead testing and air sampling to protect the health of the hazard control workers, supervisors, and contractors.

(d) Undertaking minimal housing rehabilitation activities that are specifically required to carry out effective hazard control, and without which the hazard control could not be completed and maintained. Operation LEAP grant funds may be used for lead hazard control work done in conjunction with other housing rehabilitation programs. HUD strongly encourages integration of this grant program with housing rehabilitation, weatherization, and other energy conservation activities.

(e) Conducting clearance dust-wipe testing and associated laboratory analysis.

(D) Strategies/Approaches

The applicant is encouraged to employ creativity and initiative in achieving the objective of the program—the leverage of private sector resources to increase local and regional lead hazard control measures through a variety of means. Examples of possible strategies/approaches include but are not limited to the following:

(1) Enlist the support and resource commitment of financial institutions, foundations, private industry, and others to make residential housing lead-safe and eliminate lead poisoning as a public health threat to children.

(2) Solicit the support of national building materials providers, building component manufacturers, and housing-related national retail outlets to donate money or materials to lead hazard control programs in housing and health departments, landlords and owner-occupants to eliminate lead-based paint hazards in privately owned low-income dwellings. For example: a window, wallboard, or paint manufacturer/retailer could donate or coordinate the donation and distribution of windows to lead-based paint and/or rehabilitation projects throughout the country.

(3) Form partnerships with banks or other mortgage institutions willing to provide no or low-interest home improvement loans to finance lead hazard control activities and abatement measures among low-income recipients who would not otherwise be served. By participating, banks could fulfill a major element of their responsibilities under the Community Reinvestment Act.

(4) Create a national clearinghouse for facilitating the coordination and distribution of donated building materials such as windows, trim molding, paint, etc. to local projects involved in lead hazard control programs.

(5) Identify and facilitate the availability and use of temporary relocation facilities for families who need to move out of their dwellings while lead hazard control work is being undertaken. For example, hotel chains, colleges, and other lead-safe sites could be contacted to make housing for the temporary relocation of families available during lead hazard control.

(6) Work with landlord and tenant groups to form consortia or otherwise engage landlords and owner-occupants to enroll their eligible housing units in local lead hazard control or rehabilitation programs. The applicant should obtain commitments from landlords to provide matching resources for work to be done on their units. For example, LEAP could offer landlords grant funds for replacement windows if the landlords contribute the cost of additional repairs such as basic system upgrades, or other rehabilitation work including painting and maintenance that is associated with lead hazard control.

(7) Create a nationwide ''lead-safe unit'' identification seal of approval program that would be used by landlords and others to market lead-safe units. Housing units that safely complete hazard control activities, or housing units that pass a lead clearance test, would receive a lead-safe unit seal.

(8) Promote homebuilder, remodelers, or contractor associations to coordinate efforts to reduce lead hazards by contributing technical assistance, training, presentations and materials and/or labor to lead hazard control efforts.

(9) Encourage landscaping firms, nurseries, and landscape architects to contribute lead-safe soil, mulch, and other forms of vegetation cover and shrubbery designed to mitigate lead contamination of soil around the exterior/perimeter and play areas of affected housing units.

(10) Work with faith-based and other community-based organizations that are committed to improving the quality of life within the community.

(11) Provide training for significant numbers of trades people to implement lead safe work practices, such as window replacement and weatherization work.

(12) Expand dust testing and clearance testing, especially in high-risk communities.

(E) Support Elements

(1) Administrative costs: Up to 10 percent of the HUD funds may be used for administration. Such costs would include the costs associated with completing HUD reports, accounting and bookkeeping expenses, costs associated with obtaining audits, and other direct grant management expenses

(*see* Appendix A for definition of Administrative Costs applicable to this program).

(2) Up to 20 percent of the *leveraged funds* may be used for training, lead hazard awareness and other public education, outreach and education initiatives.

(F) Ineligible Activities

You may not use grant funds for any of the following:

(1) Purchase of real property.

(2) Chelation or other medical treatment costs related to children with elevated blood lead levels.

(3) Lead hazard control activities in publicly owned housing, or project-based Section 8 housing.

(4) Capital expenditures in excess of $5,000 per unit cost.

IV. Program Requirements

Period of Performance

The period of performance is 24 months. Grantees will be expected to report on program progress on a quarterly basis in a format provided by HUD. HUD reserves the right to approve no-cost time extensions for a period of up to 24 months based upon the submission of adequate justification by the grantee.

Statutory Requirements

To be eligible for funding under this NOFA, the applicant must meet all Federal statutory and regulatory requirements applicable to this program. The specific requirements will be identified in the grant agreement for successful applicants. In addition, you will be required to comply with all State and local statutes, regulations, or other applicable requirements.

Threshold Requirements

(1) Compliance with Fair Housing and Civil Rights Laws

(a) All applicants and their sub-recipients must comply with all Fair Housing and civil rights laws, statutes, regulations, and executive orders as enumerated in 24 CFR 5.105(a).

(b) You may not apply for assistance under this NOFA if you, the applicant:

(i) Have been charged with a systemic violation of the Fair Housing Act alleging on-going discrimination;

(ii) Are a defendant in a Fair Housing Act lawsuit filed by the Department of Justice alleging an ongoing pattern or practice of discrimination; or

(iii) Have received a letter of non-compliance findings under Title VI, Section 504, or Section 109, and if the charge, lawsuit, or letter of findings has not been resolved to HUD's satisfaction before the application deadline stated in the individual program NOFA.

HUD's decision regarding whether a charge, lawsuit, or a letter of findings has been satisfactorily resolved will be based upon whether appropriate actions have been taken to address allegations of on-going discrimination in the policies or practices involved in the charge, lawsuit, or letter of findings.

(2) Additional Non-discrimination Requirements

You, the applicant, and your sub-recipients must comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 1201 *et seq.*) and Title IX of the Education Amendments Act of 1972 (20 U.S.C. 1681 *et seq*).

(3) Affirmatively Furthering Fair Housing

Under section 808(e)(5) of the Fair Housing Act, HUD is obliged to affirmatively further fair housing. HUD requires the same of its grant recipients. If you are a successful applicant, you will have a duty to affirmatively further fair housing opportunities for classes protected under the Fair Housing Act. Protected classes are race, color, national origin, religion, sex, disability or perceived disability, and family status. Unless otherwise instructed in this NOFA, your application must include specific steps to:

(a) Overcome the effects of impediments to fair housing that were identified in the jurisdiction's Analysis of Impediments (AI) to Fair Housing Choice;

(b) Remedy discrimination in housing.

(4) Promote fair housing rights and fair housing choice

Further, you, the applicant, have a duty to carry out the specific activities provided in your responses to the NOFA rating factors that address affirmatively furthering fair housing.

(5) Conducting Business in Accordance with Core Values and Ethical Standards

Entities subject to 24 CFR parts 84 and 85 (most non-profit organizations and State, local, and tribal governments or government agencies or instrumentalities who receive Federal awards of financial assistance) are required to develop and maintain a written code of conduct (*see* §§ 84.42 and 85.36(b)(3)). Consistent with regulations governing this program, your code of conduct must: prohibit real and apparent conflicts of interest that may arise among officers, employees, or agents; prohibit the solicitation and acceptance of gifts or gratuities by your officers, employees, and agents for their personal. If awarded assistance under this NOFA, you will be required, prior to entering into a grant agreement with HUD, to submit a copy of your code of conduct and describe the methods you will use to ensure that all officers, employees, and agents of your organization are aware of your code of conduct.

(6) Environmental Policy

The application shall contain an assurance that the applicant agrees to assist HUD in complying with 24 CFR part 50 and that, where LEAP funds are proposed to be used for eligible physical activities, the applicant shall:

(a) Supply HUD with all available relevant information necessary for HUD to perform for each property any environmental review required by 24 CFR part 50;

(b) Carry out mitigating measures required by HUD or select alternate eligible property; and

(c) Not rehabilitate, convert, or repair property, nor commit or expend HUD or HUD-leveraged funds for these program activities with respect to any eligible property repair, until HUD approval of the property is received.

The instructions for this assurance and certification are located in ''Section 2—Preparing Your Application'' of the application kit.

(7) Coastal Barrier Resources Act

Pursuant to the Coastal Barrier Resources Act (16 U.S.C. 3501), you may not use grant funds for properties located in the Coastal Barrier Resources System.

(8) Flood Disaster Protection Act

Under the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001–4128), you may not use grant funds for lead-based paint hazard control of a building or manufactured home that is located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless:

(a) The community in which the area is situated is participating in the National Flood Insurance Program in accordance with the applicable regulations (44 CFR parts 59–79), or less than a year has passed since FEMA notification regarding these hazards; and

(b) Where the community is participating in the National Flood Insurance Program, flood insurance on the property is obtained in accordance with section 102(a) of the Flood Disaster Protection Act (42 U.S.C. 4012a(a)). You are responsible for assuring that flood

insurance is obtained and maintained for the appropriate amount and term.

V. Application Selection Process

(A) Award Offers

In the selection process, once available funds have been allocated to meet the requested or negotiated amounts of the top eligible applicants, HUD reserves the right to offer any residual amount as partial funding to the next eligible applicant, provided HUD is satisfied that the residual amount is sufficient to support a viable though reduced effort by such applicant(s). If you are an applicant that is offered a reduced grant amount, you will have a maximum of seven (7) calendar days to accept such a reduced award and a maximum of 30 calendar days after acceptance to submit a revised strategy and budget. If you fail to respond within the seven-day limit, you shall be considered to have declined the award and the award will be offered to the next highest ranked applicant. HUD intends to fund the highest ranked applications within the limits of funding.

(B) Budget

HUD will evaluate your proposal to determine if it is reasonable, clearly justified, and consistent with the intended use of grant funds. HUD is not required to approve or fund all proposed activities. You must thoroughly document and justify all budget categories and costs (Part B of Standard Form 424A).

(C) Factors for Award Used to Evaluate and Rate Applications

The factors for rating and ranking applicants, and maximum points for each factor, are stated below. The maximum number of points to be awarded is 100. Your application must receive a total score of at least 70 points to remain in consideration for funding.

Rating Factor 1: Organizational Capacity (30 points)

(1) Description: This factor addresses your organizational capacity to successfully implement the proposed activities in a timely manner.

(a) Describe the knowledge and experience of the staff responsible for the following functions: Executive Direction, Finance, Marketing, and Program Coordination. The applicant must have sufficient qualified personnel or be able to quickly retain qualified experts or professionals in financial/grant management, marketing, and lead-based paint programs that will allow you to immediately begin your proposed work program and to perform your proposed activities within the two-year period of performance. In your narrative, you should include information about your organization and staff capacity in fund raising and/or leveraging, private sector recruitment, lead-based paint identification and lead hazard control that you have successfully conducted recently (*e.g.*, within the past five years). Include a discussion of staff knowledge and expertise in fund raising, organizational skills, lead hazard control and lead-safe housing. Your discussion on capacity should include the depth and range (depth dealing with the number of persons with available knowledge and expertise, and range dealing with the extent of knowledge and expertise) of your program staff, their experience, commitment of time to the program, salary information, length of time with organization and position titles. Resumes or detailed job announcements for the above key positions must be included as an Appendix with your application. Indicate the percentage of time that key personnel will devote to your proposed project. The Program Coordinator must be dedicated to this effort for a minimum of 75 percent of the time. You may demonstrate capacity by thoroughly describing your prior experience in this type of activity and/or how you will develop the necessary capacity to carry out proposed activities.

(b) Describe your agency or organization's ability to manage grants and leveraged program funds and activities.

(c) Describe the knowledge you and your project participants/partners possess regarding lead poisoning as a public health threat to children, and your experience and/or knowledge of lead-based paint issues and hazard control. Use of staff with more recent, relevant and demonstrated successful experience will result in a higher rating.

Rating Factor 2: Approach (35 points)

(1) Description: This factor addresses the work plan strategy that the applicant intends to follow in meeting the goals and objectives of the program. This work plan strategy should address the following:

(2) Describe the selection process for those organizations that are to conduct or coordinate work activities for lead hazard control, outreach, evaluation, *etc.* Describe how you intend to involve faith-based and other community-based organizations in your proposed activities.

(3) Describe the proposed strategy for leveraging private sector resources including:

(a) Target audiences/constituencies;

(b) Use of contractors/subgrantees/partners and their method of selection;

(c) Methods of outreach/promotion;

(d) Types of leveraging to be employed;

(e) Proposed use and distribution of funds/resources leveraged;

(f) Overall project management and coordination;

(g) Proposed schedule of activities within the 24-month period of performance.

Rating Factor 3: Leveraging Resources (35 points)

(1) Description: This factor addresses your ability to obtain and use private sector resources or leverage private sector activities that can be combined with HUD and other program resources to achieve program objectives. The applicant should:

(a) Describe what your organization has done in the recent past (e.g., within the past five years) that gives evidence that it has the ability and experience to leverage substantial resources. Describe specific activities, the amount of funds or goods leveraged, and what the leveraged funds were used to support. If you have experience in generating funds or goods for purposes similar to addressing lead paint abatement or control measures, you should describe those activities and the results achieved.

(b) Describe the types of public or private sector commitments, if any, you already have to devote to your LEAP grant program activities, and anticipated future amounts to be generated. Based upon the estimated amount of funding you anticipate leveraging over the life of the award, identify the general geographic locations of the units the increased funding or leveraged goods that will be treated as a result of your work. Also provide an estimate of the number of units that can be expected to be treated as well as the type of treatment to be used. Your description of the location of treatment areas should be sufficient to determine that the units serve low-income persons. Generated resources may include cash or in-kind contributions of services, equipment, or supplies. In evaluating this factor, HUD will consider the extent to which you have established working partnerships, memoranda of understanding and/or firm agreements with other identified entities for the commitment of additional resources. Resources may be provided by any private source, including contributions of investor-owners. However, care should be taken in calculating such contributions when the exact amount is not easily determined. Applicants that do not have such partnerships at the time of

application will be required to establish partnerships immediately following notification of grant award. Only contributions that have a stated monetary value with supporting documentation from the contributing organization/entity authorized to make such commitment must sign all the commitments to receive credit in the evaluation for existing resources. Firm established commitments will be rated more highly than applications with commitments that have not yet been established. Applicants that have targeted specific high-risk neighborhoods or geographic locations for leveraging/fund raising and abatement/control activities will receive a higher number of rating points.

(D) Applicant Debriefing

Beginning not less than 30 days after the awards for assistance are announced in the **Federal Register**, and for at least 120 days after awards for assistance are announced, HUD will provide any requesting applicant with a debriefing on their application. All requests for debriefing must be made in writing or by email by the authorized official whose signature appears on the HUD–424 or his/her successor in office. Submit your request to the person or organization identified as the Contact under the section entitled ''Further Information and Technical Assistance.'' Information provided to you during your debriefing will include, at a minimum, the final score you received for each rating factor, final evaluator comments for each rating factor, and the final assessment indicating the basis upon which assistance was provided or denied.

(E) Rating Panels

To review and rate applications, HUD may establish panels. These panels may include persons not currently employed by HUD. HUD may include these non-HUD employees to obtain certain expertise and outside points of view, including views from other Federal agencies.

(F) Adjustments to Funding

(1) HUD will not fund any portion of your application that is not eligible for funding under specific program statutory and regulatory requirements; or which does not meet the requirements of this NOFA. Only the eligible portions of your application (including non-duplicative portions) may be funded.

(2) If funds remain after the highest-ranking applications, HUD may fund all or part of the next highest-ranking application in a given program. If you, the applicant, turn down an award offer, HUD will make an offer of funding to the next highest-ranking application.

(G) Performance and Compliance Actions of Grantees

HUD will measure and address the performance and compliance actions of grantees in accordance with the applicable standards and sanctions of their respective state and local programs.

VI. Application Submission Requirements

(A) Applicant Information

(1) Application Format

The application narrative response to the Rating Factors are limited to a maximum of 15 pages. Your response must be typewritten on one (1) side only on 8 ½″ × 11″ paper using a 12-point (minimum) font with not less than ¾″ margins on all sides. Appendices should be referenced and discussed in the narrative response. Materials provided in the appendices should directly apply to the rating factor narrative.

(2) Application Checklist

Your application must contain the items listed in the Checklist and Submission Table of Contents included in Appendix B of this NOFA. These items include the standard forms, certifications, and assurances listed that are applicable to this funding (collectively, referred to as the ''standard forms''). The standard forms can be found in Appendix B of this NOFA. The application items required for submission are:

(a) Transmittal Letter that identifies ''the applicant'' (or applicants) submitting the application, the dollar amount requested, what the program funds are requested for, and the nature of involvement with community-based organizations.

(b) The name, mailing address, telephone number, and principal contact person of ''the applicant.'' If you have consortium associates, sub-grantees, partners, major subcontractors, joint venture participants, or others contributing resources to your project, you must provide similar information for each of these partners.

(c) *Applicant Abstract.* Provide an abstract describing the goals and objectives of your proposed program (2 page maximum).

(d) HUD 424, Application for Federal Assistance.

(e) HUD 424–B, Applicant Assurances and Certifications.

(f) HUD 424C, Budget Summary for Competitive Grant Programs.

(g) Standard Form SF–LLL and HUD Form 2880:

(h) Contracts, Memoranda of Understanding or Agreement, letters of commitment or other documentation must describe the proposed roles of agencies, local broad-based task forces, participating faith-based and other community or neighborhood-based groups or organizations, local businesses, and others working with the program. For profit entities and/or firms must clearly demonstrate and document how the lead-based paint hazard identification and control measures will be coordinated with local organizations, State(s) or units of general local government to carry out lead hazard control.

(i) *Assurances.* All applicants must comply with HUD's policy on assurances as listed in section IV(6) of this NOFA.

(B) Proposed Activities

All applications must, at a minimum, describe the proposed activities in the narrative responses to the rating factors. Your narrative statement must be numbered in accordance with each factor for award (Rating Factors 1 through 3).

VII. Findings and Certifications

(A) Environmental Impact

A Finding of No Significant Impact with respect to the environment was made in accordance with HUD regulations at 24 CFR part 50 that implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding of No Significant Impact remains available for public inspection during regular business in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC. 20410–0500.

(B) Federalism Impact

Executive Order 13132 (captioned ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating a regulation that has federalism implications and either imposes substantial direct compliance costs on State and local governments and is not required by statute, or preempts State law, unless the relevant requirements of section 6 of the Executive Order are met. This NOFA does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

(C) Executive Order 12372, Intergovernmental Review of Federal Programs

Executive Order 12372 was issued to foster intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of Federal financial assistance and direct Federal development. The Order allows each State to designate an entity to perform a State review function. The official listing of State Points of Contact (SPOC) for this review process can be found at *http://www.whitehouse.gov/omb/grants/spoc.html*. States not listed on the Web site have chosen not to participate in the intergovernmental review process and, therefore, do not have a SPOC. If your State has a SPOC, you should contact them to see if they are interested in reviewing your application prior to submission to HUD. Please make sure that you allow ample time for this review process when developing and submitting your applications. If your State does not have a SPOC, you may send applications directly to HUD.

(D) Prohibition Against Lobbying Activities

Applicants for funding under this NOFA are subject to the provisions of section 319 of the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 1991 (31 U.S.C. 1352) (the Byrd Amendment) and to the provisions of the Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved December 19, 1995).

The Byrd Amendment, which is implemented in regulations at 24 CFR part 87, prohibits applicants for Federal contracts and grants from using appropriated funds to attempt to influence Federal executive or legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment, or modification. The Byrd Amendment applies to the funds that are the subject of this NOFA. Therefore, applicants must file a certification stating that they have not made and will not make any prohibited payments and, if any payments or agreement to make payments of non-appropriated funds for these purposes have been made, a form SF–LLL disclosing such payments must be submitted.

The Lobbying Disclosure Act of 1995 (Pub. L. 104–65; approved December 19, 1995), which repealed section 112 of the HUD Reform Act, requires all persons and entities who lobby covered executive or legislative branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

(E) Accountability in the Provision of HUD Assistance

Section 102 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act) and the regulations in 24 CFR part 4, subpart A, contain a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by HUD. On January 14, 1992 (57 FR 1942), HUD published a notice that also provides information on the implementation of section 102. HUD will comply with the documentation, public access, and disclosure requirements of section 102 with regard to the assistance awarded under this NOFA, as follows:

(1) Documentation and public access requirements

HUD will ensure that documentation and other information regarding each application submitted pursuant to this NOFA is sufficient to indicate the basis upon which assistance was provided or denied. This material, including any letters of support, will be made available for public inspection for a 5-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

(2) Disclosures

HUD will make available for public inspection for 5 years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also reported on HUD Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period less than three years. All reports, both applicant disclosures and updates, will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15.

(3) Publication of Recipients of HUD Funding

HUD's regulations at 24 CFR part 4 provide that HUD will publish a Notice in the Federal Register to notify the public of all decisions made by the Department to provide:

(a) Assistance subject to section 102(a) of the HUD Reform Act; and/or

(b) Assistance provided through grants or cooperative agreements on a discretionary (non-formula, non-demand) basis, but that is not provided on the basis of a competition.

(F) Section 103 HUD Reform Act

HUD will comply with section 103 of the Department of Housing and Urban Development Reform Act of 1989 and HUD's implementing regulations in subpart B of 24 CFR part 4 with regard to the funding competition announced today. These requirements continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are limited by section 103 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under section 103 and subpart B of 24 CFR part 4.

Applicants or employees who have ethics related questions should contact the HUD Ethics Law Division at (202) 708–3815 (this is not a toll-free number). For HUD employees who have specific program questions, such as whether particular subject matter can be discussed with persons outside HUD, the employee should contact the appropriate Field Office Counsel.

(G) Paperwork Reduction Act Statement

The LEAP information collection requirements contained in this NOFA have been approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and assigned OMB control number 2539–0015. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

IX. Corrections to Deficient Applications

After the application due date, HUD may not, consistent with its regulations in 24 CFR part 4, subpart B, consider any unsolicited information you may want to provide. HUD may contact you to clarify an item in your application or to correct technical deficiencies. HUD may not seek clarification of items or responses that improve the substantive quality of your response to any rating factors. In order not to unreasonably exclude applications from being rated and ranked, HUD may contact applicants to ensure proper completion of the application and will do so on a

uniform basis for all applicants. Examples of curable (correctable) technical deficiencies include failure to submit the proper certifications or failure to submit an application that contains an original signature by an authorized official. In each case, HUD will notify you in writing by describing the clarification or technical deficiency. HUD will notify applicants by facsimile or by USPS, return receipt requested. Clarifications or corrections of technical deficiencies in accordance with the information provided by HUD must be submitted within 14 calendar days of the date of receipt of the HUD notification. (If the due date falls on a Saturday, Sunday, or Federal holiday, your correction must be received by HUD on the next day that is not a Saturday, Sunday, or Federal holiday.) If the deficiency is not corrected within this time period, HUD will reject the application as incomplete and it will not be considered for funding.

X. Environmental Requirements

Certain activities assisted under this program may be subject to HUD environmental review to the extent required under 24 CFR part 50. An award under the Lead Elimination Action Program (LEAP) does not constitute approval of specific sites where activities that are subject to environmental review may be carried out. Following grant award execution, HUD will be responsible for ensuring that any necessary environmental reviews are completed. You may not rehabilitate, convert or repair property, or commit or expend grant funds or HUD-leveraged funds for any eligible property, until you receive written notification from the appropriate HUD official that HUD has completed its environmental review and the property has been approved. The results of the environmental reviews may require that proposed activities be modified or proposed sites rejected.

Dated: July 29, 2002.

David Jacobs,

Director, , Office of Healthy Homes and Lead Hazard Control.

Appendix A: Administrative Costs

Appendix B: Checklist and Submission Table of Contents and Applicable Forms

Appendix C: Other requirements

The standard forms applicable to the Office of Healthy Homes and Lead Hazard Control Operation LEAP application are included in this Appendix.

Appendices and Common Forms

Appendix A—Administrative Costs

I. Purpose

The intent of this HUD grant program is to allow the Grantee to be reimbursed for the reasonable direct and indirect costs, subject to a top limit, for overall management of the grant. In most circumstances the Grantee, whether a state or a local government, is expected to serve principally as a conduit to pass funding to sub-grantees, which are to be responsible for performance of the lead-hazard reduction work. Up to *10 percent of the federal funds* may be used for administration. Such costs would include the costs associated with completing HUD reports, accounting and bookkeeping expenses, costs associated with obtaining audits, and other direct grant management expenses.

II. Administrative Costs: What They Are Not

For the purposes of this HUD grant program the term ''administrative costs'' should not be confused with the terms ''general and administrative cost'', ''indirect costs'', ''overhead'', and ''burden rate''. These are accounting terms, usually represented by a government-accepted standard percentage rate. The percentage rate allocates a fair share of an organization's costs that cannot be attributed to a particular project or department (such as the chief executive's salary or the costs of the organization's headquarters building) to all projects and operating departments (such as the Fire Department; the Police Department; the Community Development Department, the Health Department or this program). Such allocated costs are added to those projects' or departments' direct costs to determine their total costs to the organization.

III. Administrative Costs: What They Are

For the purposes of this HUD grant program, ''Administrative Costs'' are the Grantee's allowable direct costs for the overall management of the grant program plus the allocable indirect costs. The allowable limit of such costs that can be reimbursed under this program is ten (10) percent of the federal funds may be used for administration. Should the Grantee's actual costs for overall management of the grant program exceed ten (10) percent of the total federal funds, those excess costs shall be paid for by the Grantee. However, excess costs paid for by the Grantee may be shown as part of the requirement for cost-sharing funds to support the grant.

IV. Administrative Costs: Definition

A. General

Administrative costs are the allowable, reasonable, and allocable direct and indirect costs related to the overall management of the HUD grant for lead-hazard reduction activities. Those costs shall be segregated in a separate cost center within the Grantee's accounting system, and they are eligible costs for reimbursement as part of the grant, subject to the ten (10) percent limit. Such administrative costs do not include any of the staff and overhead costs directly arising from specific sub-grantee program activities eligible under this NOFA, because those costs are eligible for reimbursement under a separate cost center as a direct part of project activities.

The Grantee may elect to serve solely as a conduit to sub-grantees, who will in turn perform the direct program activities eligible under this NOFA, or the Grantee may elect to perform all or a part of the direct program activities in other parts of its own organization, which shall have their own segregated, cost centers for those direct program activities. In either case, not more than up to 10 percent of the federal funds may be used for administration. 10 percent of the total HUD award may be devoted to administrative costs, and not less than 90% of the total grant sum shall be devoted to direct program activities. Grantee shall take care not to mix or attribute administrative costs to the direct project cost centers.

B. Specific

Reasonable costs for the Grantee's overall grant management, coordination, monitoring, and evaluation are eligible administrative costs. Subject to the ten (10) percent limit, such costs include, but are not limited to, necessary expenditures for the following, goods, activities and services:

(1) Salaries, wages, and related costs of the Grantee's staff, the staff of affiliated agencies, or other staff engaged in Grantee's overall grant management activities. In charging costs to this category the recipient may either include the entire salary, wages, and related costs allocable to the program for each person whose primary responsibilities (more than 65% of their time) with regard to the grant program involve direct overall grant management assignments, or the pro rata share of the salary, wages, and related costs of each person whose job includes any overall grant management assignments. The Grantee may use only one of these two methods during this program. Overall grant management includes the following types of activities:

(a) Preparing Grantee program budgets and schedules, and amendments thereto;

(b) Developing systems for the selection and award of funding to sub-grantees and other sub-recipients;

(c) Developing suitable agreements for use with sub-grantees and other sub-recipients to carry out grant activities;

(d) Developing systems for assuring compliance with program requirements;

(e) Monitoring sub-grantee and sub-recipient activities for progress and compliance with program requirements;

(f) Preparing presentations, reports, and other documents related to the program for submission to HUD;

(g) Evaluating program results against stated objectives;

(h) Providing local officials and citizens with information about the overall grant program; (However, a more general education program, helping the public understand the nature of lead hazards, lead hazard reduction, blood-lead screening, and the health consequences of lead poisoning is a direct project support activity).

(i) Coordinating the resolution of overall grant audit and monitoring findings; and

(j) Managing or supervising persons whose responsibilities with regard to the program include such assignments as those described in paragraphs (a) through (i).

(2) Travel costs incurred for official business in carrying out the overall grant management;

(3) Administrative services performed under third party contracts or agreements, for services directly allocable to overall grant management such as overall-grant legal services, overall-grant accounting services, and overall-grant audit services;

(4) Other costs for goods and services required for and directly related to the overall management of the grant program, including such goods and services as telephone, postage, rental of equipment, renter's insurance for the program management space, utilities, office supplies, and rental and maintenance (but not purchase) of office space for the program.

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Annex B

Threshold Review Checklist

Name of Applicant

HUD Office of Healthy Homes & Lead Hazard Control Programs Threshold Review Checklist

This Threshold Review Checklist will be used to conduct the Threshold Reviews of the Lead Elimination Action Program. This is the form that will be used by HUD and is provided as part of the application kit to assist you in preparing a complete application. It is not necessary to include this checklist with your application.

The following checklist is provided to ensure that the applicant has submitted all of the required items in order to receive consideration for funding. **Reviewers must check off each item that has been included in the submission package and note the corresponding page number where the response is located.**

	Check One **OK**	**Problem**	***Review Criterion***	***Standards for Performance***	**Assessment** **(Include page number)**
1			Transmittal Letter	Did an authorized official sign the transmittal letter?	Yes No Page _____
2			Abstract	Does the application include an abstract? *(not to exceed 2 pages)*	Yes No Page _____
3			LEAP	Is the applicant a nonprofit or for-profit entity or firm?	Yes No
4			HUD 424	What is the total amount of Federal funds requested? How much has been shown as leverage?	Federal _____ Leverage _____ Total _____
5			HUD 424-B	Did applicant submit the 424B Assurances and Certifications?	Yes No
6			HUD 424-C	Did the applicant submit the 424C Budget Summary?	Yes No
	Certifications and Disclosures			Review the Certifications and Disclosures to ensure they are signed or properly executed	**Circle One**
7			HUD 2880	Did the applicant complete and sign the HUD 2880?	Yes No
8			Certifications and Disclosures	Lobbying SF-LLL	Yes No Page _____ or Not required (As Stated by Applicant)
9			Application Size and Style	Is the application narrative in response to the Rating Factors 15 pages or less? Are the type size and margins appropriate? (at least 12 point type and at least ¾" margins)	Yes No Yes No
10			Civil Rights Findings	The applicant *has* been identified with civil rights findings.	Yes No

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Appendix C—Other Requirements; Guidance on Requirements Issues

Drug-Free Workplace

Background and Requirement

The applicant must make certifications and agreements to provide a drug-free workplace. If it is later determined that the applicant knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.

How Should You Respond to This Requirement?

Enclose with the application submission a completed copy of the Certification for a Drug-Free Workplace form.

Indicate the address of the worksite on the form. When completing this form, the applicant's office address should be considered the worksite.

You Should Include

The address of the worksite on the signed form.

Public Access to Application Material

Background and Requirement

Applications submitted in response to this NOFA are subject to disclosure under the Freedom of Information Act (FOIA) (5 U.S.C. 552 and HUD regulations at 24 CFR part 15). Application material, including any letters of support, will be made available for public inspection for a five-year period beginning not less than 30 days after the announcement of the awards.

HUD will publish in the **Federal Register** a notice listing all the recipients of HUD assistance awarded on a competitive basis under this NOFA.

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA.

The applicant may note, by clearly identifying or otherwise indicating those portions of your application, which information you believe should not be disclosed in the event of a FOIA request. While HUD will consider your advice in its determination whether to release the requested information, HUD is required by the FOIA to make an independent evaluation of that information. If you believe that confidential treatment is appropriate, the basis for this view should be provided where possible, because general assertions or blanket requests for confidentiality are not particularly helpful to HUD in making determinations concerning release of information under the Act.

It should also be noted that HUD is required to segregate disclosable information from non-disclosable items, so particular care should be taken in the identification of each portion for which confidential treatment is requested. Applicant views concerning confidentiality will be used solely to aid HUD in preparing its response to FOIA requests. Please note that the presence or absence of such comments or earmaking regarding confidential information will have no bearing whatsoever on the evaluation of your application submitted under this solicitation, nor will the absence of this earmarking automatically result in greater disclosure.

You should evaluate your proposal to determine if it contains any material that should be treated as confidential.

How Should You Respond?

Enclose with the application submission a completed copy of the HUD Form 2880 Applicant/Recipient Disclosure/Update Report.

All applicants must sign the HUD Form 2880.

You Should Include

A signed copy of the HUD Form 2880.

Prohibition Against Lobbying Activities

Background and Requirement

Applicants for funding under this NOFA are subject to the provisions of Section 319 of the Department of Interior and Related Agencies Appropriations Act for FY 1991 (31 U.S.C. 1352, the Byrd Amendment) and the lobbying Disclosure Act of 1995 (P.L. 104–65). The Byrd amendment, which is implemented in HUD regulations at 24 CFR 87, prohibits applicants for and recipients and sub-recipient of Federal contracts, grants, loans, cooperative agreements, and loan insurance or guarantees from using appropriated funds to attempt to influence Federal Executive or Legislative officers or employees in connection with obtaining such assistance, or with its extension, continuation, renewal, amendment, or modification.

In addition, applicants for and recipients and sub-recipients of Federal contracts, grants, loans, cooperative agreements, and loan insurance or guarantees above certain monetary amounts must file either a certification stating that they have not made and will not make any prohibited payments or a statement disclosing any prohibited payments or agreements to make such payments.

Requirement—The Lobbying Disclosure Act requires all persons and entities that lobby covered Executive or Legislative Branch officials to register with the Secretary of the Senate and the Clerk of the House of Representatives and file reports concerning their lobbying activities.

How Should You Respond to This Requirement?

If applicable, complete the Disclosure of Lobbying Activities—Form SF–LLL that is included in this application package. If not applicable, please indicate on the Checklist and Submission Table of Contents.

You Should Include

A signed copy of the Form SF–LLL (all pages must be signed) or statement that the form SF–LLL is not required.

Debarred and Suspended Applicants

Background and Requirement

HUD shall not award an assistance instrument to any applicant that is debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs under Executive Order 12549. Prior to award, HUD shall check the General Services Administration's Lists of Parties Excluded from Federal Procurement and Non-procurement Programs. Any applicant found to be on that list shall be ineligible for an award under this NOFA.

How Should You Respond to This Requirement?

Enclose with the application submission a completed copy of the Certification regarding debarred or suspended applicants form.

Other Issues (No Response Is Required in Application)

Davis-Bacon Act—The Davis-Bacon Act does not apply to this program. However, if Lead Elimination Action Program funds are used in conjunction with other Federal programs in which prevailing wage rates apply, then Davis-Bacon provisions would apply to the extent required under the other Federal programs.

Prohibition Against Advance Information on Funding Decisions—HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) (HUD Reform Act), codified at 24 CFR 4, applies to this funding competition. The requirements of the rule continue to apply until the announcement of the selection of successful applicants. HUD employees involved in the review of applications and in the making of funding decisions are prohibited from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this competition should confine their inquiries to the subject areas permitted under 24 CFR 4. Applicants or employees who have ethics-related questions should contact the HUD Office of Ethics (202) 708–3815 (this is not a toll-free number).

Procurement Standards—All grantees are governed by and should consult 24 CFR 85.40. Sections 84.41 through 84.48 set forth standards for use by recipients in establishing procedures for the procurement of supplies and other expendable property, equipment, real property and other services with Federal funds. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders. No additional procurement standards or requirements shall be imposed by HUD upon recipients, unless specifically required by Federal statute or executive order or approved by OMB.

Federalism Executive Order—The General Counsel, as the Designated Official under Section 8(a) of Executive Order 12612, Federalism, has determined that the policies and procedures contained in this NOFA will not have substantial direct effects on States

or their political subdivisions, or the relationship between the Federal Government and the States, or the distribution of power and responsibilities among the various levels of government. Under this NOFA, grants will be made for the control of lead-based paint and lead-dust hazards in low-income, owner-occupied units and privately owned, low-income rental units. Although HUD encourages State and local governments to initiate or expand lead-based paint certification, testing, abatement, and financing programs, any action by a State or local government in these areas is voluntary. Because action is not mandatory, the NOFA does not impinge upon the relationships between the Federal Government, and State and local governments, and the notice is not subject to review under the Order.

Family Executive Order—The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this document will likely have a beneficial impact on family formation, maintenance and general well being. The NOFA, insofar as it controls lead-based paint hazards in privately owned housing, will assist in preserving decent housing stock for low-income resident families. Accordingly, since the impact on the family is beneficial, no further review is necessary.

Common Forms

The following forms are provided in this section

HUD 424 Application for Federal Assistance *

HUD–424–B Applicant Assurances and Certifications *

SF–424C Budget Summary for Competitive Grant Programs

HUD–2880 Applicant/Recipient Disclosure/Update Report *

SF–LLL Disclosure of Lobbying Activities *

* These forms are also available as fillable Adobe Reader (PDF) or Word (DOC) formats from the HUDClips Web site at *www.hudclips.org* (available from the HUD home page at *www.hud.gov*).

† These forms are also available as Excel (XLS) spreadsheets from the HUD Office of Healthy Homes and Lead Hazard Control Web site at *www.hud.gov/offices/lead*.

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Federal Register

Monday,
August 5, 2002

Part III

Department of Agriculture

Farm Service Agency

7 CFR Parts 735, 736, 737, 738, 739, 740, 741, and 742

Implementation of the United States Warehouse Act; Final Rule

DEPARTMENT OF AGRICULTURE

Farm Service Agency

7 CFR Parts 735, 736, 737, 738, 739, 740, 741 and 742

RIN 0560–AG45

Implementation of the United States Warehouse Act

AGENCY: Farm Service Agency, USDA.

ACTION: Final rule.

SUMMARY: This final rule revises the regulations administering the United States Warehouse Act (USWA) to implement the provisions of the Grain Standards and Warehouse Improvement Act of 2000 (the 2000 Act). The 2000 Act amended the USWA in its entirety. The 2000 Act updates Federal warehouse licensing operations, authorizes electronic warehouse receipts (EWR) for all commodities, and authorizes the Secretary of Agriculture (Secretary) to establish regulations for voluntary systems for other electronic documents (OED) related to sales and transfers of agricultural products. The USWA is administered by the Farm Service Agency (FSA).

EFFECTIVE DATE: August 5, 2002.

FOR FURTHER INFORMATION CONTACT: Roger Hinkle, Chief, Licensing Authority Branch, Warehouse and Inventory Division, FSA, USDA, Room 5971, STOP 0553, 1400 Independence Avenue, SW., Washington, DC 20250–0553, telephone (202) 720–2121, FAX (202) 690–3123, e-mail address, *USWA@wdc.fsa.usda.gov,* or the USWA Internet Web page at *http://www.fsa.usda.gov/daco/uswa.htm.* Persons with disabilities who require alternative means for communication of regulatory information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

A Regulatory Impact Analysis (RIA) was prepared. The use of electronic systems will expedite and facilitate the timely receipt and acceptance of documents at export or cross-border points in trade of agriculture products. The cost to operate the USWA is paid for by users of the program. Therefore, governmental cost of implementing the 2000 Act for the current and future fiscal years is budget neutral, meaning expenses must approximate equal collections. Using total grain movements as an example of a closed marketing system, and using knowledge garnered from cotton industry participants of existing electronic systems, FSA's analysis indicates a potential benefit of $74 million available to the marketplace. While $74 million is a relatively small amount in absolute terms for the multi-billion dollar grain industry, the industry operates on low margins, and the benefits are not insignificant.

Copies of the RIA are available upon request at the address shown above.

Regulatory Flexibility Act

FSA finds that the Regulatory Flexibility Act does not apply to this final rule because the rule does not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

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

Environmental Evaluation

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

Executive Order 12372

The provisions and activities of this Act are not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Unfunded Mandates Reform Act of 1995

The provisions of Title II of the Unfunded Mandates Reform Act of 1995 are not applicable to this rule because the rule does not mandate expenditures by State, local or tribal governments, in the aggregate, or by the private sector, of the threshold amount, $100 million.

Executive Order 12612

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

Paperwork Reduction Act

This final rule requires only minor changes to the information collection requirements that are currently approved by OMB under control number 0560–0120. A proposed rule containing an estimate of the information collection burden of these regulations was published on September 4, 2001, in the **Federal Register** [66 FR 46310] for public comment. FSA received comments concerning the use of acronyms to identify when an information block or data field is intentionally unused. FSA addresses this issue in the background of the final rule. A new request for approval of the information collections has been submitted to OMB.

Background

The 2000 Act, enacted on November 9, 2000, revises the USWA. The 2000 Act provides for licensing and inspection of warehouses used to store and handle agricultural products, issuance of warehouse receipts, including EWR's, for agricultural products, and for other purposes.

The USWA, originally enacted in 1916, authorized the Secretary to license warehouse operators who stored agricultural products and persons to sample, weigh, inspect and grade agricultural products. The USWA licensing program has always been voluntary and regulated licensees in order to protect depositors.

The 2000 Act includes several provisions that thoroughly modernize the program and reflect the current technology advancements within the agricultural marketing systems. The new provisions make U.S. agriculture more competitive in both domestic and foreign markets through efficiencies and cost savings provided by today's computer technology and information management systems. These new provisions include: (1) Extending the USWA's authority to all agricultural products, including a processed product of an agricultural commodity; (2) granting the Secretary the power to establish regulations governing one or more electronic systems under which EWR's or OED's related to the shipment, payment and financing of domestic and foreign agricultural products may be issued or transferred; (3) allowing

licensees or providers to provide a bond or other financial assurance as the Secretary determines appropriate; (4) allowing warehouse operators to allocate storage space to a depositor; (5) requiring warehouse operators to issue warehouse receipts only when requested by the depositor; and (6) allowing for arbitration.

The operation of the licensing program for warehouse operators, inspectors, samplers, classifiers, and weighers is not substantially changed by the final rule. The general licensing program requirements are furnished in subparts B and C, with the more specific requirements stated in the licensing agreements.

Section 3(h) of the 2000 Act allows the Secretary to issue regulations governing one or more electronic systems under which EWR's may be issued and transferred and OED's relating to the shipment, payment, and financing of the sale of agricultural products. Previously, EWR's were only authorized for cotton. The authority for electronic conveyance of other business documents (such as grade and weight certificates, phytosanitary certificates, bills of lading, export evidence certificates or letters of credit) is a new authority. The final rule provides for a system where FSA will establish regulatory guidelines for systems for the electronic conveyance of these and OED's that will allow their transfer from buyer to seller across state and international boundaries.

The structure will mirror the structure established for cotton EWR's consisting of independent providers who have signed an agreement with FSA. Section 735.300 provides the general warehouse requirements applicable to all warehouse receipts, whether paper or electronic, for any agricultural product. Requirements specific to EWR's are found in § 735.303.

The final rule establishes two provider agreements, one for EWRs and electronic USWA documents and one for OEDs. The EWR provider agreement for EWR's and electronic USWA documents will cover all approved agricultural products. Separate addenda will be developed to cover the commodity-specific EWR's. The second provider agreement will cover all OED's. Separate addenda may be developed for each specific document.

Section 11(e)(4) of the 2000 Act provides that ''an electronic receipt issued or other electronic document transferred, in accordance with this Act shall not be denied legal effect, validity, or enforceability on the ground that the information is generated, sent, received, or stored by electronic or similar means.'' Accordingly, this final rule sets forth in subpart E the manner in which FSA may approve a private person to establish a system that accomplishes these functions. Under the provider agreement for these functions, in addition to other activities, a party can take a paper document relating to the shipment, payment, and financing of the sale of an agricultural product to an approved provider and the provider may generate an identical electronic document for electronic transmission. This aspect of the USWA will allow parties to conduct all aspects of these agricultural transactions in an electronic manner, whereas currently, in many instances, necessary documents are in a paper format and must be physically delivered to another party.

The 2000 Act authorizes the Secretary to assess and collect fees from Federally-licensed warehouse operators, approved providers and other users of the USWA. The fees are intended to offset the cost of operating the revised USWA. The fee schedule is included as an addendum to the licensing and provider agreement and is available from the Deputy Administrator for Commodity Operations, in Washington, DC.

Discussion of Public Comments and Changes from the Proposed Rule

FSA published a proposed rule requesting public comments in the **Federal Register** on September 4, 2001 [66 FR 46310–46343], with a 30-day comment period.

FSA received a total of 83 comments from seven trade associations (representing the overall cotton industry, grain and feed industry, cotton warehousing, terminal grain merchants, community bankers, warehouse control officials, and fire protection), five cotton warehouse operators, two EWR providers, one grain warehouse operator, one e-commerce company, one electronic cotton marketing service company, one board of trade clearing corporation, one FSA warehouse examiner, and one FSA retiree.

Most of the comments received supported the changes proposed by FSA. Some comments and suggestions were of an administrative nature that do not impact the final rule and will be addressed in either FSA internal procedures or in the applicable licensing or provider agreements. And, while FSA did adopt some of the recommendations and understands the concerns and opinions expressed by the respondents, FSA did not adopt all of them. The final rule gives FSA necessary flexibility and is consistent with statutory requirements. Therefore, in consideration of comments and suggestions received, FSA adopts the proposed rule as final, with the changes discussed below. Changes made in response to public comments are noted.

Changes to Part 735 in General

Three respondents requested that the language be more specific and found the term ''program requirements'' confusing. In response, FSA removed all references to ''program'' throughout the final rule and detailed the extent of authority in § 735.1, Applicability. The word ''activities'' was substituted for ''program'' throughout part 735. Also, in the interest of clarity, FSA replaced the term ''approval'' with the term ''authority'' throughout part 735. Also, all references to a ''license'' that referred to a piece of paper were changed to ''certificate of license'' in order to separate references to a paper document from the concept of an electronic ''license.'' Similarly, all references to ''authorization'' that referred to a piece of paper were changed to ''certificate of authorization'' in order to separate the paper documents from the electronic ''authorization.''

Changes to Specific Sections

Subpart A—General Provisions

Section 735.1 Applicability

One comment was received addressing situations in which State agencies advise USWA-licensed warehouses that the warehouse operator ''* * * must obtain State weigher, grader and/or handler licenses'' and suggested that FSA should ''clarify that a Federal Service License precludes the need for State licensing in this area.'' *In Rice* v. *Santa Fe Elevator Corp.,* 331 U.S. 218, 234–236 (1947) the U.S. Supreme Court found that the USWA preempted State law with respect to State laws when it was clear that Congress had intended to regulate the activities of USWA-licensed warehouses: ''The test, therefore, is whether the matter on which the State asserts the right to act is in any way regulated by the Federal Act. If it is, the federal scheme prevails though it is a more modest, less pervasive regulatory plan than that of the State.'' Among other provisions of the USWA, section 3(g) provides that: ''Subject to the other provisions of this Act, the Secretary may prescribe the duties of a warehouse operator operating a warehouse licensed under this Act with respect to the warehouse operator's care of and responsibility for agricultural products stored or handled by the warehouse operator.'' Accordingly, a USWA-licensed warehouse operator must meet the

conditions set forth in 7 CFR part 735 and the accompanying licensing agreements. Such a warehouse operator does not have to meet State imposed requirements relating to warehousing, grading, weighing, storing, merchandising or other similar activities otherwise applicable to State-licensed warehouses in order to operate a USWA-licensed facility.

But, to the extent a person engages in these types of activities and they do not relate to the activities of the USWA-licensed facility (for example, if a USWA-licensed warehouse is operated with respect to oilseeds in the western part of a State and a separate facility not covered by the USWA license is operated in the eastern part of a State with respect to dry edible beans) then the activities in the non-USWA licensed facility would be solely a matter of State jurisdiction. In order to provide greater clarity on this matter, the regulations, as opposed to the single agreement referenced by the respondent, is revised at 7 CFR 735.1 by adding a new subsection (c) to read as follows: ''(c) Compliance with State laws relating to the warehousing, grading, weighing, storing, merchandising or other similar activities is not required with respect to activities engaged in by a warehouse operator in a warehouse subject to a license issued in accordance with this part.''

Section 735.2 Administration

Two respondents suggested that FSA provide advance notice of changes to the regulations to licensees and other affected persons. In consideration of the suggestions, FSA added paragraphs (c) and (d) describing methods for notifying licensees and authorized providers of changes to the various agreements.

Section 735.3 Definitions

(1) FSA deleted the definition and use of ''approval'' in the final rule to prevent confusion with Commodity Credit Corporation and other USDA programs.

(2) A respondent expressed confusion about the definition of ''central filing system,'' with respect to the contextual meaning of the terms ''transparent'' and ''anonymous.'' FSA has revised the definition for clarity. The applicable licensing and provider agreements will be revised accordingly.

(3) A definition for the term ''certificate'' was added to clarify the definition of ''license.''

(4) In response to the suggestion of one respondent that FSA insert the term ''XML'' into the definition of ''electronic document,'' the term ''advanced communication methods'' was inserted.

(5) At the suggestion of one respondent, FSA amended the definition of ''other electronic documents'' to exclude USWA electronic documents.

(6) A respondent suggested modifying the definition of ''schedule of fees'' to include those fees ''FSA assesses for licensing and provider agreement services.'' In addition to adopting the suggestion, FSA added a new definition ''schedule of charges'' that refers to the rates of charges assessed by warehouse operators. This differentiates what warehouse operators or providers charge their customers from the fees assessed warehouse operators or providers by FSA.

(7) At the suggestion of one respondent, FSA added a definition of ''USWA electronic document.''

(8) At the suggestion of one respondent FSA inserted the phrase ''for the purpose of interstate or foreign commerce'' into the definition of ''warehouse.''

(9) A definition of the term ''warehousing activities'' was added to clarify the definitions of both ''license'' and the duties of warehouse operators.

(10) Definitions of the terms ''examiner,'' ''holder,'' ''provider agreement'' and ''service license'' were revised for clarity.

Section 735.4 Fees

At the suggestion of one respondent and to conform to the language in the enabling legislation, FSA included a statement that the assessing of fees is intended to offset the costs of administering the USWA.

Section 735.6 Suspension, Revocation and Liquidation

FSA expanded the section to include liquidation of stocks and to specify additional reasons for a suspension, revocation or liquidation and to further clarify FSA's jurisdiction in a suspension or revocation of a license or liquidation of stocks.

Section 735.8 Appeals

FSA changed all references to deadlines for seeking review of actions from 21 business days to 28 calendar days in order to simplify business practices.

Section 735.9 Dispute Resolution and Arbitration of Private Parties

A number of respondents objected to binding arbitration, which they interpreted as a requirement in the proposed rule. In response, FSA clarified the language to make it clear that arbitration is an acceptable but not a mandatory method of dispute resolution and that FSA will provide no assistance or representation to any of the parties in such disputes.

Section 735.14(d) Bonding and Other Financial Assurance Requirements

The term ''approved'' was changed to ''accepted'' to correct an operational error.

Subpart A—General Provisions—Comments Not Adopted

(1) One respondent was concerned that FSA has had to resort to a single, broad set of regulations because of the labor- and resource-intensive process of amending regulations.

FSA has determined to remove the eight commodity-specific regulations and replace them with one general regulation. The final rule updates and modifies the regulatory language, merges all similar language from the specific commodity regulations and removes redundancies, but does not substantially change the program operations. The commodity-specific requirements have been moved to the applicable licensing or provider agreements.

As a result of the merger of all the specific-commodity warehouse regulations into one generic regulation, the cotton flow standard previously codified at 7 CFR 735.201, is not included in the final rule. The cotton flow standard has been included in the cotton licensing and EWR provider agreements.

(2) A suggestion that the term ''agricultural product'' be redefined to refer to ''commodity'' was not adopted because the term as used in this final rule was defined in the enabling legislation.

(3) A suggestion that FSA should not be in the business of regulating shipping orders because they are non-title documents and therefore, should not be part of this process was not adopted because the enabling legislation does not make a distinction between title and non-title documents. Further, FSA is not regulating shipping orders or similar documents. FSA is establishing the framework by which such documents may be electronically generated and transmitted by interested parties.

(4) A suggestion that FSA should use the National Fire Protection Association's published standards for the storage of records was not adopted because the publication had not received USDA clearance and approval.

Subpart B—Warehouse Licensing

Section 735.100 Application

FSA reworded the required documentation for a corporation to

correct an error and to present the information in a more usable format.

Section 735.106 Excess Storage and Transferring of Agricultural Products

In response to a suggestion, FSA clarified the rule to specify DACO as the authority for allowing the transfer of stored agricultural products to another warehouse.

Section 735.107 Warehouse Charges and Tariffs

The schedule of charges and rates language was revised for clarity.

Section 735.108 Inspections and Examinations of Warehouses

(1) In response to several comments, the section was expanded to specify additional conditions in the examination of warehouses.

(2) In response to several comments about the nature of examinations, FSA added paragraphs (b), (c), (d) and (e) to further clarify the warehouse examination process.

Section 735.110 Conditions for Delivery of Agricultural Products

In response to several comments, FSA modified this section to clarify the timely cancellation of warehouse receipts.

Subpart B—Warehouse Licensing—Comments Not Adopted

One respondent commented that irrevocable letters of credit were expensive and often not issued for more than one year. FSA has chosen to offer this as one of several acceptable, but not mandatory, forms of financial assurance that warehouse operators may offer to FSA to meet their financial requirement.

Subpart C—Inspectors, Samplers, Classifiers and Weighers—Comments Not Adopted

One respondent interpreted § 735.200, Service licenses, to include a requirement for competency testing by warehouse operators of all service licensing applicants. FSA revised the language to conform to the enabling legislation.

Subpart C—Inspectors, Samplers, Classifiers and Weighers—Changes Requested but Not Adopted

One respondent commented that service licenses should not be a function of the USWA. FSA has determined that issuing service licenses for activities described in this subpart is an appropriate role for the Federal government. Accordingly, the requested change is not adopted.

Subpart D—Warehouse Receipts

Section 735.300 Warehouse Receipt Requirements

(1) In response to many questions and comments, FSA added instructions on filling blank areas in the required data fields of the warehouse receipt.

(2) Several respondents expressed concerns about the language concerning the issuance of warehouse receipts and the language required in the various data sections of the warehouse receipt. FSA revised the section to provide that those who are subject to this rule, are to refer to the applicable licensing or provider agreement for individual specifications of the required data required for warehouse receipts. FSA also expanded upon the language dealing with the issuance of duplicate warehouse receipts to make clear the prohibition on issuing duplicate warehouse receipts. The term ''grade'' replaces ''quality'' to agree with the enabling legislation.

Section 735.302 Electronic Warehouse Receipts

Several respondents expressed concerns regarding the differences between paper warehouse receipts and EWR's. FSA split this section into two sections, § 735.302, Paper warehouse receipts, and § 735.303, Electronic warehouse receipts, to clarify the distinction. A number of suggestions were considered and adopted in modifying and clarifying the language of the new sections. Also, FSA revised language now in the new § 735.303(b)(6) to correct an error concerning correcting information on EWR's.

Subpart E—Electronic Providers—Comments Adopted

Section 735.401 Electronic Warehouse Receipt and USWA Electronic Document Providers

(1) Several respondents expressed opinions concerning financial standards, required financial assurance instruments and insurance requirements. After careful consideration of the comments received FSA has determined to increase the net worth and the insurance requirement for providers of EWR's. The net worth requirement was increased from $25,000 to $100,000 and the insurance coverage required was increased to $4 million. The specific requirements were moved from the regulations to the EWR provider agreement and addenda.

Section 735.402 Providers of Other Electronic Documents

(2) Several respondents expressed opinions concerning financial standards, required financial assurance instruments and insurance requirements. After careful consideration of the comments received FSA has determined to move the specific requirements from the regulations to the OED provider agreement and addenda.

(3) Several respondents suggested that the ''conflict of interest'' statement set forth in the provider agreements also be included in the final rule. FSA concurs and has included the ''conflict of interest'' statement in paragraph (5) of the applicable sections in addition to the provider agreements.

(4) Two respondents expressed opinions concerning the use of documentation approved by FSA when applying for a provider agreement. FSA has specified the required documentation necessary when applying to be a provider of EWR's and USWA electronic documents or providers of OEDs.

(5) FSA revised the language in § 735.404, Schedule of charges and rates, to comply with the new definitions for the various schedules of fees.

Subpart E—Electronic Providers—Comments Not Adopted

(1) One respondent expressed concern that the USWA was involved with other than electronic title documents. The enabling legislation includes the authorization to utilize any electronic document relating to the sale and financing of agricultural products. Accordingly, FSA has determined to include all such documents specified in § 735.400, Administration.

(2) Several respondents wanted more flexibility for providers to change rates and charges more often than once a year. FSA has chosen to keep the limit at once a year to provide certainty to all users.

Section 735.402 Providers of Other Electronic Documents

(3) FSA received five comments with respect to the proposed requirement specified in § 735.402, Providers of other electronic documents, that an entity that desires to be approved by FSA as an approved provider of electronic documents have a minimum net worth of $10 million. One respondent suggested a $1 million requirement would allow for a larger number of firms to be approved to be such a provider. One respondent requested that FSA review the proposed level and ''tie it more closely to the type of electronic document, and corresponding risks, that are to be undertaken by the system provider.''

One respondent stated that the level should be lowered to ''* * * levels shown in § 735.401(a). Alternatively, some maximum (not to exceed) amounts (these amounts should still be lower than the $10 million and $25 million) could be put in § 735.402(a) and the actual (even lower) amounts should be included in the Provider Agreement where the figures can be modified as justified over time.'' Later, the same respondent noted that ''* * * The figure should be reduced perhaps to $500,000 * * *'' One respondent suggested that the level should be $100,000 and disagreed with FSA's rationale that the higher level was warranted due to the increased risks that these providers have as compared with a provider of only electronic warehouse receipts. The respondent suggested that if there was a concern about the potential risk that these providers may have, that the regulations should be revised to provide that such providers not be allowed to generate electronic documents from a paper document and that letters of credits not be included in the types of documents that such a provider could transmit. One respondent recommended a $1 million without any further elaboration. Another respondent agreed with FSA's assessment that there were increased risks associated with being a provider for all electronic documents as compared with only those providers who issue an electronic warehouse receipt.

In proposing a minimum net worth requirement of $10 million, FSA took into consideration the potential benefits that could be attained by allowing a provider of electronic documents to handle all types of documents relating to agricultural commodity transactions. FSA intends to implement sections 3(h) and 11(e) of the USWA, as it relates to those providers who intend to engage in transactions that are not limited to only electronic warehouse receipts, in a manner that encompasses as wide a range of transactions as possible. It is not FSA's intention to exclude or exert economic hardship on current or future providers with these requirements. Nonetheless, the evolution of regulating OEDs and OED providers is new and untested, FSA wants to assure the public and users of these systems that FSA has properly protected them should a failure or loss occur. However, FSA will monitor and evaluate these requirements over the next year and make adjustments as warranted.

FSA does not believe that limiting the provider to handling only certain types of documents in order to lessen the liability potential of a provider is in the best interests of those numerous entities that will utilize the system and also believes that such a restraint will diminish the ability of entities to reduce costs thus decreasing the competitive advantage of U.S. agricultural products sold in export markets. Excluding letters of credit and those documents referred to in the letter of credit, for example, would mean that there would be no savings in time for the completion of financial transactions involving virtually all export shipments since those financial institutions involved in the transaction would have to wait for physical delivery of some documents even though other documents had been transmitted electronically. Participants in the transaction may then have incurred increased borrowing costs and possibly increased berthing charges with respect to the vessel because the vessel would not be authorized to leave the port until the financial transaction had been completed.

In determining which entities FSA should approve to be responsible for handling these types of documents, FSA must analyze, at a minimum, the risks to participants and to the Federal government by looking at the volume of transactions that they will handle, the monetary value of individual transactions and the aggregate value of the transactions. The total value of agricultural production in the U.S. annually will exceed $200 billion and the total value of U.S. agricultural exports annually will exceed $50 billion. Individual export shipments of soybeans and rice, for example, can exceed $10 million and individual shipments of value-added products can be well in excess of this amount. FSA anticipates that the total value of transactions that may flow through a provider at any one time may exceed $100 million and, therefore, has determined that a provider should have a sufficient financial net worth in order to handle the liability that accompanies the handling of the transactions. For example, if the provider has erroneously entered data in the generation of an electronic document that relates to the purchase of an entire shipment of an exported agricultural commodity, FSA intends that the parties to the transaction will have adequate recourse against the provider for any damage that may result. Accordingly, FSA has determined that the minimum net worth requirement should be at least $10 million and that the provider should maintain two insurance policies, one for errors and omissions and one for fraud and dishonesty. Each policy must have a minimum coverage of $25 million. These requirements are set forth in the OED provider agreement.

Section 735.403 Audits

(4) In response to several comments about limiting examinations to be at the provider's invitation and convenience, FSA will not change the language in § 735.403, Audits, concerning the examination process because such changes would hinder the ability for FSA to conduct meaningful examinations.

Section 735.405 Choice of Law

(5) Three comments were received with respect to the proposed requirement that all disputes arising under the electronic document provider system, but not those systems dealing only with EWRs, would be resolved by using the laws of the State of New York. One respondent requested that ''FSA should ensure the conflicting state law are not preempted.'' One respondent expressed concern that ''* * * USDA is in no position to determine that the laws of one sovereign state are better than those of another.'' Another respondent thought that the choice of New York ''* * * may be confusing to companies throughout the United States that are familiar with their own commercial laws.''

In proposing to use the law of one jurisdiction to resolve disputes arising under the electronic provider system, FSA is attempting to interject uniformity among the providers in terms of data required for entry into the system and in terms of dispute resolution. FSA is concerned that uncertainty in which laws will be applied in multi-State and multi-national transactions involving multi-million dollar transactions may diminish the viability of this system. Because when a person uses the FSA-approved system it is purely voluntary and there is no preemption of State law with respect to any transaction conducted in any other system established by a private or public entity, any party may avoid application of this requirement, and other requirements relating to their use of the FSA approved systems, by conducting their transactions as they currently do. If this provision were removed, conceivably a provider approved by FSA could mandate the use of a given State law for use in resolving claims and disputes arising as a result of the use of their system. In such a case, if there were several providers operating in several different States, different results could occur simply because of the selection of an applicable body of law by a provider. This problem would be made worse in

those transactions that initiate in one FSA-approved system and end in another FSA-approved system. However, the respondents expressed several opinions concerning the proposed requirement that all disputes arising under the other electronic document provider system would be resolved using the laws of the State of New York. Accordingly, to further evaluate these issues, FSA has determined to remove the proposed requirement as set forth in § 735.405.

Final Rule

List of Subjects in 7 CFR Part 735

Administrative practice and procedure, Agricultural commodities, Beans, Cotton, Cottonseed, Grain, Nuts, Sugar, Surety Bonds, Tobacco, Warehouses, Wool.

For the reasons stated in the preamble, FSA amends 7 CFR Chapter VII as follows:

PART 735—COTTON WAREHOUSES

1. Part 735 is revised to read as follows:

PART 735—REGULATIONS FOR THE UNITED STATES WAREHOUSE ACT

Subpart A—General Provisions

Sec.
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Authority: 7 U.S.C. 241 *et seq.*

Subpart A—General Provisions

§ 735.1 Applicability.

(a) The regulations of this part set forth the terms and conditions under which the Secretary of Agriculture through the Farm Service Agency (FSA) will administer the United States Warehouse Act (USWA or the Act) and sets forth the standards and the terms and conditions a participant must meet for eligibility to act under the USWA. The extent the provisions of this part are more restrictive, or more lenient, with respect to the same activities governed by State law, the provisions of this part shall prevail.

(b) Additional terms and conditions may be set forth in applicable licensing agreements, provider agreements and other documents.

(c) Compliance with State laws relating to the warehousing, grading, weighing, storing, merchandising or other similar activities is not required with respect to activities engaged in by a warehouse operator in a warehouse subject to a license issued in accordance with this part.

§ 735.2 Administration.

(a) FSA will administer all provisions and activities regulated under the Act under the general direction and supervision of the FSA's Deputy Administrator, Commodity Operations (DACO), or a designee.

(b) DACO may waive or modify the licensing or authorization requirements or deadlines in cases where lateness or failure to meet such requirements does not adversely affect the licensing or authorizations operated under the Act.

(c) DACO will provide affected licensees or authorized providers with changes to their licensing or provider agreements before the effective date.

(d) Licensing and authorization agreement updates will be available at:

(1) DACO's USWA website, and

(2) The following address: Deputy Administrator, Commodity Operations, Farm Service Agency, United States Department of Agriculture, STOP 0550, 1400 Independence Avenue, SW, Washington, DC 20250–0550.

§ 735.3 Definitions.

Words used in this part will be applicable to the activities authorized by this part and will be used in all aspects of administering the Act.

Access means the ability, when authorized, to read, change, and transfer warehouse receipts or other applicable document information retained in a central filing system.

Agricultural product means an agriculturally-produced product stored or handled for the purposes of interstate or foreign commerce, including a processed product of such agricultural product, as determined by DACO.

Central filing system (CFS) means an electronic system operated and maintained by a provider, as a disinterested third party, authorized by DACO where information relating to warehouse receipts, USWA documents and other electronic documents is recorded and maintained in a confidential and secure fashion independent of any outside influence or bias in action or appearance.

Certificate means a USWA document that bears specific assurances under the Act or warrants a person to operate or perform in a certain manner and sets forth specific responsibilities, rights, and privileges granted to the person under the Act.

Control of the facility means ultimate responsibility for the operation and integrity of a facility by ownership, lease, or operating agreement.

Department means the Department of Agriculture.

Electronic document means any document that is generated, sent, received, or stored by electronic, optical, or similar means, including, but not limited to, electronic data interchange, advanced communication methods, electronic mail, telegram, telex, or telecopy.

Electronic warehouse receipt (EWR) means a warehouse receipt that is authorized by DACO to be issued or transmitted under the Act in the form of an electronic document.

Examiner means an individual designated by DACO for the purpose of examining warehouses or for any other activities authorized under the Act.

Financial assurance means the surety or other financial obligation authorized by DACO that is a condition of receiving a license or authorization under the Act.

Force majeure means severe weather conditions, fire, explosion, flood, earthquake, insurrection, riot, strike, labor dispute, act of civil or military, non-availability of transportation facilities, or any other cause beyond the control of the warehouse operator or provider that renders performance impossible.

Holder means a person that has possession in fact or by operation of law of a warehouse receipt, USWA electronic document, or any electronic document.

License means a license issued under the Act by DACO.

Licensing agreement means the document and any amendment or addenda to such agreement executed by the warehouse operator and FSA specifying licensing terms and conditions specific to the warehouse operator and the agricultural product licensed to be stored.

Non-storage agricultural product means an agricultural product received temporarily into a warehouse for conditioning, transferring or assembling for shipment, or lots of an agricultural product moving through a warehouse for current merchandising or milling use, against which no warehouse receipts are issued and no storage charges assessed.

Official Standards of the United States means the standards of the quality or condition for an agricultural product, fixed and established under (7 U.S.C. 51) the United States Cotton Standards Act, (7 U.S.C. 71) the United States Grain Standards Act, (7 U.S.C. 1622) the Agricultural Marketing Act of 1946, or other applicable official United States Standards.

Other electronic documents (OED) means those electronic documents, other than an EWR or USWA electronic document, that may be issued or transferred, related to the shipment, payment or financing of agricultural products that DACO has authorized for inclusion in a provider's CFS.

Person means a person as set forth in 1 U.S.C. 1, a State; or a political subdivision of a State.

Provider means a person authorized by DACO, as a disinterested third party, which maintains one or more confidential and secure electronic systems independent of any outside influence or bias in action or appearance.

Provider agreement means the document and any amendment or addenda to such agreement executed by the provider and FSA that sets forth the provider's responsibilities concerning the provider's operation or maintenance of a CFS.

Receipt means a warehouse receipt issued in accordance with the Act, including an electronic warehouse receipt.

Schedule of charges means the tariff or uniform rate or amount charged by an authorized person for specific services offered or rendered under the Act.

Schedule of fees means the fees charged and assessed by FSA for licensing, provider agreements or services furnished under the Act to help defray the costs of administering the Act, and as such are shown in a schedule of fees attached to the licensing or provider agreement.

Service license means the document and any amendment to such document, issued under the Act by DACO to individuals certified competent by the licensed warehouse operator to perform inspection, sampling, grading classifying, or weighing services according to established standards and procedures, set forth in § 735.202, at the specific warehouse license.

Stored agricultural products means all agricultural products received into, stored within, or delivered out of the warehouse that are not classified as a non-storage agricultural product under this part.

User means a person that uses a provider's CFS.

USWA electronic document means a USWA electronic document initiated by DACO to be issued, transferred or transmitted that is not identified as an EWR or OED in the appropriate licensing or provider agreement or as determined by DACO.

Warehouse means a structure or other authorized storage facility, as determined by DACO, in which any agricultural product may be stored or handled for the purpose of interstate or foreign commerce.

Warehouse capacity means the maximum quantity of an agricultural product that the warehouse will accommodate when stored in a manner customary to the warehouse as determined by DACO.

Warehouse operator means a person lawfully engaged in the business of storing or handling agricultural products.

Warehousing activities and practices means any legal, operational, managerial or financial duty that a warehouse operator has regarding an agricultural product.

§ 735.4 Fees.

(a) FSA will assess persons covered by the Act fees to cover the costs of administering the Act.

(b) Warehouse operators, licensees, applicants, or providers must pay:

(1) An annual fee as provided in the applicable licensing or provider agreement; and

(2) Fees that FSA assesses for specific services, examinations and audits, or as provided in the applicable licensing or provider agreement.

(c) The schedule of fees showing the current fees or any annual fee changes will be provided as an addendum to the applicable licensing or provider agreement or/and:

(1) Will be available at DACO's USWA Web site, or

(2) May be requested at the following address: Deputy Administrator, Commodity Operations, Farm Service Agency, United States Department of Agriculture, STOP 0550, 1400 Independence Avenue, SW., Washington, DC 20250–0550.

(d) At the sole discretion of DACO, these fees may be waived.

§ 735.5 Penalties.

If a person fails to comply with any requirement of the Act, the regulations set forth in this part or any applicable licensing or provider agreement, DACO may assess, after an opportunity for a hearing as provided in § 735.8, a civil penalty:

(a) Of not more than $25,000 per violation, if an agricultural product is not involved in the violation; or

(b) Of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

§ 735.6 Suspension, revocation and liquidation.

(a) DACO may, after an opportunity for a hearing as provided in § 735.8, suspend, revoke or liquidate any license or agreement issued under the Act, for any violation of or failure to comply with any provision of the Act, regulations or any applicable licensing or provider agreement.

(b) The reasons for a suspension, revocation or liquidation under this part include, but are not limited to:

(1) Failure to perform licensed or authorized services as provided in this part or in the applicable licensing or provider agreement;

(2) Failure to maintain minimum financial requirements as provided in the applicable licensing or provider agreement;

(3) Failure to submit a proper annual financial statement within the established time period as provided in the applicable licensing or provider agreement.

(4) Failure to maintain control of the warehouse or provider system.

(5) The warehouse operator or provider requests closure, cancellation or liquidation. and

(6) Commission of fraud against FSA, any depositor, EWR or OED holder or user, or any other function or operation under this part.

(c) FSA retains USWA's full authority over a warehouse operator or provider for one year after such license revocation or provider agreement termination or until satisfaction of any claims filed against such warehouse operator or provider are resolved, whichever is later.

(d) Upon DACO's determination that continued operation of a warehouse by a warehouse operator or an electronic provider system by a provider is likely to result in probable loss of assets to storage depositors, or loss of data integrity to EWR or OED holders and users. DACO may immediately suspend, close, or take control and begin an orderly liquidation of such warehouse inventory or provider system data as provided in this part or in the applicable licensing or provider agreement.

(e) Any disputes involving probable loss of assets to storage depositors, or loss of data integrity to EWR or OED holders and users will be determined by DACO for the benefit of the depositors, or EWR or OED holders and users and such determinations shall be final.

§ 735.7 Return of suspended or revoked certificates of licensing or certificates of authorization.

(a) When a license issued to a warehouse operator or service license ends or is suspended or revoked by DACO, such certificates of licensing and applicable licensing agreement and certificates of authorization must be immediately surrendered and returned to DACO.

(b) When an agreement with a provider ends or is suspended or revoked by DACO, such certificates of authorization and applicable provider agreement must be immediately surrendered to DACO

§ 735.8 Appeals.

(a) Any person who is subject to an adverse determination made under the Act may appeal the determination by filing a written request with DACO at the following address: Deputy Administrator, Commodity Operations, Farm Service Agency, United States Department of Agriculture, STOP 0550, 1400 Independence Avenue, SW., Washington, DC 20250–0550.

(b) Any person who believes that they have been adversely affected by a determination under this part must seek review by DACO within twenty-eight calendar days of such determination, unless provided with notice by DACO of a different deadline.

(c) The appeal process set forth in this part is applicable to all licensees and providers under any provision of the Act, regulations or any applicable licensing agreement as follows:

(1) DACO will notify the person in writing of the nature of the suspension, revocation or liquidation action;

(2) The person must notify DACO of any appeal of its action within twenty-eight calendar days;

(3) The appeal and request must state whether:

(i) A hearing is requested,

(ii) The person will appear in person at such hearing, or

(iii) Such hearing will be held by telephone;

(4) DACO will provide the person a written acknowledgment of their request to pursue an appeal;

(5) When a person requests an appeal and does not request a hearing DACO will allow that person:

(i) To submit in writing the reasons why they believe DACO's determination to be in error,

(ii) Twenty-eight calendar days from the receipt of the acknowledgment to file any statements and documents in support of their appeal, unless provided with notice by DACO of a different deadline, and

(iii) An additional fourteen calendar days to respond to any new issues raised by DACO in response to the person's initial submission, unless provided with notice by DACO of a different deadline;

(6) If the person requests to pursue an appeal and requests a hearing, DACO will:

(i) Notify the person of the date of the hearing,

(ii) Determine the location of the hearing, when the person asks to appear in person,

(iii) Notify the person of the location of the hearing,

(iv) Afford the person twenty-eight calendar days from the receipt of the notification of the scheduling of the hearing to submit any statements and documents in support of the appeal, unless provided with notice by DACO of a different deadline, and

(v) Allow the person an additional fourteen calendar days from the date of the hearing to submit any additional material, unless provided with notice by DACO of a different deadline;

(7) Determinations of DACO will be final and no further appeal within USDA will be available except as may be specified in the final determination of DACO; and

(8) A person may not initiate an action in any court of competent jurisdiction concerning a determination made under the Act prior to the exhaustion of the appeal process set forth in this section.

§ 735.9 Dispute resolution and arbitration of private parties.

(a) A person may initiate legal action in any court of competent jurisdiction concerning a claim for noncompliance or an unresolved dispute with respect to activities authorized under the Act.

(b) Any claim for noncompliance or an unresolved dispute between a warehouse operator or provider and another party with respect to activities authorized under the Act may be resolved by the parties through mutually agreed-upon arbitration procedures or as may be prescribed in the applicable licensing or provider agreement. No arbitration determination or award will affect DACO's authority under the Act.

(c) In no case will USDA provide assistance or representation to parties involved in an arbitration proceeding arising with respect to activities authorized under the Act.

§ 735.10 Posting of certificates of licensing, certificates of authorization or other USWA documents.

(a) The warehouse operator must post, in a conspicuous place in the principal place where warehouse receipts are issued, any applicable certificate furnished by DACO that the warehouse operator is an authorized licensee under the Act.

(b) Immediately upon receipt of their certificate of service licensing or any modification or extension thereof under the Act, the licensee and warehouse operator must jointly post the same, and thereafter, except as otherwise provided in the regulations in this part or as prescribed in the applicable licensing agreement, keep such certificate of licensing conspicuously posted in the office where all or most of the services are done, or in such place as may be designated by DACO.

(c) The provider must post, in a conspicuous place in the principal place of business, any applicable certificate of authorization furnished by DACO that the provider is authorized to offer and provide specific services under the Act.

§ 735.11 Lost or destroyed certificates of licensing, authorization or agreements.

FSA will replace lost or destroyed certificates of licensing, certificate of authorization or applicable agreement upon satisfactory proof of loss or destruction. FSA will mark such certificates or agreements as duplicates.

§ 735.12 Safe keeping of records.

Each warehouse operator or provider must take necessary precautions to safeguard all records, either paper or electronic format, from destruction.

§ 735.13 Information of violations.

Every person licensed or authorized under the Act must immediately furnish DACO any information they may have indicating that any provision of the Act or the regulations in this part has been violated.

§ 735.14 Bonding and other financial assurance requirements.

(a) As a condition of receiving a license or authorization under the Act, the person applying for the license or authorization must execute and file with DACO a bond or provide such other financial assurance as DACO determines appropriate to secure the person's compliance with the Act.

(b) Such bond or assurance must be for a period of not less than one year and in such amount as required by DACO.

(c) Failure to provide for, or renew, a bond or a financial assurance instrument will result in the immediate and automatic revocation of the warehouse operator's license or provider's agreement.

(d) If DACO determines that a previously accepted bond or other financial assurance is insufficient, DACO may immediately suspend or revoke the license or authorization covered by the bond or other financial assurance if the person that filed the bond or other financial assurance does not provide such additional bond or other financial assurance as DACO determines appropriate.

(e) To qualify as a suitable bond or other financial assurance, the entity issuing the bond or other financial assurance must be subject to service of process in lawsuits or legal actions on the bond or other financial assurance in the State in which the warehouse is located.

Subpart B—Warehouse Licensing

§ 735.100 Application.

(a) An applicant for a license must submit to DACO information and documents determined by DACO to be sufficient to conclude that the applicant can comply with the provisions of the Act. Such documents must include a current review or an audit-level financial statement prepared according to generally accepted accounting standards as defined by the American Institute of Certified Public Accountants. For any entity that is not an individual, a document that establishes proof of the existence of the entity, such as:

(1) For a partnership, an executed partnership agreement; and

(2) For a corporation:

(i) Articles of incorporation certified by the Secretary of State of the applicable State of incorporation;

(ii) Bylaws; and

(iii) Permits to do business; and

(3) For a limited partnership, an executed limited partnership agreement; and

(4) For a limited liability company:

(i) Articles of organization or similar documents; and

(ii) Operating agreement or similar agreement.

(b) The warehouse facilities of an operator licensed under the Act must, as determined by DACO, be:

(1) Physically and operationally suitable for proper storage of the applicable agricultural product or agricultural products specified in the license;

(2) Operated according to generally accepted warehousing activities and practices in the industry for the applicable agricultural product or agricultural products stored in the facility; and

(3) Subject to the warehouse operator's control of the facility including all contiguous storage space with respect to such facilities.

(c) As specified in individual licensing agreements, a warehouse operator must:

(1) Meet the basic financial requirements determined by DACO; and

(2) Meet the net worth requirements determined by DACO;

(d) In order to obtain a license, the warehouse operator must correct any exceptions made by the warehouse examiner at the time of the original warehouse examination.

(e) DACO may issue a license for the storage of two or more agricultural products in a single warehouse as provided in the applicable licensing agreements. The amount of the bond or financial assurance, net worth, and inspection and license fees will be determined by DACO in accordance with the licensing agreements applicable to the specific agricultural product, based upon the warehouses' total capacity for storing such product, that would require:

(1) The largest bond or financial assurance;

(2) The greatest amount of net worth; and

(3) The greatest amount of fees.

§ 735.101 Financial records and reporting requirements.

(a) Warehouse operators must maintain complete, accurate, and current financial records that must be available to DACO for review or audit at DACO's request as may be prescribed in the applicable licensing agreement.

(b) Warehouse operators must, annually, present a financial statement as may be prescribed in the applicable licensing agreement to DACO.

§ 735.102 Financial assurance requirements.

(a) Warehouse operators must file with DACO financial assurances approved by DACO consisting of:

(1) A warehouse operator's bond; or

(2) Obligations that are unconditionally guaranteed as to both interest and principal by the United States, in a sum equal at their par value to the amount of the bond otherwise required to be furnished, together with an irrevocable power of attorney authorizing DACO to collect, sell, assign and transfer such obligations in case of any default in the performance of any of the conditions required in the licensing agreement; or

(3) An irrevocable letter of credit issued in the favor of DACO with a term of not less than two years; or

(4) A certificate of participation in, and coverage by, an indemnity or insurance fund as approved by DACO, established and maintained by a State, backed by the full faith and credit of the applicable State, which guarantees depositors of the licensed warehouse full indemnification for the breach of any obligation of the licensed warehouse operator under the terms of the Act. If a warehouse operator files a bond or financial assurance in the form of a certification of participation in an indemnity or insurance fund, the certification may only be used to satisfy any deficiencies in assets above the minimum net worth requirement as prescribed in the applicable licensing agreement. A certificate of participation and coverage in this fund must be furnished to DACO annually; or

(5) Other alternative instruments and forms of financial assurance approved by DACO as may be prescribed in the applicable licensing agreement.

(b) The warehouse operator may not withdraw obligations required under this section until one year after license termination or until satisfaction of any

claims against the obligations, whichever is later.

§ 735.103 Amendments to license.

FSA will issue an amended license upon:

(a) Receipt of forms prescribed and furnished by DACO outlining the requested changes to the license;

(b) Payment of applicable licensing and examination fees;

(c) Receipt of bonding or other financial assurance if required in the applicable licensing agreement; and

(d) Receipt of a report on the examination of the proposed facilities pending inclusion or exclusion, if determined necessary by DACO.

§ 735.104 Insurance requirements.

Each warehouse operator must comply fully with the terms of insurance policies or contracts covering their licensed warehouse and all products stored therein, and must not commit any acts, nor permit others to do anything, that might impair or invalidate such insurance.

§ 735.105 Care of agricultural products.

Each warehouse operator must at all times, including during any period of suspension of their license, exercise such care in regard to stored and non-storage agricultural products in their custody as required in the applicable licensing agreement.

§ 735.106 Excess storage and transferring of agricultural products.

(a) If at any time a warehouse operator stores an agricultural product in a warehouse subject to a license issued under the Act in excess of the warehouse capacity for which it is licensed, such warehouse operator must immediately notify DACO of such excess storage and the reason for the storage.

(b) A warehouse operator who desires to transfer stored agricultural products to another warehouse may do so either by physical movement, by other methods as may be provided in the applicable licensing agreement, or as authorized by DACO.

§ 735.107 Warehouse charges and tariffs.

(a) A warehouse operator must not make any unreasonable or exorbitant charge for services rendered.

(b) A warehouse operator must follow the terms and conditions for each new or revised warehouse tariff or schedule of charges and rates as prescribed in the applicable licensing agreement.

§ 735.108 Inspections and examinations of warehouses.

(a) Warehouse operators must permit any agent of the Department to enter and inspect or examine, on any business day during the usual hours of business, any licensed warehouse, the offices of the warehouse operator, the books, records, papers, and accounts.

(b) Routine and special inspections and examinations will be unannounced.

(c) Warehouse operators must provide safe access to all storage facilities.

(d) Warehouse operators must inform any agent of the Department, upon arrival, of any hazard.

(e) Agents of the Department must accomplish inspections and examinations of warehouses in a manner that is efficient and cost-effective without jeopardizing any inspection and examination integrity.

§ 735.109 Disaster loss to be reported.

If at any time a disaster or loss occurs at or within any licensed warehouse, the warehouse operator must report immediately the occurrence of the disaster or loss and the extent of damage, to DACO.

§ 735.110 Conditions for delivery of agricultural products.

(a) In the absence of a lawful excuse, a warehouse operator will, without unnecessary delay, deliver the agricultural product stored or handled in the warehouse on a demand made by:

(1) The holder of the warehouse receipt for the agricultural product; or

(2) The person that deposited the agricultural product, if no warehouse receipt has been issued.

(b) Prior to delivery of the agricultural product, payment of the accrued charges associated with the storage or handling of the agricultural product, including satisfaction of the warehouse operator's lien, must be made if requested by the warehouse operator.

(c) When the holder of a warehouse receipt requests delivery of an agricultural product covered by the warehouse receipt, the holder must surrender the warehouse receipt to the warehouse operator before obtaining the agricultural product.

(d) A warehouse operator must cancel each warehouse receipt surrendered to the warehouse operator upon the delivery of the agricultural product for which the warehouse receipt was issued and in accordance with the applicable licensing agreement.

(e) For the purpose of this part, unless prevented from doing so by force majeure, a warehouse operator will deliver or ship such agricultural products stored or handled in their warehouse as prescribed in the applicable licensing agreement.

§ 735.111 Fair treatment.

(a) Contingent upon the capacity of a warehouse, a warehouse operator will deal in a fair and reasonable manner with persons storing, or seeking to store, an agricultural product in the warehouse if the agricultural product is:

(1) Of the kind, type, and quality customarily stored or handled in the area in which the warehouse is located;

(2) Tendered to the warehouse operator in a suitable condition for warehousing; and

(3) Tendered in a manner that is consistent with the ordinary and usual course of business.

(b) Nothing in this section will prohibit a warehouse operator from entering into an agreement with a depositor of an agricultural product to allocate available storage space.

§ 735.112 Terminal and futures contract markets.

(a) DACO may issue service licenses to weigh-masters or their deputies to perform services relating to warehouse receipts that are deliverable in satisfaction of futures contracts in such contract markets or as may be prescribed in any applicable licensing agreement.

(b) DACO may authorize a registrar of warehouse receipts issued for an agricultural product in a warehouse licensed under the Act that operates in any terminal market or in any futures contract market the official designated by officials of the State in which such market is located if such individual is not:

(1) An owner or employee of the licensed warehouse;

(2) The owner of, or an employee of the owner of, such agricultural product deposited in any such licensed warehouse; or

(3) As may be prescribed in any applicable licensing or provider agreement.

Subpart C—Inspectors, Samplers, Classifiers, and Weighers

§ 735.200 Service licenses.

(a) FSA may issue to a person a license for:

(1) Inspection of any agricultural product stored or handled in a warehouse subject to the Act;

(2) Sampling of such an agricultural product;

(3) Classification of such an agricultural product according to condition, grade, or other class and certify the condition, grade, or other class of the agricultural product;

(4) Weighing of such an agricultural product and certify the weight of the agricultural product; or

(5) Performing two or more services specified in paragraphs (a)(1), (a)(2), (a)(3) or (a)(4) of this section.

(b) Each person seeking a license to perform activities described in this section must submit an application on forms furnished by DACO that contain, at a minimum, the following information:

(1) The name, location and license number of the warehouses where the applicant would perform such activities;

(2) A statement from the warehouse operator that the applicant is competent and authorized to perform such activities at specific locations; and

(3) Evidence that the applicant is competent to inspect, sample, classify, according to grade or weigh the agricultural product.

(c) The warehouse operator will promptly notify DACO in writing of any changes with respect to persons authorized to perform such activities at the licensed warehouse.

§ 735.201 Agricultural product certificates; format.

Each inspection, grade, class, weight or combination certificate issued under the Act by a licensee to perform such services must be:

(a) In a format prescribed by DACO;

(b) Issued and maintained in a consecutive order; and

(c) As prescribed in the applicable licensing or provider agreement and authorized by DACO.

§ 735.202 Standards of grades for other agricultural products.

Official Standards of the United States for any kind, class or grade of an agricultural product to be inspected must be used if such standards exist. Until Official Standards of the United States are fixed and established for the kind of agricultural product to be inspected, the kind, class and grade of the agricultural product must be stated, subject to the approval of DACO. If such standards do not exist for such an agricultural product, the following will be used:

(a) State standards established in the State in which the warehouse is located,

(b) In the absence of any State standards, in accordance with the standards, if any, adopted by the local board of trade, chamber of commerce, or by the agricultural product trade generally in the locality in which the warehouse is located, or

(c) In the absence of the standards set forth in paragraphs (a) and (b) of this section, in accordance with any standards approved for the purpose by DACO.

Subpart D—Warehouse Receipts

§ 735.300 Warehouse receipt requirements.

(a) Warehouse receipts may be:

(1) Negotiable or non-negotiable;

(2) For a single unit, multiple units, identity preserved or commingled lot; and

(3) In a paper or electronic format that, besides complying with the requirements of the Act, must be in a format as prescribed in the applicable licensing or provider agreement and authorized by DACO.

(b) The warehouse operator must:

(1) At the request of a depositor of an agricultural product stored or handled in a warehouse licensed under the Act, issue a warehouse receipt to the depositor;

(2) Not issue a warehouse receipt for an agricultural product unless the agricultural product is actually stored in their warehouse at the time of issuance;

(3) Not issue a warehouse receipt until the quality, condition and weight of such an agricultural product is ascertained by a licensed inspector and weigher;

(4) Not directly or indirectly compel or attempt to compel the depositor to request the issuance of a warehouse receipt omitting the statement of quality or condition;

(5) Not issue an additional warehouse receipt under the Act for a specific identity-preserved or commingled agricultural product lot (or any portion thereof) if another warehouse receipt representing the same specific identity-preserved or commingled lot of the agricultural product is outstanding. No two warehouse receipts issued by a warehouse operator may have the same warehouse receipt number or represent the same agricultural product lot;

(6) When issuing a warehouse receipt and purposefully omitting any information, notate the blank to show such intent;

(7) Not deliver any portion of an agricultural product for which they have issued a negotiable warehouse receipt until the warehouse receipt has been surrendered to them and canceled as prescribed in the applicable licensing agreement;

(8) Not deliver more than 90% of the receipted quantity of an agricultural product for which they have issued a non-negotiable warehouse receipt until such warehouse receipt has been surrendered or the depositor or the depositor's agent has provided a written order for the agricultural product and the warehouse receipt surrendered upon final delivery; and

(9) Deliver, upon proper presentation of a warehouse receipt for any agricultural product, and payment or tender of all advances and charges, to the depositor or lawful holder of such warehouse receipt the agricultural product of such identity, quantity, grade and condition as set forth in such warehouse receipt.

(c) In the case of a lost or destroyed warehouse receipt, a new warehouse receipt upon the same terms, subject to the same conditions, and bearing on its face the number and the date of the original warehouse receipt may be issued.

§ 735.301 Notification requirements.

Warehouse operators must file with DACO the name and genuine signature of each person authorized to sign warehouse receipts for the licensed warehouse operator, and will promptly notify DACO of any changes with respect to persons authorized to sign.

§ 735.302 Paper warehouse receipts.

Paper warehouse receipts must be issued as follows:

(a) On distinctive paper specified by DACO;

(b) Printed by a printer authorized by DACO; and

(c) Issued, identified and maintained in a consecutive order.

§ 735.303 Electronic warehouse receipts.

(a) Warehouse operators issuing EWR under the Act may issue EWR's for the agricultural product stored in their warehouse. Warehouse operators issuing EWR's under the Act must:

(1) Only issue EWR's through one FSA-authorized provider annually;

(2) Inform DACO of the identity of their provider, when they are a first time user of EWR's, 60 calendar days in advance of issuing an EWR through that provider. DACO may waive or modify this 60-day requirement as set forth in § 735.2(b);

(3) Before issuing an EWR, request and receive from FSA a range of consecutive warehouse receipt numbers that the warehouse will use consecutively for issuing their EWR's;

(4) When using an authorized provider, issue and cancel all warehouse receipts as EWR's;

(5) Cancel an EWR only when they are the holder of the warehouse receipt;

(6) Be the holder of an EWR to correct information contained within any required data field;

(7) Receive written authorization from FSA at least 30 calendar days before changing providers. Upon authorization, they may request their current provider to transfer their EWR data from its Central Filing System (CFS) to the CFS of the authorized provider whom they select; and

(8) Notify all holders of EWR's by inclusion in the CFS at least 30 calendar days before changing providers, unless otherwise required or allowed by FSA.

(b) An EWR establishes the same rights and obligations with respect to an agricultural product as a paper warehouse receipt and possesses the following attributes:

(1) The holder of an EWR will be entitled to the same rights and privileges as the holder of a paper warehouse receipt.

(2) Only the current holder of the EWR may transfer the EWR to a new holder.

(3) The identity of the holder must be confidential and included as information for every EWR.

(4) Only one person may be designated as the holder of an EWR at any one time.

(5) A warehouse operator may not issue an EWR on a specific identity-preserved or commingled lot of agricultural product or any portion thereof while another valid warehouse receipt representing the same specific identity-preserved or commingled lot of agricultural product remains not canceled. No two warehouse receipts issued by a warehouse operator may have the same warehouse receipt number or represent the same agricultural product lot.

(6) An EWR may only be issued to replace a paper warehouse receipt if requested by the current holder of the paper warehouse receipt.

(7) Holders and warehouse operators may authorize any other user of their provider or the provider itself to act on their behalf with respect to their activities with this provider. This authorization must be in writing, and acknowledged and retained by the warehouse operator and provider.

(c) A warehouse operator not licensed under the Act may, at the option of the warehouse operator, issue EWRs in accordance with this subpart, except this option does not apply to a warehouse operator that is licensed under State law to store agricultural products in a warehouse if the warehouse operator elects to issue an EWR under State law.

Subpart E—Electronic Providers

§ 735.400 Administration.

This subpart sets forth the regulations under which DACO may authorize one or more electronic systems under which:

(a) Electronic documents relating to the shipment, payment, and financing of the sale of agricultural products may be issued or transferred; or

(b) Electronic receipts may be issued and transferred.

§ 735.401 Electronic warehouse receipt and USWA electronic document providers.

(a) To establish a USWA-authorized system to issue and transfer EWR's and USWA electronic documents, each applicant must submit to DACO information and documents determined by DACO to be sufficient to determine that the applicant can comply with the provisions of the Act. Each provider operating pursuant to this section must meet the following requirements:

(1) Have and maintain a net worth as specified in the applicable provider agreement;

(2) Maintain two insurance policies; one for ''errors and omissions'' and another for ''fraud and dishonesty.'' Each policy's minimum coverage and maximum deductible amounts and applicability of other forms of financial assurances as set forth in § 735.14 will be prescribed in the applicable provider agreement. Each policy must contain a clause requiring written notification to FSA 30 days prior to cancellation or as prescribed by FSA;

(3) Submit a current review or an audit level financial statement prepared according to generally accepted accounting standards as defined by the American Institute of Certified Public Accountants;

(4) For any entity that is not an individual, a document that establishes proof of the existence, such as:

(i) For a partnership, an executed partnership agreement; and

(ii) For a corporation:

(A) Articles of incorporation certified by the Secretary of State of the applicable State of incorporation;

(B) Bylaws; and

(C) Permits to do business; and

(iii) For a limited partnership, an executed limited partnership agreement; and

(iv) For a limited liability company:

(A) Articles of organization or similar documents; and

(B) Operating agreement or similar agreement.

(5) Meet any additional financial requirements as set forth in the applicable provider agreement;

(6) Pay user fees annually to FSA, as set and announced annually by FSA prior to April 1 of each calendar year; and

(7) Operate a CFS as a neutral third party in a confidential and secure fashion independent of any outside influence or bias in action or appearance.

(b) The provider agreement will contain, but not be limited to, these basic elements:

(1) Scope of authority;

(2) Minimum document and warehouse receipt requirements;

(3) Liability;

(4) Transfer of records protocol;

(5) Records;

(6) Conflict of interest requirements;

(7) USDA common electronic information requirements;

(8) Financial requirements

(9) Terms of insurance policies or assurances;

(10) Provider's integrity statement;

(11) Security audits; and

(12) Submission, authorization, approval, use and retention of documents.

(c) DACO may suspend or terminate a provider's agreement for cause at any time.

(1) Hearings and appeals will be conducted in accordance with procedures as set forth in §§ 735.6 and 735.8.

(2) Suspended or terminated providers may not execute any function pertaining to USDA, USWA documents, or USWA or State EWR's during the pendency of any appeal or subsequent to this appeal if the appeal is denied, except as authorized by DACO.

(3) The provider or DACO may terminate the provider agreement without cause solely by giving the other party written notice 60 calendar days prior to termination.

(d) Each provider agreement will be automatically renewed annually on April 30th as long as the provider complies with the terms contained in the provider agreement, the regulations in this subpart, and the Act.

§ 735.402 Providers of other electronic documents.

(a) To establish a USWA-authorized system to issue and transfer OED, each applicant must submit to DACO information and documents determined by DACO to be sufficient to determine that the applicant can comply with the provisions of the Act. Each provider operating pursuant to this section must meet the following requirements:

(1) Have and maintain a net worth as specified in the applicable provider agreement;

(2) Maintain two insurance policies; one for 'errors and omissions' and another for 'fraud and dishonesty'. Each policy's minimum coverage and maximum deductible amounts and applicability of other forms of financial assurances as set forth in § 735.14 will be prescribed in the applicable provider agreement. Each policy must contain a clause requiring written notification to FSA 30 days prior to cancellation or as prescribed by FSA;

(3) Submit a current review or an audit level financial statement prepared according to generally accepted accounting standards as defined by the American Institute of Certified Public Accountants;

(4) For any entity that is not an individual, a document that establishes proof of the existence, such as:

(i) For a partnership, an executed partnership agreement; and

(ii) For a corporation:

(A) Articles of incorporation certified by the Secretary of State of the applicable State of incorporation;

(B) Bylaws; and

(C) Permits to do business; and

(iii) For a limited partnership, an executed limited partnership agreement; and

(iv) For a limited liability company:

(A) Articles of organization or similar documents; and

(B) Operating agreement or similar agreement.

(5) Meet any additional financial requirements as set forth in the applicable provider agreement;

(6) Pay user fees annually to FSA, as set and announced annually by FSA prior to April 1 of each calendar year; and

(7) Operate a CFS as a neutral third party in a confidential and secure fashion independent of any outside influence or bias in action or appearance.

(b) The provider agreement will contain, but not be limited to, these basic elements:

(1) Scope of authority;

(2) Minimum document and warehouse receipt requirements;

(3) Liability;

(4) Transfer of records protocol;

(5) Records;

(6) Conflict of interest requirements;

(7) USDA common electronic information requirements;

(8) Financial requirements;

(9) Terms of insurance policies or assurances;

(10) Provider's integrity statement;

(11) Security audits; and

(12) Submission, authorization, approval, use and retention of documents.

(c) DACO may suspend or terminate a provider's agreement for cause at any time.

(1) Hearings and appeals will be conducted in accordance with procedures as set forth in §§ 735.6 and 735.8.

(2) Suspended or terminated providers may not execute any function pertaining to USDA, USWA documents, USWA or State EWR's or OED's during the pendency of any appeal or subsequent to this appeal if the appeal is denied, except as authorized by DACO.

(d) Each provider agreement will be automatically renewed annually on April 30th as long as the provider complies with the terms contained in the provider agreement, the regulations in this subpart, and the Act.

(e) In addition to audits prescribed in this section the provider must submit a copy of any audit, examination or investigative report prepared by any Federal regulatory agency with respect to the provider including agencies such as, but not limited to, the Comptroller of the Currency, Department of the Treasury, the Federal Trade Commission, and the Commodity Futures Trading Commission.

§ 735.403 Audits.

(a) No later than 120 calendar days following the end of the provider's fiscal year, the provider authorized under §§ 735.401 and 735.402 must submit to FSA an annual audit level financial statement and an electronic data processing audit that meets the minimum requirements as provided in the applicable provider agreement. The electronic data processing audit will be used by DACO to evaluate current computer operations, security, disaster recovery capabilities of the system, and compatibility with other systems authorized by DACO.

(b) Each provider will grant the Department unlimited, free access at any time to all records under the provider's control relating to activities conducted under this part and as specified in the applicable provider agreement.

§ 735.404 Schedule of charges and rates.

(a) A provider authorized under §§ 735.401 or 735.402 must furnish FSA with copies of its current schedule of charges and rates for all services as they become effective.

(b) Charges and rates assessed any user by the provider must be in effect for a minimum period of one year.

(c) Providers must furnish FSA and all users a 60-calendar day advance notice of their intent to change any charges and rates.

PARTS 736 THROUGH 742 [Removed]

2. Parts 736 through 742 are removed and reserved.

Signed at Washington, DC, on July 29, 2002.

James R. Little,

Administrator, Farm Service Agency.

[FR Doc. 02–19617 Filed 8–2–02; 8:45 am]

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7 Parts:			
1–26	(869–048–00001–1)	41.00	Jan. 1, 2002
27–52	(869–048–00008–9)	47.00	Jan. 1, 2002
53–209	(869–048–00009–7)	36.00	Jan. 1, 2002
210–299	(869–048–00010–1)	59.00	Jan. 1, 2002
300–399	(869–048–00011–9)	42.00	Jan. 1, 2002
400–699	(869–048–00012–7)	57.00	Jan. 1, 2002
700–899	(869–048–00013–5)	54.00	Jan. 1, 2002
900–999	(869–048–00014–3)	58.00	Jan. 1, 2002
1000–1199	(869–048–00015–1)	25.00	Jan. 1, 2002
1200–1599	(869–048–00016–0)	58.00	Jan. 1, 2002
1600–1899	(869–048–00017–8)	61.00	Jan. 1, 2002
1900–1939	(869–048–00018–6)	29.00	Jan. 1, 2002
1940–1949	(869–048–00019–4)	53.00	Jan. 1, 2002
1950–1999	(869–048–00020–8)	47.00	Jan. 1, 2002
2000–End	(869–048–00021–6)	46.00	Jan. 1, 2002
8	(869–048–00022–4)	58.00	Jan. 1, 2002
9 Parts:			
1–199	(869–048–00023–2)	58.00	Jan. 1, 2002
200–End	(869–048–00024–1)	56.00	Jan. 1, 2002
10 Parts:			
1–50	(869–048–00025–4)	58.00	Jan. 1, 2002
51–199	(869–048–00026–7)	56.00	Jan. 1, 2002
200–499	(869–048–00027–5)	44.00	Jan. 1, 2002
500–End	(869–048–00028–3)	58.00	Jan. 1, 2002
11	(869–048–00029–1)	34.00	Jan. 1, 2002
12 Parts:			
1–199	(869–048–00030–5)	30.00	Jan. 1, 2002
200–219	(869–048–00031–3)	36.00	Jan. 1, 2002
220–299	(869–048–00032–1)	58.00	Jan. 1, 2002
300–499	(869–048–00033–0)	45.00	Jan. 1, 2002
500–599	(869–048–00034–8)	42.00	Jan. 1, 2002
600–End	(869–048–00035–6)	61.00	Jan. 1, 2002
13	(869–048–00036–4)	47.00	Jan. 1, 2002
14 Parts:			
1–59	(869–048–00037–2)	60.00	Jan. 1, 2002
60–139	(869–048–00038–1)	58.00	Jan. 1, 2002
140–199	(869–048–00039–9)	29.00	Jan. 1, 2002
200–1199	(869–048–00040–2)	47.00	Jan. 1, 2002
1200–End	(869–048–00041–1)	41.00	Jan. 1, 2002
15 Parts:			
0–299	(869–048–00042–9)	37.00	Jan. 1, 2002
300–799	(869–048–00043–7)	58.00	Jan. 1, 2002
800–End	(869–048–00044–5)	40.00	Jan. 1, 2002
16 Parts:			
0–999	(869–048–00045–3)	47.00	Jan. 1, 2002
1000–End	(869–048–00046–1)	57.00	Jan. 1, 2002
17 Parts:			
1–199	(869–048–00048–8)	47.00	Apr. 1, 2002
200–239	(869–048–00049–6)	55.00	Apr. 1, 2002
*240–End	(869–048–00050–0)	59.00	Apr. 1, 2002
18 Parts:			
1–399	(869–048–00051–8)	59.00	Apr. 1, 2002
400–End	(869–048–00052–6)	24.00	Apr. 1, 2002
19 Parts:			
1–140	(869–048–00053–4)	57.00	Apr. 1, 2002
141–199	(869–048–00054–2)	56.00	Apr. 1, 2002
200–End	(869–048–00055–1)	29.00	Apr. 1, 2002
20 Parts:			
1–399	(869–048–00056–9)	47.00	Apr. 1, 2002
400–499	(869–048–00057–7)	60.00	Apr. 1, 2002
500–End	(869–048–00058–5)	60.00	Apr. 1, 2002
21 Parts:			
1–99	(869–048–00059–3)	39.00	Apr. 1, 2002
100–169	(869–048–00060–7)	46.00	Apr. 1, 2002
170–199	(869–048–00061–5)	47.00	Apr. 1, 2002
200–299	(869–048–00062–3)	16.00	Apr. 1, 2002
300–499	(869–048–00063–1)	29.00	Apr. 1, 2002
500–599	(869–048–00064–0)	46.00	Apr. 1, 2002
600–799	(869–048–00065–8)	16.00	Apr. 1, 2002
800–1299	(869–048–00066–6)	56.00	Apr. 1, 2002
1300–End	(869–048–00067–4)	22.00	Apr. 1, 2002
22 Parts:			
1–299	(869–048–00068–2)	59.00	Apr. 1, 2002
300–End	(869–048–00069–1)	43.00	Apr. 1, 2002
23	(869–048–00070–4)	40.00	Apr. 1, 2002
24 Parts:			
0–199	(869–048–00071–2)	57.00	Apr. 1, 2002
*200–499	(869–048–00072–1)	47.00	Apr. 1, 2002
500–699	(869–048–00073–9)	29.00	Apr. 1, 2002
700–1699	(869–048–00074–7)	58.00	Apr. 1, 2002
1700–End	(869–048–00075–5)	29.00	Apr. 1, 2002
***25**	(869–048–00076–3)	68.00	Apr. 1, 2002
26 Parts:			
§§ 1.0-1–1.60	(869–048–00077–1)	45.00	Apr. 1, 2002
§§ 1.61–1.169	(869–044–00078–0)	58.00	Apr. 1, 2002
§§ 1.170–1.300	(869–048–00079–8)	55.00	Apr. 1, 2002
§§ 1.301–1.400	(869–048–00080–1)	44.00	Apr. 1, 2002
§§ 1.401–1.440	(869–048–00081–0)	60.00	Apr. 1, 2002
§§ 1.441-1.500	(869-048-00082-8)	47.00	Apr. 1, 2002
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–048–00084–4)	57.00	Apr. 1, 2002
§§ 1.851–1.907	(869–048–00085–2)	57.00	Apr. 1, 2002
§§ 1.908–1.1000	(869–048–00086–1)	56.00	Apr. 1, 2002
§§ 1.1001–1.1400	(869–048–00087–9)	58.00	Apr. 1, 2002
§§ 1.1401–End	(869–048–00088–7)	61.00	Apr. 1, 2002
2–29	(869–048–00089–5)	57.00	Apr. 1, 2002
30–39	(869–048–00090–9)	39.00	Apr. 1, 2002
40–49	(869–048–00091–7)	26.00	Apr. 1, 2002
50–299	(869–048–00092–5)	38.00	Apr. 1, 2002
300–499	(869–048–00093–3)	57.00	Apr. 1, 2002
500–599	(869–044–00094–6)	12.00	[5] Apr. 1, 2001
600–End	(869–048–00095–0)	16.00	Apr. 1, 2002
27 Parts:			
*1–199	(869–048–00096–8)	61.00	Apr. 1, 2002

Title	Stock Number	Price	Revision Date
200–End	(869–048–00097–6)	13.00	Apr. 1, 2002
28 Parts:			
0-42	(869–044–00098–9)	55.00	July 1, 2001
43-end	(869-044-00099-7)	50.00	July 1, 2001
29 Parts:			
0–99	(869–044–00100–4)	45.00	July 1, 2001
100–499	(869–044–00101–2)	14.00	[6]July 1, 2001
500–899	(869–044–00102–1)	47.00	[6]July 1, 2001
900–1899	(869–044–00103–9)	33.00	July 1, 2001
1900–1910 (§§ 1900 to 1910.999)	(869–044–00104–7)	55.00	July 1, 2001
1910 (§§ 1910.1000 to end)	(869–044–00105–5)	42.00	July 1, 2001
1911–1925	(869–044–00106–3)	20.00	[6]July 1, 2001
1926	(869–044–00107–1)	45.00	July 1, 2001
1927–End	(869–044–00108–0)	55.00	July 1, 2001
30 Parts:			
1–199	(869–044–00109–8)	52.00	July 1, 2001
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–044–00111–7)	53.00	July 1, 2001
31 Parts:			
0–199	(869–044–00112–8)	32.00	July 1, 2001
200–End	(869–044–00113–6)	56.00	July 1, 2001
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–044–00114–4)	51.00	[6]July 1, 2001
191–399	(869–044–00115–2)	57.00	July 1, 2001
400–629	(869–044–00116–8)	35.00	[6]July 1, 2001
630–699	(869–044–00117–9)	34.00	July 1, 2001
700–799	(869–044–00118–7)	42.00	July 1, 2001
800–End	(869–044–00119–5)	44.00	July 1, 2001
33 Parts:			
1–124	(869–044–00120–9)	45.00	July 1, 2001
125–199	(869–044–00121–7)	55.00	July 1, 2001
200–End	(869–044–00122–5)	45.00	July 1, 2001
34 Parts:			
1–299	(869–044–00123–3)	43.00	July 1, 2001
300–399	(869–044–00124–1)	40.00	July 1, 2001
400–End	(869–044–00125–0)	56.00	July 1, 2001
35	(869–044–00126–8)	10.00	[6]July 1, 2001
36 Parts			
1–199	(869–044–00127–6)	34.00	July 1, 2001
200–299	(869–044–00128–4)	33.00	July 1, 2001
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–044–00130–6)	45.00	July 1, 2001
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–044–00132–2)	55.00	July 1, 2001
39	(869–044–00133–1)	37.00	July 1, 2001
40 Parts:			
1–49	(869–044–00134–9)	54.00	July 1, 2001
50–51	(869–044–00135–7)	38.00	July 1, 2001
52 (52.01–52.1018)	(869–044–00136–5)	50.00	July 1, 2001
52 (52.1019–End)	(869–044–00137–3)	55.00	July 1, 2001
53–59	(869–044–00138–1)	28.00	July 1, 2001
60 (60.1–End)	(869–044–00139–0)	53.00	July 1, 2001
60 (Apps)	(869–044–00140–3)	51.00	July 1, 2001
61–62	(869–044–00141–1)	35.00	July 1, 2001
63 (63.1–63.599)	(869–044–00142–0)	53.00	July 1, 2001
63 (63.600–63.1199)	(869–044–00143–8)	44.00	July 1, 2001
63 (63.1200-End)	(869–044–00144–6)	56.00	July 1, 2001
64–71	(869–044–00145–4)	26.00	July 1, 2001
72–80	(869–044–00146–2)	55.00	July 1, 2001
81–85	(869–044–00147–1)	45.00	July 1, 2001
86 (86.1–86.599–99)	(869–044–00148–9)	52.00	July 1, 2001
86 (86.600–1–End)	(869–044–00149–7)	45.00	July 1, 2001
87–99	(869–044–00150–1)	54.00	July 1, 2001
100–135	(869–044–00151–9)	38.00	July 1, 2001
136–149	(869–044–00152–7)	55.00	July 1, 2001
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–044–00154–3)	34.00	July 1, 2001
260–265	(869–044–00155–1)	45.00	July 1, 2001
266–299	(869–044–00156–0)	45.00	July 1, 2001
300–399	(869–044–00157–8)	41.00	July 1, 2001
400–424	(869–044–00158–6)	51.00	July 1, 2001
425–699	(869–044–00159–4)	55.00	July 1, 2001
700–789	(869–044–00160–8)	55.00	July 1, 2001
790–End	(869–044–00161–6)	44.00	July 1, 2001
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–044–00162–4)	22.00	July 1, 2001
101	(869–044–00163–2)	45.00	July 1, 2001
102–200	(869–044–00164–1)	33.00	July 1, 2001
201–End	(869–044–00165–9)	24.00	July 1, 2001
42 Parts:			
1–399	(869–044–00166–7)	51.00	Oct. 1, 2001
400–429	(869–044–00167–5)	59.00	Oct. 1, 2001
430–End	(869–044–00168–3)	58.00	Oct. 1, 2001
43 Parts:			
1–999	(869–044–00169–1)	45.00	Oct. 1, 2001
1000–end	(869–044–00170–5)	56.00	Oct. 1, 2001
44	(869–044–00171–3)	45.00	Oct. 1, 2001
45 Parts:			
1–199	(869–044–00172–1)	53.00	Oct. 1, 2001
200–499	(869–044–00173–0)	31.00	Oct. 1, 2001
500–1199	(869–044–00174–8)	45.00	Oct. 1, 2001
1200–End	(869–044–00175–6)	55.00	Oct. 1, 2001
46 Parts:			
1–40	(869–044–00176–4)	43.00	Oct. 1, 2001
41–69	(869–044–00177–2)	35.00	Oct. 1, 2001
70–89	(869–044–00178–1)	13.00	Oct. 1, 2001
90–139	(869–044–00179–9)	41.00	Oct. 1, 2001
140–155	(869–044–00180–2)	24.00	Oct. 1, 2001
156–165	(869–044–00181–1)	31.00	Oct. 1, 2001
166–199	(869–044–00182–9)	42.00	Oct. 1, 2001
200–499	(869–044–00183–7)	36.00	Oct. 1, 2001
500–End	(869–044–00184–5)	23.00	Oct. 1, 2001
47 Parts:			
0–19	(869–044–00185–3)	55.00	Oct. 1, 2001
20–39	(869–044–00186–1)	43.00	Oct. 1, 2001
40–69	(869–044–00187–0)	36.00	Oct. 1, 2001
70–79	(869–044–00188–8)	58.00	Oct. 1, 2001
80–End	(869–044–00189–6)	55.00	Oct. 1, 2001
48 Chapters:			
1 (Parts 1–51)	(869–044–00190–0)	60.00	Oct. 1, 2001
1 (Parts 52–99)	(869–044–00191–8)	45.00	Oct. 1, 2001
2 (Parts 201–299)	(869–044–00192–6)	53.00	Oct. 1, 2001
3–6	(869–044–00193–4)	31.00	Oct. 1, 2001
7–14	(869–044–00194–2)	51.00	Oct. 1, 2001
15–28	(869–044–00195–1)	53.00	Oct. 1, 2001
29–End	(869–044–00196–9)	38.00	Oct. 1, 2001
49 Parts:			
1–99	(869–044–00197–7)	55.00	Oct. 1, 2001
100–185	(869–044–00198–5)	60.00	Oct. 1, 2001
186–199	(869–044–00199–3)	18.00	Oct. 1, 2001
200–399	(869–044–00200–1)	60.00	Oct. 1, 2001
400–999	(869–044–00201–9)	58.00	Oct. 1, 2001
1000–1199	(869–044–00202–7)	26.00	Oct. 1, 2001

Title	Stock Number	Price	Revision Date
1200–End	(869–044–00203–5)	21.00	Oct. 1, 2001
50 Parts:			
1–199	(869–044–00204–3)	63.00	Oct. 1, 2001
200–599	(869–044–00205–1)	36.00	Oct. 1, 2001
600–End	(869–044–00206–0)	55.00	Oct. 1, 2001
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
Complete 2001 CFR set		1,195.00	2001
Microfiche CFR Edition:			
Subscription (mailed as issued)		298.00	2000
Individual copies		2.00	2000
Complete set (one-time mailing)		290.00	2000
Complete set (one-time mailing)		247.00	1999

[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.