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Contents

Federal Register

Vol. 67, No. 213

Monday, November 4, 2002

Advisory Council on Historic Preservation
See Historic Preservation, Advisory Council

Agricultural Marketing Service
NOTICES
Cotton research and promotion order:
Referendum, determination not to conduct, 67142–67143

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Food Safety and Inspection Service
See Forest Service
RULES
Supplemental standards of ethical conduct for department employees
Correction, 67089

Animal and Plant Health Inspection Service
RULES
Livestock and poultry disease control:
Low pathogenic avian influenza; indemnification, 67089–67096

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Centers for Disease Control and Prevention
NOTICES
Meetings:
ICD-9-CM Coordination and Maintenance Committee, 67198

Children and Families Administration
NOTICES
Organization, functions, and authority delegations:
Community Services Office et al., 67198–67200

Coast Guard
RULES
Drawbridge operations:
Illinois, 67108–67110
Ports and waterways safety:
Lake Moovalya, Colorado River, AZ; safety zone, 67110–67111
NOTICES
Reports and guidance documents; availability, etc.:
Oil pollution prevention, preparedness, and response in 21st century; environmental agenda; comment request, 67234

Commerce Department
See Economic Development Administration
See Industry and Security Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
China, 67151–67152
Hong Kong, 67152

Comptroller of the Currency
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

Defense Department
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Debarment and suspension; order placement and option exercise, 67281–67282

Economic Development Administration
NOTICES
Trade adjustment assistance eligibility determination petitions:
Slocum Adhesives Corp. et al, 67148–67149

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Special education and rehabilitative services—
Field-Initiated Projects and Advanced Rehabilitation Research Training Projects; correction, 67152–67153

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission
NOTICES
Grants and cooperative agreements; availability, etc.:
Advanced Detector Research Program, 67153–67154
Powerplant and industrial fuel use; new electric powerplant coal capability:
Self-certification filings—
Los Esteros Critical Energy Facility et al., 67154

Energy Information Administration
NOTICES
Reports and guidance documents; availability, etc.:
Confidential historical electric power survey data; statistical tables information; policy statement; comment request; correction, 67253

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Alabama, 67113–67117
NOTICES
Grants and cooperative agreements; availability, etc.:
Intertribal consortia; policy update, 67181–67183
Reports and guidance documents; availability, etc.:
Ferric ferrocyanide; preliminary administrative determination document on whether it is cyanide within meaning of toxic pollutants list, 67183–67185
Toxic and hazardous substances control:
New chemicals—
Receipt and status information, 67185–67196

Federal Aviation Administration
RULES
Airworthiness directives:
Hartzell Propeller, Inc., 67104–67106

Class E5 airspace; correction, 67253
Standard instrument approach procedures, 67106–67108
PROPOSED RULES
Airworthiness directives:
Eurocopter France, 67131–67132

Federal Communications Commission
NOTICES
Meetings:
Public Safety National Coordination Committee, 67196

Federal Deposit Insurance Corporation
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

Federal Emergency Management Agency
RULES
Flood elevation determinations:
New Mexico and Oklahoma, 67128–67130
Various States, 67119–67128
Flood insurance; communities eligible for sale:
Various States, 67117–67119
PROPOSED RULES
Flood elevation determinations:
Alabama and North Carolina, 67135–67139
California, 67133–67135
Illinois and Maine, 67132–67133
NOTICES
Disaster and emergency areas:
Arizona, 67196–67197
Louisiana, 67197

Federal Energy Regulatory Commission
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 67154–67155
Electric rate and corporate regulation filings:
Anaheim, CA, et al., 67163–67164
Creed Energy Center, LLC, et al., 67164–67165
Duke Energy Oakland, LLC, et al., 67165–67167
Florida Power & Light Co., et al., 67167–67168
Indigo Generation LLC et al., 67168–67169
WPS Empire State, Inc., et al., 67169–67172
Environmental statements; availability, etc.:
Grand Pointe Power Corp., 67173
Greenbrier Pipeline Co., LLC, 67173–67174
Judith A. Burford Hydroelectric Project, 67174
Northern California Power Agency et al., 67174
Transcontinental Gas Pipe Line Corp., 67175
Woods Lake Hydro Co., 67179
Hydroelectric applications, 67175–67179
Meetings:
Better stakeholder involvement; how to make it work; workshop, 67179–67181
Practice and procedure:
Off-the-record communications, 67181
Preliminary permits surrender:
CPS Products, Inc., 67181
Applications, hearings, determinations, etc.:
AES Ocean Express LLC, 67155–67156
Allegheny Energy Supply Co., LLC, et al., 67156–67157
Avista Corp. et al., 67157
Baltimore Gas & Electric Co., 67158
Calpine Energy Services, L.P., et al., 67158
Choctaw Generation, LP, 67158
Columbia Gas Transmission Corp., 67159
Columbia Gulf Transmission Co., 67159–67160
El Dorado Irrigation District, 67160
Enbridge Pipelines (AlaTenn) L.L.C., 67160
Enbridge Pipelines (Midla) L.L.C. et al., 67160
e prime, inc., 67161
North Baja Pipeline, LLC, 67161
PG&E Gas Transmission, Northwest Corp., 67161–67162
Southern LNG Inc., 67162
Southern Natural Gas Co., 67162
Zia Natural Gas Co., 67162

Federal Maritime Commission
NOTICES
Reports and guidance documents; availability, etc.:
Congestion at West Coast ports of United States; advisory to ocean common carriers, etc., 67197–67198

Federal Motor Carrier Safety Administration
NOTICES
Motor carrier safety standards:
Driver qualifications—
Coe, Ronald W., Sr., et al.; vision requirement exemptions, 67234–67236

Federal Reserve System
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

Federal Transit Administration
NOTICES
Grant and cooperative agreement awards:
Job Access and Reverse Commute Program, 67236–67238

Fish and Wildlife Service
RULES
Migratory bird hunting:
Seasons, limits, and shooting hours; establishment, etc.
Correction, 67255–67280
NOTICES
Environmental statements; availability, etc.:
Incidental take permits—
Natomas Basin, Sacramento County, CA; giant garter snake, valley elderberry longhorn beetle, etc., habitat conservation plan, 67209–67210

Food Safety and Inspection Service
NOTICES
Meetings:
Codex Alimentarius Commission—
Food Import and Export Inspection and Certification Systems Committee; correction, 67143–67144

Forest Service
NOTICES
Environmental statements; notice of intent:
Modoc National Forest, CA, 67144–67147
Wasatch-Cache and Uinta National Forests, UT, 67147–67148
Meetings:
Resource Advisory Committees—
Southwest Idaho, 67148
Southwest Washington Provincial Advisory Committee, 67148

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Debarment and suspension; order placement and option exercise, 67281–67282

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See National Institutes of Health

Historic Preservation, Advisory Council
NOTICES
Meetings, 67142

Industry and Security Bureau
NOTICES
National Defense Stockpile:
Potential market impact of proposed increases in stockpile disposals; comment request; correction, 67149

Interior Department
See Fish and Wildlife Service

Internal Revenue Service
PROPOSED RULES
Income taxes:
Taxpayer identifying numbers; requirement on submissions
Hearing cancellation, 67132
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67247
Electronic tax return preparation and filing services for taxpayers; intent to enter agreement with Free File Alliance, LLC, 67247–67251
Meetings:
Taxpayer Advocacy Panels, 67251

International Trade Administration
NOTICES
Antidumping:
Sulfanilic acid from—
China, 67149–67150

Justice Department
See Justice Programs Office

Justice Programs Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67210

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Debarment and suspension; order placement and option exercise, 67281–67282

National Council on Disability
NOTICES
Meetings; Sunshine Act, 67210–67211

National Credit Union Administration
RULES
Credit unions:
Appraisals—
Technical amendments, 67102
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Arts and Artifacts Indemnity Panel, 67211
Humanities National Council, 67211–67212

National Institutes of Health
NOTICES
Inventions, Government-owned; availability for licensing, 67201–67203
Meetings:
Alternative Toxicological Methods Scientific Advisory Committee, 67203–67204
National Cancer Institute, 67204
National Heart, Lung, and Blood Institute, 67204–67205
National Human Genome Research Institute, 67205
National Institute of Diabetes and Digestive and Kidney Diseases, 67205–67206
National Institute on Deafness and Other Communication Disorders, 67206–67207
Scientific Review Center, 67207–67209

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Magnuson-Stevens Act provisions—
Domestic fisheries; exempted fishing permit applications, 67140–67141
International fisheries regulations:
Pacific tuna—
Management measures, 67139–67140
NOTICES
Endangered and threatened species:
Incidental take permits—
North Carolina Marine Fisheries Division; sea turtles, 67150–67151

National Science Foundation
NOTICES
Meetings:
Biological Sciences Advisory Committee, 67212
Proposal review meetings, 67212
Social, Behavioral, and Economic Sciences Advisory Committee, 67212

Nuclear Regulatory Commission
RULES
Organization, functions, and authority delegations:
Public document room address change and corrections to information collection provisions, 67096–67101
NOTICES
Environmental statements; availability, etc.:
Connecticut Yankee Atomic Power Co., 67212–67218
Meetings:
Nuclear Waste Advisory Committee, 67218
Reactor Safeguards Advisory Committee, 67218–67219
Petitions; Director's decisions:
Entergy Nuclear Operations, Inc., 67219–67220

Public Health Service
See Centers for Disease Control and Prevention
See National Institutes of Health

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Exemption applications—
Credit Suisse Asset Management, LLC, et al., 67220–67226
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 67226–67227
New York Stock Exchange, Inc., 67227–67228
Options Clearing Corp., 67228–67231
Pacific Exchange, Inc., 67231–67232
Applications, hearings, determinations, etc.:
Citizens, Inc., 67220

Small Business Administration
RULES
Small business size standards:
North American Industry Classification system; adoption
Correction, 67253, 67102–67104

Social Security Administration
NOTICES
Agency information collection activities:
Proposed collection and submission for OMB review; comment request, 67232–67233

State Department
RULES
Visas; nonimmigrant documentation:
Witnesses and informants, 67108

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
Oklahoma Transportation Department et al., 67238
Railroad services abandonment:
New York Central Lines, LLC, et al., 67238–67239

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Thrift Supervision Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Motor Carrier Safety Administration
See Federal Transit Administration
See Surface Transportation Board
RULES
Seaway regulations and rules:
Civil monetary penalties; inflation adjustment, 67112–67113

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service
See Thrift Supervision Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 67239–67247

Veterans Affairs Department
NOTICES
Meetings:
President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, 67251–67252

Separate Parts In This Issue

Part II
Interior Department, Fish and Wildlife Service, 67255–67280

Part III
Defense Department; General Services Administration; National Aeronautics and Space Administration, 67281–67282

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
8301 67089

9 CFR
53 67089

10 CFR
1 67096
2 67096
7 67096
9 67096
19 67096
20 67096
26 67096
30 67096
31 67096
33 67096
39 67096
50 67096
51 67096
52 67096
54 67096
55 67096
71 67096
75 67096
100 67096
110 67096

12 CFR
722 67102

13 CFR
121 (2 documents) 67102, 67253

14 CFR
39 67104
71 67253
97 67106

Proposed Rules:
39 67131

22 CFR
41 67108

26 CFR

Proposed Rules:
1 67132
301 67132

33 CFR
117 67108
165 67110
401 67112

40 CFR
52 67113

44 CFR
64 67117
65 (2 documents) 67119, 67123
67 (3 documents) 67125, 67126, 67128

Proposed Rules:
67 (3 documents) 67132, 67133, 67135

48 CFR

Proposed Rules:
9 67282

50 CFR
20 67256

Proposed Rules:
300 67139
600 67140

Rules and Regulations

Federal Register
Vol. 67, No. 213
Monday, November 4, 2002

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

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

DEPARTMENT OF AGRICULTURE

5 CFR Part 8301

RIN 3209–AA15

Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture; Correction

AGENCY: Department of Agriculture (USDA).

ACTION: Final rule; correction.

SUMMARY: In this document, the Department of Agriculture, with the concurrence of the Office of Government Ethics (OGE), is correcting a typographical error in one of the amendatory instructions of the final rule amendments to the supplemental standards of ethical conduct for USDA employees, which was published by the USDA in the **Federal Register** on Monday, September 16, 2002 (67 FR 58319).

EFFECTIVE DATE: September 16, 2002.

FOR FURTHER INFORMATION CONTACT: Raymond J. Sheehan, Director, Office of Ethics, U.S. Department of Agriculture, Room 348–W–Stop 0122, 1400 Independence Avenue, SW., Washington, DC 20250–0122, telephone: (202) 720–2251.

SUPPLEMENTARY INFORMATION: In the above-noted final rule amendments document published by the USDA, with OGE concurrence, the beginning of amendatory instruction 2.e. inadvertently omitted the words ''Removing the'' before the paragraph reference identified therein which was being replaced by a redesignated paragraph reference. This document corrects the error in amendatory instruction 2.e.

Dated: October 15, 2002.

John S. Surina,

Designated Agency Ethics Official, U.S. Department of Agriculture.

Approved: October 28, 2002.

Stuart D. Rick,

Deputy General Counsel, Office of Government Ethics.

For the reasons set forth in the preamble, the Department of Agriculture, with the concurrence of the Office of Government Ethics, is correcting the September 16, 2002, publication of the final rule amendments on Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture, which was the subject of FR Doc. 02–23489, as follows:

PART 8301—[CORRECTED]

§ 8301.103 [Corrected]

On page 58319, in the third column, the beginning of the first line of amendatory instruction 2.e., is corrected by removing the word ''Paragraph'' and adding in this place the words ''Removing the paragraph''.

[FR Doc. 02–27989 Filed 11–1–02; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 53

[Docket No. 02–048–1]

RIN 0579–AB46

Low Pathogenic Avian Influenza; Payment of Indemnity

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending our general indemnity regulations to allow the Department to pay indemnity to contract growers and owners for poultry destroyed because of low pathogenic avian influenza associated with a disease situation in Virginia. Subject to available funding, the Department may pay all eligible losses of contract growers and up to 50 percent of eligible losses of owners, minus any amount paid to the contract grower of a flock. However, total payments may not exceed 50 percent of all eligible costs. Additionally, we are providing that the value of poultry destroyed due to the disease may be determined after destruction and disposal of the poultry, and, except in limited situations, are requiring a waiting period of 7 days following cleaning and disinfection before premises that contained poultry affected by the disease may be restocked. These actions are necessary to help control this disease in the United States.

DATES: This interim rule is effective December 9, 2002. We will consider all comments that we receive by December 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. 02–048–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 02–048–1. If you use e-mail, address your comment to *regulations@aphis.usda.gov.* Your comment must be contained in the body of your message; do not send attached files. Please include your name and address in your message and ''Docket No. 02–048–1'' 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. Cheryl Hall, Staff Veterinarian, Planning, Certification, and Monitoring Staff, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737–1231; (301) 734–4924.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (the Department) administers regulations at 9 CFR part 53 (referred to below as the regulations) that provide for the payment of indemnity to owners of animals that are required to be destroyed because of foot-and-mouth disease, pleuropneumonia, rinderpest, exotic Newcastle disease, highly pathogenic avian influenza, infectious salmon anemia, or any other communicable disease of livestock or poultry that, in the opinion of the Secretary of Agriculture, constitutes an emergency and threatens the U.S. livestock or poultry population. Payment for animals destroyed is to be based on the fair market value of the animals.

Payment of Indemnity

Section 53.2 of the regulations authorizes the APHIS Administrator to cooperate with a State in the control and eradication of disease. Paragraph (b) of this section allows for the payment of indemnity to cover the costs for purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposed to such disease. In the case of low pathogenic avian influenza (LPAI), the Administrator may pay up to 50 percent of the costs.

Low Pathogenic Avian Influenza

Avian influenza (AI) viruses are classified into 15 subtypes based on their surface hemagglutinin (H) proteins. LPAI viruses constitute the vast majority of AI viruses and cause few clinical signs in infected birds. However, LPAI H5 and H7 viruses can mutate into highly pathogenic forms under field conditions.

Highly pathogenic AI (HPAI) is not known to exist in the United States. It is an extremely infectious and deadly form of the disease and can cause sudden death in poultry without any warning signs of infection. Recently, a subtype of the H7 virus, the H7N2 strain, was determined to be present in commercial poultry flocks in the State of Virginia. (To date, no poultry infected with the H5 virus have been found in Virginia.) Because of the possibility that LPAI H5 and H7 viruses could mutate into HPAI, we have determined that it is necessary to eliminate these specific viruses if they occur in poultry in relation to the disease situation occurring in Virginia.

Agricultural authorities in Virginia have taken action to control the disease through diagnostic activities, quarantines, surveillance, depopulation and disposal of infected and exposed poultry, and cleaning and disinfection or disposal of contaminated materials. To protect the poultry industry in the United States, APHIS is cooperating with Virginia in its control measures. Integral to these efforts is the destruction of all poultry known to be infected with or exposed to the disease.

Payment for Losses

In reviewing the regulations in § 53.2 regarding authorization of payments by the Department for losses growing out of the destruction of animals affected with the disease, we found the wording too narrow to cover costs borne by contract growers of poultry, who do not own the birds, but who nonetheless would suffer losses associated with their destruction. Therefore, we are adding a new § 53.11(a) to the regulations, in which we provide that, subject to available funding, in the case of the current disease situation in Virginia associated with the H5 or H7 virus, the Administrator may pay claims of up to 100 percent of eligible losses incurred by each contract grower resulting from the destruction of poultry affected with the disease, up to the amount that the owner of the poultry is eligible to receive before grower compensation is deducted, as discussed below.

We are also adding a new § 53.11(b) to provide that, in the case of the current LPAI situation in Virginia, the Administrator may pay up to 50 percent of all eligible losses incurred by each owner resulting from the destruction of poultry affected with the disease, minus any amount APHIS pays to the contract grower of the poultry under § 53.11(a). A copy of the LPAI compensation plan is available for review at the location listed in the **ADDRESSES** section at the beginning of this document and at *http://www.aphis.usda.gov/ppd/rad/avianecon.pdf*. Compensation will be made only for poultry destroyed and the costs of destruction and disposal, and not for materials.

Method of Calculating Compensation

Under the LPAI compensation plan, the total per bird compensation value is determined first. Compensation for growers is determined next, with the amount per bird based on the payments that growers have earned in previous production cycles. Once the amount to be paid to growers is arrived at, that amount is subtracted from the total compensation value to determine what owners will receive.

(Compensation will not be paid for meat birds sent to slaughter. For breeder or table egg layer birds, the amount of compensation paid will be reduced by any salvage value of the birds.)

In general, the compensation plan will be applied according to the following formulas:

1. Compensation to Contract Growers

Per bird payment based on the average per bird company grower payment received during the previous year's production
× the number of birds depopulated (based on company and grower records)
= estimated grower payment if the disease situation hadn't occurred
− any company grower payment already received
= grower compensation

The compensation plan for growers allows for Federal payment of 100 percent of eligible losses suffered by a grower, up to the amount that the owner of the poultry is eligible to receive before grower compensation is deducted. In all cases, 100 percent of eligible grower losses will be less than 50 percent of the value of the birds.

By targeting growers for indemnities, the Federal Government enhances the probability of rapid reporting by growers who are in a position to quickly report a disease situation. This enhances the likelihood of prompt eradication. In addition, such payments will benefit poultry growers who could otherwise suffer uncompensated economic losses from participating in an eradication program. If growers are not compensated, any sunk mortgage, electricity, or labor costs a grower has invested in a flock are lost when the flock is depopulated. Some of these costs, such as mortgage costs, continue even if there are no poultry on the grower's premises.

2. Compensation to Owners

Compensation value per bird (based on tables included in the compensation plan)
× the number of birds depopulated
= the total bird value loss
+ cost to owners of destruction and disposal of birds
× 50 percent
= total compensation for birds, destruction, and disposal
− grower compensation
= net owner compensation from the Department

Depopulation Agreement

We are providing in new § 53.11(c) that payments are conditioned on each

claimant's complying with all applicable requirements of part 53 and, additionally, adhering to and complying with the specific conditions set forth in the ''Avian Influenza Depopulation Agreement'' regarding cleaning and disinfection, restocking, surveillance, and other disease prevention measures.

We will consider affected poultry to be related to the current disease situation in Virginia if they are located in Virginia or if they are poultry in another State that are determined to be affected with LPAI because of being epidemiologically linked to the disease situation in Virginia.

Owners who collect salvage value for poultry destroyed because of LPAI will have that value subtracted from the amount of indemnity they are eligible to receive.

Determining the Value of Poultry Destroyed

Prior to this interim rule, § 53.4 provided, among other things, that poultry affected by disease must be killed promptly after appraisal. However, in the case of a disease such as LPAI that can spread rapidly among poultry in close proximity, it may be necessary in controlling the disease to destroy poultry before determining its value. Therefore, we are providing in a new § 53.4(b) that, in the case of the current disease situation in Virginia, the value of poultry may be calculated following destruction and disposal of the poultry, based on the number, type, and age of the poultry destroyed.

We are providing in § 53.8 that any claims for payment for poultry destroyed in relation to the current disease situation in Virginia must be submitted to APHIS within 90 days after the effective date of this rule or the destruction of the poultry, whichever is later. Additionally, we are revising § 53.8 to provide that claims for payment must simply be made on a form approved by the Administrator, and remove the requirement that a separate voucher be used for each type of commodity for which a claim is made. In the case of the disease situation in Virginia, compensation will be made for the poultry and for the costs of destruction and disposal of the poultry. In all other cases, the claim form approved by the Administrator can be used for claims for other eligible losses.

The Administration is examining how the costs of program activities, including the payment of claims, are shared among the Federal government and cooperators such as State and local governments, industry, and producers. Hence, in the future, the payment rate provided under this rule may change.

Restocking of Premises

We are providing in § 53.7 that, in the case of LPAI related to the current disease situation in Virginia, premises that have contained poultry for which indemnity is paid under the provisions of this interim rule may not be restocked with poultry until at least 7 days following cleaning and disinfection of the premises, unless the Administrator determines that a shorter or longer period of time is adequate or necessary to protect new poultry against infection. Generally, we consider 7 days following cleaning and disinfection (which usually follows approximately 14 days after the removal of the poultry) to be a sufficient period of time for the elimination of any LPAI virus that might remain on the premises. However, in some cases it is possible it might not be entirely safe to restock a premises until more than 7 days following cleaning and disinfection, such as when poultry have not yet been removed from a premises contiguous to the premises that has been cleaned and disinfected, or when poultry litter is left in a barn that has been otherwise cleaned and disinfected. In such cases, an APHIS official will recommend to the Administrator that more than 7 days be required before restocking may occur. If on the other hand, owners or growers can demonstrate to the Administrator that less than a 7-day waiting period following cleaning and disinfection is sufficient to ensure that the virus has been eliminated, this interim rule allows the Administrator to approve such a shorter period.

Immediate Action

The Administrator has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. This rulemaking is necessary to allow contract growers, as well as owners, of poultry destroyed because of LPAI associated with a disease situation in Virginia to be compensated. The rulemaking is also necessary to allow the value of the poultry to be determined after destruction, and to specify how soon a premises that contained affected poultry may be restocked. These provisions are necessary to help control the disease in the United States.

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

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be significant for the purposes of Executive Order 12866 and, therefore, has been reviewed by the Office of Management and Budget.

Below is a summary of the economic analysis for the changes in indemnity with regard to low pathogenic avian influenza in Virginia contained in this document. The economic analysis provides a cost-benefit analysis as required by Executive Order 12866 and an analysis of the potential economic effects on small entities as required by the Regulatory Flexibility Act. A copy of the full economic analysis is available for review at the location listed in the **ADDRESSES** section at the beginning of this document and at *http://www.aphis.usda.gov/ppd/rad/avianecon.pdf*.

We do not have enough data for a comprehensive analysis of the economic effects of this interim rule on small entities. Therefore, in accordance with 5 U.S.C. 603, we have performed an initial regulatory flexibility analysis for this rule. We are inviting comments about this rule as it relates to small entities. In particular, we are interested in determining the number and kinds of small entities who may incur benefits or costs from implementation of this interim rule and the economic effect of those benefits or costs.

Authorization for Payment of Indemnity

The Secretary of Agriculture is authorized to carry out operations and measures to detect, control, or eradicate any diseases affecting livestock (7 U.S.C. 8308). These measures include the payment of claims growing out of the destruction of animals, articles, and means of conveyance (7 U.S.C. 8308).

Subject to available funding, this rule will permit compensation of up to 50 percent of the value of poultry destroyed because of LPAI associated with a disease situation in Virginia, plus 50 percent of the costs of the destruction and disposal of the poultry. It will allow both contract growers and owners to be compensated for losses, and for each contract grower to be compensated for 100 percent of his or her losses, up to the amount that the owner is eligible to receive before grower compensation is deducted. Language requiring appraisal before depopulation is amended to allow birds to be valued after

depopulation based on the age and type of birds. Finally, except in limited situations, the rule requires a 7-day waiting period following cleaning and disinfection before poultry houses may be restocked. A key issue in terms of benefits and distributional issues is compensation to growers.

We consider it important to formalize provisions to share indemnity payments among poultry owners and poultry growers, both of whose productive assets are imbedded in the value of the birds. For example, an owner may own large numbers of birds located on several different farms where they are cared for by contract growers who provide the housing, equipment, labor, and other inputs. There is at present no formal requirement or procedure for assuring that the indemnity is properly shared with the contract grower, depending on the terms of the contractual arrangement. But if the owner does not pass on the proper amount to the grower, the grower loses costs committed to production when flocks under his or her care are depopulated.

Comparison of Baseline With This Rule

The existing regulations provide that APHIS and the States will cooperate in controlling and eradicating disease. For most diseases, including LPAI, the regulations prior to this interim rule provided that APHIS may pay 50 percent of the costs of indemnity.

In assessing the need for this interim rule, we identified the baseline and an alternative:

1. The baseline option is to maintain the status quo, where State and industry efforts to control LPAI are supported by Federal technical assistance and by Federal compensation of up to 50 percent of the costs.

2. The alternative provides for up to 50 percent Federal compensation and allows for both growers and owners to be compensated for economic losses arising from depopulation. It also allows growers to be fully compensated for their losses, provided that the amount for each grower does not exceed the amount that the owner of the poultry is eligible to receive before grower compensation is deducted. In addition, appraisal and restocking provisions are added.

The baseline and the alternative differ with respect to three broad issues: (1) Distribution of compensation between owners and growers; (2) appraisal; and (3) restocking. The baseline and the alternative are alike in every respect except for the distribution of compensation paid by the Federal Government. In the baseline, the Federal Government pays all compensation to the owner and, in the alternative, the Federal Government pays compensation to the owner and the grower.

Alternative: 50 Percent Federal Compensation and Payment to Growers

In this alternative, the key issue for comparison in terms of benefits and distributional issues is compensation of growers. APHIS is amending the regulations so that contract growers, as well as poultry owners, can be compensated for economic losses arising from depopulation.

For contract growers, this is a significant change from the baseline and a benefit. Prior to this interim rule, the regulations have been interpreted to mean that the owner of the bird should receive the compensation. Owners own the bird and provide most of the physical inputs, such as feed, into production. The farmer—or contract grower who raises the bird—provides inputs such as labor, electricity, and housing. Embedded in the value of a bird at any point in time is the value of the physical inputs as well as the value of the farmer's labor and inputs. In the past, only one payment check was issued. It went to the owner who, depending on the terms of the contractual relationship, could compensate the grower or not.

By targeting growers for indemnities, the Federal Government enhances the probability of rapid reporting by growers' agents who are in a position to quickly report a disease situation and thus enhances the likelihood of prompt eradication of the disease. In addition, this alternative will benefit poultry growers who could otherwise suffer uncompensated economic losses from participating in an eradication program. If growers are not compensated, any sunk mortgage, electricity, or labor costs a grower has invested in a flock are lost when the flock is depopulated. Some of these costs, such as mortgage costs, continue even if there are no poultry on the grower's premises.

Language relating to appraisal is also being changed in this interim rule. This change is more of a clarification than a substantive change with pronounced economic effects. Language in the regulations prior to this interim rule required that poultry be appraised before being depopulated. However, appraisal *per se* is often an impracticable approach for valuing commercial poultry flocks that can number hundreds of thousands of birds in size. Using a standard value per bird calculated by age (or weight) and type of bird (meat turkey, meat broiler, or breeder turkey, for example) is often more reasonable and effective than appraisal. Further, it could be difficult or unproductive to hold infected birds pending appraisal, or impossible to appraise birds that have already been incinerated, buried, or otherwise disposed of.

Finally, except in limited situations, the alternative requires a 7-day waiting period after cleaning and disinfection before poultry houses may be restocked. The baseline regulation is silent on the issue of restocking. This is a new requirement that will impose costs on industry, primarily on the growers whose houses will remain idle during cleaning and disinfection and the waiting period after, but that will confer benefits on industry as a whole in terms of reduced likelihood of reinfection.

Chronology of the 2002 LPAI Situation in the Shenandoah Valley

On April 1, 2002, the Virginia Department of Agriculture and Consumer Services (VDACS) confirmed that 20 flocks of birds in 4 Shenandoah Valley, VA, counties were infected with LPAI. As of June 18, 2002, 11 weeks later, 165 farms had been quarantined and roughly 4.7 million birds had been depopulated. Turkey farms, raising both meat birds (126 farms) and breeder birds (26 farms), had been hardest hit, accounting for 152 of the affected premises. Six Virginia counties were affected, with the bulk of cases (142) reported in Rockingham County.

State Response

To control spread of disease, VDACS has set up quarantines around farms, implemented mandatory pre-slaughter testing on all breeder birds, commercial turkeys and broilers, as well as mandatory testing of any flocks with respiratory symptoms. If a flock tests positive, officials quarantine the farm immediately and order the destruction of the flock within 24 hours if logistically possible. State and industry have collaborated on surveillance, depopulation, disposal and diagnostics.

Coordinated State and Federal Response

Beginning April 15, 2002, a significant Federal component joined the State of Virginia in an effort to contain the spread of the disease. The joint Federal/State task force has collaborated on diagnosis and inspection, disposal, cleaning and disinfection, vector control, and disease surveillance.

The U.S. Poultry Industry

The United States is the world's largest producer and exporter of poultry

meat. In 1999, the most recent year for which Economic Research Service (ERS) reports summarized data, U.S. poultry meat production totaled 35.3 billion pounds, of which 83 percent was broiler meat, 15 percent was turkey meat, and 2 percent was other chicken meat. The total farm value of U.S. poultry production in 1999 was $22.4 billion. Broiler production accounts for the majority of the value at $15.1 billion, followed by eggs at $4.3 billion, turkey at $2.8 billion, and other chicken at $68 million.

Broiler production is concentrated in a group of States stretching from Delaware, south along the Atlantic Coast to Georgia, then westward through Alabama, Mississippi, and Arkansas. In 1999, these States accounted for over 70 percent of broilers produced in the United States. The top broiler-producing States were: Georgia (1.24 billion head); Arkansas (1.2 billion head); Alabama (0.971 billion head); Mississippi (0.735 billion head); and North Carolina (0.674 billion head).

U.S. turkey production in 1999 totaled 273 million birds with a combined live weight of 6.9 billion pounds. Production of turkey is somewhat more scattered geographically than broiler production. The top five turkey-producing States are North Carolina, Minnesota, Arkansas, Virginia, and California.

The United States is the world's largest exporter of broilers. In 1999, broiler exports totaled 4.920 billion pounds (17 percent of total production), valued at $1.4 billion. Demand for U.S. broiler products has fluctuated over the last several years due to changing economic conditions and currency exchange rates in the major exporting countries. In 1999, the largest importers of U.S. broiler products were Russia (including the Baltic countries) and China (including Hong Kong), which together accounted for 62 percent of total shipments of U.S. broiler products, on a quantity basis.

The United States is also the world's largest exporter of turkey products. In 1999, U.S. turkey exports were 378 million pounds and were valued at $198 million. Only 11 percent of turkey exports were as whole birds, with the majority of shipments being lower-valued turkey parts or ground or mechanically deboned meat (MDM). Many importing countries mix ground or MDM turkey meat with other meats in sausage production.

Virginia Poultry Industry

In 2000, Virginia was the fourth ranking turkey-producing State and the eighth ranking broiler-producing State. Virginia produced 25.5 million turkeys (almost 10 percent of the U.S. total) valued at $238 million, and 265 million commercial broilers valued at $441 million. Gross income from Virginia broilers, turkeys, and all other poultry totaled over $700 million in 2000. Virginia's poultry industry is concentrated in the Shenandoah Valley. A recent industry survey determined that of the 1,285 poultry farms in Virginia, 1,100 were located in the Shenandoah Valley, and all were contract growers.

Structure of the U.S. Poultry Industry

Contract production dominates the Virginia and the U.S. chicken, turkey, and egg industry. Owners place poultry on farms, and the farmer (or contract grower) cares for the birds until they reach processing size (usually 6.5 weeks for broilers, and 17–24 weeks for turkeys). Typically the owner provides chicks, feed, veterinary supplies and services, management services, field personnel, and transportation for the birds to and from the farm. The grower provides labor, land and housing facilities, utilities, and other operating expenses, such as repairs and maintenance.

Specific contract terms vary greatly from situation to situation. Farmers are compensated by owners at the end of the grow-out period. The compensation typically consists of three components: (1) A base payment (per-bird payment or a per-pound fee); (2) an incentive or performance payment to reward efficient producers; and (3) a disaster clause that may compensate the grower for losses resulting from natural disasters, such as flood, excessive heat, fire, or for damage or loss of potential production. Some contracts have provisions under which owners can compensate growers for losses arising from depopulation and others do not.

Compensation to Owners and Growers

This interim rule will allow both owners and growers to be compensated for their losses arising from depopulation of birds affected with LPAI. When a bird is depopulated and an indemnity is paid solely to an owner who does not pass on a portion to the grower, the grower suffers uncompensated economic losses. The process of compensating growers and owners will have three separate steps: (1) Calculation of per bird payments by age and type of bird; (2) determination of how much of this payment should go to growers and how much to owners; and (3) development of procedures for paying growers and owners.

In conjunction with industry, production experts, and poultry price specialists, the Department has developed reference tables that specify per bird indemnity payments based on the age and type of bird. Fair market values have been developed for breeder birds (breeder broilers, breeder turkey hens, and breeder turkey toms), for meat birds (broilers, hens, and toms), and for table egg layers (two table egg layer flocks have been depopulated) using appropriate methodologies. These tables are available in the full economic analysis for this rule, which is available for review at the location listed in the **ADDRESSES** section at the beginning of this document and at *http://www.aphis.usda.gov/ppd/rad/avianecon.pdf.*

Because there is limited price information (the U.S. poultry industry is a vertically integrated industry with no markets for poultry at intermediate stages of development), it has been necessary to develop ''fair market values'' for meat birds depopulated prior to ''grow-out'' and for breeder birds, which are not typically sold at intermediate stages of development. In brief, the approach that has been taken is to start with published wholesale prices for meat birds (broilers and turkeys) and work backwards. Transportation and processing costs are subtracted out to arrive at broiler and turkey values. Then production costs are subtracted to arrive at the value of the chick. Then hatchery costs are subtracted to determine the value of a fertile egg. The value of a fertile egg times the number of fertile eggs laid equals the gross value of a breeding bird. Gross value less egg production cost equals the net value of a breeding bird. The value of birds at less than slaughter weight is calculated by adjusting for the cost of feed not fed. For breeders in production, adjustment is made for fertile eggs already produced and, for breeders being raised, adjustment is made for feed not fed.

Compensation of Growers and Owners

The Department has determined that, subject to available funding, growers may recoup 100 percent of their eligible costs regardless of the age at which the birds are depopulated, up to 50 percent of all eligible losses incurred by each owner (as determined before grower compensation is deducted) resulting from the destruction of poultry affected with the disease. Grower payments will be based on historical contract settlement sheets or historical amounts paid per bird by companies in the past. Subject to available funding, payments to owners will equal 50 percent of the

estimated value of the birds and the cost of destroying and disposing of the birds, minus grower compensation.

Cost-Benefit Analysis

The final cost of this rule will depend on a number of factors, including the number, type, and age of birds depopulated; actual indemnity paid per bird; and other program costs. Given the provisions of this rule (a 50 percent compensation cap on total compensation to owners and growers, with growers being compensated up to 100 percent of their losses) and the depopulation numbers as of October 2, 2002, of 4.74 million birds, the total compensation bill is estimated at $51 million, with growers being compensated $13.9 million and owners being compensated $37.1 million.

The groups that primarily benefit because of a disease eradication campaign include consumers and those owners and growers whose flocks have remained healthy. The groups that bear the primary burden of the eradication effort are the owners and growers whose flocks are depopulated. In addition to the value of lost production, the owners and growers of affected birds may also bear costs of cleanup, disinfection, transportation, foregone income, and other financial hardships.

The benefits of this rule are not quantified, but are expected to significantly exceed the costs. They stem from the enhanced probability of rapid detection and prompt eradication of a disease situation. Benefits include: (1) Avoided owner and grower losses from disease morbidity and mortality; (2) avoided consumer price increases resulting from decreased supplies; and (3) avoided trade bans (State, regional, or national) that result when trading partners close markets because of disease. In addition by eradication of a disease situation of LPAI, we reduce the probability of the disease mutating into HPAI and spreading to densely populated poultry production areas on the eastern seaboard, which would have severe industry costs.

Although a quantified cost-benefit analysis was not conducted for this disease situation, the full economic analysis for this rule does summarize an economic analysis by ERS of a 1983–1984 outbreak of HPAI that affected parts of Pennsylvania, New Jersey, Maryland, and Virginia. That analysis found that the program and indemnity costs were small compared to losses avoided (consumer losses from increased prices). That analysis found that program and indemnity costs were $55 million ($98 million in 2002 dollars). If the outbreak had spread to the Delmarva Peninsula in Delaware, Maryland, and Virginia, consumer losses due to increased prices would have approached $492 million ($882.2 million in 2002 dollars). If the outbreak had spread to the entire eastern seaboard, consumer losses due to increased prices would have approached $5.6 billion ($10.04 billion in 2002 dollars) in increased consumer prices for eggs, fowl, broilers, turkeys, pork, and beef. Although market conditions have changed from the time that analysis was conducted, and although the current disease situation differs from the 1983–1984 outbreak, we believe that the conclusion holds that benefits of this action will significantly outweigh costs. Please also note that the ERS estimates do not include any potential effects on trade. We believe that the avoidance of potential reductions in trade increases the benefits of this interim rule substantially.

Potential Effects on Small Entities

To the extent that the interim rule contributes to the elimination of AI in Virginia, all affected entities should benefit over the long term. In the short term, however, the economic effects will vary.

As of June 18, 2002, 163 Shenandoah Valley poultry farms in a six-county area of Virginia were quarantined because of LPAI. Assuming the LPAI event remains localized in this area, 5 or 6 poultry companies/integrators who own the affected poultry, and a minimum of 104 to a maximum of 1,100 contract growers could be affected by this rule. A minimum of 7 and maximum of 15 poultry processors could be affected by this rule. In addition, other entities not yet identified may be directly or indirectly affected by the disease situation and/or the interim rule.

The poultry companies/integrators who own the birds are all large, vertically integrated concerns that do not meet the Small Business Administration (SBA) small-entity criteria. There are 1,100 contract poultry growers in the Shenandoah Valley. It is unclear at this time how many contract growers will be affected by this rule, or how many of them will qualify for consideration as small entities. The SBA defines small poultry operations as those earning gross per-farm receipts of no more than $750,000 annually.

There were 15 poultry processing plants in the State of Virginia in 1997. Seven of the processing plants were located in Rockingham and Shenandoah Counties. The SBA defines small poultry processing plants as those earning receipts of no more than $500,000 annually. It is unclear at this time how poultry processing plants will be affected by this rule. Census data for 1997 suggests that most of the processing plants would not qualify as small businesses because their average revenues exceed $100 million annually.

Reporting and Recordkeeping

The reporting and recordkeeping requirements in this rule are discussed below under the heading ''Paperwork Reduction Act.''

Executive Order 12372

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

Executive Order 12988

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

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB). OMB has assigned control number 0579–0208 to the information collection and recordkeeping requirements.

We plan to request continuation of that approval for 3 years. Please send written comments on the 3-year approval request to the following addresses: (1) Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503; and (2) Docket No. 02–048–1, Regulatory Analysis and Development, PPD, APHIS, Station 3C71, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comments refer to Docket No. 02–048–1 and send your comments within 60 days of publication of this rule.

This interim rule amends the regulations in a way that will allow the Department to pay indemnity to contract growers and owners relating to poultry destroyed because of low pathogenic avian influenza associated with a disease situation in Virginia. The

Department may pay all eligible losses of a contract grower, up to the amount that the owner is eligible to receive before grower compensation is deducted, and up to 50 percent of eligible losses of owners, minus any amount paid to the contract grower of a flock. Implementing this program will require affected entities to complete an appraisal and indemnity claim form, its accompanying worksheet, and depopulation agreements. We are soliciting comments from the public (as well as affected agencies) concerning our information collection and recordkeeping requirements.

These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, 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 information collection on those who are to respond (such as 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).

Estimate of burden: Public reporting burden for this collection of information is estimated to average 1 hour per response.

Respondents: Participating poultry owners and growers, APHIS accredited veterinarians, State animal health officials, and State personnel who perform appraisal work.

Estimated annual number of respondents: 800.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 1,600.

Estimated total annual burden on respondents: 1,600 hours.

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 9 CFR Part 53

Animal diseases, Indemnity payments, Livestock, Poultry and poultry products.

Accordingly, we are amending 9 CFR part 53 as follows:

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, RINDERPEST, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

1. The authority citation for part 53 is revised to read as follows:

Authority: 7 U.S.C. 8303–8306, 8308, 8310, 8315; 7 CFR 2.22, 2.80, and 371.4.

§ 53.2 [Amended]

2. In § 53.2, paragraph (b) is amended by adding, immediately after the phrase ''control and eradication of the disease, and'' the words '', except as provided in § 53.11,'.

3. In § 53.4, paragraph (a) is revised, paragraph (b) is redesignated as paragraph (c), and a new paragraph (b) is added to read as follows:

§ 53.4 Destruction of animals.

(a) Except as provided in paragraph (b) of this section, animals infected with or exposed to disease shall be killed promptly after appraisal and disposed of by burial or burning, unless otherwise specifically provided by the Administrator, at his or her discretion. In the case of animals depopulated due to infectious salmon anemia, salvageable fish may be sold for rendering, processing, or any other purpose approved by the Administrator. In the case of poultry depopulated because of low pathogenic avian influenza related to the 2002 disease situation in Virginia associated with the H5 or H7 virus, poultry may be slaughtered and sold. The proceeds gained from the sale of the fish or poultry will be subtracted from any payment from APHIS for which the producer or owner is eligible under § 53.2(b) or § 53.11.

(b) In the case of low pathogenic avian influenza related to a 2002 disease situation in Virginia associated with the H5 or H7 virus, the value of poultry depopulated because of the disease may be calculated following destruction and disposal of the poultry, based on the number, type, and age of the animals destroyed.

* * * * *

§ 53.7 [Amended]

4. Section 53.7 is amended by adding, immediately after the second sentence, the following sentence: ''In the case of low pathogenic avian influenza related to the 2002 disease situation in Virginia associated with the H5 or H7 virus, premises may not be restocked with poultry until at least 7 days following such cleaning and disinfection, unless the Administrator determines that a shorter or longer period of time is adequate or necessary to protect new poultry against infection.''

5. Section 53.8 is revised to read as follows:

§ 53.8 Presentation of claims.

(a) Except for claims made under § 53.11, claims for the following must be presented to APHIS, through the inspector in charge, on a form approved by the Administrator:

(1) Compensation for the value of animals;

(2) The cost of burial, burning, or other disposition of animals;

(3) The value of material destroyed; and

(4) The expenses of destruction.

(b) In the case of claims made under § 53.11, claims for compensation for losses from poultry destroyed or to be destroyed must be presented to APHIS, through the inspector in charge, on a form approved by the Administrator, and the claim must specify the number, type, and age of the poultry.

(c) To be considered by the Department, claims made under § 53.11 must be submitted to APHIS within 90 days after December 9, 2002 or the destruction of the poultry, whichever is later.

(Approved by the Office of Management and Budget under control number 0579–0208)

6. A new § 53.11 is added to read as follows:

§ 53.11 Payments arising from low pathogenic avian influenza; conditions for payment.

In the case of low pathogenic avian influenza related to a 2002 disease situation in Virginia associated with the H5 or H7 virus, the Administrator may pay claims, subject to available funding, as follows:

(a) *For contract growers.* The Administrator may pay a contract grower up to 100 percent of the losses identified in accordance with the LPAI compensation plan, up to the amount that the owner is eligible to receive before grower compensation is deducted.

(b) *For owners.* The Administrator, in accordance with § 53.4, may pay an owner up to 50 percent of the value of the poultry destroyed plus 50 percent of the costs of destruction and disposal of the poultry, in accordance with the LPAI compensation plan, minus the amount paid in accordance with paragraph (a) of this section to the contract grower of that poultry.

(c) *Conditions.* Payments to be made in accordance with paragraph (a) or (b) of this section are conditioned on each claimant's complying with all

applicable requirements of this part and, additionally, agreeing to and complying with the specific conditions set forth in the ''Avian Influenza Depopulation Agreement'' regarding cleaning and disinfection, restocking, surveillance, and other disease prevention measures.

(Approved by the Office of Management and Budget under control number 0579–0208)

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

Bill Hawks,

Under Secretary for Marketing and Regulatory Programs.

[FR Doc. 02–27988 Filed 10–30–02; 1:21 pm]

BILLING CODE 3410–34–P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1, 2, 7, 9, 19, 20, 26, 30, 31, 33, 39, 50, 51, 52, 54, 55, 71, 75, 100 and 110

RIN 3150–AH01

NRC Public Document Room Address Change and Corrections to Information Collection Provisions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations to reflect the new address for the Public Document Room (PDR) and to correct information collection sections in the Code of Federal Regulations. These amendments are necessary to inform the public of these administrative changes to the NRC regulations.

EFFECTIVE DATE: November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Alzonia W. Shepard, Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6864, *e-mail:aws@nrc.gov.*

SUPPLEMENTARY INFORMATION: The NRC has relocated its Public Document Room (PDR) to the NRC's headquarters building, One White Flint North, located at 11555 Rockville Pike (first floor), Rockville, Maryland. The NRC is amending portions of its regulations to reflect the relocation of the PDR. This final rule also corrects the paragraphs listing approved information collection requirements in the information collection sections of several 10 CFR parts. These corrections are necessary to reflect information collections that were added or removed by specific rulemaking actions for which conforming changes were not made.

Because these amendments deal solely with agency practice and procedures, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the **Federal Register**. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the relocation of the agency PDR and correction of information collection sections.

Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22 (c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

Paperwork Reduction Act Statement

This rule does not contain new or amended information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, approval numbers 3150–0043, –0044, –0014, –0146, –0017, –0016, –0015, –0130, –0011, –0021, –0151, –0155, –0018, –0008, –0132,—0002, –0055, –0093, and –0036.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid OMB control number.

Regulatory Analysis

A regulatory analysis has not been prepared for this final rule because this rule is administrative in that it amends the regulations to reflect the current address for the Public Document Room and corrects information collection sections in the Code of Federal Regulations. These are considered minor non-substantive amendments and will not have a significant impact on NRC licensees or the public.

Backfit Analysis

The NRC has determined that the backfit rule does not apply to this final rule because this rule does not involve any provisions that would impose a backfit as defined in 10 CFR Chapter I. Therefore a backfit analysis is not required for this rule.

Small Business Regulatory Enforcement Fairness Act

In accordance with the Small Business Regulatory Enforcement Fairness Act of 1996, the NRC has determined that this action is not a major rule and verified this determination with the Office of Information and Regulatory Affairs of OMB.

List of Subjects

10 CFR Part 1

Organization and functions (Government Agencies).

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 7

Advisory committees, Sunshine Act.

10 CFR Part 9

Criminal penalties, Freedom of information, Privacy, Reporting and recordkeeping requirements, Sunshine Act.

10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 26

Alcohol abuse, Alcohol testing, Appeals, Chemical testing, Drug abuse, Drug testing, Employee assistance programs, Fitness for duty, Management actions, Nuclear power reactors, Protection of information, Reporting and recordkeeping requirements.

10 CFR Part 30

Byproduct material, Criminal penalties, Government contracts,

Intergovernmental relations, Isotopes, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 31

Byproduct material, Criminal penalties, Labeling, Nuclear materials, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Scientific equipment.

10 CFR Part 33

Byproduct material, Criminal penalties, Nuclear materials, Radiation protection, Reporting and recordkeeping requirements.

10 CFR Part 39

Byproduct material, Criminal penalties, Nuclear material, Oil and gas exploration—well logging, Reporting and recordkeeping requirements, Scientific equipment, Security measures, Source material, Special nuclear material.

10 CFR Part 50

Antitrust, Classified information, Criminal penalties, Fire protection, Intergovernmental relations, Nuclear power plants and reactors, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 52

Administrative practice and procedure, Antitrust, Backfitting, Combined license, Early site permit, Emergency planning, Fees, Inspection, Limited work authorization, Nuclear power plants and reactors, Probabilistic risk assessment, Prototype, Reactor siting criteria, Redress of site, Reporting and recordkeeping requirements, Standard design, Standard design certification.

10 CFR Part 54

Administrative practice and procedure, Age-related degradation, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Reporting and recordkeeping requirements

10 CFR Part 55

Criminal penalties, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 71

Criminal penalties, Hazardous materials transportation, Nuclear materials, Packaging and containers, Reporting and recordkeeping requirements.

10 CFR Part 75

Criminal penalties, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures.

10 CFR Part 100

Nuclear power plants and reactors, Reactor siting criteria.

10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalties, Export, Import, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR Parts 1, 2, 7, 9, 19, 20, 26, 30, 31, 33, 39, 50, 51, 52, 54, 55, 71, 75,100 and 110.

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

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

Authority: Secs. 23, 161, 68 Stat. 925, 948, as amended (42 U.S.C. 2033, 2201); sec. 29, Pub. L. 85–256, 71 Stat. 579, Pub. L. 95–209, 91 Stat. 1483 (42 U.S.C. 2039); sec. 191, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); secs. 201, 203, 204, 205, 209, 88 Stat. 1242, 1244, 1245, 1246, 1248, as amended (42 U.S.C. 5841, 5843, 5844, 5845, 5849); 5 U.S.C. 552, 553; Reorganization Plan No. 1 of 1980, 45 FR 40561, June 16, 1980.

§ 1.3 [Amended]

2. In § 1.3, paragraph (a), in the third sentence, remove the words ''2120 L Street, NW., Washington, DC,'' and add in their place the words ''One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738.''

3. Section 1.5 is revised to read as follows:

§ 1.5 Location of principal offices and Regional Offices.

(a) The principal NRC offices are located in the Washington, DC, area. Facilities for the service of process and papers are maintained in the State of Maryland at 11555 Rockville Pike, Rockville, Maryland 20852–2738. The agency's official mailing address is U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. The locations of NRC offices in the Washington, DC, area are as follows:

(1) One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852–2738.

(2) Two White Flint North Building, 11545 Rockville Pike, Rockville, Maryland 20852–2738.

(b) The addresses of the NRC Regional Offices are as follows:

(1) Region 1, USNRC, 475 Allendale Road, King of Prussia, PA 19406–1415.

(2) Region II, USNRC, Atlanta Federal Center, 61 Forsyth Street, SW., Suite 23T85, Atlanta, GA 30303–3415.

(3) Region III, USNRC, 801 Warrenville Road, Lisle, Il. 60532–4351.

(4) Region IV, USNRC, 611 Ryan Plaza Drive, Suite 400, Arlington, TX 76011–8064.

4. In Subpart B, the undesignated center heading immediately preceding § 1.30 reading ''Chief Information Officer'' is removed.

§ 1.30 [Redesignated as § 1.35]

5. Section 1.30 is redesignated as § 1.35.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

6. The authority citation for part 2 continues to read as follows:

Authority: Secs.161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat.1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552.

Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183i; 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161 b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201 (b), (i), (o), 2236, 2282); sec. 206, 88 Stat 1246 (42 U.S.C. 5846). Section 2.205(j) also issued under Pub. L. 101–410, 104 Stat. 90, as amended by section 3100(s), Pub. L. 104–134, 110 Stat. 1321–373 (28 U.S.C. 2461 note). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780 also issued under 5 U.S.C. 557. Section

2.764 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133), and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553, and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Subpart M also issued under sec. 184 (42 U.S.C. 2234) and sec. 189, 68 stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135).

7. In § 2.4, the definitions for *NRC Public Document Room* and *Public Document Room* are revised to read as follows:

§ 2.4 Definitions.

* * * * *

NRC Public Document Room means the facility at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where NRC makes computer terminals available to access the Publicly Available Records System (PARS) component of ADAMS on the NRC Web site, *http://www.nrc.gov,* and where copies of publicly available documents can be viewed or ordered for a fee as set forth in § 9.35 of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (301–415–4737 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail (*PDR@nrc.gov*), facsimile (301–415–3548), or letter (NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738).

* * * * *

Public Document Room means the place at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738, at which public records of the Commission will ordinarily be made available for inspection.

* * * * *

§ 2.101 [Amended]

8. In § 2.101, the introductory text of paragraph (g)(1), remove the words ''2120 L Street NW., Washington, D.C.'' and add in their place the words ''One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738.''

§ 2.701 [Amended]

9. In § 2.701, paragraph (a)(1), remove the words ''2120 L Street, NW., Washington, D.C.,'' and add in their place the words ''One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738.''

PART 7—ADVISORY COMMITTEES

10. The authority citation for part 7 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat.1242, as amended (42 U.S.C. 5841); Pub. L. 92–463, 86 Stat. 770 (5 U.S.C. App.).

11. In § 7.2, the paragraph designations are removed and the definition for *NRC Public Document Room* is revised to read as follows:

§ 7.2 Definitions.

* * * * *

NRC Public Document Room means the Public Document Room maintained by the NRC at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738.

* * * * *

PART 9—PUBLIC RECORDS

12. The authority citation for part 9 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Subpart A also issued 5 U.S.C. 552 and 31 U.S.C. 9701; Pub. L. 99–570. Subpart B is also issued under 5 U S.C. 552a. Subpart C is also issued under 5 U.S.C. 552b.

13. In § 9.21, paragraph (b) is revised to read as follows:

§ 9.21 Publicly available records.

* * * * *

(b) For the convenience of persons who may wish to inspect without charge, or purchase copies of a record or a limited category of records for a fee, publicly available records of the NRC's activities described in paragraph (c) of this section are also made available at the NRC Web site, *http://www.nrc.gov,* and/or at the Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738, between 7:45 am and 4:15 pm on Monday through Friday except Federal holidays.

* * * * *

14. In § 9.23, the introductory text of paragraph (a)(1) is revised to read as follows:

§ 9.23 Requests for records.

(a)(1) A person may request access to records routinely made available by the NRC under § 9.21 in person, by telephone, by e-mail, facsimile, or U.S. mail from the NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738.

* * * * *

15. In § 9.35 the introductory text of paragraph (b) is revised to read as follows:

§ 9.35 Duplicate fees.

* * * * *

(b) The NRC will assess the following charges for copies of records to be duplicated by the NRC at locations other than the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

* * * * *

PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTIONS AND INVESTIGATIONS

16. The authority citation for part 19 continues to read as follows:

Authority: Secs. 53, 63, 81, 103, 104, 161, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 955, as amended, sec. 234, 83 Stat. 444, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2111, 2133, 2134, 2201, 2236, 2282, 2297f); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5851).

17. Section 19.5 is revised to read as follows:

§ 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of part 20 of this chapter. Communications, reports, and applications may be delivered in person at the Commission's offices at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

18. The authority citation for part 20 continues to read as follows:

Authority: Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 948, 953, 955, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236, 2297f), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

19. In § 20.1009, paragraph (b) is revised to read as follows:

§ 20.1009 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 20.1003, 20.1101, 20.1202, 20.1203, 20.1204, 20.1206, 20.1208, 20.1301, 20.1302, 20.1403, 20.1404, 20.1406, 20.1501, 20.1601, 20.1703, 20.1901, 20.1904, 20.1905, 20.1906, 20.2002, 20.2004, 20.2005, 20.2006, 20.2102, 20.2103, 20.2104, 20.2105, 20.2106, 20.2107, 20.2108, 20.2110, 20.2201, 20.2202, 20.2203, 20.2204, 20.2205, 20.2206, 20.2301, and appendix G to this part.

* * * * *

Appendix D—[Amended]

20. In Appendix D to part 20, the address for the Region IV field office is removed.

PART 26—FITNESS-FOR-DUTY PROGRAM

21. The authority citation for part 26 is revised to read as follows:

Authority: Secs. 53, 81, 103, 104, 107, 161, 68 Stat. 930, 935, 936, 937, 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2111, 2112, 2133, 2134, 2137, 2201, 2297f); secs. 201, 202, 206, 88 S at. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

22. In § 26.8, paragraph (b) is revised to read as follows:

§ 26.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 26.6, 26.20, 26.21, 26.22, 26.23, 26.24, 26.25, 26.27, 26.28, 26.29, 26.70, 26.71, 26.73, 26.80, and appendix A to this part.

PART 30—RULES OF GENERAL APPLICABILITY TO DOMESTIC LICENSING OF BYPRODUCT MATERIAL

23. The authority citation for part 30 continues to read as follows:

Authority: Secs. 81, 82, 161, 182, 183, 186, 68 Stat. 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 30.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 2902, 106 Stat. 3123 (42 U.S.C. 5851). Section 30.34(b) also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 30.61 also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

24. In § 30.8, paragraph (b) is revised to read as follows:

§ 30.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 30.9, 30.11, 30.15, 30.19, 30.20, 30.32, 30.34, 30.35, 30.36, 30.37, 30.38, 30.41, 30.50, 30.51, 30.55, and appendices A, C, D, and E to this part.

* * * * *

PART 31—GENERAL DOMESTIC LICENSES FOR BYPRODUCT MATERIAL

25. The authority citation for part 31 continues to read as follows:

Authority: Secs. 81, 161, 183, 68 Stat. 935, 948, 954, as amended (42 U.S.C. 2111, 2201, 2233); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Section 31.6 also issued under sec. 274, 73 Stat. 688 (42 U.S.C. 2021).

26. In § 31.4, paragraph (b) is revised to read as follows:

§ 31.4 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 31.5, 31.8, and 31.11.

* * * * *

PART 33—SPECIFIC DOMESTIC LICENSES OF BROAD SCOPE FOR BYPRODUCT MATERIAL

27. The authority citation for part 33 continues to read as follows:

Authority: Secs. 81, 161, 182, 183, 68 Stat. 935, 948, 953, 954, as amended (42 U.S.C. 2111, 2201, 2232, 2233); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

§ 33.8 [Amended]

28. In § 33.8, paragraphs (c)(3) and (c)(4) are removed, and paragraph (c)(2) is removed and reserved.

PART 39—LICENSES AND RADIATION SAFETY REQUIREMENTS FOR WELL LOGGING

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

Authority: Secs. 53, 57, 62, 63, 65, 69, 81, 82, 161, 182, 183, 186, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2112, 2201, 2232, 2233, 2236, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244,1246 (42 U.S.C. 5841, 5842, 5846).

30. In § 39.8, paragraph (b) is revised to read as follows:

§ 39.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 39.11, 39.13, 39.15, 39.17, 39.31, 39.33, 39.35, 39.37, 39.39, 39.43, 39.51, 39.61, 39.63, 39.65, 39.67, 39.73, 39.75, 39.77, and 39.91.

* * * * *

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

31. The authority citation for part 50 is revised to read as follows:

Authority: Secs. 102, 103, 104, 105, 161, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 50.7 also issued under Pub. L. 95–601, sec. 10, 92 Stat. 2951 (42 U.S.C. 5841). Section 50.10 also issued under secs. 101, 185, 68 Stat. 955, as amended (42 U.S.C. 2131, 2235); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.13, 50.54(dd), and 50.103 also issued under sec. 108, 68 Stat. 939, as amended (42 U.S.C. 2138). Sections 50.23, 50.35, 50.55, and 50.56 also issued under sec. 185, 68 Stat. 955 (42 U.S.C. 2235). Sections 50.33a, 50.55a and Appendix Q also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332). Sections 50.34 and 50.54 also issued under sec. 204, 88 Stat. 1245 (42 U.S.C. 5844). Sections 50.58, 50.91, and 50.92 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80—50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Appendix F also issued under sec. 187, 68 Stat. 955 (42 U.S.C. 2237).

32. In § 50.8, paragraph (b) is revised to read as follows:

§ 50.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 50.30, 50.33, 50.33a, 50.34, 50.34a, 50.35, 50.36, 50.36a, 50.36b, 50.44, 50.46, 50.47, 50.48, 50.49, 50.54, 50.55, 50.55a, 50.59, 50.60, 50.61, 50.62, 50.63, 50.64, 50.65, 50.66, 50.68, 50.71, 50.72, 50.74, 50.75, 50.80, 50.82, 50.90, 50.91, 50.120, and appendices A, B, E, G, H, I, J, K, M, N, O, Q, R, and S to this part.

* * * * *

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

33. The authority citation for part 51 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332, 4334, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835 (42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.80. and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274, 73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also under Nuclear Waste Policy Act of 1982, sec. 114(f), 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

34. In § 51.17, paragraph (b) is revised to read as follows:

§ 51.17 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements in this part appear in §§ 51.6, 51.16, 51.41, 51.45, 51.50, 51.51, 51.52, 51.53, 51.54, 51.55, 51.60, 51.61, 51.62, 51.66, 51.68, and 51.69.

PART 52—EARLY SITE PERMITS; STANDARD DESIGN CERTIFICATIONS; AND COMBINED LICENSES FOR NUCLEAR POWER PLANTS

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

Authority: Secs. 103, 104, 161, 182, 183, 186, 189, 68 Stat. 936, 948, 953, 954, 955, 956, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2133, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, 1246, as amended (42 U.S.C. 5841, 5842, 5846).

36. In § 52.8, paragraph (b) is revised to read as follows:

§ 52.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 52.15, 52.17, 52.29, 52.35, 52.45, 52.47, 52.57, 52.63, 52.75, 52.77, 52.78, 52.79, 52.91, 52.99, and appendices A, B. and C to this part.

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

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

Authority: Secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs 201, 202, 206, 88 Stat. 1242, 1244, as amended (42 U.S.C. 5841, 5842).

Section 54.17 also issued under E.O. 12829, 3 CFR, 1993 Comp., p.570; E.O. 12958, as amended, 3 CFR, 1995 Comp., p. 333; E.O. 12968, 3 CFR, 1995 Comp., p.391.

38. In § 54.9, paragraph (b) is revised to read as follows:

§ 54.9 Information collection requirements: OMB approval.

* * * * *

(b) The approved information requirements contained in this part appear in §§ 54.13, 54.15, 54.17, 54.19, 54.21, 54.22, 54.23, 54.33, and 54.37.

PART 55—OPERATORS' LICENSES

39. The authority citation for part 55 continues to read as follows:

Authority: Secs. 107, 161, 182, 68 Stat. 939, 948, 953 , as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45, and 55.59 also issued under sec. 306, Pub. L. 97–425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

40. In § 55.8, paragraph (b) is revised to read as follows:

§ 55.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 55.11, 55.25, 55.27, 55.31, 55.35, 55.40, 55.41, 55.43, 55.45, 55.47, 55.53, 55.57, and 55.59.

* * * * *

PART 71—PACKAGING AND TRANSPORTATION OF RADIOACTIVE MATERIAL

41. The authority citation for part 71 continues to read as follows:

Authority: Secs. 53, 57, 62, 63, 81, 161, 182, 183, 68 Stat. 930, 932, 933, 935, 948, 953, 954, as amended, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 2073, 2077, 2092, 2093, 2111, 2201, 2232, 2233, 2297f); secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 71.97 also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789–790.

42. In § 71.6, paragraph (b) is revised to read as follows:

§ 71.6 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 71.5, 71.7, 71.8, 71.12, 71.13, 71.31, 71.33, 71.35, 71.37, 71.38, 71.39, 71.47, 71.85, 71.87, 71.89, 71.91, 71.93, 71.95, 71.97, 71.101, 71.103, 71.105, 71.107, 71.109, 71.111, 71.113, 71.115, 71.117, 71.119, 71.121, 71.123, 71.125, 71.127, 71.129, 71.131, 71.133, 71.135, and 71.137.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

43. The authority citation for part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 102–486, sec. 7902, 106 Stat. 3123 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c), (d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15),

2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2224 (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

44. In § 72.9 paragraph (b) is revised to read as follows:

§ 72.9 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 72.7, 72.11, 72.16, 72.22 through 72.34, 72.42, 72.44, 72.48 through 72.56, 72.62, 72.70 through 72.82, 72.90, 72.92, 72.94, 72.98, 72.100, 72.102, 72.104, 72.108, 72.120, 72.126, 72.140 through 72.176, 72.180 through 72.186, 72.192, 72.206, 72.212, 72.216, 72.218, 72.230, 72.232, 72.234, 72.236, 72.240, 72.242, 72.244, and 72.248.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

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

Authority: Secs. 53, 161, 68 Stat. 930, 948, as amended, sec. 147, 94 Stat. 780 (42 U.S.C. 2073, 2167, 2201); sec. 201, as amended, 204, 88 Stat. 1242, as amended, 1245, sec. 1701, 106 Stat. 2951, 2952, 2953 (42 U.S.C. 5841, 5844, 2297f). Section 73.1 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 73.37(f) also issued under sec. 301, Pub. L. 96–295, 94 Stat. 789 (42 U.S.C. 5841 note). Section 73.57 is issued under sec. 606, Pub. L. 99–399, 100 Stat. 876 (42 U.S.C. 2169).

46. In § 73.8, paragraph (b) is revised to read as follows:

§ 73.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 73.5, 73.20, 73.21, 73.24, 73.25, 73.26, 73.27, 73.37, 73.40, 73.45, 73.46, 73.50, 73.55, 73.56, 73.57, 73.60, 73.67, 73.70, 73.71, 73.72, 73.73, 73.74, and appendices B, C, and G to this part.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

47. The authority citation for part 75 continues to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 75.4 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

48. In § 75.9, paragraph (c)(4) is revised to read as follows:

§ 75.9 Information collection requirements: OMB approval.

* * * * *

(c) * * *

(4) In §§ 75.34 and 75.35, DOE/NRC Form 740M is approved under OMB control number 3150–0057.

* * * * *

PART 100—REACTOR SITE CRITERIA

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

Authority: Secs. 103, 104, 161, 182, 68 Stat. 936, 937, 948, 953, as amended (42 U.S.C. 2133, 2134, 2201, 2232); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

50. In § 100.8, paragraph (b) is revised to read as follows:

§ 100.8 Information collection requirements: OMB approval.

* * * * *

(b) The approved information collection requirements contained in this part appear in §§ 100.21, 100.23 and appendix A to this part.

§ 100.11 [Amended]

51. In § 100.11, paragraph (c) is removed.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

52. The authority citation for 10 CFR part 110 continues to read as follows:

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841; sec 5, Pub. L. 101–575, 104 Stat 2835 (42 U.S.C. 2243).

Sections 110.1(b)(2) and 110.1(b)(3) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (42 U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.130–110.135 also issued under 5 U.S.C. 553. Sections 110.2 and 110.42 (a)(9) also issued under sec. 903, Pub. L. 102–496 (42 U.S.C. 2151 *et seq.).*

53. In § 110.2, the definition for *NRC Public Document Room* is revised to read as follows:

§ 110.2 Definitions.

* * * * *

NRC Public Document Room means the facility at One White Flint North, 11555 Rockville Pike (first floor), Rockville Maryland, where certain public records of the NRC that were made available for public inspection in paper or microfiche prior to the implementation of the NRC Agencywide Documents Access and Management System, commonly referred to as ADAMS, will remain available for public inspection. It is also the place where NRC makes computer terminals available to access the Publicly Available Records System (PARS) component of ADAMS on the NRC Web site, *http://www.nrc.gov,* and where copies can be viewed or ordered for a fee as set forth in § 9.35 of this chapter. The facility is staffed with reference librarians to assist the public in identifying and locating documents and in using the NRC Web site and ADAMS. The NRC Public Document Room is open from 7:45 am to 4:15 pm, Monday through Friday, except on Federal holidays. Reference service and access to documents may also be requested by telephone (301–315–4737 or 800–397–4209) between 8:30 am and 4:15 pm, or by e-mail (*PDR@nrc.gov*), facsimile (301–415–3548), or letter (NRC Public Document Room, One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland 20852–2738).

* * * * *

54. In § 110.7, paragraph (c) is revised to read as follows:

§ 110.7 Information collection requirements: OMB approval.

* * * * *

(c) This part contains information collection requirements in addition to those approved under the control number specified in paragraph (a) of this section. These information collection requirements and the control numbers under which they are approved are as follows:

(1) In §§ 110.19, 110.20, 110.21, 110.22, 110.23, 110.31, and 110.32, NRC Form 7 is approved under control number 3150–0027.

(2) [Reserved]

Dated at Rockville, Maryland, this 21st day of October 2002.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 02–27865 Filed 11–1–02; 8:45 am]

BILLING CODE 7590–01–P

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 722

Federal Credit Unions; Miscellaneous Technical Amendment

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule.

SUMMARY: The National Credit Union Administration (NCUA) is amending its appraisal regulation regarding the transaction value for nonresidential loans that require an appraisal from a state-certified appraiser. This amendment is technical rather than substantive.

DATES: This rule is effective November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Chrisanthy J. Loizos, Staff Attorney, Division of Operations, Office of General Counsel, (703) 518–6540, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

SUPPLEMENTARY INFORMATION: When adopting the Regulatory Flexibility Program in 2001, NCUA amended its appraisal rule to raise the threshold for requiring an appraisal for real estate-related financial transactions from those over $100,000 to those over $250,000. 66 FR 58656, 58662, Nov. 23, 2001. NCUA also removed the provision creating a different threshold for appraisals related to member business loans. *Id.* The amendment, therefore, raised the appraisal threshold for all real estate-related financial transactions, including member business loans, to $250,000. The NCUA Board found that the raised appraisal threshold for a member business loan was consistent with the regulatory provisions adopted by the Federal banking agencies.

In the 2001 rulemaking, NCUA amended the transaction value threshold in paragraph (a)(1), the paragraph that requires certain types of transactions to have appraisals. 12 CFR 722.3(a). NCUA did not adjust the corresponding amount in paragraph (b)(2), the paragraph that determines the type of appraiser for certain nonresidential transactions, namely, member business loans. 12 CFR 722.3(b)(2). This has caused some confusion. Under paragraph (b)(2), only nonresidential transactions with a transaction value over $250,000 require an appraisal by a state-certified appraiser. 12 CFR 722.2(e), 722.3(a)(1), 722.3(b)(2). Some credit unions, however, have read the requirement in paragraph (b)(2) as requiring an appraisal for transactions with a value over $50,000.

This amendment conforms the transaction value that triggers the requirement for a state-certified appraiser's appraisal in paragraph (b)(2) to the transaction value threshold in paragraph (a)(1), which initially determines if the rule requires any appraisal. The amendment clarifies that a federally insured credit union must have an appraisal prepared by a state-certified appraiser for a nonresidential transaction if the value of the transaction exceeds $250,000.

Regulatory Procedures

Final Rule Under the Administrative Procedure Act

The amendment to the final rule is technical rather than substantive. NCUA finds good cause that notice and public comment are unnecessary under sec. 553(b)(B) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B).

Effective Date

NCUA also finds good cause to dispense with the 30-day delayed effective date requirement under sec. 553(d)(3) of the APA. The rule is technical rather than substantive. The rule will, therefore, be effective immediately upon publication of this notice.

Regulatory Flexibility Act

An initial regulatory flexibility analysis under the Regulatory Flexibility Act is required only when an agency is required to publish a general notice of proposed rulemaking for any proposed rule. 5 U.S.C. 603. As noted previously, NCUA has determined that it is unnecessary to publish a notice of proposed rulemaking for this rule. Accordingly, an initial regulatory analysis is not required. Moreover, since this final rule imposes no new requirements and makes only a technical amendment, NCUA has determined and certifies that this rule will not have any significant economic impact on a substantial number of small credit unions (primarily those under $1 million in assets).

Small Business Regulatory Enforcement Fairness Act

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

Paperwork Reduction Act

NCUA has determined that the final rule does not increase paperwork requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and regulations of the Office of Management and Budget.

Executive Order 13132 Statement

Executive Order 13132 encourages independent regulatory agencies to consider the impact of their regulatory actions on state and local interests. In adherence to fundamental federalism principles, NCUA, an independent regulatory agency as defined in 44 U.S.C. 3502(5), voluntarily complies with the executive order. NCUA has determined that this final rule does not constitute a policy that has federalism implications for purposes of the executive order.

List of Subjects in 12 CFR Part 722

Credit unions, Mortgages, Reporting and recordkeeping requirements.

By the National Credit Union Administration Board on October 15, 2002.

Becky Baker,

Secretary of the Board.

For the reasons stated in the preamble, NCUA amends 12 CFR chapter VII as set forth below:

PART 722—APPRAISALS

1. The authority citation for part 722 continues to read as follows:

Authority: 12 U.S.C. 1766, 1789, 3339.

§ 722.3 [Amended]

2. Section 722.3(b)(2) is amended by revising the number ''50,000'' to read ''250,000.''

[FR Doc. 02–28044 Filed 11–1–02; 8:45 am]

BILLING CODE 7535–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AF00

Small Business Size Standards; Adoption of Size Standards by 2002 North American Industry Classification System for Size Standards

AGENCY: Small Business Administration (SBA).

ACTION: Direct final rule; correction.

SUMMARY: The Small Business Administration (SBA) is correcting the correction notice it published in the **Federal Register** on September 6, 2002. This notice inserts the heading ''Subsector 454—Nonstore Retailers'' into the table and corrects the misalignment of footnote 9 and footnote 10. The September 6, 2002, notice corrected the direct final rule that SBA published in the **Federal Register** on August 13, 2002, amending Small Business Size Regulations by incorporating the Office of Management and Budget's (OMB) 2002 modifications of the North American Industry Classification System (NAICS) into its table of small business size standards.

DATES: This correction is effective on October 1, 2002.

FOR FURTHER INFORMATION CONTACT: Carl Jordan, Program Analyst, Office of Size Standards, at (202) 205–6618 or *sizestandards@sba.gov.*

SUPPLEMENTARY INFORMATION: SBA published a direct final rule in the **Federal Register** on August 13, 2002, (67 FR 52597) amending its Small Business Size Regulations by incorporating the Office of Management and Budget's (OMB) 2002 modifications of the North American Industry Classification System (NAICS) into its table of small business size standards. The August 13, 2002, **Federal Register** publication omitted dollar signs for many of the monetary-based size standards. Therefore, SBA published the September 6, 2002 (67 FR 56905) correction. It included the entire table of size standards, with monetary-based and employee-based size standards in different columns for ease of use.

The table omitted the heading ''Subsector 454—Nonstore Retailers'' in the table, and SBA is therefore adding it with this correction. It does not affect any NAICS code or size standard.

Also, SBA inadvertently appended footnote 9 and footnote 10 to the industry descriptions of NAICS codes 531210 and 531311. However, footnote 9 correctly applies to the description of the ''Exception'' in NAICS 531190, and footnote 10 correctly applies to the industry description of NAICS 531210. There is no footnote to NAICS 531311. The ''Footnotes'' section at the end of the table correctly matches footnote 9 to the description of the exception to NAICS 531190 and footnote 10 to the industry description of NAICS 531210.

In FR Doc. 02–22200 published on September 6, 2002 (67 FR 56905) make the following two corrections:

§ 121.201 [Corrected]

1. On page 56919, in § 121.201, in the table, in Sectors 44–45, Retail Trade, add the heading *Subsector 454—Nonstore Retailers* immediately below NAICS code 453998 and immediately above NAICS 454111, as set forth below:

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
	Sectors 44–45—Retail Trade		
* * *	* * *	*	*
	Subsector 453—Miscellaneous Store Retailers		
* * *	* * *	*	*
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)	$6.0	
	Subsector 454—Nonstore Retailers		
454111	Electronic Shopping	21.0	
* * *	* * *	*	*

2. On page 56922, in § 121.201, in the table, in *Subsector 531—Real Estate,* the entries for NAICS 531190, NAICS 531210 and NAICS 531311 are corrected as set forth below:

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
	Sector 53—Real Estate and Rental and Leasing		
	Subsector 531—Real Estate		
* * *	* * *	*	*
531190	Lessors of Other Real Estate Property	$6.0	
Except,	Leasing of Building Space to Federal Government by Owners [9]	[9] 17.5	
531210	Offices of Real Estate Agents and Brokers [10]	[10] 1.5	

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY—Continued

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
531311	Residential Property Managers	1.5	
* * *	* * *	*	*

Dated: October 24, 2002.

Gary M. Jackson,

Assistant Administrator.

[FR Doc. 02–27503 Filed 11–1–02; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NE–43–AD; Amendment 39–12933; AD 2002–22–08]

RIN 2120–AA64

Airworthiness Directives; Hartzell Propeller Inc., Model HD–E6C–3( ) Propellers

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Hartzell Propeller Inc. model HD–E6C–3( ) propellers. This action requires replacement of the current design propeller blade thrust bearing with a new design propeller blade thrust bearing and visual and eddy current inspection (ECI) of propeller hubs for cracks. This amendment is prompted by reports of fractured thrust bearings observed during disassembly, one or more blades becoming jammed in position during operation, pitch change fork fractures causing loss of blade pitch control, and excessive vibration. The actions specified in this AD are intended to prevent loss of aircraft control due to loss of blade pitch control, inability to fully feather the propeller, hub fracture, and blade release.

DATES: Effective November 19, 2002. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of November 19, 2002.

Comments for inclusion in the Rules Docket must be received on or before January 3, 2002.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001–NE–43–AD, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may be inspected at this location, by appointment, between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Comments may also be sent via the Internet using the following address: *9-ane-adcomment@faa.gov.* Comments sent via the Internet must contain the docket number in the subject line. The service information referenced in this AD may be obtained from Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone (937) 778–4200; fax (937) 778–4365. This information may be examined, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tomaso DiPaolo, Aerospace Engineer, Chicago Aircraft Certification Office, FAA, Small Airplane Directorate, 2300 East Devon Avenue, Des Plaines, IL 60018; telephone (847) 294–7031; fax (847) 294–7834.

SUPPLEMENTARY INFORMATION: The FAA and Hartzell Propeller Inc. have been reviewing and investigating reports of current design propeller blade thrust bearings, P/N's C–2882–1, C–2882–2, and C–7075, found fractured during disassembly, one or more blades becoming jammed in position during operation, pitch change fork fractures causing loss of blade pitch control, and excessive vibration. The current design thrust bearings have demonstrated a tendency to have brittle fracture and reduced strength characteristics, for which the cause has yet to be determined. This action requires replacement of the current design propeller blade thrust bearings, P/N's C–2882–1, C–2882–2, and C–7075, with a new design propeller blade thrust bearing, P/N C–7438, and a 10X magnification-assisted visual inspection and ECI of propeller hubs for cracks. This amendment is prompted by reports of fractured thrust bearings observed during disassembly, one or more blades becoming jammed in position during operation, pitch change fork fractures causing loss of blade pitch control, and excessive vibration. This condition, if not corrected, could result in loss of aircraft control due to loss of blade pitch control, inability to fully feather the propeller, hub fracture, and blade release.

Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of the following Hartzell Propeller Inc. Alert Service Bulletins (ASB's):

- ASB HD–ASB–61–026, dated August 6, 2001, that describes the schedule and procedures for replacing P/N's C–2882–1, C–2882–2, and C–7075 propeller thrust bearings with blade thrust bearing P/N C–7438.
- ASB HD–ASB–61–023, Revision 1, dated May 23, 2001, that describes procedures for 10X magnification-assisted visual inspections of the O-ring groove and hub-half and parting surface areas and ECI inspections of propeller hubs, P/N D–5108–( ), for cracks in the bearing retention radius.

FAA's Determination of an Unsafe Condition and Required Actions

Since an unsafe condition has been identified that is likely to exist or develop on other Hartzell Propeller Inc. model HD–E6C–3( ) propellers of the same type design, this AD is being issued to prevent loss of aircraft control due to loss of blade pitch control, inability to fully feather the propeller, hub fracture, and blade release. This AD requires within 50 hours time-in-service (TIS) after the effective date of this AD, or nine months after the effective date of this AD, or when the propeller is next disassembled after the effective date of this AD, whichever occurs earliest:

- Replacement of the current design propeller blade thrust bearings P/N's C–2882–1, C–2882–2, and C–7075 with a new design propeller blade thrust bearing P/N C–7438.
- 10X Magnification-assisted visual inspections and ECI of propeller hubs for cracks.

The actions must be done in accordance with the service bulletins described previously.

Immediate Adoption of This AD

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NE–43–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Analysis

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2002–22–08 Hartzell Propeller Inc.: Amendment 39–12933. Docket No. 2001–NE–43–AD.

Applicability: This airworthiness directive (AD) is applicable to Hartzell Propeller Inc. model HD–E6C–3( ) propellers. These propellers are installed on, but not limited to Fairchild Dornier GmbH 328–100 series airplanes.

Note 1: The parentheses indicate the presence or absence of an additional letter(s) which vary the basic propeller blade model designation. This AD still applies regardless of whether these letters are present or absent on the propeller blade model designation.

Note 2: This AD applies to each propeller identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For propellers that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Compliance with this AD is required as indicated, unless already done.

To prevent loss of aircraft control due to loss of blade pitch control, inability to fully feather the propeller, hub fracture, and blade release, do the following:

Replacement of Propeller Blade Thrust Bearings

(a) Within 50 hours time-in-service (TIS) after the effective date of this AD, or nine months after the effective date of this AD, or when the propeller is next disassembled after the effective date of this AD, whichever occurs earliest, do the following:

(1) Replace all propeller blade thrust bearings, part numbers (P/N's) C–2882–1, C–2882–2, and C–7075, with thrust bearings P/N C–7438, in accordance with paragraph 3 of the Accomplishment Instructions of Hartzell Alert Service Bulletin (ASB) HD–SB–61–026, dated August 6, 2001.

(2) Perform a visual inspection of the propeller hub for cracks, in accordance with paragraph 3 of the Accomplishment Instructions of Hartzell Alert Service Bulletin (ASB) HD–ASB–61–023, Revision 1, dated May 23, 2001. Before further flight, remove from service cracked propeller hubs and replace with a serviceable hub.

(3) Perform an eddy current inspection (ECI) of the propeller hub for cracks, in accordance with paragraph 3 of the Accomplishment Instructions of Hartzell ASB HD–ASB–61–023, Revision 1, dated May 23, 2001. Before further flight, remove from service cracked propeller hubs and replace with a serviceable hub.

(b) Propellers that have had blade thrust bearings replaced using Hartzell ASB HD–ASB–61–026, dated August 6, 2001, or Hartzell Service Letter HD–SL–61–034, dated May 7, 2001, are considered to be in compliance with paragraph (a)(1) of this AD.

(c) After the effective date of this AD, do not install propeller blade thrust bearings P/N's C–2882–1, C–2882–2, or C–7075 into any HD–E6C–3( ) Hartzell propeller models.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Chicago ACO.

Special Flight Permits

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

Documents That Have Been Incorporated by Reference

(f) The replacement and inspections must be done in accordance with the following Hartzell service bulletin and alert service bulletins:

Document No.	Pages	Revision	Date
ASB HD–ASB–61–023 Total pages: 11	All	1	May 23, 2001.
ASB HD–ASB–61–026 Total pages: 8	All	Original	Aug. 6, 2001.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Hartzell Propeller Inc., Technical Publications Department, One Propeller Place, Piqua, OH 45356; telephone: (937) 778–4200; fax: (937) 778–4365. Copies may be inspected, by appointment, at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on November 19, 2002.

Issued in Burlington, Massachusetts, on October 25, 2002.

Francis A. Favara,

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

[FR Doc. 02–27739 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30338; Amdt. No. 3030]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

DATES: This rule is effective November 4, 2002. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the **Federal Register** as of November 4, 2002.

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

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.
4. The Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

For Purchase—Individual SIAP copies may be obtained from:

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

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

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

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

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

The Rule

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

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

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

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

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Incorporation by reference, and Navigation (air)

Issued in Washington, DC on October 25, 2002.

James J. Ballough,

Director, Flight Standards Service.

Adoption of the Amendment

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

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

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

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

2. Part 97 is amended to read as follows:

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

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

. . . Effective Upon Publication

FDC date	State	City	Airport	FDC No.	Subject
08/29/02	IN	Frankfort	Frankfort Muni	2/8986	NDB Rwy 9, Amdt 2.
08/29/02	IN	Frankfort	Frankfort Muni	2/8987	GPS Rwy 9, Orig.
08/29/02	IN	Frankfort	Frankfort Muni	2/8988	GPS Rwy 27, Amdt 1.
09/11/02	NJ	Teterboro	Teterboro	2/9639	VOR/DME RNAV Rwy 24, Orig-B. This NOTAM published in Docket No 30333, Amdt 3026, Vol 67, No 195, page 62641, dated 10/8/02 is hereby rescinded.
10/09/02	WA	Seattle	Seattle-Tacoma Intl	2/0732	ILS Rwy 34R, Orig-A.
10/09/02	WA	Everett	Snohomish County (Paine Field)	2/0735	ILS Rwy 16R, Amdt 19.
10/09/02	WA	Everett	Snohomish County (Paine Field)	2/0737	VOR or GPS–B, Orig-B.
10/09/02	WA	Everett	Snohomish County (Paine Field)	2/0738	NDB Rwy 16R, Amdt 12B.
10/09/02	WA	Everett	Snohomish County (Paine Field)	2/0740	GPS Rwy 16R, Orig-A.
10/10/02	WA	Portland	Portland-Troutdale	2/0786	NDB or GPS–A, Amdt 8.
10/10/02	OR	Newport	Newport Muni	2/0800	ILS Rwy 16, Amdt 1.
10/10/02	MD	Leonardtown	Capt Walter Francis Duke Regional at St. Mary's.	2/0801	GPS Rwy 11, Amdt 1.
10/11/02	OR	Eugene	Mahlon Sweet Field	2/0809	GPS Rwy 16, Orig-A.
0/11/02	WA	Everett	Snohomish County (Paine Field)	2/0820	GPS Rwy 34L, Orig.
10/15/02	MN	Minneapolis	Flying Cloud	2/0908	ILS Rwy 9R, Amdt 2.
10/15/02	MN	Minneapolis	Flying Cloud	2/0909	Copter ILS Rwy 9R, Orig-A.
10/15/02	MN	Minneapolis	Flying Cloud	2/0914	VOR Rwy 9R, Amdt 8.
10/23/02	MA	Vineyard Haven	Martha's Vineyard	2/1157	VOR or GPS Rwy 6, Orig-C.

[FR Doc. 02–27843 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–13–M?≤

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 4183]

RIN: 1400–AA91

Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended

AGENCY: Bureau of Consular Affairs, Department of State.

ACTION: Final rule.

SUMMARY: This rule adopts as final the Department's interim rule creating the nonimmigrant visa classification, ''S'', for certain alien informants and witnesses.

EFFECTIVE DATE: November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Pam Chavez, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20522–0106, 202–663–1206.

SUPPLEMENTARY INFORMATION:

What Is the Authority for Issuing Nonimmigrant ''S'' Visas?

On January 24, 1996, the Department added a new section 41.83 at 22 CFR (*see* 61 FR 1837) to implement section 130003 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322). This Act amended section 101(a)(15) of the Immigration and Nationality Act by adding a new category of nonimmigrants for aliens determined by the Attorney General to have critical and reliable information concerning a criminal organization or enterprise. The program, as originally enacted, was to terminate on September 12, 1999. The program was extended for an additional two years by Public Law 106–104 on November 13, 1999 and was made permanent by Public Law 107–45 on October 1, 2001.

Were Comments Solicited in the Department's Interim Rule?

The Department's interim rule (61 FR 1837) solicited comments from the public to be received by March 25, 1996. No comments were received.

Final Rule

Since no change is made to the interim regulation, the Department does not believe it necessary to reprint the regulations in this final rule.

PART 41—[AMENDED]

1. The authority citation for part 41 continues to read as follows:

Authority: 8 U.S.C. 1104; Pub. L. 105–277, 112 Stat. 2681–795 through 2681–801.

2. Accordingly, the Department adopts as final the interim rule at 61 FR 1837, as published in the **Federal Register** on January 24, 1996.

Dated: October 21, 2002.

George C. Lannon,

Acting Assistant Secretary for Consular Affairs, Department of State.

[FR Doc. 02–27887 Filed 11–1–02; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–02–024]

RIN 2115–AE47

Drawbridge Operation Regulation; Illinois Waterway, Joliet, IL

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Commander, Eighth Coast Guard District is temporarily changing the regulation governing the McDonough Street Bridge, mile 287.3; Jefferson Street Bridge, mile 287.9; Cass Street Bridge, mile 288.1; Jackson Street Bridge, mile 288.4 and the Ruby Street Bridge, mile 288.7, Illinois Waterway at Joliet, Illinois. The drawbridges, with the exception of the Ruby Street Bridge, will be allowed to remain closed to navigation from 7:30 a.m. to 9 a.m. and 4 p.m. to 5:30 p.m., Monday through Saturday. The Ruby Street Bridge will remain in the open to navigation position while structural steel repairs are made. This temporary rule is issued to facilitate vehicle traffic management and structural steel repairs to the Ruby Street Bridge.

DATES: This temporary rule is effective from 7:30 a.m., October 28, 2002, until 7:30 a.m. on December 16, 2002.

ADDRESSES: Documents referred to in this rule are available for inspection or copying at room 2.107f in the Robert A. Young Federal Building at Eighth Coast Guard District, Bridge Branch, 1222 Spruce Street, St. Louis, MO 63103–2832, between 8 a.m. and 4 p.m. Monday through Friday, except Federal holidays. The telephone number is (314) 539–3900, extension 2378. Commander (obr) maintains the public docket for this rulemaking.

FOR FURTHER INFORMATION CONTACT: Mr. Roger K. Wiebusch, Bridge Administrator, (314) 539–3900, extension 2378.

SUPPLEMENTARY INFORMATION:

Good Cause for Not Publishing an NPRM

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. This rule is being promulgated without an NPRM due to the short time frame allowed between the submission of the request by the Illinois Department of Transportation to temporarily change the regulations governing the drawbridges on the Illinois Waterway at Joliet, Illinois and the start date of repairs to the Ruby Street Bridge. Structural repairs to the Ruby Street Bridge are scheduled to begin immediately. Thus, following normal rulemaking procedures would be impractical. Delaying implementation of the regulation will result in unnecessarily prolonged traffic management problems within the City of Joliet, Illinois because vehicle traffic will be unable to cross the Ruby Street Bridge while structural repairs are made.

Good Cause for Making Rule Effective in Less Than 30 Days

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. This rule should be made effective in less than 30 days due to the short time frame allowed between the submission of the request by the Illinois Department of Transportation to temporarily change the regulations governing the drawbridges on the Illinois Waterway at Joliet, Illinois and the start date of repairs to the Ruby Street Bridge. Structural repairs to the Ruby Street Bridge are scheduled to begin immediately. Thus, following normal rulemaking procedures would be impractical. Delaying implementation of the regulation will result in unnecessarily prolonged traffic management problems within the City of Joliet, Illinois because vehicle traffic will be unable to cross the Ruby Street Bridge while structural repairs are made.

Background and Purpose

Due to routine maintenance to the Ruby Street Bridge, mile 288.7, Illinois Waterway, the bridge must remain in the open to navigation (closed to motor vehicle traffic) position at all times. As

a result, the Illinois Department of Transportation requested a temporary change to the current regulations for the remaining four bascule leaf drawbridges within the City of Joliet that carry vehicular traffic across the Illinois Waterway. Increasing the hours that the four remaining bridges are closed to navigation and available for vehicle use only during peak traffic periods will reduce traffic jams in the City of Joliet while having minimal impact on vessel traffic on the Illinois Waterway. Repairs to the Ruby Street Bridge are expected to be complete by December 16, 2002.

The current regulations permit the bridges to remain closed to navigation during commuter hours of 7:30 a.m. to 8:30 a.m. and 4:15 p.m. to 5:15 p.m., Monday through Saturday. By increasing the time the remaining bridges may remain closed to navigation by thirty minutes in the morning and afternoon, traffic buildup in the city will be greatly alleviated. This regulation will result in these bridges, with exception of the Ruby Street Bridge, being closed to navigation from 7:30 a.m. to 9 a.m. and from 4 p.m. to 5:30 p.m., Monday through Saturday. The Ruby Street Bridge will be in the open to navigation position for structural steel repairs. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This temporary drawbridge operation regulation has been coordinated with commercial waterway operators. No objections to the proposed temporary rule were raised.

Regulatory Evaluation

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

The Coast Guard expects the economic impact of the temporary rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The temporary rule will have a negligible impact on vessel traffic. The primary users of the Illinois Waterway in Joliet are commercial towboat operators. On average, eight vessels per day transit the affected bridges. Of these, one or two may have to adjust their speed and schedules to arrive at the affected bridges prior to, or after, the times the bridges are closed to navigation.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they can better evaluate its effects on them and participate in the rulemaking process. Any individual that qualifies or, believes he or she qualifies as a small entity and requires assistance with the provisions of this rule, may contact Mr. Roger K. Wiebusch, Bridge Administrator, Eighth Coast Guard District, Bridge Branch, at (314) 539–3900, extension 2378.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

does not require a Statement of Energy Effects under Executive Order 13211.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. Promulgation of changes to drawbridge regulations has been found not to have significant effect on the human environment. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard is amending part 117 of Title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Public Law 102–587, 106 Stat. 5039.

2. Effective 7:30 a.m. on October 28, 2002, through 7:30 a.m. on December 16, 2002, paragraph (c) of § 117.393 is suspended and a new paragraph (e) is added to read as follows:

§ 117.393 Illinois Waterway.

* * * * *

(e) The draws of the McDonough Street Bridge, mile 287.3; Jefferson Street Bridge, mile 287.9; Cass Street Bridge, mile 288.1; Jackson Street Bridge, mile 288; all of Joliet, shall open on signal, except that they need not open from 7:30 a.m. to 9 a.m. and from 4 p.m. to 5:30 p.m. Monday through Saturday. The Ruby Street Bridge shall remain in the open to navigation position from October 28, 2002, to December 16, 2002.

Dated: October 28, 2002.

J. R. Whitehead,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist., Acting.

[FR Doc. 02–27994 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego 02–023]

RIN 2115–AA97

Safety Zone; Lake Moovalya, Colorado River, Parker, AZ

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone within the Lake Moovalya Region on the navigable waters of the Colorado River for the Bluewater Casino and Resort Thanksgiving Regatta. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels of the race, and to protect participating vessels. This temporary safety zone is also necessary to protect other vessels and users of the waterway. Persons and vessels are prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

DATES: This rule is effective from 6 a.m. (PST) on November 29, 2002, to 6 p.m. (PST) on December 1, 2002.

ADDRESSES: Documents indicated in this preamble as being available in the docket are part of docket (COTP San Diego 02–023) and are available for inspection or copying at Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064 between 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Petty Officer Austin Murai, USCG, c/o U.S. Coast Guard Captain of the Port, at (619) 683–6495.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a NPRM. Final approval and permitting of this event were not issued in time to engage in full notice and comment rulemaking. Publishing a NPRM and delaying the effective date would be contrary to the public interest since the event would occur before the rulemaking process was complete.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. In addition to the reasons stated above, it would be contrary to the public interest not to publish this rule because the event has been permitted and participants and the public require protection.

Background and Purpose

The Southern California Speedboat Club is sponsoring the Bluewater Resort and Casino Thanksgiving Regatta, which is held on the Lake Moovalya region of Parker, AZ. This temporary safety zone is necessary to provide for the safety of the participants, crew, spectators, sponsor vessels, and to protect participating vessels of the Bluewater Casino and Resort Thanksgiving Regatta. This temporary safety zone is also necessary to protect other vessels and users of the waterway.

Discussion of Rule

The following area is a temporary safety zone: the portion of the Colorado River from Headgate Dam to 0.5 nautical miles north of Bluewater Marina, Parker, Arizona.

The Coast Guard proposes to establish one safety zone that will be enforced everyday from 6 a.m. (PST) to 6 p.m. (PST) from November 29, 2002, to December 1, 2002. This safety zone is necessary to provide for the safety of the crews, spectators, and participants of the Bluewater Resort and Casino Thanksgiving Regatta and to protect other vessels and users of the waterway. Persons and vessels will be prohibited from entering into, transiting through, or anchoring within this safety zone unless authorized by the Captain of the Port, or his designated representative.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT)(44 FR 11040, February 26, 1979). We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary because of its limited duration of 12 hours per day for a period of three days and the limited geographic scope of the safety zone.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because this safety zone is limited in scope and duration (in effect for only 12 hours per day for a period of three days, from November 29, 2002, to December 1, 2002). In addition the Coast Guard will publish local notice to mariners (LNM) before the safety zone is enforced.

Assistance for Small Entities

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g) of Commandant Instruction M16475.lD, this rule is categorically excluded from further environmental documentation because we are proposing to establish a safety zone. A ''Categorical Exclusion Determination'' is available in the docket for inspection or copying where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add new § 165.T11–035 to read as follows:

§ 165.T11–035 Safety Zone; Lake Moovalya, Colorado River, Parker, AZ.

(a) *Location.* The following area is a temporary safety zone: the portion of the Colorado River from Headgate Dam to 0.5 nautical miles north of Bluewater Marina, Parker, Arizona.

(b) *Effective dates.* This safety zone will be in effect from 6 a.m. (PST) on November 29, 2002, to 6 p.m. (PST) on December 1, 2002. If the need for the safety zone ends before the scheduled termination time, the Captain of the Port will cease enforcement of this safety zone.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into, transit through, or anchoring within this zone by all vessels is prohibited, unless authorized by the Captain of the Port, or his designated representative. Mariners requesting permission to transit through the safety zone may request authorization to do so from the Patrol Commander (PATCOM). The Patrol Commander may be contacted via VHF–FM channel 16.

Dated: October 21, 2002.

S.P. Metruck,

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

[FR Doc. 02–27993 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

33 CFR PART 401

RIN–2135–AA16

Seaway Regulations and Rules: Inflation Adjustment of Civil Monetary Penalty

AGENCY: Saint Lawrence Seaway Development Corporation, DOT.

ACTION: Final rule.

SUMMARY: This final rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 as amended by the Debt Collection Improvement Act of 1996. The rule adjusts the amount of the statutory civil penalty for violation of the Seaway Regulations and Rules under the authority of the Ports and Waterways Safety Act of 1972, as amended (PWSA).

EFFECTIVE DATE: This rule is effective on November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–6823.

SUPPLEMENTARY INFORMATION: The Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), Public Law 101–410, 104 Stat. 890, 28 U.S.C. 2461 NOTE, as amended by the Debt Collection Improvement Act of 1996 (Act), Public Law 104–134, April 26, 1996, requires the inflation adjustment of civil monetary penalties (CMP) to ensure that they continue to maintain their deterrent value. The Act requires that not later than 180 days after its enactment, October 23, 1996, and at least once every four years thereafter, the head of each agency shall, by regulation published in the **Federal Register**, adjust each CMP within its jurisdiction by the inflation adjustment described in the 1990 Act. The cost-of-living adjustment is the percentage (if any) for each CMP by which the Consumer Price Index for all urban consumers (CPI), published annually by the Department of Labor, for the month of June of the calendar year preceding the adjustment, exceeds the CPI for the month of June of the calendar year in which the amount of the CMP was last set or adjusted pursuant to law. Nevertheless, the first adjustment to a CMP may not exceed 10 percent of that penalty amount. Any increased penalties shall apply only to violations that occur after the date on which the increase takes effect. 33 U.S.C. 1232(a) imposes a maximum $25,000 civil penalty for a violation of a regulation issued under the authority of the PWSA, which includes the Seaway Regulations and Rules in 33 CFR part 401. The penalty was set in 1978. Under the Act, the penalty amount was adjusted in 1996 to $27,500. The CPI for June 1996, was 156.6. The CPI for June 2002, is 179.2. The inflation factor, therefore, is 179.2/156.6 or 1.15. The maximum penalty amount after the increase and statutory rounding would be $31,625 (1.15 X 27,500). Accordingly, paragraph (a) of section 401.102 is being amended to change the amount of the penalty from $ 27,500 to $31,625.

Regulatory Evaluation

This final rule is exempt from Office of Management and Budget review under Executive Order 12866 because it is limited to the adoption of statutory language, without interpretation. As stated above, the provisions contained in this final rulemaking set forth the inflation adjustments in compliance with the Act for a specific, applicable CMP under the authority of the Corporation. The great majority of individuals, organizations, and entities addressed through the Seaway Regulations and Rules do not commit violations and, as a result, we believe any aggregate economic impact of this revision will be minimal, affecting only those who violate the regulations. As such, the final rule and its inflation adjustment should have no effect on Federal and State expenditures. This final rule has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the proposed regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this final rule will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Regulations and Rules primarily relate to the activities of commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

Environmental Impact

This final rule does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321,*et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

Federalism

The Corporation has analyzed this final rule under the principles and criteria in Executive Order 12612 and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

The Corporation has analyzed this proposed rule under title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 109 Stat. 48) and determined that it does not impose unfunded mandates on State, local, and tribal governments and the private sector requiring a written statement of economic and regulatory alternatives.

Paperwork Reduction Act

This proposed regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

Notice and Public Comment

Notice and an opportunity for public comment under the Administrative Procedure Act (APA) (5 U.S.C. 553) are waived. The APA provides an exception to the notice and comment procedures when an agency finds there is good cause for dispensing with those procedures because they are impracticable, unnecessary, or contrary to the public interest. The Corporation has determined under 5 U.S.C. 553(b)(3) that good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rulemaking comports with the statutory authority in the Act with no issues of policy discretion. Accordingly, the Corporation finds that the opportunity for prior comment is unnecessary and contrary to the public interest and is issuing this revised regulation as a final rule that will apply to all future cases under this authority.

List of Subjects in 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation proposes to amend 33 CFR chapter IV as follows:

PART 401—SEAWAY REGULATIONS AND RULES

Subpart B—[Amended]

1. The authority citation for part 401 would continue to read as follows:

Authority: 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

2. Paragraph (a) of § 401.102 is amended by removing the number ''$27,500'' and adding, in its place, the number ''$31,625''.

Issued in Washington, DC on October 28, 2002.

Saint Lawrence Seaway Development Corporation.

Albert S. Jacquez,

Administrator.

[FR Doc. 02–28021 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–61–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL—200302; FRL–7403–5]

Determination of Attainment of 1-hour Ozone Standard as of November 15, 1993, for the Birmingham, AL, Marginal Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the determination that the Birmingham, Alabama, marginal ozone nonattainment area attained the 1-hour ozone National Ambient Air Quality Standard by November 15, 1993, the date required by the Clean Air Act to be used for making this determination.

DATES: This final rule is effective on December 4, 2002.

ADDRESSES: Copies of documents relative to this action are available at the following address for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The interested persons wanting to examine these documents should make an appointment at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, U.S. Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9043. Mr. Lakeman can also be reached via electronic mail at *lakeman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Today's Action
II. Background
III. Response to Comments
IV. Final Action
V. Administrative Requirements

I. Today's Action

In this final rulemaking, Environmental Protection Agency (EPA) is responding to comments made on EPA's proposed rulemaking published August 21, 2002 (67 FR 54159). In the August 21, 2002, **Federal Register** notice, EPA proposed to determine that the Birmingham marginal ozone nonattainment area (hereinafter referred to as the Birmingham area) attained the 1-hour ozone National Ambient Air Quality Standard (NAAQS) by November 15, 1993, the date required by the Clean Air Act (CAA) to be used for making this determination since it is Birmingham's attainment date.

II. Background

On August 21, 2002, EPA published a proposed rule to determine that the Birmingham marginal ozone nonattainment area (hereinafter referred to as the Birmingham area) attained the 1-hour ozone National Ambient Air Quality Standard (NAAQS) by November 15, 1993, the date required by the Clean Air Act (CAA). The Birmingham area is comprised of Jefferson and Shelby Counties. On July, 10, 2002, the United States District Court for the District of Columbia concluded that EPA failed to exercise its non-discretionary duty to make a final attainment determination for the Birmingham area by May 15, 1994. The Court required that EPA make a formal attainment determination within 120 days from date of opinion. *Sierra Club* v. *Whitman,* No. 00–2206 (D.D.C. July 10, 2002). Therefore, in response to the Court's order, EPA is publishing this rule.

III. Response to Comments

What Comments Did We (EPA) Receive and What Are Our Responses?

EPA received adverse comments from one commenter regarding the proposed determination that Birmingham attained the 1-hour ozone standard as of November 15, 1993. The commenter, Earthjustice, submitted the comments on behalf of the Sierra Club Alabama Chapter, the Sierra Club Cahaba Group, the Alabama Environmental Council, and Alabama Physicians for Social Responsibility. They raised a number of policy and legal issues that EPA has considered and is responding to below.

Comment 1: According to the commenter, ''EPA's proposal flies in the face of the Clean Air Act's mandate to protect * * * people from the health threats posed by smog.''

Response: EPA is not failing to protect the people of Birmingham from the health threats posed by ozone. As described below in response to Comment 5, EPA has already taken steps to require the State of Alabama to deal with Birmingham's ozone problems and the State has taken the necessary steps and adopted additional significant control measures that will be implemented no later than the spring of next year. Furthermore, the State has demonstrated that those additional measures will lead to attainment of the 1-hour ozone standard in Birmingham by November of next year, which is the date for attainment that EPA determined was as expeditiously as practicable. That EPA disagrees with the commenter about the precise statutory mechanism to utilize in achieving attainment of the 1-hour ozone standard in Birmingham does not mean that EPA is not acting to fulfill the objective of the Clean Air Act of achieving attainment of the ozone standard as expeditiously as practicable. To the contrary, EPA has already acted to fulfill that objective and is protecting the people of Birmingham from ozone pollution.

Comment 2: The commenter asserts that EPA proposed to find that the Birmingham area ''has attained'' the 1-hour ozone standard ''solely on the basis of air quality data in the 1991–93 period,'' even though Birmingham has violated the standard since then and continues to do so. The commenter concludes that Birmingham has not attained the ozone NAAQS and that for ''EPA to assert otherwise, based on air quality conditions ten years or more ago, defies reality.''

Response: The pertinent statutory provision of the Clean Air Act clearly and explicitly establishes the criteria to be applied in determining whether a 1-hour ozone nonattainment area classified under subpart 2 of part D of Title I of the Clean Air Act has failed to attain the 1-hour standard and must be reclassified by operation of law. Section 181(b)(2)(A) provides that: ''Within 6 months following the applicable attainment date (including any extension thereof) for an ozone nonattainment area, *the Administrator shall determine, based on the area's design value (as of the attainment date), whether the area attained the standard by that date.* * * * [A]ny area that the

Administrator finds has not attained the standard by that date shall be reclassified by operation of law * * *'' (Emphasis added.) Thus, section 181(b)(2) clearly directs EPA to determine whether an area attained the ozone standard by its attainment date based on the area's design value as of that date. The only areas subject to mandatory reclassification under section 181(b)(2) are those that the Administrator finds have ''not attained the standard by that date.'' Whether or not Birmingham is attaining the ozone standard today or, for that matter, any date after its November 15, 1993 attainment date, is simply irrelevant to the determination of whether Birmingham had attained as of November 15, 1993. EPA is not purporting to determine that the Birmingham area ''has attained'' the standard in the sense that the area came into attainment and continues to be in attainment today; EPA is simply following the words of the statute to determine whether the Birmingham area attained the standard as of its November 15, 1993 attainment date. The fact that Birmingham violated the standard after November 15, 1993, does not, and cannot, detract from the conclusion that Birmingham ''attained the standard by'' its attainment date. Contrary to the suggestion of the commenter, the Act simply does not call for EPA, when acting pursuant to section 181(b)(2)(A), to determine whether an area is still attaining the standard after its attainment date. In contrast, in determining which classification an area being reclassified should receive, section 181(b)(2)(A)(ii) clearly and explicitly requires EPA to determine the design value of an area as of the time of the **Federal Register** notice identifying an area as having failed to attain by its attainment date. Clearly, Congress knew how to distinguish between directing EPA to make one determination as of the area's attainment date and a second determination as of the date of the **Federal Register** notice announcing the first determination. The commenter, however, advances an interpretation of the Act that it asserts EPA is compelled to follow that conflates one provision of a statute setting forth one criterion with another provision setting forth a different criterion. The validity and reasonableness of EPA's interpretation is supported by the 1998 decision of the U.S. District Court for the Northern District of Alabama in *Vahle* v. *Browner* (Memorandum Opinion, dated Sept. 4, 1998) concerning the reclassification of Birmingham. In that case, the plaintiff, just like the commenter, argued that section 181(b)(2) ''should be interpreted so as to require the EPA to reclassify an area that ''backslides'' into nonattainment after its attainment date.'' The court ruled, however, that ''the clear wording of the statute prevents such interpretation. The statute provides that the determination shall be 'whether the area attained the standard *by that date.*' 42 U.S.C. 7511(b)(2)(A) (emphasis added). There can be no question that the date referred to is the attainment date established in 42 U.S.C. 7511(a)(1), November 15, 1993, in the case of the Jefferson/Shelby area. Therefore, the statute is not remotely subject to the interpretation suggested by the plaintiff.'' (Memorandum Opinion at 5–6.) EPA's interpretation is clearly a reasonable one.

Comment 3: The commenter claims that EPA's proposed action is based on a ''crabbed reading'' of the Clean Air Act. The commenter asserts that EPA's reading of the language of section 181(b)(2)(A) of the Act to limit the pertinent data to that for the 1991–93 period ''improperly ignores subsequent language in the same subsection requiring reclassification of any area that 'the Administrator finds has not attained the standard by that date.' Thus, the issue is whether the Administrator can currently 'find' that the area 'has attained' the standard—not whether the area 'was' meeting the standard at some time in the past. Here, EPA cannot possibly find that the Birmingham area 'has attained' the standard by the attainment date, because that area continues to violate the standard.'' The commenter further asserts that, in the context of redesignations to attainment, EPA stated that the statutory phrase ''has attained'' means that an area must be attaining the standard at the time of redesignation to attainment. According to the commenter, the ''very same analysis applies here. EPA must reclassify any area that the Administrator finds 'has not' (in the present tense) attained the standard.''

Response: As explained more fully in response to Comment 2, EPA's reading of the Act is fully consistent with its language and with the opinion in the Vahle case, which rejected the view espoused by the commenter as an interpretation to which the Act is ''not remotely subject.'' As for the commenter's reference to redesignations to attainment, the statutory language that is pertinent to that issue differs from the language of section 181(b)(2)(A) regarding reclassifications. Section 107(d)(3)(e) prohibits EPA from redesignating an area from nonattainment to attainment unless it determines that the area ''has attained'' the standard. In contrast to the reclassification provision, which specifies the attainment date as the point of reference for making the attainment determination, section 107(d)(3)(E) sets no date to use for making that determination. Furthermore, in light of the fact that an attainment area is defined in section 107(d)(1) as an area that ''meets'' the standard it is clear that for EPA to take an action affirmatively designating an area as attainment it must be meeting the standard at the time of the decision to designate it as attainment. Section 181(b)(2)(A), however, expressly directs EPA to determine whether an area attained as of a specified date in the past, its attainment date.

Comment 4: The commenter asserts that language in section 181(b)(2)(A) expressly stating that EPA's determination of attainment is to be based on the area's design value as of the attainment date, ''[b]y its terms * * * only applies to attainment determinations made within 6 months of the attainment date.'' The commenter states that ''nowhere did Congress suggest that EPA could ignore post-attainment date violations if the agency delayed its attainment determination substantially beyond the 6-month window.'' The commenter also argues that even if EPA's reading of the first sentence of section 181(b)(2)(A) were correct ''the second sentence of that subsection plainly requires reclassification to take place where the Administrator finds that the area ''has not attained'' by that date. Thus, even if EPA finds that the area was meeting the standard on November 15, 1993, the second sentence of section 181(b)(2)(A) still requires reclassification because, as EPA itself has found (and as the data unequivocally shows), the area ''has not attained.' ''

Response: EPA does not believe that Congress intended for the language regarding determining attainment as of the attainment date not to apply when an attainment determination occurs more than six months after the attainment date. There is no statutory language supporting the commenter's reading that eliminates this language from the Act when EPA takes action more than six months after an area's design value. Furthermore, contrary to the commenter's assertion, the second sentence of section 181(b)(2)(A) does not somehow override the language of the first sentence and require reclassification if an area slips back into nonattainment after its attainment date. Rather, the second sentence reinforces the validity of EPA's view of the

straightforward language of the first sentence by stating that ''[e]xcept for any Severe or Extreme area, any area that the Administrator *finds has not attained the standard by that date* shall be reclassified by operation of law * * *'' (Emphasis added.) EPA is finding that Birmingham attained by ''that date,'' its November 15, 1993 attainment date, and, consequently, no reclassification occurs regardless of whether the area slipped back into nonattainment after that date. *See* also Responses to Comments 2 and 3.

Comment 5: According to the commenter, EPA's approach is ''wholly inconsistent with the Act's structure and purpose. To accept EPA's reading, one must conclude that Congress did not care about unhealthful air after 1993, and meant to forever exempt such areas from reclassification even if their air pollution problems had not actually been cured.'' The commenter further contends that there is no ''plausible basis for denying to Birmingham residents the same level of air quality protection mandated for'' other cities.

Response: EPA's approach is not only consistent with the express language of section 181(b)(2), it is consistent with the Clean Air Act's structure and purpose. Moreover, accepting EPA's reading of this provision does not mean that either Congress or EPA does not care about unhealthful air in Birmingham after 1993 and does not deny to the residents of Birmingham the same level of air quality protection that is afforded to the other residents of the United States. This comment would be accurate only if Congress precluded EPA from dealing with air quality problems in areas such as Birmingham. Congress has not done so, however, and EPA has exercised its authority available under other provisions of the Clean Air Act to require that steps be taken to improve air quality in Birmingham. In fact, EPA undertook a rulemaking action to require the State of Alabama to submit a SIP revision to provide for attainment of the 1-hour ozone standard in Birmingham. EPA took final action on this rulemaking on October 19, 2000. 65 FR 64352 (Oct. 27, 2000). The State of Alabama submitted a SIP revision to provide for attainment based on photochemical grid modeling (which is only required by the Clean Air Act for ozone nonattainment areas classified as serious or higher) on November 1, 2000. The attainment demonstration relied upon additional fuel controls and controls on emission controls on two major power plants and demonstrated that attainment would occur by November 15, 2003, on the basis of these additional control measures, which are to be implemented by May 2003. EPA approved that SIP submission on October 24, 2001. 66 FR 56223 (Nov. 7, 2001). Consequently, even though EPA is not reclassifying Birmingham as the commenter desires, EPA and the State of Alabama have taken steps to rectify the problems with Birmingham's SIP and to achieve attainment of the 1-hour ozone standard as expeditiously as practicable, thereby affording Birmingham's citizens the health protections of that air quality standard.

Comment 6: The commenter claims that in *Whitman* v. *American Trucking Ass'ns*, ''the Supreme Court soundly rejected the very sort of evasion of the Act's reclassification provisions that EPA is proposing here.'' According to the commenter, that decision held ''that EPA could not construe the Act in a way that renders Subpart 2 ''abruptly obsolete'' * * * Yet that is precisely what the Agency proposes here.'' In the view of the commenter, EPA's reliance on other provisions of the Act, such as section 110, is an approach that ''effectively nullifies the Subpart 2 reclassification provisions as to the affected area'' and claims that such an approach ''was squarely rejected by the Supreme Court in Whitman.''

*Response:*The Supreme Court's decision in *Whitman* v. *American Trucking Ass'ns*, 431 U.S. 537, 121 S.Ct. 903 (2001), did not grapple with the issue presented in this rulemaking. At issue in Whitman was the implementation regime for the revised ozone standard, the 8-hour ozone standard promulgated by EPA in 1997. There, the Court dealt with the issue of ''whether Subpart 1[of Part D] alone (as the agency determined), or rather Subpart 2 or some combination of Subparts 1 and 2, controls the implementation of the revised ozone NAAQS in nonattainment areas.'' The Court ruled that EPA could not establish an implementation program for a new ozone NAAQS that eliminated subpart 2 but left it to the Agency to resolve ambiguities in the Clean Air Act concerning how subparts 1 and 2 interact with respect to the implementation of revised ozone standards. The Court did not deal with an issue of how a particular provision of subpart 2 should be interpreted and implemented, which is the issue in this rulemaking. In this rulemaking EPA is not seeking to supplant the provisions of subpart 2, it is merely applying those provisions in a way consistent with their language and a prior court decision interpreting the provisions at issue. The fact that EPA disagrees with the commenter's suggested interpretation of section 181(b)(2)(A) does not mean that EPA is effectively nullifying that provision, which, in EPA's review, provides for the reclassification of areas that fail to attain as of their attainment date.

Comment 7: The commenter also claims that EPA's reading of the Clean Air Act leads to absurd results because an area that was violating the standard on November 15, 1993, would be subject to more stringent requirements than Birmingham even if its air were cleaner than Birmingham's after 1993. Another absurd result that EPA's approach leads to in the eyes of the commenter is the possibility that Birmingham would remain classified as marginal, while other areas with better air quality could be reclassifed up to severe status ''solely because they happened to be in violation on November 15, 1993.''

Response: EPA's approach does not lead to absurd results. EPA's approach merely follows the language of the statute and gives full force and effect to the clearly expressed intent of Congress. If EPA's approach meant that nothing could be done to address air quality problems in Birmingham because the area was not reclassified, then there might be legitimate questions that could be raised about the validity of such an approach, which would mean that the fundamental objective of attainment of the ozone standard could not be achieved. That is not the case, however. As described above in response to Comment 5, EPA exercised its statutory authority to issue a SIP call to the State of Alabama requiring an attainment demonstration for Birmingham. The State then submitted that SIP, which was based on photochemical modeling and which contained significant additional control measures. EPA approved that SIP and the SIP for Birmingham now provides for attainment of the 1-hour ozone standard next year. Also, the Clean Air Act clearly contemplates that areas that once achieved attainment of the ozone standard may be categorized differently than areas that have not achieved attainment even if an area that was once clean violates the standard again. Section 175A(d), which applies to areas that were once designated nonattainment but are seeking redesignation to attainment after attaining a standard, requires that such areas submit SIP revisions containing contingency provisions ''to assure that the State will promptly correct any violation of the standard which occurs after the redesignation of the area as an attainment area.'' Neither section 175A nor any other provision of the Act establishes a mandatory duty for EPA to

redesignate an attainment area back to nonattainment status after a violation, although such action by EPA is authorized by section 107(d)(3)(A). This is the case even though such an area could have air quality worse at some point than another area that had remained designated nonattainment and may have even been classified at a higher level than the area that had been redesignated to attainment. Clearly, Congress expected that there would be areas that had been redesignated to attainment that were in fact violating a standard but did not require that such areas be redesignated to nonattainment. Instead of compelling EPA to change their designation status, Congress required such areas to have provisions in their SIPs to address the air quality problems (the contingency measures). Thus, Congress clearly expected that two areas could be in different categories (one attainment and one nonattainment) even though the area designated attainment might have worse air quality than the area designated nonattainment. Congress also expected that the area designated attainment would have SIP provisions designed to address the air quality problems. EPA is treating Birmingham in an analogous fashion. EPA does not view Birmingham, having attained the standard by its attainment date, as being subject to the mandatory reclassification provisions of section 181(b)(2); EPA, however, did require the State of Alabama to revise the Birmingham SIP to address the air quality problems Birmingham was experiencing and it has done so.

Comment 8: The commenter asserts that EPA has relied on post-attainment date conditions in making attainment and reclassification determinations under the Act and that it is arbitrary, capricious, and contrary to law for the Agency to find areas in attainment and waive reclassification, but refuse to consider post-attainment date conditions to find areas in nonattainment. The commenter offers two examples of this. One is where EPA decided not to reclassify Kent & Queen Anne's County in Maryland from marginal to moderate when it had come into attainment of the 1-hour ozone standard a year after its attainment date, and the second was EPA's decision not to reclassify the Liberty Borough, Pennsylvania PM–10 area from moderate to serious when it had attained by the time of EPA's decision.

Response: The fact that EPA did not reclassify certain other areas that were in violation as of their attainment dates but attained shortly thereafter does not compel the result that EPA reclassify areas that did attain by their attainment date on the basis of post-attainment date information. In the first situation, where an area attains after its attainment date, the purpose of the reclassification has been fulfilled because the area achieved attainment of the standard (albeit somewhat late). In the second situation, for the reasons explained in response to other comments, the language of the Act requires that only areas that failed to attain as of their attainment date be reclassified. That EPA may not have acted to reclassify all such areas does not lead to the conclusion that EPA must now consider post-attainment date information in every case and make reclassification decisions on the basis of such data.

Comment 9: The commenter asserts that since EPA has elsewhere recognized that a nonattainment area with clean air can fall back into nonattainment and must be subject to the enforcement of the Act's nonattainment area requirements. Citing EPA's ''clean data'' policy, the commenter argues that the post-attainment deadline violations in Birmingham ''compel an EPA finding of nonattainment and reclassification.''

Response: As explained elsewhere in the responses to comments, the post-attainment deadline violations in Birmingham do not compel a finding of nonattainment and reclassification. In addition, the ''clean data policy'' to which the commenter refers is not relevant to the reclassification provisions of the Act and does not compel such a finding or action. The ''clean data'' policy concerns other provisions of the Act, such as the attainment demonstration and reasonable further progress requirements, and sets forth EPA's view that the SIP submission requirements contained in those provisions may be suspended for so long as the purpose of those provisions is being achieved, *i.e.*, for so long as the area is attaining the standard. Under that policy, if an area violates the standard during the period in which the requirements are suspended, the requirements are to be reimposed. This simply does not involve the reclassification provisions and their attendant requirements to impose additional requirements on areas that fail to attain by their attainment dates.

Comment 10: Even if the attainment status of Birmingham as of November 15, 1993, were the only relevant issue, the commenter asserts that the ''post-1993 data strongly suggests that the area was not in fact in attainment on that date.'' The commenter claims that the only monitor in Shelby County recorded 2 exceedances in 1993 and two other monitored readings of .124 ppm—''barely within the NAAQS, and within only because of EPA's 'rounding' convention.'' The commenter asks EPA to determine whether the actual values were .1245 or higher, which the commenter states would mean they should have been reported as .125, indicating a violation. The commenter asserts that, based on the post-1993 monitored violations and the ''limited size'' of the Birmingham monitoring network, ''it is highly unlikely that the area was in fact 'in attainment' as of November 15, 1993.'' Citing a statement made by EPA in 1997 that Birmingham is subject to ozone exceedances ''whenever meteorological conditions are conducive to ozone formation,'' the commenter claims that EPA ''cannot rationally find that the Birmingham area was in fact 'in attainment' as of November 15, 1993.''

Response: EPA does not believe that the post-1993 data suggests that the Birmingham area was not attaining as of November 15, 1993. First, that data was affected by emissions levels in those years and meteorological conditions that occurred in the post-1993 period, which may or may not have been present in the 1991–93 period when the area attained. Thus, the fact that exceedances occurred in 1995 or 1996 does not suggest that unmonitored exceedances were occurring in the 1991–93 period. Second, the Birmingham monitoring network is not insufficient. The area's monitoring network met or exceeded the requirements of EPA's regulatory requirements for National Air Monitoring Stations (NAMS) and for State and Local Air Monitoring Stations (SLAMS) (contained in 40 CFR part 58 Appendix D). Third, as EPA has explained elsewhere, the ''rounding convention'' referred to by the commenter was established by EPA in guidance issued in 1977 and 1979, guidance that was carried forward by Congress in 1990 when it enacted section 193 of the Clean Air Act. Moreover, the rounding convention is perfectly consistent with the standard as defined in 40 CFR 50.9, which defines the 1-hour ozone standard as 0.12 parts per million (ppm), not .120 ppm or 120 parts per billion. Since the one-hour ozone standard is specified as two significant digits, the appropriate data handling convention is to round to two decimal places. *See* 67 FR 5152, 5160 (Feb. 4, 2002). Finally, EPA did examine the 1993 data as requested by the commenter and determined that 1-hour ozone data is stored to three decimal places in AIRS–AQS.

Comment 11: The commenter contends that not only must EPA reclassify Birmingham as a moderate area, it must reclassify the area as severe since the moderate and serious area attainment dates have passed and the area is still not attaining the standard.

Response: For the reasons given in response to the previous comments, EPA does not believe that it must reclassify Birmingham as a moderate area. Even if it were required to reclassify Birmingham as a moderate area at this time, whether it would have to reclassify the Birmingham area immediately as severe is open to question. In another case where EPA acted to reclassify a moderate ozone area as serious after the serious area attainment deadline of 1999 had passed, EPA determined that it would be appropriate to reclassify the area as serious and establish an attainment date satisfying the principle that the attainment date be as expeditiously as practicable even though that date post-dated the 1999 attainment date for serious areas. 66 FR 15578, 15584–85, 15587 (Mar. 19, 2001). In any event, as EPA is not reclassifying Birmingham, EPA is not taking any final action with respect to what a new classification for Birmingham should be and is not resolving that issue on a hypothetical basis.

IV. Final Action

Pursuant to Section 181(b)(2)(A) of the CAA, EPA is finalizing the determination that the Birmingham area has attained the 1-hour NAAQS for ozone by November 15, 1993, the date required by section 181(a)(1) of the CAA. This determination is based upon three years of complete, quality-assured, ambient air monitoring data for the years 1991–1993 which indicate that Birmingham area attained the 1-hour ozone NAAQS.

V. Administrative Requirements

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

This rule also does not have 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 approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''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 to this action since it is simply a determination that Birmingham was in attainment of the 1-hour ozone NAAQS as of November 15, 1993. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 3, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: October 24, 2002.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 02–27828 Filed 11–1–02; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7795]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the

third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Edward Pasterick, Division Director, Risk Communication Division, Federal Insurance and Mitigation Administration, 500 C Street, SW.; Room 411, Washington, DC 20472, (202) 646–2807.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 *et seq.*; unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 *et seq.* Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp.; p. 252.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp.; p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region III				
West Virginia:				
Capon Bridge, Town of, Hampshire County.	540046	May 13, 1975, Emerg.; April 1, 1988, Reg.; November 7, 2002.	Nov. 7, 2002	11/7/02
Hampshire County, Unincorporated Areas.	540226	January 19, 1976, Emerg.; August 1, 1987, Reg.; November 7, 2002.	.....do	Do.
Romney, Town of, Hampshire County ..	540276	April 25, 1975, Emerg.; June 15, 1988, Reg.; November 7, 2002.	.....do.	

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region IV				
Tennessee:				
Chattanooga, City of, Hamilton County	470072	March 3, 1972, Emerg.; September 3, 1980, Reg.; November 7, 2002.	.....do	Do.
Hamilton County, Unincorporated Areas	470071	March 3, 1972, Emerg.; August 1, 1979, Reg.; November 7, 2002.	.....do	Do.
Signal Mountain, Town of, Hamilton County.	470078	September 23, 1977, Emerg.; June 28, 1979, Reg.; November 7, 2002.	.....do	Do.
Region V				
Minnesota:				
Vadnais Heights, City of, Ramsey County.	270385	July 3, 1974, Emerg.; June 30, 1976, Reg.; November 7, 2002.	.....do	Do.
Region IV				
Alabama:				
Cowarts, Town of, Houston County	010103	October 29, 1998, Emerg.; November 21, 2002, Reg.; November 21, 2002.	Nov. 7, 2002	11/21/02
Madrid, Town of, Houston County	010107	November 6, 1975, Emerg.; July 18, 1985, Reg.; November 21, 2002.	.....do	Do.
Webb, Town of, Houston County	010109	August 26, 1975, Emerg.; May 15, 1985, Reg.; November 21, 2002.	.....do	Do.
Tennessee:				
Portland, City of, Sumner County	470187	February 14, 1975, Emerg.; August 4, 1987, Reg.; November 21, 2002.	.....do	Do.
Region V				
Ohio:				
Niles, City of, Trumbull County	390540	March 5, 1974, Emerg.; June 1, 1978, Reg.; November 21, 2002.	.....do	Do.
Wisconsin:				
Sheboygan County, Unincorporated Areas.	550424	April 4, 1973, Emerg.; July 17, 1978, Reg.; November 21, 2002.	.....do	Do.
Sheboygan, City of, Sheboygan County	550430	April 23, 1971, Emerg.; March 15, 1977, Reg.; November 21, 2002.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: October 25, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27959 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–D–7531]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR Part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the

community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This interim rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Jefferson	City of Hoover	October 8, 2002, October 15, 2002, *The Birmingham News*.	The Honorable Barbara McCollum, Mayor of the City of Hoover, 100 Municipal Drive, Hoover, Alabama 32516.	Oct. 1, 2002	010123 B
Connecticut:					
Middlesex	City of Middletown	September 10, 2002, September 17, 2002, *The Middletown Press*.	The Honorable Domenique S. Thornton, Mayor of the City of Middletown, 245 deKoven Drive, P.O. Box 1300, Middletown, Connecticut 06457.	Dec. 17, 2002	090068 C
New Haven	City of Milford	October 9, 2002, October 16, 2002, *New Haven Register*.	The Honorable James L. Richetelli, Mayor of the City of Milford, City Hall, 110 River Street, Milford, Connecticut 06460.	Jan. 15, 2003	090082 F
Florida:					
Charlotte	Unincorporated Areas	September 19, 2002, September 26, 2002, *Herald Tribune (Charlotte County Edition)* and *Sun Herald*.	Ms. Pamela Brangaccio, Charlotte County Interim Administrator, 18500 Murdock Circle, Port Charlotte, Florida 33948.	Sept. 12, 2002	120061 D
Dade	Unincorporated Areas	September 13, 2002, September 20, 2002, *The Miami Herald*.	Mr. Steve Shriver, Dade County Manager, 111 N.W. First Street, Suite 910, Miami, Florida 33128.	Sept. 6, 2002	120635 J

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Polk	City of Lakeland	October 1, 2002, October 8, 2002, *The Ledger*.	Mr. Roger D. Haar, City Manager for the City of Lakeland, Lakeland City Hall, 228 South Massachusetts Avenue, Lakeland, Florida 33801–5086.	Sept. 24, 2002	120267 F
Dade	City of Miami	September 10, 2002, September 17, 2002, *The Miami Herald*.	The Honorable Manuel A. Diaz, Mayor of the City of Miami, 3500 Pan American Drive, Miami, Florida 33133.	Sept. 3, 2002	120650 J
Orange	City of Ocoee	September 25, 2002, October 2, 2002, *The Orlando Sentinel*.	The Honorable S. Scott Vandergift, Mayor of the City of Ocoee, City Hall, 150 North Lakeshore Drive, Ocoee, Florida 34761.	Sept. 18, 2002	120185 E
Orange	Unincorporated Areas	September 25, 2002, October 2, 2002, *The Orlando Sentinel*.	M. Krishnamurthy, P.E., Ph.D., Orange County Stormwater, Management Manager, 4200 South John Young Parkway, Orlando, Florida 32839.	Sept. 18, 2002	120179 E
Orange	Unincorporated Areas	September 27, 2002, October 4, 2002, *The Orlando Sentinel*.	M. Krishnamurthy, P.E., Ph.D., Orange County Stormwater, Management Manager, 4200 South John Young Parkway, Orlando, Florida 32839.	Sept. 20, 2002	120179 E
Georgia:					
Richmond	City of Augusta	September 5, 2002, September 12, 2002, *The Augusta Chronicle*.	The Honorable Bob Young, Mayor of the City of Augusta, City-County Municipal Building, 530 Greene Street, Augusta, Georgia 30911.	Dec. 12, 2002	130158 E
Catoosa	City of Fort Oglethorpe	September 4, 2002, September 11, 2002, *Chattanooga Free Press*.	The Honorable Judson L. Burkhart, Mayor of the City of Fort Oglethorpe, P.O. Box 5509, 500 City Hall Drive, Fort Oglethorpe, Georgia 30742.	Dec. 11, 2002	130248 B
New York: Schenectady County	Town of Rotterdam	September 27, 2002, October 4, 2002, *The Daily Gazette*.	Mr. John Paolino, Supervisor of the Town of Rotterdam, 1100 Sunrise Boulevard, Rotterdam, New York 12306.	Mar. 17, 2003	360740 B
North Carolina: Buncombe	City of Ashville	October 9, 2002, October 16, 2002, *The Asheville Citizen-Times*.	The Honorable Charlie Worley, Mayor of the City of Asheville, P.O. Box 7148, Asheville, North Carolina 28802.	Jan. 15, 2003	370032 C
Pennsylvania:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Cambria	City of Johnstown	September 30, 2002, October 7, 2002, *Johnstown Tribune*.	Mr. Silka, City of Johnstown Manager, 401 Main Street, Johnstown, Pennsylvania 15901.	Sept. 16, 2002	420231 C
Allegheny	Township of Moon	October 9, 2002, October 16, 2002, *Moon Record Star*.	Mr. Gregory S. Smith, Manager of Moon Township, 1000 Beaver Grade Road, Moon, Pennsylvania 15108.	Jan. 14, 2003	421082 E
Allegheny	Township of North Fayette	October 9, 2002, October 16, 2002, *Moon Record Star*.	Mr. Robert T. Grimm, Manager of the Township of North Fayette, 400 North Branch Road, Oakdale, Pennsylvania 15071.	Jan. 14, 2003	421085 E
Allegheny	Township of Robinson	October 9, 2002, October 16, 2002, *Suburban Gazette*.	Mr. William L. Blumling, Chairman of the Board of Commissioners, Township of Robinson, 1000 Church Hill Road, Pittsburgh, Pennsylvania 15205.	Jan. 14, 2003	421097 E
Tennessee:					
Shelby	City of Memphis	October 15, 2002, October 22, 2002, *The Commercial Appeal*.	The Honorable Willie W. Herenton, PhD, Mayor of the City of Memphis, City Hall, 125 North Main Street, Suite 700, Memphis, Tennessee 38103.	Jan. 22, 2003	470177 E
Williamson	Unincorporated Areas	October 7, 2002, October 14, 2002, *The Review Appeal*.	Mr. Rogers Anderson, Williamson County Executive, 1320 West Main Street, Suite 100, Franklin, Tennessee 37064.	Oct. 1, 2002	470204 C
Virginia:					
Independent City	City of Harrisonburg	October 11, 2002, October 18, 2002, *Daily News-Record*.	The Honorable Joseph G. Fitzgerald, Mayor of the City of Harrisonburg, City Manager's, Office 345 South Main Street, Harrisonburg, Virginia 22801.	Oct. 4, 2002	510076 B
Independent City	City of Roanoke	September 20, 2002, September 27, 2002, *Roanoke Times*.	The Honorable Ralph K. Smith, Mayor of the City of Roanoke, 215 Church Avenue, S.W., Room 452, Roanoke, Virginia 24011.	Sept. 12, 2002	510130 D
Independent City	City of Winchester	September 23, 2002, September 30, 2002, *Winchester Star*.	Mr. Edwin C. Daley, City of Winchester Manager, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia 22601.	Dec. 30, 2002	510173 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
West Virginia: Berkeley	Unincorporated Areas	September 20, 2002, September 27, 2002, *Martinsburg Journal*.	Mr. Howard Strauss, President of Berkeley County, Board of Commissioners, 126 West King Street, Martinsburg, West Virginia 25401.	Sept. 4, 2002	540282 B

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27962 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Administrator has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.*, and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains, reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Arizona: Maricopa (FEMA Docket No. D–7525).	City of Tempe	May 1, 2002, May 8, 2002, *Arizona Republic*.	The Honorable Neil G. Giuliano, Mayor of the City of Tempe, P.O. Box 5002, Tempe, Arizona 85280.	Aug. 6, 2002	040054 G&F
Connecticut:					
Hartford (FEMA Docket No. D–7525).	Town of Berlin	April 26, 2002, May 3, 2002, *The Herald*.	Ms. Bonnie Therrien, Manager of the Town of Berlin, Town Hall, 240 Kensington Road, Berlin, Connecticut 06037.	Apr. 15, 2002	090022 D
Fairfield (FEMA Docket No. D–7525).	City of Stamford	May 10, 2002, May 17, 2002, *The Stamford Advocate*.	The Honorable Dannel P. Malloy, Mayor of the City of Stamford, 888 Washington Boulevard, 10th Floor Government Center, Stamford, Connecticut 06904.	Apr. 23, 2002	090015 C&D
Indiana: Hamilton (FEMA Docket No. D–7525).	Town of Westfield	April 12, 2002, April 19, 2002, *The Daily Ledger*.	Mr. Michael McDonald, Town of Westfield Council President, 130 Penn Street, Westfield, Indiana 46074.	July 19, 2002	180083 C
North Carolina:					
Wake (FEMA Docket No. D–7525).	Town of Cary	Apr. 23, 2002, April 30, 2002, *The News and Observer*.	The Honorable Glenn Lang, Mayor of the Town of Cary, P.O. Box 8005, Cary, North Carolina 27512.	July 30, 2002	370238 F&E
Lee (FEMA Docket No. D–7525).	City of Sanford	Apr. 18, 2002, April 25, 2002, *Sanford Herald*.	The Honorable Winston C. Hestor, Mayor of the City of Sanford, P.O. Box 3729, Sanford, North Carolina 27331–3729.	July 25, 2002	370143 B
Pennsylvania: Chester (FEMA Docket No. D–7523).	Township of Willistown	April 17, 2002, April 24, 2002, *Daily Local News*.	Mr. Robert T. Lang, Chairman of the Township of Willistown Board of Supervisors, 688 Sugartown Road, Malvern, Pennsylvania 19335.	Apr. 1, 2002	422282 D
South Carolina: Lexington (FEMA Docket No. D–7525).	Unincorporated Areas	April 19, 2002, April 26, 2002, *The State*.	Mr. Bill Banning, Council Chairman, 212 South Lake Drive, Lexington, South Carolina 29072.	July 26, 2002	450129 G
Virginia:					

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Loudoun (FEMA Docket No. D–7525).	Town of Leesburg	May 15, 2002, May 22, 2002, *Loudoun Times Mirror*.	The Honorable B. J. Webb, Mayor of the Town of Leesburg, 25 West Market Street, P.O. Box 88, Leesburg, Virginia 20178.	Aug. 21, 2002	510091 D
Loudoun (FEMA Docket No. D–7525).	Unincorporated Areas	May 22, 2002, May 29, 2002, *Loudoun Times Mirror*.	Mr. Kirby Bowers, Loudoun County Administrator, 1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, Virginia 20177–7000.	May 6, 2002	510090 D
Prince William (FEMA Docket No. D–7523).	Unincorporated Areas	April 19, 2002, April 26, 2002, *Potomac News*.	Mr. Craig Gerhart, Prince William County Executive, 1 County Complex Court, Prince William, Virginia 22192.	Apr. 3, 2002	510119 D

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27963 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of 90 days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive

Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of Flooding and Location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
FLORIDA	
Jupiter Island (Town), Martin County (FEMA Docket No. D–7514)	
Atlantic Ocean:	
Approximately 0.94 mile east of intersection of Suddard Drive and Williams Drive ...	*13
Approximately 1.32 miles north-northwest of intersection of Beach Road and Harmony Avenue	*6
Maps available for inspection at the Jupiter Town Hall, Building Department, 103 Bunker Hill Road, Hobe Sound, Florida.	
KENTUCKY	
Harlan (City), Harlan County (FEMA Docket No. D–7538)	
Clover Fork:	
Approximately 260 feet downstream of the confluence of Martins Fork	*1,180
Approximately 375 feet upstream of Main Street/ State Route 72	*1,181
Martins Fork:	
At the confluence with Clover Fork	*1,180
Approximately 1,200 feet upstream of State Route 72 ..	*1,186
Interior Drainage Area No. 1:	
At the intersection of Walnut Street and Cumberland Avenue	*1,176
Interior Drainage Area No. 2:	
Approximately 150 feet southeast of the intersection of Clover and Walnut Streets along Walnut Street	*1,174
Maps available for inspection at the Harlan City Hall, 218 South Main Street, Harlan, Kentucky.	
MAINE	
Allagash (Town), Aroostook County (FEMA Docket No. D–7528)	
St. John River:	
Approximately 3.68 miles downstream of State Route 161	*603
Approximately 550 feet upstream of confluence of Little Black River	*627
Little Black River:	
At the confluence with St. John River	*626
Approximately 125 feet upstream of Route 161	*626
Maps available for inspection at the Allagash Town Office, Route 161, Allagash, Maine.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27964 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR Part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that

this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
ILLINOIS	
Monroe County (Unincorporated Areas), City of Columbia (FEMA Docket No. D–7520)	
Carr Creek:	
Approximately 250 feet upstream of Bluff Road	*421
Approximately 700 feet upstream of Gall Road	*448
Monroe County (Unincorporated Areas), City of Columbia	
Carr Creek Tributary:	
At the confluence with Carr Creek	*444
Approximately 1,620 feet upstream of confluence with Carr Creek	*447
Palmer Creek:	
Approximately 0.57 mile downstream of Ramsey Road	*402
At upstream side of Rueck Road	*456
Palmer Creek Tributary:	
At the confluence with Palmer Creek	*432
Approximately 760 feet upstream of Quarry Road	*473
Rueck Creek:	
At the confluence with Palmer Creek	*432
Approximately 0.83 mile upstream of confluence with Palmer Creek	*452
City of Columbia	
Wilson Creek:	
At the confluence with Carr Creek	*427
Approximately 550 feet upstream of South Main Street	*482
Monroe County (Unincorporated Areas)	
Maps available for inspection at the Monroe County Zoning Office, Monroe County Courthouse, 100 South Main Street, Waterloo, Illinois.	
City of Columbia	
Maps available for inspection at the Columbia City Hall, 208 South Rapp Avenue, Columbia, Illinois.	
KENTUCKY	
City of Williamsburg, Whitley County (Unincorporated Areas) (FEMA Docket No. D–7540)	
Cumberland River:	
Approximately 2.1 miles upstream of State Route 25 West	*934
Approximately 7.7 miles upstream of State Route 25 West	*943
City of Williamsburg	
Maps available for inspection at the City of Williamsburg Mayor's Office, 116 North Second Street, Williamsburg, Kentucky.	
Whitley County (Unincorporated Areas)	
Maps available for inspection at the Whitley County Courthouse, 310 Main Street, Williamsburg, Kentucky.	
TENNESSEE	
Carter County (Unincorporated Areas) (FEMA Docket No. D–7540)	
Doe River:	
Approximately 1,150 feet downstream of U.S. Highway 19E	*2,496
Approximately 1.3 miles upstream of Julian Road	*2,663
Carter County (Unincorporated Areas)	
Doe River Overland Flow:	
Approximately 175 feet upstream of the confluence with Doe River	*2,568
At divergence with Doe River	*2,585
Buck Creek:	
At confluence with Shell Creek	*2,642
Approximately 1,775 feet upstream of Buck Creek Road	*2,692
Hampton Creek:	
At confluence with Doe River	*2,597
Approximately 2 miles upstream of confluence with Doe River	*2,825
Shell Creek:	
At confluence with Doe River	*2,576
Approximately 140 feet upstream of Ellis Hollow Road	*2,780
Carter County (Unincorporated Areas)	
Maps available for inspection at the Carter County Courthouse, 801 East Elk Avenue, Elizabethton, Tennessee.	
WISCONSIN	
Winnebago County (Unincorporated Areas) (FEMA Docket No. D-7530), City of Oshkosh (FEMA Docket No. D–7530)	
Arrowhead River:	
Approximately 300 feet upstream of County Highway M	*751
Approximately 7,650 feet upstream of Woodland Road	*757
Winnebago County (Unincorporated Areas)	
Wolf River:	
Approximately 1.7 miles upstream of mouth at Lake Poygan	*751
At County boundary	*753
Mud Creek:	
Approximately 250 feet downstream of county boundary	*744
At County boundary	*744
Eight Mile Creek:	
At the confluence with Rush Creek	*817
Approximately 2,000 feet upstream of Knott Road	*844
Rush Creek:	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) •Elevation in feet (NAVD)
At upstream side of State Highway 116	*780
At the confluence of Eight Mile Creek	*817
Sawyer Creek:	
Downstream side of North Westfield Street	*753
Approximately 1.2 miles upstream of Clairville Road	*811
Winnebago County (Unincorporated Areas), City of Oshkosh	
Rush Lake:	
Entire shoreline within community	*823
Winnebago County (Unincorporated Areas)	
Waukau Creek:	
At the confluence of Eight Mile Creek	*817
Approximately 1.8 miles upstream of confluence of Eight Mile Creek	*818
Maps available for inspection at the Winnebago County Zoning Office, 448 Algoma Boulevard, Oshkosh, Wisconsin.	
City of Oshkosh	
Maps available for inspection at the Oshkosh City Hall, 215 Church Avenue, Oshkosh, Wisconsin.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27965 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the FIRM is available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: FEMA makes the final determinations listed below of BFEs and modified BFEs for each community listed. The proposed BFEs and proposed modified BFEs were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of 90 days. The proposed BFEs and proposed modified BFEs were also published in the **Federal Register**.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community.

The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended to read as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).
NEW MEXICO	
Chaves County (Unincorporated Areas), (FEMA Docket No. B–7421)	
Rio Hondo River:	
At confluence with South Berrendo Creek	*3,507
Approximately 9,500 feet upstream of Roswell Relief Route	*3,704
Maps are available for inspection at the Chaves County Courthouse, Planning Department, 401 North Main Street, Roswell, New Mexico.	
Roswell (City), Chaves County, (FEMA Docket No. B–7421)	
Rio Hondo River:	
Approximately 1,550 feet downstream from Atkinson Avenue	*3,544
Approximately 3,000 feet upstream of Sunset Avenue	*3,620
Maps are available for inspection at City Hall, Engineering Department, 401 North Main Street, Roswell, New Mexico.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities Affected[1]
OKLAHOMA		
Oklahoma County and Incorporated Areas, (FEMA Docket No. #B–7404)		
Biddy Creek:		
Approximately 3,200 feet upstream of confluence with Deer Creek	*1,054	
At Oklahoma-Canadian County Boundary	*1,103	
Bloody Rush Creek:		
Just upstream of Portland Avenue	*1,014	
Just upstream of Rockwell Avenue	*1,096	
Chisholm Creek:		
At Oklahoma-Logan County Boundary	*1,016	
At West Coffee Creek Road	*1,035	
Approximately 150 feet upstream of West Coffee Creek Road	*1,037	
At Hefner Road	*1,167	
At Northwest Britton Road	*1,192	
Coon Creek:		
Approximately 50 feet upstream of Northeast 192nd Street	*919	
Approximately 1,500 feet upstream of Triple XXX Road	*922	
Just downstream of Northeast 206th Street	*929	
Just upstream of Northeast 206th Street	*932	
At confluence with Coon Creek	*965	
Just downstream of Waterloo Road	*970	
Coon Creek Tributary:		
Approximately 70 feet upstream of Choctaw Road	*1,007	
Crutcho Creek:		
Approximately 2,000 feet upstream of North Midwest Boulevard	*1,149	
Approximately 700 feet downstream of Northeast 36th Street	*1,158	
Crutch Creek Tributary C:		
Just downstream of Sooner Road	*1,217	
Approximately 450 feet upstream of Epperly Drive	*1,246	
Crutch Creek Tributary C–1:		
Approximately 400 feet upstream of confluence with Crutcho Creek C	*1,226	
Just downstream of Southeast 59th Street	*1,233	
Deep Fork:		
Just upstream of Northeast 192nd Street	*902	
Approximately 1,800 feet upstream of Northwest 192 Street	*903	
Deep Fork Tributary 11:		
Approximately 1,300 feet downstream of Northeast 50th Street	*1,089	
Just upstream of Northeast 50th Street	*1,104	
Deer Creek:		
At Waterloo Road	*1,009	
Approximately 600 feet downstream of Northwest 164th Street	*1,072	
	*1,040	
Dorf Creek:		
Approximately 4,900 feet upstream of Meridian Avenue	*1,095	
Approximately 1,000 feet upstream of Coffee Creek Road	1,157	
North Canadian River:		
At intersection of North Sooner Road and Northeast 10th Street	*1,090	
North Canadian Tributary 1:		
Approximately 1,750 feet downstream of Northeast 10th Street	*1,110	
Just downstream of Reno Avenue	*1,114	
Approximately 150 feet upstream of Reno Avenue	*1,167	
Approximately 200 feet downstream of Triple XXX Road	*1,104	
North Canadian Tributary 2 of Tributary 1:		
Approximately 1,050 feet downstream of Reno Avenue	*1,110	
Just upstream of Reno Road	*1,132	
North Canadian Tributary 2 of Tributary 2:		
Approximately 250 feet downstream of Southeast 15th Street	*1,118	
North Canadian Tributary 3 of Tributary 1:		
At confluence with North Canadian Tributary 1	*1,141	
Approximately 3,700 feet upstream of Peebley Road	None	
Pond Creek (previously known as Chrisholm Creek Tributary 3):		
Approximately 4,000 feet downstream of Danforth Avenue	None	
Just downstream of Danforth Avenue	*1,056	
Soldier Creek Tributary to Deer Creek:		
At confluence with Deer Creek	*1,074	
At County Line Road	*1,042	
Walnut Creek:		
At confluence with Deer Creek	*1,068	
Approximately 150 feet downstream of Northwest 164th Street	*1,072	
Just upstream of Northwest 164th Street	*1,049	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD).	Communities Affected[1]
Walnut Creek Tributary:		
Approximately 3,400 feet upstream of confluence with Walnut Creek	*1,086	
At Northwest 164th Street	*1,092	
Just upstream of Northwest 164th Street	*950	
West Captain Creek Tributary:		
At Oklahoma-Lincoln County Boundary	*1,051	
Approximately 2,500 feet upstream of Northeast 93rd Street	*956	
	*1,010	
West Captain Creek Tributary 2:		
At confluence with West Captain Creek Tributary	*989	
Approximately 3,000 feet upstream of Northeast 93rd Street	*1,021	
West Captain Creek Tributary 3:		
At confluence with West Captain Creek Tributary	*1,029	
Approximately 2,000 feet upstream of Northeast 93rd Street	*1,069	
Whistler Creek:		
Approximately 2,900 feet upstream of confluence with Deer Creek	.....	
Approximately 2,800 feet downstream of MacArthur Boulevard	.....	

ADDRESSES

Oklahoma County (Unincorporated Areas)

Maps are available for inspection at the Oklahoma County Engineer Office, 320 Robert A. Kerr Avenue, Suite 101, Oklahoma City, Oklahoma.

City of Edmond

Maps are available for inspection at 100 East First Street, Edmond, Oklahoma.

City of Harrah

Maps are available for inspection at 1900 Church Avenue, Harrah, Oklahoma.

Town of Lake Aluma

Maps are available for inspection at 100 East First Street, Edmond, Oklahoma.

Town of Luther

Maps are available for inspection at 119 South Main Street, Luther, Oklahoma.

City of Midwest City

Maps are available for inspection at 100 North Midwest Boulevard, Midwest City, Oklahoma.

Oklahoma City

Maps are available for inspection at 420 West Main Street, Oklahoma City, Oklahoma.

City of Spencer

Maps are available for inspection at 8200 Northeast 36th Street, Spencer, Oklahoma.

City of the Village

Maps are available for inspection at 2304 Manchester Drive, The Village, Oklahoma.

[1] Oklahoma County (Uninc. Areas), City of Edmond, City of Harrah, Town of Lake Alma, Town of Luther, City of Midwest City, City of Oklahoma City, City of Spencer, City of The Village.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27966 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

Proposed Rules

Federal Register

Vol. 67, No. 213

Monday, November 4, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2002–SW–37–AD]

RIN 2120–AA64

Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, BA, and D Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) for specified Eurocopter France (Eurocopter) model helicopters. This proposal would require fireproofing the engine oil tank breather pipe (breather pipe) where it passes through the firewall from the engine compartment to the main gearbox compartment. This proposal is prompted by the discovery of a design deficiency that permitted the installation of a non-fireproof breather pipe. The actions specified by the proposed AD are intended to prevent the spread of fire between two designated fire zones of the helicopter, additional structural damage, and a decrease in the time available to execute an emergency landing.

DATES: Comments must be received on or before January 3, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Regional Counsel, Southwest Region, Attention: Rules Docket No. 2002–SW–37–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. You may also send comments electronically to the Rules Docket at the following address: *9-asw-adcomments@faa.gov.* Comments may be inspected at the Office of the Regional Counsel between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ed Cuevas, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193–0111, telephone (817) 222–5355, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their mailed comments submitted in response to this document must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2002–SW–37–AD.'' The postcard will be date stamped and returned to the commenter.

Discussion

The Direction Generale De L'Aviation Civile (DGAC), the airworthiness authority for France, recently notified the FAA that an unsafe condition may exist on specified Eurocopter model helicopters. The DGAC advises that the breather pipe should be made fireproof by fitting it with a heat-resistant silicone sheath.

Eurocopter has issued AS 350 Service Bulletin No. 79.00.11, Revision No. 1, dated May 5, 2000, which specifies modifying the engine oil tank breather pipe with a high-temperature silicone glass sheath, then inspecting for oil leaks. The service bulletin states that it relates to MOD 072793. It further states that the high-temperature silicone glass sheath, part number (P/N) ASNAO 199–024, is included in modificatrion kit 350A0727930071. The DGAC classified this service bulletin as mandatory and issued AD No. 2000–268–078(A), dated June 28, 2000, to ensure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of 14 CFR 21.29 and the applicable bilateral agreement. Pursuant to this bilateral agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other specified Eurocopter model helicopters of these same type designs registered in the United States, the proposed AD would require modifying the breather pipe by installing a protection sheath on the segment of the engine oil tank breather pipe between the engine and the main gearbox compartments. The action would be required to be accomplished in accordance with the service bulletin described previously.

The FAA estimates that 470 helicopters of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per helicopter to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $25 per helicopter. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $39,950.

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

For the reasons discussed above, I certify that this proposed regulation (1)

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive to read as follows:

Eurocopter France: Docket No. 2002–SW–37–AD.

Applicability: Eurocopter France Model AS350B, B1, B2, BA, and D helicopters, certificated in any category.

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

Compliance: Required before flight, unless accomplished previously.

To prevent a fire from spreading from the engine compartment through the firewall to the main gearbox due to a non-fireproof engine oil tank breather pipe (breather pipe), additional structural damage, and a decrease in the time available to execute an emergency landing, accomplish the following:

(a) Modify the engine oil tank breather pipe to make it fireproof by installing a high-terperature silicone glass protective sheath, part number ASNO199–024, in accordance with the Accomplishment Instructions, paragraph 2.A., in Eurocopter AS 350 Service Bulletin No. 79.00.11, Revision No. 1, dated May 5, 2000.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

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

Note 3: The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 2000–268–078(A), dated June 28, 2000.

Issued in Fort Worth, Texas, on October 24, 2002.

David A. Downey,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 02–27789 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 301

[REG–106876–00]

RIN 1545–AY24

Revision of Income Tax Regulations under Sections 897, 1445, and 6109 to Require Use of Taxpayer Identifying Numbers on Submissions Under the Sections 897 and 1445 Regulations

AGENCY: Internal Revenue Service (IRS), Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations that require the use of taxpayer identifying numbers on submissions under sections 897 and 1445 of the Internal Revenue Code.

DATES: The public hearing originally scheduled for November 13, 2002, at 10 a.m., is cancelled.

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

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on July 26, 2002, (67 FR 48823), announced that a public hearing was scheduled for November 13, 2002, at 10 a.m. in Room 6718, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, DC. The subject of the public hearing is proposed regulations under sections 897, 1445 and 6109 of the Internal Revenue Code. The public comment period for these proposed regulations expired on October 23, 2002.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of October 30, 2002, no one has requested to speak. Therefore, the public hearing scheduled for November 13, 2002, is cancelled.

Cynthia E. Grigsby,

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

[FR Doc. 02–28017 Filed 11–1–02; 8:45 am]

BILLING CODE 4830–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–D–7546]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are

available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov*.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR Part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)	
				Existing	Modified
Illinois	Monroe County (Unincorporated areas).	Shallow flooding area	Approximately 500 feet west of the intersection of West Industrial Drive and Westwood Court.	None	*408
Maps available for inspection at the Monroe County Zoning Office, Monroe County Courthouse, 100 South Main Street, Waterloo, Illinois.					
Maine	Turner (Town), Androscoggin County.	Nezinscot River	At confluence with Androscoggin River	None	*274
			At upstream corporate limits	None	*315
		Androscoggin River	At downstream corporate limits	None	*264
			At upstream corporate limits	None	*281
Maps available for inspection at the Turner Town Office, 11 Turner Center Road, Turner, Maine. Send comments to Mr. James Caitlin, Turner Town Manager, Town Office, P.O. Box 157, Turner, Maine 04282–0157.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27967 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–B–7432]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed Base (1% annual chance) Flood Elevations (BFEs) and proposed BFE modifications for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the

National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov*.

SUPPLEMENTARY INFORMATION: FEMA proposes to make determinations of BFEs and modified BFEs for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed BFEs and modified BFEs, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified BFEs are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376, *§ 67.4*

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet. (NGVD)	
				Existing	Modified
California	Madera County	San Joaquin River	At State Highway 145 Just upstream of State Highway 99.	None	*225
			.....	*245	*244
			Approximately 5,000 feet upstream of Atchison, Topeka and Santa Fe Railroad.	*252	*251

Maps are available for inspection at the Madera County Planning Department, 135 West Yosemite Avenue, Madera, California 93637.

Send comments to The Honorable Frank Bigelow, Chairman, Madera County Board of Supervisors, Madera County Government Center, 209 West Yosemite Avenue, Madera, California 93637.

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet +(NAVD)		Communities affected
		Effective	Modified	
Fresno County, and Incorporated Areas				
San Joaquin River	At State Highway 145	None	*225	City of Fresno and Uninc Areas Fresno County.
	Just upstream of State Highway 99	*245	*244	
	Approximately 5,000 feet upstream of Atchison, Topeka and Santa Fe Railroad.	*252	*251	

Flooding source(s)	Location of referenced elevation	Elevation in feet *(NGVD) Elevation in feet +(NAVD)		Communities affected
		Effective	Modified	
Addresses: # Depth in feet above ground. **Fresno County (Unincorporated. Areas):**				
Maps are available for inspection at the Fresno County Department of Public Works and Planning, 2220 Tulare Street, Fresno, California 93721. Send comments to The Honorable Bart Bohn, Fresno County Administrative Officer, County Hall of Records, Room 304, 2281 Tulare Street, Fresno, California 93721.				
City of Fresno: **Maps are available for inspection at** City Hall, 2600 Fresno Street, Room 3043, Fresno, California 93721. Send comments to The Honorable Alan Autry, Mayor, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California 93721–3600.				

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27968 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–D–7544]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (e-mail) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act. This proposed rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. No environmental impact assessment has been prepared.

Regulatory Flexibility Act. The Administrator, Federal Insurance and Mitigation Administration, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification. This proposed rule is not a significant regulatory action under the criteria of Section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 12612, Federalism. This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform. This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Alabama				
Montgomery County (Unincorporated Areas) and City of Montgomery				
Baldwin Slough	At the confluence with Catoma Creek	*182	*181	City of Montgomery.
	Approximately 600 feet upstream of Vaughn Road	None	*235	
Catoma Creek	Just upstream of Trotman Road	*214	*216	Montgomery County (Unincorporated Areas).
	Approximately 12.5 miles upstream of Trotman Road	None	*247	
Catoma Creek Tributary 1	Approximately 550 feet downstream of the most downstream crossing of Troy Highway.	*203	*204	City of Montgomery, Montogomery County (Unincorporated Areas).
	Approximately 2.9 miles upstream of the most upstream crossing of Troy Highway.	None	*233	
Catoma Creek Tributary 1 Branch 1.	At the confluence with Catoma Creek Tributary 1	None	*206	City of Montgomery.
	Approximately 1.5 miles upstream of the confluence with Catoma Creek Tributary 1.	None	*223	
Catoma Creek Tributary 1 Branch 2.	At confluence with Catoma Creek Tributary 1	None	*208	City of Montgomery.
	Approximately 1.7 miles upstream of confluence with Catoma Creek Tributary 1.	None	*234	
Catoma Creek Tributary 1 and Branch 3.	At confluence with Catoma Creek Tributary 1	None	*212	City of Montgomery.
	Approximately 1.4 miles upstream of the confluence with Catoma Creek Tributary 1.	None	*235	
Dry Creek	Approximately 200 feet downstream of Troy Highway	None	*247	Montgomery County (Unincorporated Areas).
	Approximately 0.9 mile upstream of Canty Road	None	*271	
Jenkins Creek	Just upstream of CSX Transportation	None	*208	City of Montgomery, Montgomery County (Unincorporated Areas).
	Approximately 100 feet upstream of Vaughn Road	None	*222	
Little Catoma Creek	Approximately 1.25 miles upstream of Troy Highway	None	*220	Montgomery County (Unincorporated Areas).
	Just upstream of Old Hayneville Road	None	*268	
Little Catoma Creek Tributary 1.	Approximately 300 feet upstream from the confluence with Little Catoma Creek.	None	*220	Montgomery County (Unincorporated Areas).
	Approximately 50 feet upstream of Old Pike Road	None	*259	
Millies Creek	Just upstream of CSX Transportation	None	*215	Montgomery County (Unincorporated Areas), City of Montgomery.
	Approximately 50 feet upstream of Wallahatchie Road	None	*238	
Oliver Creek	Approximately 0.8 mile downstream of CSX Transportation.	*174	*173	City of Montgomery.
	Approximately 100 feet upstream of Interstate Route 85.	None	*237	

Montgomery County (Unincorporated Areas)

Maps available for inspection at the Montgomery County Engineering Department, 3152 Rolling Road Circle, Montgomery, Alabama.

Send comments to Mr. Bill Joseph, Chairman of the Montgomery County Commission, P.O. Box 1667, Montgomery, Alabama 36102.

City of Montgomery

Maps available for inspection at the Montgomery City Hall, 103 North Perry, Montgomery, Alabama.

Send comments to The Honorable Bobby Bright, Mayor of the City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36101.

Beaufort County, North Carolina (Unincorporated Areas)				
Acre Swamp	At the confluence with Pungo Swamp	None	•20	Beaufort County (Unincorporated Areas)
	Approximately 0.6 mile upstream of confluence with Fork Swamp.	None	•28	
Back Creek	Approximately 1.9 miles upstream of State Route 92	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 3.0 miles upstream of State Route 92	None	•10	
Bailey Creek	Approximately 1.1 mile upstream of State Route 306	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 150 feet upstream of railroad	None	•12	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Blounts Creek	At the upstream side of the railroad	•16	•15	Beaufort County (Unincorporated Areas).
	Approximately 1.7 miles upstream of the railroad	None	•23	
Broomfield Swamp Creek	Approximately 200 feet downstream of Broome Road	None	•7	Beaufort County (Unincorporated Areas), Town of Aurora.
	Approximately 0.4 mile upstream of Broome Road	None	•11	
Cypress Run	At the upstream side of Idalia Road	None	•10	Beaufort County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Idalia Road	None	•14	
Duck Creek	Approximately 0.4 mile upstream of Hawkins Beach Road.	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 200 feet upstream of Camp Leach Road	None	•9	
Durham Creek	Approximately 1.2 miles downstream of Durham Creek Road.	None	•8	Beaufort County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Walker Road	None	•37	
Durham Creek Tributary	At the confluence with Durham Creek	None	•12	Beaufort County (Unincorporated Areas).
	Approximately 50 feet downstream of Durham Creek Road.	•16	•15	
Durham Creek Tributary 2	At the confluence with Durham Creek	None	•21	Beaufort County (Unincorporated Areas).
	Approximately 1,875 feet upstream of Fork Road	None	•27	
Fork Swamp	At the confluence with Acre Swamp	None	•28	Beaufort County (Unincorporated Areas).
	Approximately 0.5 mile upstream of the railroad	None	•35	
Gum Swamp Run East	Approximately 0.4 mile upstream of confluence with South Creek.	None	•7	Beaufort County (Unincorporated Areas).
	Approximately 100 feet downstream of Bay City Road	None	•9	
Harvey Creek	At the upstream side of Interstate Route 264	None	•19	Beaufort County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Interstate Route 264.	None	•25	
Herring Run	Approximately 100 feet downstream of Herring Run Road.	None	•10	Beaufort County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Gore Point Road	None	•17	
Porter Creek	Approximately 0.9 mile downstream of Louden Road	None	•8	Beaufort County (Unincorporated Areas).
	Approximately 100 feet downstream of Gray Road	None	•16	
Poundpole Swamp Branch	At the confluence with Blounts Creek	None	•15	Beaufort County (Unincorporated Areas).
	Approximately 0.6 mile upstream of Little Egypt Road	None	•33	
Pungo Swamp	Approximately 0.5 mile upstream of Jones Bridge Road.	None	•12	Beaufort County (Unincorporated Areas).
	Approximately 100 feet upstream of State Route 32	None	•25	
Rowland Creek	Approximately 100 feet upstream of Post Road	None	•9	Beaufort County (Unincorporated Areas).
	Approximately 2,000 feet upstream of Jackson Swamp Road.	None	•11	
South Creek	Approximately 1,800 feet upstream of the confluence with Cypress Run.	None	•7	Beaufort County (Unincorporated Areas).
	Approximately 2.7 miles upstream of the confluence with Cypress Run.	None	•15	
Tankard Creek	Approximately 100 feet upstream of Boyd Loop Road	None	•13	Beaufort County (Unincorporated Areas).
	Approximately 1.2 miles upstream of Boyd Loop Road	None	•18	
Upper Broad Creek	At the confluence with Durham Creek	•27	•26	Beaufort County (Unincorporated Areas).
	At the County boundary	None	•31	
Whitehurst Creek	Approximately 0.9 mile upstream of State Route 306	None	•7	Beaufort County (Unincorporated Areas).
	Approximately 0.5 mile upstream of Brantely Swamp Road.	None	•11	
Pamlico River/Pamlico Sound/Atlantic Ocean.	In the vicinity of the intersection of Austin Road and Cypress Swamp Road.	None	•7	Beaufort County (Unincorporated Areas).
Atlantic Ocean/Pamlico Sound.	At the intersection of 9th Street and Boston Avenue	•9	•10	City of Washington.
Bear Creek	At the upstream side of State Route 33	None	•27	Beaufort County (Unincorporated Areas).

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
	Approximately 650 feet downstream of Hodges Road ..	None	•35	
Bear Grass Swamp	At the confluence with Tranters Creek	None	•31	Beaufort County (Unincorporated Areas).
	Approximately 1,000 feet upstream of the confluence with Turkey Swamp.	None	•31	
Beaverdam Swamp	Approximately 50 feet upstream of Slatestone Road	None	•37	Beaufort County (Unincorporated Areas).
	Approximately 1.0 mile upstream of Slatestone Road ..	None	•46	
Big Swamp	Approximately 50 feet upstream of Market Street Ext. ..	None	•31	Beaufort County (Unincorporated Areas).
	Approximately 1,000 feet upstream of J and W Tram Road.	None	•44	
Broad Creek	At Broad Creek Road	•9	•10	Beaufort County (Unincorporated Areas).
	Approximately 1.3 miles upstream of Broad Creek Road.	•9	•10	
Broad Creek Tributary	At the upstream side of Lizard Slip Road	•14	•15	Beaufort County (Unincorporated Areas).
	Approximately 1.4 miles upstream of Old Bath Highway.	•28	•31	
Chicod Creek	Approximately 0.9 mile downstream of Dixon Road	None	•31	Beaufort County (Unincorporated Areas).
	At the confluence of Juniper Swamp	None	•43	
Chocowinity Creek	Approximately 450 feet downstream of the confluence of Morris Run.	None	•22	Beaufort County (Unincorporated Areas).
	Approximately 3.7 miles upstream of the confluence of Morris Run.	None	•40	
Cindy Edwards Branch	At the upstream side of State Route 33	None	•17	Beaufort County (Unincorporated Areas).
	Approximately 1.0 mile upstream of State Route 33	None	•24	
Creeping Swamp	Approximately 0.7 mile downstream of State Route 102.	None	•34	Beaufort County (Unincorporated Areas).
	At the County boundary	None	•48	
Gum Swamp	At the upstream side of U.S. Interstate 17	None	•38	Beaufort County (Unincorporated Areas).
	Approximately 650 feet downstream of County boundary.	None	•42	
Gum Swamp Run West	Approximately 300 feet upstream of the confluence with Morris Run.	None	•26	Beaufort County (Unincorporated Areas).
	Approximately 1.5 miles upstream of the confluence with Morris Run.	None	•32	
Hall Swamp	Approximately 50 feet upstream of Slatestone Road	None	•37	Beaufort County (Unincorporated Areas).
	Approximately 150 feet downstream of Bluebird Lane ..	None	•39	
Harding Swamp	At the confluence with Juniper Swamp	None	•43	Beaufort County (Unincorporated Areas).
	Approximately 0.7 mile upstream of the confluence of Juniper Swamp.	None	•47	
Hills Creek	At the downstream side of Gilead Shores Road	None	•10	Beaufort County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Gilead Shores Road.	None	•13	
Horse Branch	At the confluence with White Branch	None	•14	Beaufort County (Unincorporated Areas).
	At Gray Road	None	•18	
Horsepen Swamp	At the confluence with Tranters Creek	None	•16	Beaufort County (Unincorporated Areas).
	Approximately 1.4 miles upstream of Wards Bridge Road.	None	•40	
Joe Branch	At the upstream side of Possum Track Road	None	•43	Beaufort County (Unincorporated Areas).
	Approximately 1,500 fee upstream of Possum Track Road.	None	•45	
Maple Branch	At the upstream side of U.S. Highway 264	•14	•11	Beaufort County (Unincorporated Areas), City of Washington.
	Approximately 0.6 mile upstream of Farm Path	None	•21	

Source of flooding	Location	# Depth in feet above ground. *Elevation in feet (NGVD) • Elevation in feet (NAVD)		Communities affected
		Existing	Modified	
Mitchell Branch	At U.S. Highway 264	•12	•14	Beaufort County (Unincorporated Areas), City of Washington.
	Approximately 160 feet upstream of Cherry Run Road	None	•21	
Morris Run	At the confluence with Chocowinity Creek	None	•22	Beaufort County (Unincorporated Areas).
	Approximately 1.8 miles upstream of State Route 33	None	•32	
Old Ford Swamp	Approximately 1,250 feet downstream of Calf Branch Road.	•25	•26	Beaufort County (Unincorporated Areas).
	Approximately 0.7 mile upstream of Calf Branch Road	None	•36	
Pinelog Branch	At the confluence with Tranters Creek	None	•29	Beaufort County (Unincorporated Areas).
	Approximately 0.8 mile upstream of Cherry Run Road	None	•30	
Pineygrove Branch	Approximately 100 feet upstream of Corsica Road	None	•27	Beaufort County (Unincorporated Areas), City of Washington.
	Approximately 2,000 feet upstream of Singleton Road	None	•33	
Snoad Branch	Approximately 600 feet downstream of Voa Road	•18	•19	Beaufort County (Unincorporated Areas).
	Approximately 1.4 miles upstream of Voa Road	None	•33	
Tranters Creek	Approximately 1,600 feet upstream of the confluence with Maple Branch.	None	•11	Beaufort County (Unincorporated Areas).
	At the confluence of Bear Grass Swamp	None	•31	
White Branch	At the confluence with Chocowinity Creek	•11	•12	Beaufort County (Unincorporated Areas).
	At the downstream side of Gray Road	None	•16	

•North American Vertical Datum.

Town of Aurora

Maps available for inspection at the Aurora Town Hall, 295 Main Street, Aurora, North Carolina.

Send comments to The Honorable Joe Hooker, Mayor of the Town of Aurora, P.O. Box 86, Aurora, North Carolina 27806.

Beaufort County (Unincorporated Areas)

Maps available for inspection at the Beaufort County Building Inspection, 220 North Market Street, Washington, North Carolina.

Send comments to Mr. Donald Davenport, Beaufort County Manager, P.O. Box 1027, Washington, North Carolina 27889.

City of Washington

Maps available for inspection at the City of Washington Building Inspection Department, 102 East Second Street, North Carolina.

Send comments to Mr. R.L. Willoughby, Washington City Manager, P.O. Box 1988, Washington, North Carolina 27889.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Dated: October 30, 2002.

Anthony S. Lowe,

Administrator, Federal Insurance and Mitigation Administration.

[FR Doc. 02–27969 Filed 11–01–02; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. I.D. 083002E]

RIN 0648–AP86

International Fisheries; Pacific Tuna Fisheries

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

ACTION: Proposed rule; 2002 management measures for yellowfin and juvenile bigeye tuna; request for comments.

SUMMARY: NMFS proposes this rule to implement the 2002 management measures to prevent overfishing of eastern tropical Pacific ocean (ETP) tuna stocks, pursuant to recommendations by the Inter-American Tropical Tuna Commission (IATTC) that have been approved by the Department of State (DOS) under the terms of the Tuna Conventions Act. The purse seine fishery for tuna in the Convention Area would be closed for the month of December, 2002. This action is taken to limit total fishing mortality caused by purse seine fishing in the Convention Area and thus prevent overfishing and maintain the tuna stocks at levels that support healthy fisheries. In addition, the current bycatch reduction pilot program scheduled to run through 2002 would be extended through 2004.

DATES: Comments must be submitted in writing by November 19, 2002.

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 562–980–4040.

SUPPLEMENTARY INFORMATION: The United States is a member of the IATTC, which was established under the Convention for the Establishment of an IATTC signed in 1949. The IATTC was established to provide an international arrangement to ensure the effective international conservation and management of highly migratory species of fish in the Convention Area. The IATTC has maintained a scientific research and fishery monitoring program for many years and annually assesses the status of stocks of tuna and the fisheries to determine appropriate harvest limits or other measures to prevent overexploitation of the stocks and promote viable fisheries. The Convention Area is defined to include waters of the eastern Pacific ocean (EPO) bounded by the coast of the Americas, the 40° N. and 40° S. parallels, and the 150° W. meridian.

At its annual meeting June 26–28, 2002, the IATTC adopted a resolution dealing with conservation of ETP tuna stocks. The IATTC considered the use of quotas and partial fishery closures as in 1999, 2000, and 2001 but, after reviewing the history of administration of these quotas and partial closures and the occasions of non-compliance, the IATTC recommended that the Convention Area be closed to all purse seine fishing for the month of December 2002. This approach will provide substantial protection against overfishing in a manner that is fair and equitable manner and is readily enforceable. There will be no need to investigate catch records to determine if incidental catch limits have been exceeded or to distinguish between activities inside and outside the IATTC's Commission Yellowfin Regulatory Area. The DOS has approved this recommendation.

The closure is based on 2002 assessments of the condition of the tuna stocks in the ETP and the administrative records relating to implementation of quotas in prior years. The assessments indicate that the stocks are healthy, though there is substantial uncertainty with respect to the bigeye assessment. The closure is believed to be sufficient to prevent overfishing of any tuna stock.

Classification

This action is authorized by the Tuna Conventions Act, 16 U.S.C. 951–961 and 971 *et seq.*

NMFS prepared a biological opinion (BO) assessing the impacts of the fisheries as they would operate under the regulations (65 FR 47, January 3, 2000) implementing the International Dolphin Conservation Program. NMFS concluded that the fishing activities conducted under those regulations are not likely to jeopardize the continued existence of any endangered or threatened species under the jurisdiction of NMFS or result in the destruction or adverse modification of critical habitat. This rule will not result in any changes in the fisheries such that there would be impacts beyond those considered in that BO and further consultation is not necessary.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

The U.S. tuna purse seine fleet in the ETP consists of 10–20 small vessels and 4–6 large vessels. The large vessels generally fish outside U.S. waters and deliver their catch to foreign ports or transship to processors outside the mainland United States. The small vessels fish most of the year for small pelagic fish (sardine, mackerel) but harvest tuna in the U.S. exclusive economic zone seasonally when they are available. The large vessels are categorized as large business entities. They have been actively regulated for many years and have complied with IATTC recommendations without difficulty. The closure may have less adverse impact than alternative conservation measures (e.g., a yellowfin quota) could have had because it will be uniformly applied to all purse seine fleets in all areas rather than being more selectively applied. There should be no substantial increase in costs due to the bycatch reduction program extension. The small fleet should not be affected at all by the closure. Tuna would only very rarely be available to these smaller vessels in December, and in December many if not most of the fleet will be targeting market squid. The bycatch reduction program also should not pose significant difficulties for this fleet, which uses smaller nets and generally harvests fairly discrete schools of bluefin tuna which would be expected to have relatively little bycatch. In the rest of the Convention Area however, fishing has often been heavy during the month of December. Therefore, the closure in the purse seine fishery will limit fishing mortality.

As a result, an Initial Regulatory Flexibility Analysis was not prepared.

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866.

Authority: 16 U.S.C. 951–961 and 971 *et seq.*

Dated: October 30, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 02–28007 Filed 11–1–02; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 600

[I.D. 102802B]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits (EFPs)

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

ACTION: Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

SUMMARY: The Administrator, Northeast Region, NMFS (Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Regional Administrator proposes to issue an EFP that would allow two vessels to conduct fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP would exempt two vessels from the days-at-sea (DAS) requirements, and the Gulf of Maine (GOM) Rolling Closure Area IV restrictions. The experiment proposes to conduct a study to target flatfish using a large mesh trawl net (8–inch (20.32–cm) mesh throughout the net) in order to develop otter trawl gear for the NE multispecies fishery that would result in reduced catch of Atlantic cod. The EFP would allow these exemptions for two commercial vessels, for not more than 8 days of sea trials per vessel. All experimental work would be monitored by a project

coordinator for the Northeast Consortium-funded project.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments on this document must be received on or before November 19, 2002.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Northeast Consortium-funded EFP Proposal for 8'' Square Mesh Bottom Trawl.'' Comments may also be sent via facsimile (fax) to (978) 281–9135.

FOR FURTHER INFORMATION CONTACT: Douglas W. Christel, Fisheries Management Specialist, 978–281–9141.

SUPPLEMENTARY INFORMATION: An application for an EFP was submitted by Phil Averill as part of a Northeast Consortium-funded project on September 23, 2002. The EFP would exempt two federally permitted commercial fishing vessels from the following NE multispecies provisions: The Rolling Closure Area IV restriction; and the NE multispecies DAS restrictions.

The goal of this study is to assess the applicability of using 8–inch (20.32–cm) square mesh throughout the entire trawl net in the inshore GOM groundfish fishery. The vessels would be primarily targeting grey sole and American plaice. The incidental catch is expected to be primarily Atlantic cod.

The applicant has proposed that the research be conducted within the GOM in the area defined as follows: Between 43o00' and 44o00' N. lat. and between 69o00' and 70o00' W. long. Each vessel, one fishing with the experimental 8–inch (20.32–cm) square mesh net and one fishing with a conventional 6.5–inch (16.51–cm) diamond mesh cod-end trawl net, would conduct a total of 24 side-by-side tows of between 1 and 2 hours duration over a period of 8 sea days (3 tows per day). The tows would take place between November 1 and December 31, 2002, and between May 15 and July 15, 2003. These areas, during these specific times, have been selected because it is expected that there will be significant concentrations of both flat and round fish available. Fish retained by the experimental net and the control net would be enumerated, weighed and measured, and returned to the sea as quickly as possible. Length frequencies of the fish retained and an estimate of escapement would be recorded for each tow. Each vessel would be exempted from 8 NE multispecies DAS in order to compensate for a portion of the cost of the research.

Based on the results of the EFPs, this action may lead to future rulemaking.

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

Dated: October 29, 2002.

Bruce C. Morehead,

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

[FR Doc. 02–28008 Filed 11–1–02; 8:45 am]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 67, No. 213

Monday, November 4, 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.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Advisory Council on Historic Preservation (ACHP) will meet on Friday, November 15, 2002. The meeting will be held in the Rachel Carson Great Hall, Third Floor, at the Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC, beginning at 8:30 a.m.

The ACHP was established by the National Historic Preservation Act of 1996 (16 U.S.C. Section 470) to advise the President and the Congress on historic preservation issues and to comment upon Federal, federally assisted, and federally licensed undertakings having an effect upon properties listed in or eligible for inclusion in the National Register of Historic Places. The ACHP's members are the Architect of the Capitol; the Secretaries of the Interior, Agriculture, Defense, and Transportation; the Administrators of the Environmental Protection Agency and General Services Administration; the Chairman of the National Trust for Historic Preservation; the President of the National Conference of State Historic Preservation Officers; a Governor; a Mayor; a Native Hawaiian; and eight non-Federal members appointed by the President.

The agenda for the meting includes the following:

I. Chairman's Welcome
II. Presentation of Chairman's Awards for Federal Achievement in Historic Preservation
III. Report of the Executive Committee
  A. FY 2004 Budget Request
  B. ACHP Appropriations Authorization
  C. ACHP Congressional Relations Strategy
IV. Report of the Preservation Initiatives Committee
  A. Federal Heritage Tourism Summit
  B. Followup from Espanola, NM, Heritage Tourism Session
  C. Legislation related to Heritage Tourism
V. Report of the Federal Agency Programs Committee
  A. White House Transportation Infrastructure Streamlining Task Force
  B. Coordination between Section 4(f) of the Department of Transportation Act and Section 106
  C. Telecommunications Working Group
  D. Section 106 Cases
VI. Report of the Communications, Education, and Outreach Committee
  A. Historic Preservation Awards Program
  B. Council Publications Program
  C. ACHP Communications Plan
VII. Chairman's Report
  A. Cooperative Agreement with the Department of Agriculture
  B. Historic Preservation Executive Order
  C. Preserve America Initiative
  D. White House Transportation Infrastructure Streamlining Task Force
VIII. Executive Director's Report
  A. Technical Amendments to Section 106 Regulations
  B. FY 2003 Appropriations Process
IX. New Business
X. Adjourn

Note: The meetings of the ACHP are open to the public. If you need special accommodations due to a disability, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., Room 809, Washington, DC, 202–606–8503, at least seven (7) days prior to the meeting.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., NW., #809, Washington, DC 20004.

Dated: October 29, 2002.

John M. Fowler,

Executive Director.

[FR Doc. 02–27972 Filed 11–1–02; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Doc. No. CN–03–001]

Cotton Research and Promotion Program: Determination of Whether To Conduct a Referendum Regarding 1990 Amendments to the Cotton Research and Promotion Act

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces the U.S. Department of Agriculture's (USDA) determination not to conduct a continuance referendum regarding the 1991 amendments to the Cotton Research and Promotion Order (Order) provided for in the Cotton Research and Promotion Act (Act) amendments of 1990. This determination is based on the results of a sign-up period conducted June 3 through August 30, 2002, during which eligible cotton producers and importers were provided an opportunity to request a continuance referendum.

FOR FURTHER INFORMATION CONTACT: Whitney Rick, Chief, Research and Promotion Staff, Cotton Program, AMS, USDA, Stop 0224, 1400 Independence Ave., SW., Washington, DC 20250–0224, telephone (202) 720–2259, facsimile (202) 690–1718, or email at *whitney.rick@usda.gov.*

SUPPLEMENTARY INFORMATION: During the period of June 3 through August 30, 2002, pursuant to section 8(c)(1) of the Act, USDA provided an opportunity for eligible cotton producers and importers to request a continuance referendum regarding the 1991 amendments to the Order provided for in the Act. Sign-up period results showed that a total of 1,550 valid requests were received by USDA from eligible producers in 16 states and from importers. The following table depicts the number of requests for a continuance referendum.

FSA State Office	Sign-up request
Alabama	19
Arizona	37
Arkansas	93
California	2
Florida	4
Georgia	19
Illinois	0
Kansas	0
Kentucky	0
Louisiana	31
Maryland	0
Mississippi	57
Missouri	186
Nevada	0
New Mexico	13
North Carolina	23
Oklahoma	6
South Carolina	2
Tennessee	58
Texas	611
Virginia	10
Importers	379

FSA State Office	Sign-up request
Total	1,550

Section 8(c)(2) of the Act, provides that following a sign-up period, USDA shall conduct a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum (1991). This would require 10 percent or 4,622 (46,220×.10=4,622) of the 46,220 valid ballots cast by cotton producers and importers in the July 1991 referendum. It is further provided that, in counting such request not more than 20 percent or 924 may be from producers from any one state or importers of cotton.

USDA finds that the results of the sign-up period did not meet the criteria requiring a continuance referendum by the Act. USDA bases this determination on the fact that the 1,550 requests received during the sign-up period is less than the 4,622 required.

Background

The 1991 amendments to the Order (7 CFR 1205 *et seq.*) were implemented following the July 1991 referendum. The 1990 amendments were provided for in the Act (7 U.S.C. 2101–2118). These amendments provided for: (1) Importer representation on the Cotton Board by an appropriate number of persons, to be determined by USDA, who import cotton or cotton products into the U.S. and whom USDA selects from nominations submitted by importer organization certified by USDA; (2) assessments levied on imported cotton and cotton products at a rate determined in the same manner as for U.S. cotton; (3) increasing the amount USDA can be reimbursed for the conduct of a referendum from $200,000 to $300,000; (4) reimbursing government agencies that assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of producers to demand a refund of assessments.

On July 9, 1991, (56 FR 31289) AMS issued a proposal to amend the Order to determine if a majority, 50 percent or more, of producers and importers favored implementation of the proposed amendments to the Order. USDA conducted a referendum (July 1991) among persons who had been cotton producers or cotton importers during a representative period.

Results of the July 1991 referendum showed that of the 46,220 valid ballots received; 27,879 or 60 percent of the persons voting favored the amendments to the Order and 18,341 or 40 percent opposed the amendments.

Following the July 1991 referendum, AMS implemented the amendments. In addition to the previously discussed amendments to the Act and Order, USDA is required by section 8(c)(1) to: (1) Conduct a review once every five years after the anniversary date of the referendum implementing the 1990 Act amendments to determine whether a referendum is necessary and (2) make public the results of such a review within 60 days after each fifth anniversary date of the 1991 implementing referendum. Should the review indicate that a referendum is needed USDA is directed to conduct the referendum within 12 months after a public announcement of review results.

Should the review indicate that a referendum is not warranted, section 8(c)(2) includes provisions for producers and importers to request a continuance referendum through a sign-up period.

Pursuant to the Act, on October 8, 1996, USDA issued the results of the first five-year review of the Cotton Research and Promotion Program. USDA announced its view not to conduct a referendum regarding the 1991 amendments to the Order (61 FR 52772). From January 15 though April 14, 1997, USDA conducted a sign-up period for all eligible persons to request a continuance referendum on the 1990 Act amendments. The results of the sign-up period did not meet the criteria as established by the Act for a continuance referendum and, therefore, a referendum was not conducted.

On January 14, 2002, USDA issued the results of the second five-year review on the Cotton Research and Promotion Program (67 FR 1714). The report describes the impact of the Cotton Research and Promotion Program on the cotton industry and the views of those receiving its benefits. The review report cited that the 1990 amendments to the Act were successfully implemented and are operating as intended. The report also noted that there is a general consensus within the cotton industry that the Cotton Research and Promotion Program and the 1990 amendments to the Act are operating as intended. Written comments, economic data, and results from two independent evaluations supported this conclusion. Industry comments cited examples how the additional funding has yielded benefits by increasing the demand and consumption for cotton. Based on the findings of the report, USDA found no compelling reason to conduct a referendum regarding the 1990 Act amendments to the Order although some program participants supported a referendum.

If USDA does not provide for such a referendum on its own initiative, the Act provides that USDA shall conduct such a referendum upon the request of 10 percent or more of the number of cotton producers and importers voting in the most recent referendum. This would be accomplished through a sign-up period conducted by USDA. Determination of the procedures for the conduct of the sign-up period was announced prior to the start of the sign-up period in the **Federal Register** (67 FR 21167).

With this announcement of the results of the sign-up period, USDA has completed all requirements set forth in section 8(c) (1) and (2) of the Act regarding the review of the Cotton Research and Promotion Program to determine if a continuance referendum is warranted. A referendum will not be conducted, and no further actions are planned in connection with this review.

Authority: 7 U.S.C. 2101–2118.

Dated: October 29, 2002.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 02–27990 Filed 11–1–02; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. 02–035C]

Codex Alimentarius: Meeting of the Codex Committee on Food Import and Export Inspection and Certification Systems

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice; correction.

SUMMARY: The Food Safety and Inspection Service published a document in the **Federal Register** on October 2, 2002, in FR Doc. Number 02–24978 on page 61847, concerning announcement of public meetings. The document contained an incorrect date.

The date for the second public meeting was incorrect. The **DATES** caption should be corrected to read:

"DATES: The public meetings are scheduled for Tuesday, October 22, 2002 from 1 p.m. to 4 p.m. and Tuesday, November 19, 2002 from 1 p.m. to 3 p.m."

Done at Washington, DC on October 29, 2002.

F. Edward Scarbrough,

U.S. Manager for Codex Alimentarious.

[FR Doc. 02–27848 Filed 11–1–02; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF AGRICULTURE

Forest Service

Modoc National Forest; California; Modoc National Forest Noxious Weed Strategy Implementation Project

AGENCY: Forest Service, USDA.

ACTION: Revision of notice of intent to prepare an environmental impact statement published at 63 FR 20375, April 24, 1998.

SUMMARY: This environmental analysis focuses on the planning and control element of the Modoc National Forest Noxious Weed Strategy. Physical treatment and herbicide application will be analyzed, other elements identified in the strategy are very important aspects of the Forest weed program, but environmental analysis and documentation are not required to implement those activities. An Integrated Weed Management (IWM) approach was used to determine treatment methods for all known noxious weed occurrences. Treatment will occur to noxious weeds spread geographically over <1% of the Forest, at known infestation sites, by a variety of treatment methods. Sites planned for treatment range in size from single plants to infestations covering up to 1,500 acres. Actual treatment would not exceed 1,500 acres per year.

Physical treatment includes hand pulling, digging, and grubbing. These treatments will be applied within 10 feet of streams and other water features or to small, isolated populations of 100 plants or less where mechanical treatments can be effective.

Herbicide application will occur directly to weed leaves and stems. Two types of foliar applications will be used: *Spot applicators* —herbicide is sprayed directly onto target plants only; other desirable plants are avoided. These applicators include motorized rigs with spray hoses, backpack sprayers, and hand-pumped spray or spray bottles that can target very small plants or parts of plants, and *Wick (wipe-on) applicators* —A sponge or wick on a handle wipes herbicide onto weed foliage and stems. The wick generally prevents drift or droplets from falling onto non-target plants and soil.

All herbicides proposed for use are registered in the U.S. and California and have a label certifying that the Federal Environmental Protection Agency (EPA) and the California Department of Pesticide Regulation (DPR) have approved the chemical for use. No biological control or aerial spraying of herbicides is planned in the proposed action. Implementation would begin in the spring and summer following the decision and extend for a period of at least 5 years.

DATES: The draft environmental impact statement is expected November 29, 2002, and the final environmental impact statement is expected January 31, 2003.

ADDRESSES: Send written comments to Kathleen Jordan, Acting Forest Supervisor, Modoc National Forest, Supervisor's Office 800 W. 12th, Alturas, CA 96101 (*kjordan@fs.fed.us*).

For further information, mail correspondence to Irene Davidson, Project Team Leader, Modoc National Forest, Supervisor's Office 800 W. 12th, Alturas, CA 96101 (*idavidson@fs.fed.us*).

FOR FURTHER INFORMATION CONTACT: Irene Davidson, Project Team Leader, Modoc National Forest, Supervisor's Office 800 W. 12th, Alturas, CA 96101 (*idavidson@fs.fed.us*).

SUPPLEMENTARY INFORMATION: The electronic copy of the draft environmental impact statement can be viewed at the Modoc National Forest Planning page: *http://www.r5.fs.fed.us/modoc/management/nepa/nepa.html.*

Purpose and Need for Action

This environmental impact statement (EIS) is the site-specific decision level for implementing treatment activities identified in the Modoc National Forest Noxious Weed Strategy. This strategy was prepared to tier to the Forest Service National and Regional strategies that are currently in place to address key elements of a comprehensive weed program. The Forest completed a Noxious and Invasive Plant Strategy in 2002. The Forest is directed to develop and implement weed programs and work cooperatively with other Federal, State, and local agencies and groups in the Federal Noxious Weed Act of 1974, as amended (7 U.S.C. 2801, *et seq.*), FSM Direction (FSM 2080), the Modoc Land and Resource Management Plan (MLRMP), and Presidential Executive Order #13112. Forest Service regulation at 36 Code of Federal Regulations (CFR) 222.8 acknowledges the Agency's obligation to work cooperatively in identifying noxious weed problems and developing control programs in areas where NFS lands are located.

The objectives of implementing the proposed treatment activities through the Modoc National Forest Noxious Weed Strategy Implementation Project are to:

- Protect the ecosystem function and biodiversity of the Modoc by preventing the continued spread of non-native noxious and invasive plant species.
- Prevent the spread of established non-native noxious and invasive plants into areas containing little or no infestation.
- Eradicate new invaders (non-native noxious and invasive plant species not previously reported in the area) before they become established.
- Eradicate or control known non-native noxious and invasive plant infestations in areas that are considered infestation pathways for the establishment and movement of these plants on the Modoc (roads, trails, streams, intensely burned areas).

On the Forest, the numbers of exotic invasive plant species and areas infested are relatively small compared to other parts of the west. There are still opportunities to prevent extensive weed infestation and spread if aggressive, consistent treatment is employed. The species of highest priority for treatment (*e.g.* the knapweeds, yellow starthistle, Dalmatian toadflax) are in relatively small, scattered populations on the scale of hundreds of gross acres.

Prevention is recognized as the best, most cost-effective strategy, but once infestation has occurred, actions must be taken to prevent further establishment and spread of the alien species. As discussed below, treatments are a part of a larger overall strategy. Noxious weeds and invasive exotic plants are an increasing threat to the function, composition, and structure of native ecosystems.

All ecosystems (rangelands, forests, grasslands, riparian areas, wetlands, lakes, and streams) are vulnerable to invasion by non-native weed species. Noxious weeds and invasive exotic plants are a serious biodiversity issue of great significance to human and natural resource conditions on the Modoc National Forest (Forest). Noxious weeds have traditionally been considered primarily rangeland and agricultural problems in the western United States.

Aggressive noxious weed species often out-compete native plants for water, nutrients, sunlight, and space. Many species contain chemical compounds that prevent other plant seeds from germinating (allelopathic) at the same site. When noxious weeds dominate sites, the composition, structure, and function of the entire ecological community is altered. Weed

infestations affect wildlife by reducing important food plants and modifying habitat characteristics such as cover and movement corridors.

Noxious weed altering of habitat and competition for resources adversely affects more than 50% of all threatened and endangered species in the United States.

Because of the root structure and growth characteristics of some noxious weeds, soil erosion will increase, affecting water quality and aquatic habitat. Some exotic weeds, such as cheat grass, create unnatural fuel conditions and alter the natural fire regime.

Exotic weeds decrease the quantity and quality of desired forage species and rangeland production. Many weed species contain compounds that are toxic to livestock when eaten in abundance. Noxious weeds negatively affect many recreational experiences, hamper vegetation restoration efforts, interfere with the maintenance and function of aquatic and riparian habitats, and potentially displace plant communities with important cultural values.

Conservation organizations now recognize invasive weed species as a threat to wildland biodiversity and ecosystem integrity, which is second only to habitat loss. Invasive alien species can cause significant irreversible environmental and socio-economic impact at the genetic, species, and ecosystem levels.

On this Forest, the major habitat and source of dispersal for weeds is roads. The constantly disturbed cut and fill slopes of a road prism and associated high traffic create ideal conditions for many weed species. Forested habitats are not immune from weed invasion. Intact forest ecosystems are less vulnerable to invasion, but both natural and human-related disturbances such as fire, floods, mineral extraction, grazing, and timber harvest can create opportunities for weeds to become established and spread. Many weed species are located and spread along stream courses and river corridors. These areas are particularly vulnerable to weed infestation due to frequent flooding events and associated water use and recreation. High water can move weed seeds and root material long distances downstream where they establish new plant populations.

Proposed Action

This environmental analysis focuses on the planning and control element of the Modoc National Forest Noxious Weed Strategy. Other elements identified in the strategy are very important aspects of the Forest weed program, but environmental analysis and documentation are not required to implement those activities.

Sites planned for treatment range in size from single plants to infestations covering up to 1,500 acres. Actual treatment would not exceed 1,500 acres per year. The word ''control'' refers to eradication (elimination) or reduction for some weed populations, and slowing the rate of spread for others.

There are currently nine A-rated weed species known to occur on the Forest: Common crupina, dalmatian toadflax, diffuse knapweed, musk thistle, plumeless thistle, Scotch thistle, spotted knapweed, squarrose knapweed, and wavyleaf thistle. The goal for A-rated weed species (using the State of California Noxious Weed list and County ratings) is eradication.

Based on current inventories, known sites of A-rated weeds currently occupy a gross area of approximately 27,000 acres on the Modoc. These acres are calculated as gross acres and reflect the entire perimeters of areas in which those weed species occur. Forest-wide data indicate that these species occur in scattered, dispersed patches and generally occupy less than 10 percent of the gross acreage.

Six species of B- and C-rated weed pests in areas of local concern will be treated: Canada thistle, dyers woad, Klamath weed, Mediterranean sage, perennial pepperweed and yellow starthistle. Small infestations will be eradicated. Larger infestations will be controlled. These species occur in roughly the same numbers as the A-rated species and their density and frequency varies according to individual site locations. These species are generally widespread in the State of California and in Modoc, Lassen and Siskiyou Counties, and eradication is not an achievable goal on a broad scale. Treatment of these species will receive a different priority. The strategy will be to control the more extensive infestations by keeping them within currently identified boundaries and treating new invasions into previously uninfested areas.

Treatment

An Integrated Weed Management (IWM) approach has been used to determine treatment methods for all known noxious weed occurrences. IWM is the subset of Integrated Pest Management specific to weed control.

Methods

Physical Treatment

This method includes hand pulling, digging, and grubbing. These treatments will be applied within 10 feet of streams and other water features described below or to small, isolated populations of 100 plants or less where mechanical treatments can be effective.

Release of Biological Control Agents

No Biological control is planned in the proposed action.

Herbicide Application

No aerial spraying of herbicides is planned in the proposed action.

All herbicides registered for use in the U.S. and California must have a label certifying that the Federal Environmental Protection Agency (EPA) and the California Department of Pesticide Regulation (DPR) have approved the chemical for use. The label contains information about the product, including its relative toxicity, potential hazard to humans and the environment, directions for use, storage and disposal, and first aid treatment in case of exposure. Product labels are legal documents whose language is determined and approved by the EPA during the pesticide registration process. Chemical herbicide treatment will include the use of the following herbicides: 2,4–D, clopyralid, dicamba, glyphosate, hexazinone, and triclopyr, applied at appropriate rates according to label directions, and EPA and DPR requirements. These label directions provide for public and worker safety by requiring posting of treated areas, pre-designation of mixing, storage and filling sites, and transportation and handling practices in accordance with toxicity of each formulation.

Weed treatment areas will be evaluated for presence of culturally significant plants through consultation with a designated tribal representative. Consultation may alter treatment methods, timing or allow for controlled harvest before treatments. Areas treated with herbicides will be posted on the ground and written notification sent to tribal officials and basket weavers.

High treatment priority will be placed on known sites and pathways of spread from those sites. Areas adjacent to stream courses and road and trail systems have moderate incidences of weed infestations and great potential for spread. Administrative sites (campgrounds, parking lots, trail heads, river accesses) are at risk of infestation and will be included in the treatment analysis.

Herbicide will be applied directly to weed leaves and stems. A surfactant may be used to enable herbicide penetration of the plant cuticle (a thick, waxy layer present on leaves and stems

of most plants). The following types of foliar applicators will be used:

a. *Spot applicators*—Herbicide is sprayed directly onto target plants only; other desirable plants are avoided. These applicators include motorized rigs with spray hoses, backpack sprayers, and hand-pumped spray or spray bottles that can target very small plants or parts of plants. Crook-necked spray bottles and similar equipment may be used to carry herbicide over distances and through dense vegetation for safety reasons.

b. *Wick (wipe-on) applicators*—A sponge or wick on a handle wipes herbicide onto weed foliage and stems. The wick generally prevents drift or droplets from falling onto non-target plants and soil. Wick applicators will be used in riparian and streamside areas.

Implementation would begin in the spring and summer following the decision and extend for a period of at least 5 years.

Possible Alternatives

Control With Aerial Spraying

This alternative would utilize aerial spraying as a viable option. Aerial spraying was proposed for the 160-acre infestation of common Crupina. The alternative was dropped from consideration because it did not provide any distinct environmental advantages over the proposed action. Common Crupina populations are such at this time that applications would need to be continued over a long period of time and the eradication program would be cost prohibitive. It was determined that an Environmental Impact Statement needs to be completed for this occurrence as well as large populations of Scotch thistle.

Control Using Prescribed Fire

This alternative would utilize prescribed burning as a tool in the eradication and control of noxious weeds on the Forest. Prescribed fire will not be considered in detail because in the past, fire has proven to be a large contributor to the increase of noxious weeds on the Forest. For many weeds, there is little or no information on how each species will respond to a controlled fire. In fact, several studies have concluded that most fires actually increase the density of spotted knapweed, even when followed-up with herbicides. What little information is found indicates that fire has either no effect or aids in the establishment of many noxious weeds. Weeds in general inhabit disturbed sites, so in many cases fire will increase potential for many opportunistic species to take over an area. Other factors such as high costs, and labor-intensive implementation led to this method being dropped from consideration.

Responsible Official

Kathleen Jordan, Acting Forest Supervisor, Modoc National Forest, Supervisor's Office, 800 W. 12th, Alturas, CA 96101 (*kjordan@fs.fed.us*).

Nature of Decision To Be Made

The decision to be made is what actions from the Modoc National Forest Noxious Weed Strategy, if any, should be taken to control weeds on the Modoc National Forest, where treatment should be applied, what type of treatment(s) should be used and what additional mitigating measures and operating procedures not currently contained in the Proposed Action, will be applied, if any.

Scoping Process

Scoping began with the publication of the notice of intent in the **Federal Register** on April 24, 1998. On April 20, 1998, a scoping letter was mailed to 504 individuals, organizations, and agencies inviting their participation in the planning process. The mailing list for the scoping document was developed using lists of people who had contacted the Forest in the past and people who specifically might be interested in the management and control of noxious weeds on Modoc National Forest lands. News releases were sent to two local newspapers. Scoping was re-initiated in 2001. A news release was sent to the local newspaper and postcards were sent to those individuals that had responded to the initial scoping.

Tribal consultation with federally recognized tribes began in March 1998 with preliminary telephone calls to individual tribes. Later formal letters were sent to each tribe and face-to-face consultation meetings were held between line officers and tribal officials. Line officers traveled to each tribe's preferred meeting location.

Also in March 1998, contact was made with the California Indian Basketweavers Association (CIBA) and the California Department of Pesticide Regulation to obtain lists of individuals who were weavers that those organizations maintain. A public meeting was planned to solicit input from weavers. Letters and follow up phone calls to individual weavers were sent for the public meeting to be held in June 1998. A form was developed for individual weavers to return indicating their interest in participation of the public meeting. The form was mailed to 36 individual weavers with a preaddressed envelope enclosed. One form was returned by a person that was unable to attend the meeting and wanted to continue to receive information about the development of the Environmental Assessment. The public meeting was held just in case some individuals still wanted to attend. The result was that there was no participation.

In January 2001, tribal consultation with federally recognized tribes began again with telephone calls, formal letters and face-to-face meetings between line officers and tribal officials. Line officers met with tribal officials at the tribal offices of each respective tribe.

Telephone calls and letters were sent to unrecognized tribes whose relationship with the Forest had begun to develop. In February 2001, the Forest Botanist and the Forest Tribal Relations Program Manager traveled to Yreka, California to solicit input from one of the tribes.

Scoping meetings with weavers were held in Alturas, Susanville and Redding, California and Klamath Falls, Oregon. New mailing lists for individual weavers were requested from CIBA. The weavers on the CIBA mailing list told the Forest of additional weavers that weren't members of CIBA and might be interested. Scoping letters were sent to the new contacts and the Forest gave invitations to the meetings. Nineteen telephone calls were made to coordinate the meetings. Six home visits were made to determine interest.

Because many of the weavers of the Klamath Tribes do not belong to the CIBA, the Culture and Heritage Department of the Klamath Tribes suggested an article be placed in the tribal newsletter to invite weavers to the meeting in Oregon. A news article was developed to invite weavers to the public meetings. The Forest Botanist and the Forest Tribal Relations Program Manager meet with weavers in Chiloquin and Klamath Falls, Oregon.

One weaver known to live in Alturas was contacted at their home and a meeting was held in the Alturas Supervisor's Office to identify scoping issues from a weaver's perspective. No additional scoping is planned at this time as the comments and recommendations made during previous scoping and tribal consultation were used to revise the 1998 notice of intent.

Preliminary Issues

Following are the four issues that were identified during previous scoping for this project.

The effects on human health from the application of herbicides; this includes the quantities of herbicides, the

proposed methods of herbicide application, and the potential effects on project workers, nearby residents and visitors to the project area.

The effects to water quality from the application of herbicides; this includes the effects on riparian vegetation, concentrations of pesticides found in surface waters, potential bioaccumulation of pesticides in aquatic life and the effects of treatments on the potential increase of sediment transport and delivery in streams.

The effects to vegetated communities, including sensitive plants, from the application of herbicides; this includes effects on plants of importance to local tribes and the potential impacts of treatment methods on desired plants species.

The effects on wildlife and fish, as represented by Threatened, Endangered, Sensitive (TES) and other Management Indicator Species (MIS), from the application of herbicides.

Early Notice of Importance of Public Participation in Subsequent Environmental Review: A draft environmental impact statement will be prepared for comment. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of 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 45 day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Comments received, including the names and addresses of those who comment, will be considered part of the public record on this proposal and will be available for public inspection.

(**Authority:** 40 CFR 1501.7 and 1508.22; Forest Service Handbook 1909.15, Section 21)

Dated: October 25, 2002.

Kathleen A. Jordan,

Acting Forest Supervisor.

[FR Doc. 02–27787 Filed 11–1–02; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Wasatch Powderbird Guides Outfitter and Guide Special Use Permit, Wasatch-Cache National Forest, Salt Lake Ranger District, Salt Lake County, UT and Uinta National Forest, Pleasant Grove and Spanish Fork Ranger Districts, Utah County, UT

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Salt Lake Ranger District, of the Wasatch-Cache National Forest, will prepare an EIS on Wasatch Powderbird Guides request for a 5-year outfitter and guide special use permit for guided helicopter skiing on National Forest System lands.

DATES: Comments concerning the scope of the analysis should be received in writing by December 13, 2002.

ADDRESSES: Send written comments to Loren Kroenke, District Ranger, 6944 South 3000 East, Salt Lake City, Utah 84121.

FOR FURTHER INFORMATION CONTACT: Steve Scheid, District Environmental Coordinator, (801) 733–2689 or at *sscheid@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Wasatch Powderbird Guides, a current Special Use Permit permittee, is proposing to operate a heli-skiing operation for another five years along the Wasatch Front of the Wasatch-Cache and Uinta National Forests. This proposal includes elements on both private and public lands. Elements include the landing of helicopters to drop off and pick up heli-skiers that are skiing across both private and public lands. A complete description is available from the Salt Lake Ranger District.

Preliminary issues were identified from the 1999 permit renewal EIS and include potential effects on public safety, effects on designated Wilderness areas, effects on wildlife, including golden eagles and threatened, endangered and forest sensitive species, economic effects of Wasatch Powderbird Guides and the local economy, and effects on other winter recreationalists, including noise and competition for untracked powder skiing.

Two preliminary alternatives have been identified. The proposed action alternative is Wasatch Powderbird Guides proposal and includes replacing the existing Sunday/Monday Tri-Canyon closure with 15-day annual average cap in the area and other minor modifications designed to increase operational flexibility and minimize user conflicts. The No Action Alternative would allow continued use as authorized under the 1999 Record of Decision. Other potential alternatives will address issues raised during the public scoping process. Detailed descriptions of the Proposed and No Action Alternatives are available on the Wasatch-Cache National Forest Web site at *www.fs.fed.us/wcnf.*

The public is invited to submit comments or suggestions to the address above. The responsible officials are Tom Tidwell and Pete Karp, Forest Supervisors of the Wasatch-Cache and Uinta National Forests, respectively. A Draft EIS is expected to be filed in May of 2003 and the Final EIS filed in September of 2003.

The comment period on the draft EIS will be 45 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register**. It is very important that those interested in this proposed action participate during that time. To be most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (*see* The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that the reviewers of the draft EIS 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). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, (9th Circuit, 1986), and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

Dated: October 29, 2002.

Carol Majeske, for Loren M. Kroenke,

Salt Lake District Ranger.

[FR Doc. 02–27981 Filed 11–1–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Notice of Resource Advisory Committee Meeting

AGENCY: Southwest Idaho Resource Advisory Committee, Boise, ID, USDA, Forest Service.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the authorities in the Federal Advisory Committee Act (Pub. L. 92–463) and under the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106–393), the Boise and Payette National Forests' Southwest Idaho Resource Advisory Committee will meet Wednesday, November 20, 2002 in Boise, Idaho for a business meeting. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The business meeting on November 20, begins at 10:30 a.m., at the Idaho Counties Risk Management Program Building, 3100 Vista Avenue, Boise, Idaho. Agenda topics will include review and approval of project proposals, and an open public forum.

FOR FURTHER INFORMATION CONTACT: Randy Swick, Designated Federal Officer, at (208) 634–2290.

Dated: October 29, 2002.

Mark J. Madrid,

Forest Supervisor, Payette National Forest.

[FR Doc. 02–27970 Filed 11–01–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Washington Provincial Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Washington Provincial Advisory Committee will meet on Wednesday, November 13, 2002 in the Washington State Department of Transportation conference room #302, located adjacent to the Gifford Pinchot National Forest Headquarters, at 11018 NE. 51st Circle, Vancouver, Washington. The meeting will begin at 9:30 a.m. and continue until 4 p.m. The purpose of the meeting is to learn about the results of the: (1) Roads analysis, (2) forest plan monitoring, and (3) recreation use survey; (4) provide preliminary input to the Northwest Forest Plan social and economic monitoring; and (5) provide for a Public Open Forum. All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The ''open forum'' provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The ''open forum'' is scheduled to occur at 1 p.m. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Linda Turner, Public Affairs Specialist, at (360) 891–5008, or write Forest Headquarters Office, Gifford Pinchot National Forest, 10600 NE. 51st Circle, Vancouver, WA 98682.

Dated: October 28, 2002.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 02–27954 Filed 11–1–02; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA).

ACTION: Notice.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD SEPTEMBER 25, 2002–OCTOBER 18, 2002

Firm name	Address	Date petition accepted	Product
Slocum Adhesives Corporation	2500 Carroll Avenue, Lynchburg, VA 24501.	10/01/02	Adhesive use in the footwear and furniture industry.
Gilchrist Metal Faricating Co., Inc.	18 Park Avenue, Hudson, NH 03051.	10/01/02	Frames for electronic photo typesetting machines.
R.P. Adams Company, Inc	P.O. Box 963, Buffalo, NY 14240.	10/02/02	Filtration and heat exchange machinery.
Dynomach Inc	1146 Commercial Dr., Port Allen, LA 70767.	10/04/02	Oil and gas machine parts.
Xenetech Global, Inc	12139 Airline Hwy., Baton Rouge, LA 70817.	10/15/02	Engraving machines.
Willacy Co-Op	P.O. Box 795, Raymondville, TX 76577.	10/16/02	Cotton fibers.
New Hampshire Stamping Co., Inc.	9 Lance Lane, Goffstown, NH 03051.	10/18/02	Stamped metal bird feeder parts, protective eyewear, appliance parts and heat sinks.
East Coast Machining, Inc	150 Airport Drive, Westminster, MD 21157.	10/18/02	Precision parts for filtration housings for the telecommunications industry.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD SEPTEMBER 25, 2002–OCTOBER 18, 2002—Continued

Firm name	Address	Date petition accepted	Product
Elk Metals, Inc	201 Stackpole Street, St. Mary's, PA 15857.	10/18/02	Powdered metal parts for the automotive industry.
Councill Craftsmen, Inc	1156 N. Main Street, Denton, NC 27239.	10/18/02	Upholstered household wooden furniture.
L & D Industries, Inc	740 Grit Road, Hurt, VA 24563	10/18/02	Screws from bar stock for commercial and industrial use.
All Precision Manufacturing, Inc	153 N. 5th Street, Nokomis, IL 62075.	10/18/02	Machined metal components for pressure relief valves.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: October 25, 2002.

Anthony J. Meyer,

Coordinator, Trade Adjustment and Technical Assistance.

[FR Doc. 02–27957 Filed 11–1–02; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

[Docket No. 021001228–2244–02]

National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Stockpile Disposals in FY 2003 and FY 2004

AGENCY: U.S. Department of Commerce.

ACTION: Correction to notice of inquiry.

SUMMARY: On October 15, 2002, the Bureau of Industry and Security published a Notice to advise the public that the National Defense Stockpile Market Impact Committee is seeking public comments on the potential market impact of proposed increases in the disposal levels of excess materials from the National Defense Stockpile under the Fiscal Year 2003 Annual Materials Plan and proposed commodity disposal levels under the Fiscal Year 2004 Annual Materials Plan. This Action corrects an error in the Supplementary Information section to indicate that the National Defense Stockpile Administrator is proposing revision of the previously approved Fiscal Year 2003 Annual Materials Plan quantities for five materials instead of three, as set forth in Attachment 1 to the Notice.

DATES: This action is effective November 4, 2002.

FOR FURTHER INFORMATION CONTACT: The co-chairs of the National Defense Stockpile Market Impact Committee. Contact either Richard V. Meyers, Office of Strategic Industries and Economic Security, Bureau of Industry and Security, U.S. Department of Commerce, (202) 482–3634 or Terri L. Robl, Office of International Energy and Commodity Policy, U.S. Department of State, (202) 647–3423.

SUPPLEMENTARY INFORMATION: In the Notice published on October 15, 2002 (67 FR 63606), the Bureau of Industry and Security (''BIS'') makes the following correction: On page 63607, in the second column, second line, under Supplementary Information, revise the phrase ''quantities for three materials'' to read ''quantities for five materials.''

Dated: October 30, 2002.

James J. Jochum,

Assistant Secretary for Export Administration, Bureau of Industry and Security, U.S. Department of Commerce.

[FR Doc. 02–27911 Filed 11–1–02; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–815]

Sulfanilic Acid From the People's Republic of China: Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce.

SUMMARY: In accordance with 19 CFR 351.213(b)(1), the Department received a timely request from petitioner Nation Ford Chemical Company (NFC), to conduct an administrative review of the sales of Zhenxing Chemical Industry Company (also known as Baoding Mancheng Zhenxing Chemical Plant) and Xinyu Chemical Plant (formerly known as Yude Chemical Industry Company). On September 25, 2002, the Department initiated an administrative review of the antidumping duty order on sulfanilic acid from the People's Republic of China (PRC) for the period of review (POR) of August 1, 2001, to July 31, 2002. Because the interested party has withdrawn its request for review within 90 days of the notice of initiation's publication date, the Department is rescinding this review in accordance with 19 CFR 351.213(d)(1).

EFFECTIVE DATE: November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Sean Carey or Holly Hawkins at Enforcement Group III, Office 7, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3964 or (202) 482–0414, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

All citations are to the provisions of the Tariff Act of 1930, as amended (''the Act''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the

regulations codified at 19 CFR part 351 (2002).

Background

On August 29, 2002, the Department received a timely request from petitioner NFC that we conduct an administrative review of the sales of Zhenxing Chemical Industry Company and Xinyu Chemical Plant. On September 25, 2002, the Department published a notice of initiation of the administrative review of the antidumping duty order on sulfanilic acid from the PRC for the period of review (POR) August 1, 2001, to July 31, 2002, in accordance with 19 CFR 351.221(c)(1)(i). *See* ''Initiation of Antidumping and Countervailing Duty Administrative Reviews,'' 67 FR 60210 (September 25, 2002). On October 11, 2002, NFC, the only party requesting this administrative review, withdrew its request for review.

Rescission of Review

Pursuant to our regulations, the Department will rescind an administrative review, ''if a party that requested the review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' *See* 19 CFR 351.213(d)(1). Accordingly, we are rescinding this administrative review for the period August 1, 2001, through July 31, 2002. The Department will issue appropriate assessment instructions to the U.S. Customs Service. This notice is published in accordance with sections 751(a)(2)(B) and 777(i) of the Act.

Dated: October 25, 2002.

Richard O. Weible,

Acting Deputy Assistant Secretary for Import Administration, Group III.

[FR Doc. 02–28010 Filed 11–1–02; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072202A]

Receipt of an Application for an Incidental Take Permit (1398)

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

ACTION: Issuance of Permit 1398.

SUMMARY: Notice is hereby given of that NMFS issued on August 30, 2002, an incidental take permit (Permit 1398) to the North Carolina Division of Marine Fisheries (NCDMF) pursuant to the Endangered Species Act of 1973 (ESA), as amended. As required by the ESA, NCDMF's Permit 1398 includes a conservation plan designed to minimize and mitigate any such take of endangered or threatened species. Permit 1398 is for the incidental take of ESA-listed adult and juvenile sea turtles associated with otherwise lawful commercial fall gill net fisheries for flounder operating in Pamlico Sound, NC. The duration of Permit 1398 is for 3 years.

ADDRESSES: The application and related documents are available for review in the following office by appointment:

Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or Protected Resources Division, S/SER, 9721 Executive Center Dr. N., St. Petersburg, FL 33702 (ph: 727–570–5312, fax: 727–570–5517).

FOR FURTHER INFORMATION CONTACT: Dennis Klemm (ph. 727–570–5312, fax 727–570–5517, e-mail *Dennis.Klemm@noaa.gov*) or Therese Conant (ph. 301–713–1401, fax 301–713–0376, e-mail *Therese.Conant@noaa.gov*). Comments received will also be available for public inspection, by appointment, during normal business hours by calling 301–713–1401.

SUPPLEMENTARY INFORMATION: Issuance of permits and permit modifications, as required by the ESA (16 U.S.C. 1531–1543), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Incidental take permits are issued under Section 10(a)(1)(B) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

Permit 1398

The following species are included in Permit 1398 conservation plan: Loggerhead (*Caretta caretta*), green (*Chelonia mydas*), leatherback (*Dermochelys coriacea*), hawksbill (*Eretmochelys imbricata*), and Kemp's ridley (*Lepidochelys kempii*) sea turtles. The conservation plan includes managing the shallow water large and small mesh gill net fishery operating from September through mid-December in areas adjacent to the Outer Banks and mainland in Pamlico Sound. Permit 1398 includes measures to limit the commercial fall gill net fishery for flounder such that the incidental impacts on ESA-listed sea turtles will be minimized. NCDMF would use a variety of adaptive fishery management measures and restrictions through their state proclamation authority to reduce sea turtle mortality. Specific measures to be implemented each year include: (1) require tending for gillnets less than 5-inch (12.7-cm) stretched mesh from September 1 through October 31; (2) prohibit gillnets ≤ 5-inch (≤ 12.7-cm) stretched mesh in areas adjacent to Ocracoke, Hatteras, and Oregon Inlets from September 1 through December 15: (3) restrict the maximum net per fishing operation to 2,000 yards (1,828 m); (4) require NCDMF-issued permits for individual fishing operations employing large mesh gillnets in restricted areas between September 1 and December 15; (5) monitor gear interactions through a mandatory observer program for large and small mesh gillnets as well as through reports from fishermen and NCDMF Marine Patrol.

Comments

NMFS published a notice of availability on July 29, 2002 (67 FR 49009), and requested comments on the NCDMF. Two comment letters were submitted with the following comments.

Comment 1: The 3-year duration for the permit may not allow for adjustments to management measures such as adding the small mesh fishery under the permit in subsequent years. In addition, the annual evaluation of the permit may not be as rigorous given the permit is already in hand.

Response. Annual renewal of this permit is not automatic. Yearly evaluation of this permit by NMFS will include re-analyses of all data and a re-assessment of the take levels prior to 2nd and 3rd year re-authorization. The permit requires weekly, monthly, and yearly reporting. This requirement is unchanged from the previous 1–year permits issued to NCDMF. NCDMF has agreed to modify the conservation plan to cover the small mesh fishery and to achieve 10 percent observer coverage for this component of the shallow water fishery.

Comment 2: Given a 12.5 percent mortality rate, the estimated lethal take should be 61 not 71 as identified in the application. The take levels should also be reviewed on a yearly basis with the goal to reduce both actual and authorized take.

Response. NMFS felt that the take levels authorized in the 2001 permit should not be used in Permit 1398 for 2002–2004. The spatial and temporal

scope of the management program was sufficiently different from the 2001 permit. Although NCDMF applied for a September 1 begin date and a December 1 end date for the management measures, they agreed to adjust the end date to December 15 to be consistent with NMFS regulations which close Pamlico Sound to large mesh fishing from September 1 through December 15. The management area also was expanded to include the shallow water areas of Hyde and Pamlico Counties along the mainland. Thus, the take levels were revised based on the observer data collected for the shallow water fishery in 2000 and 2001 and expanded to account for the additional 2–week period in September and the increase in fishing effort from the mainland area. Green turtles are the only species documented in the shallow water fishery. The upper limit of the live and lethal take was estimated to be 160 and 50 respectively. Although Kemp's ridleys and loggerheads have not been documented in the shallow water fishery, interactions are likely. Thus, NMFS determined that the live and lethal take for the Kemp's ridley and loggerhead would be 80 and 25 for each species. NMFS and NCDMF will review these take estimates on an annual basis and modify them as necessary.

Comment 3: The North Carolina Trip Ticket program does not subdivide Pamlico Sound geographically. In order to constructively apply the information collected through the observer program, a simple latitude and longitude subdivision of Pamlico Sound should be considered.

Response. The North Carolina Trip Ticket Program data are used to validate the effort data obtained through the mandatory fishermen reports. These reports require fishermen to identify the restricted area fished. There are 8 restricted areas consisting of only shallow waters adjacent to the Outer Banks and mainland. The majority of the Pamlico Sound waters are closed to fishing with large mesh gillnets and small mesh gillnets appear to not interact with sea turtles. Thus, NMFS and NCDMF believe that the identification of 8 separate restricted areas within an overall limited geographic area is sufficient to determine fishing effort distribution to apply towards the estimates of sea turtle interactions collected through the observer program.

Comment 4: The applicant considered, but rejected, to not apply for a permit and to close the area to gillnet fisheries. Georgia and Florida have banned gill nets in their state waters and this should be considered the preferred alternative for gill nets in Pamlico Sound, NC.

Response. The closure of the deep water large mesh fishery concurrent with the management of the shallow water fishery in 2001 resulted in a 67–percent reduction in strandings and an 88- percent reduction in the estimated take level when compared to 2000. The reduction in sea turtle interactions in the gillnet fishery clearly demonstrates the effectiveness of the management measures. NMFS does not believe that the prohibition of all gill nets is necessary at this time.

Upon a review of the application, relevant documents, public comments, and further discussions with NCDMF, NMFS found that the application met the criteria for issuance of 50 CFR 222.307(c). Permit 1398 was issued on August 30, 2002, and expires on December 15, 2004.

Dated: October 29, 2002.

Phil Williams,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 02–28009 Filed 11–01–02; 8:45 am]

BILLING CODE 3510–22–S

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 the People's Republic of China

October 29, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 4, 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 increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 66 FR 65178, published on December 18, 2001). Also see 66 FR 67229, published on December 28, 2001.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 29, 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 China and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on November 4, 2002, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit [1]
Sublevels in Group I	
313	48,314,384 square meters.
315	144,709,863 square meters.
317/326	25,685,147 square meters of which not more than 4,914,073 square meters shall be in Category 326.
334	369,582 dozen.
336	201,943 dozen.
340	863,004 dozen of which not more than 439,094 dozen shall be in Category 340–Z [2].
351	663,481 dozen.
359–C [3]	728,105 kilograms.
360	9,335,937 numbers of which not more than 6,318,105 numbers shall be in Category 360–P [4].
434	14,639 dozen.
438	28,985 dozen.
443	141,613 numbers.

Category	Twelve-month limit [1]
445/446	312,118 dozen.
447	77,532 dozen.
448	24,458 dozen.
615	29,424,147 square meters.
617	20,558,354 square meters.
634	719,118 dozen.
635	751,388 dozen.
636	616,642 dozen.
640	1,489,424 dozen.
641	1,402,816 dozen.
645/646	885,297 dozen.
651	893,144 dozen of which not more than 154,221 dozen shall be in Category 651–B [5].
652	3,295,329 dozen.
659–H	3,334,122 kilograms.
666pt.	449,014 kilograms.
845	2,514,179 dozen.
846	199,894 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

[2] Category 340–Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

[3] 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.

[4] Category 360–P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.

[5] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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.02–27979 Filed 11–01–02; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Hong Kong

October 29, 2002.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 4, 2002.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being reduced for carryforward used.

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 63219, published on December 5, 2001.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 29, 2002.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 29, 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 Hong Kong and exported during the twelve-month period which began on January 1, 2002 and extends through December 31, 2002.

Effective on November 4, 2002, you are directed to reduce the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Sublevels in Group II	
345	507,428 dozen.
638/639	5,061,712 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2001.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to 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.02–27978 Filed 11–01–02; 8:45 am]

BILLING CODE 3510–DR–S

DEPARTMENT OF EDUCATION

[CFDA Nos.: 84.133G and 84.133P]

Office of Special Education and Rehabilitative Services, National Institute on Disability and Rehabilitation Research; Notice Inviting Applications for New Awards for Fiscal Years (FY) 2003; Correction

ACTION: Notice inviting applications for new awards for fiscal years (FY) 2003; correction.

On September 13, a notice inviting applications for new awards under the Field-Initiated Projects-Research (84.133G–1); Field-Initiated Projects-Development (84.133G–2); and Advanced Rehabilitation Research Training Projects (84.133P–1) was published in the **Federal Register** (67 FR 58025). On page 58026, in the table, the column *Deadline for transmittal of applications* states that the deadline for transmittal of applications for these awards is ''November 12, 2002.'' The *Deadline for transmittal of applications* is corrected to read ''November 13, 2002.'' On page 58027, the contact person is changed to Mary Darnell.

FOR FURTHER INFORMATION CONTACT: For further information on this notice contact Mary Darnell, U.S. Department of Education, 400 Maryland Avenue, SW., room 3040, Switzer Building, Washington, DC 20202–2645. Telephone: (202) 401–6176. Or via the Internet: *Mary.Darnell@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact persons listed under **FOR FURTHER INFORMATION CONTACT.**

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Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo/nara/index.html.*

Program Authority: 29 U.S.C. 764.

Dated: October 30, 2002.

Loretta Petty Chittum,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 02–28016 Filed 11–1–02; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science Financial Assistance Program Notice 03–08: Advanced Detector Research Program

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Division of High Energy Physics of the Office of Science (SC), U.S. Department of Energy, hereby announces its interest in receiving grant applications for support under its Advanced Detector Research Program. Applications should be from investigators who are currently involved in experimental high energy physics, and should be submitted through a U.S. academic institution. The purpose of this program is to support the development of the new detector technologies needed to perform future high energy physics experiments.

DATES: To permit timely consideration for award in Fiscal Year 2003, formal applications submitted in response to this notice should be received before February 5, 2003.

Applicants are requested to submit a letter of intent by January 10, 2003, which includes the title of the proposal, the name of the principal investigator(s), the requested funding, and a one-page abstract. Failure to submit a letter of intent will not negatively prejudice a responsive formal application submitted in a timely manner.

ADDRESSES: Formal applications in response to this solicitation are to be electronically submitted by an authorized institutional business official through DOE's Industry Interactive Procurement System (IIPS) at: *http://e-center.doe.gov/.* IIPS provides for the posting of solicitations and receipt of applications in a paperless environment via the Internet. In order to submit applications through IIPS your business official will need to register at the IIPS Web site. The Office of Science will include attachments as part of this notice that provide the appropriate forms in PDF fillable format that are to be submitted through IIPS. Color images should be submitted in IIPS as a separate file in PDF format and identified as such. These images should be kept to a minimum due to the limitations of reproducing them. They should be numbered and referred to in the body of the technical scientific proposal as Color image 1, Color image 2, etc. Questions regarding the operation of IIPS may be e-mailed to the IIPS Help Desk at: *HelpDesk@e-center.doe.gov* or you may call the help desk at: (800) 683–0751. Further information on the use of IIPS by the Office of Science is available at: *http://www.sc.doe.gov/production/grants/grants.html.*

If you are unable to submit an application through IIPS please contact the Office of the Director, Grants and Contracts Division, Office of Science, DOE at: (301) 903–5212 in order to gain assistance for submission through IIPS or to receive special approval and instructions on how to submit printed applications.

Letters of intent referencing Program Notice 03–08 should be submitted via e-mail at the following e-mail address: *Michael.Procario@science.doe.gov.* Please include the phrase ''ADR letter of intent'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Procario, SC–221/Germantown Building, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–1290. Telephone: (301) 903–2890. e-mail: *Michael.Procario@science.doe.gov.*

SUPPLEMENTARY INFORMATION: Future high energy physics experiments will require higher performance detectors to exploit the higher beam energies and intensities of new or upgraded accelerators. Higher performance detectors are also needed to probe for new physical processes in both accelerator-based and non-accelerator-based experiments. Proposed detector research should be driven by the anticipated needs of experiments to be built within the foreseeable future. Generic detector research that could be applied to upgrades that have not yet been approved would also be appropriate. It is expected that the final engineering or fabrication of detectors for specific experiments will not be funded by this program. Interesting technologies would include but not be limited to charged particle track detectors, calorimeters or particle identification detectors that are less sensitive to radiation, have higher resolution, are lower in cost, or can be read out faster than currently available detectors. Proposals to develop detector technology that is targeted at experiments for an energy frontier e^+e^- linear collider should not be submitted under this notice unless additional credible uses for the technology are described. Alternative funding is potentially available for that purpose.

It is anticipated that in Fiscal Year 2003 approximately $500,000 will be available for new awards. The number of awards will be determined by the number of excellent applications and the total funds available for this program. Multiple year grants should be requested if the project cannot be completed in one year. A maximum of three years will be considered. Out-year funding will be provided on an annual basis subject to availability of funds. Cost sharing is encouraged but not required.

Applicants are welcome to collaborate with researchers in other institutions, such as universities, industry, non-profit organizations, federal laboratories and Federally Funded Research and Development Centers (FFRDCs), which include the DOE National Laboratories. In the case of collaborative applications submitted from different institutions that are directed at a single research activity, each application must have a different scope of work and a qualified principal investigator who is responsible for the research effort being performed at his or her institution. There must be a single technical description of the proposed work, and separate face pages and budget pages for each institution. The scope of work at each institution must be clearly specified. While collaboration with researchers at FFRDCs (Fermi National Accelerator Lab and other DOE national labs are examples of FFRDCs), is encouraged, no funds will be provided to those organizations under this notice. The procedure for submitting a collaborative application can be accessed via the web at: *http://www.sc.doe.gov/production/grants/Colab.html.* This section provides specific details regarding collaborating institutions and states, ''The lead organization must submit their own grant application plus the other collaborator's applications to DOE in one package with a cover letter which

describes the role to be played by each organization, the managerial arrangements, and the advantages of the multi-organizational effort.''

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following criteria, which are listed in descending order of importance as set forth in 10 CFR part 605.10 (d):

1. Scientific and/or technical merit of the project;
2. Appropriateness of the proposed method or approach;
3. Competency of applicant's personnel and adequacy of proposed resources; and
4. Reasonableness and appropriateness of the proposed budget.

In considering item 1 particular attention will be paid to:

- the importance of the physics that motivates developing the proposed detector,
- whether the proposed research is generic detector research that will benefit more than one experiment,
- the magnitude of the potential impact versus the risk of failure.

General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures are contained in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR part 605. Electronic access to the application guide and required forms is available on the World Wide Web at: *http://www.sc.doe.gov/production/grants/grants.html.*

In addition, for this notice, project descriptions must be 25 pages or less, including tables and figures, but excluding forms and certifications. The application must also contain an abstract or project summary, letters of intent from all non-funded collaborators, and short curriculum vitae of all senior personnel.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC, on October 28, 2002.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 02–27987 Filed 11–1–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Certification Notice—209]

Office of Fossil Energy; Notice of Filings of Coal Capability Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of filings.

SUMMARY: The owners/operators of 10 baseload electric powerplants have submitted coal capability self-certifications pursuant to section 201(d) of the Powerplant and Industrial Fuel Use Act of 1978, as amended, in accordance with 10 CFR 501.60, 61.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Import/Export, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 et seq.), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load electric powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy (DOE). The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of proposed new baseload electric powerplants have filed self-certifications pursuant to section 201(d) and in accordance with DOE regulations in 10 CFR 501.60, 61.

Owner/operator	Capacity	Plant location	In-service date
Los Esteros Critical Energy Facility	180 MW	Santa Clara Cnty, CA	4th Qrt. 2002
Ocean Peaking Power	500 MW	Lakewood, NJ	January 2003
Reliant Energy Choctaw Cnty Facility	804 MW	Choctaw County, MS	June 1, 2003
Genova Arkansas I	550 MW	Tontitown, AR	January 2005
Genova Oklahoma I	550 MW	Chickasha, OK	January 2005
Beatrice Power Station	250 MW	Gage County, NE	March 2005
Black Rock Facility	62 MW	Buffalo, NY	2nd Qtr. 2003
Blythe Energy Project	520 MW	Blythe, CA	December 2002
Acadia Power Project	1,200 MW	Acadia Parish, LA	May 2002
Wolfskill Energy Center	45 MW	Solano Cnty, CA	1st Qtr. 2003

Issued in Washington, DC, on October 28, 2002.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Import/Export, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 02–27986 Filed 11–1–02; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC02–717–001, FERC–717]

Commission Information Collection Activities, Proposed Collection; Comment Request; Submitted for OMB Review

October 25, 2002.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice.

SUMMARY: In compliance with the requirements of section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, the Federal Energy Regulatory Commission (Commission) has submitted the information collection described below to the Office of Management and Budget (OMB) for review and extension of the current expiration date. Any interested person may file comments directly with OMB and should address a copy of those

comments to the Commission as explained below. The Commission received comments from one entity in response to an earlier **Federal Register** notice of June 21, 2002 (67 FR 42243–42244), and has responded to these comments in its submission to OMB.

DATES: Comments on the collection of information are due by November 29, 2002.

ADDRESSES: Address comments on the collection of information to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Federal Energy Regulatory Commission Desk Officer, 725 17th Street, NW., Washington, DC 20503. The Desk Officer may be reached by telephone at 202–395–7856. A copy of the comments should also be sent to the Federal Energy Regulatory Commission, Office of the Chief Information Officer, CI–1, Attention: Michael Miller, 888 First Street NE., Washington, DC 20426. Comments may be filed either in paper format or electronically. Those persons filing electronically do not need to make a paper filing. For paper filings, such comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426 and refer to Docket No. IC02–717–001.

Documents filed electronically via the Internet must be prepared in WordPerfect, MS Word, Portable Document Format, or ASCII format. To file the document, access the Commission's website at *www.ferc.gov* and click on ''Make an E-filing,'' and then follow the instructions for each screen. First time users will have to establish a user name and password. The Commission will send an automatic acknowledgment to the sender's E-mail address upon receipt of comments. User assistance for electronic filings is available at 202–208–0258 or by e-mail to *efiling@ferc.fed.us*. Comments should not be submitted to the e-mail address.

All comments may be viewed, printed or downloaded remotely via the Internet through FERC's homepage using the FERRIS link. User assistance for FERRIS is available at 202–502–8222, or by e-mail to *contentmaster@ferc.fed.us*.

FOR FURTHER INFORMATION CONTACT: Michael Miller may be reached by telephone at (202)502–8415, by fax at (202)208–2425, and by e-mail at *michael.miller@ferc.gov*.

SUPPLEMENTARY INFORMATION:

Description

The information collected and submitted for OMB review contains:

1. *Collection of Information*: FERC–717 ''Open Access Same Time Information Systems''.
2. *Sponsor*: Federal Energy Regulatory Commission.
3. *Control No.* 1902–0173.

The Commission is now requesting that OMB approve a three-year extension of the current expiration date, with no changes to the existing collection. This is a mandatory information collection requirement and the Commission does not consider the information to be confidential.

4. *Necessity of the Collection of Information*: Submission of the information is necessary to enable the Commission to carry out its responsibilities in implementing the statutory provisions of part I of the Federal Power Act (FPA.), sections 309 and 311, 16 U.S.C. 825(h), and 825(j). Section 309 gives the Commission the authority to prescribe, issue, make and amend orders, rules and regulations to implement the provisions of the Federal Power Act. Section 311 gives the Commission authority to secure information necessary or appropriate for recommending legislation or to conduct investigations concerning generation, transmission, distribution and sale of electric energy regardless of whether they are jurisdictional or nonjurisdictional entities within the United States and its possessions. The Commission is also authorized to keep current information on the ownership, operation, management and control of all facilities for generation, transmission, distribution, sale, the capacity and output of these facilities and the relationship between the two. The information is also used for determining the cost(s) for generation, distribution, rates, charges, and contracts with respect to the sale of electric energy and the service to residential, rural, commercial and industrial consumers and other purchasers by private and public agencies.

The information collected under FERC–717 is specifically used to monitor the networks to ensure that potential purchasers of transmission services obtain the services on a non-discriminatory basis. Failure to issue these requirements would mean the Commission is not meeting its statutory obligations and permitting discrimination in interstate transmission services provided by public utilities.

The Commission is obligated by statute to regulate key economic aspects of the energy industry. The law requires the Commission's economic regulatory activity because the transmission and generation of electricity have been and continue to be a natural monopoly. The challenge facing the Commission is to develop a regulatory approach that promotes competitive markets while protecting customers and serving and safeguarding the public. To safeguard workable competition in wholesale power markets, the Commission must ensure open, nondiscriminatory access to transmission facilities and must monitor the market to detect instances of market abuse or failure.

The Commission implements these requirements in the Code of Federal Regulations (CFR) under 18 CFR part 37.

5. *Respondent Description*: The respondent universe currently comprises (on average) 140 entities subject to the Commission's jurisdiction.

6. *Estimated Burden*: 198,520 total hours, 140 respondents(average), 1 response per respondent annually, 1,418 hours per response (average).

7. *Estimated Cost Burden to respondents*: $22,283,975 (140 respondents × $159,171(cost per respondent)).

Statutory Authority: Sections 309 and 311 of the Federal Power Act, 16 U.S.C. 825(h), 825(j).

Magalie R. Salas,

Secretary.

[FR Doc. 02–27935 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP02–90–001 and CP02–93–001]

AES Ocean Express LLC; Notice of Amendments to Applications for a Certificates of Public Convenience and Neccessity, and for Section 3 Authorization and a Presidential Permit

October 24, 2002.

Take notice that on October 18, 2002, AES Ocean Express LLC (Ocean Express), Two Alhambra Plaza, Suite 1104, Coral Gables, Florida, 33134, filed in Docket No. CP02–90–001 an amendment to its pending application for a certificate of public convenience and necessity filed pursuant to Section 7(c) of the Natural Gas Act (NGA) in Docket No. CP02–90–000, and in Docket No. CP02–93–001, it filed an amendment to its pending application for a Presidential Permit and Section 3 authorization, filed pursuant to Section 3 of the NGA and Executive Order No. 10485 in Docket No. CP02–93–000. The

application amendments reflect a proposed new route variation and certain revised pipeline materials and design in the vicinity of the 12-square mile Navy Restricted Area located offshore from Broward County, Florida, as well as a change in the ownership structure of Ocean Express.

The application amendments are on file with the Commission and open to public inspection. The filings may be viewed on the web at http://www.ferc.gov using the ''FERRIS'' link, selecting ''Docket #'' and following the instructions (please call (202) 208–2222 for assistance). Any questions regarding the applications or these amendments may be directed to Julie Romaniw, AES Ocean Express LLC, Two Alhambra Plaza, Suite 1104, Coral Gables, FL 33134; Phone No. (305) 444–4002.

Ocean Express explains that its proposed route variation reflects the measures contemplated by the ''agreement in principle'' reached between Ocean Express and the Naval Surface Warfare Center, Carderock Division (Naval Group) to resolve the Naval Group's technical and operational concerns regarding construction, operation and maintenance of the proposed Ocean Express Pipeline offshore of Broward County, Florida. Specifically, Ocean Express states that its amendment involves a 7.5-mile offshore route variation, as well as the use of special stainless steel, 40-foot and 500-foot anode spacings, three-layer polypropylene coating and other design features for specific portions of the offshore pipeline. Ocean Express explains that in developing the 7.5-mile offshore route variation, it gave extensive consideration to the avoidance or minimization of potential impacts to sensitive marine resources, such as the three nearshore reef systems, the technical feasibility of constructing the offshore route variation, and other related factors.

The proposed route variation increases the estimated cost of the project to from $ 93.1 million to $ 111.6 million and increases the Monthly Reservation Rate from $ 1.3859 per Dth to $ 1.6085 per Dth. The design capacity of the project is unchanged and is 842,000 Dth per day. The total length of the United States part of the pipeline project is increased from 52.4 miles to 54.3 miles; the onshore route and 6.3 mile length remains unchanged, but the offshore length in increased from 46.1 miles to 48.0 miles.

Separately, Ocean Express explains that since the time it filed its original applications in these proceedings on February 21, 2002, VAC Ocean Cay LLC (VAC) has acquired a 25% interest in Ocean Express. Ocean Express states that it has included the information and documentation required by the Commission's regulations regarding the new ownership structure.

Ocean Express requests that the Commission issue a preliminary determination on non-environmental issues by February 1, 2003, and final certificate authorization by early in the third quarter of 2003.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before November 14, 2002, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party currently in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

Motions to intervene, comments and protests may be filed electronically via the internet in lieu of paper. *See* 18 CFR 385.2001(a)(1)(iii) and the Commission's website at *http://www.ferc.gov*. . The Commission strongly encourages prospective intervenors, commenters or protesters to file electronically.

Parties who filed motions to intervene in the underlying pending applications in Docket Nos. CP02–90, *et al.* do not need to move to intervene again in response to this notice, but may file a supplement to their previous filing(s) if they have any comments or protests with regard to the changes in the project proposed by these amendments.

Persons who wish to comment only on the environmental review of this project, as amended, should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and ion landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important to file comments or to intervene as early in the process as possible.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27924 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EC03–5–000 and ER03–65–000]

Allegheny Energy Supply Company, LLC; Allegheny Trading Finance Company; Notice of Filing

October 24, 2002.

Take notice that, in Docket No. EC03–5–000, on October 21, 2002, Allegheny Energy Supply Company, LLC (''AE Supply''), and Allegheny Trading Finance Company (''ATF'') filed with the Federal Energy Regulatory Commission an application pursuant to

Section 203 of the Federal Power Act for authorization to assign two contracts between AE Supply and the California Department of Water Resources from AE Supply to ATF. The Applicants have requested Commission action on an expedited basis.

Also take notice that, in Docket No. ER03–65–000, on October 21, 2002, ATF filed proposed Market Rate Tariff, and a request for such waivers and blanket authorizations as have been granted in previous orders. ATF requests an effective date of October 22, 2002.

Any person desiring to intervene or to protest these filings 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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Comment Date: November 4, 2002.

Issued October 24, 2002.

By direction of the Commission. Commissioner Massey dissenting with a separate statement attached.

Magalie R. Salas,

Secretary.

MASSEY, Commissioner, dissenting:

I am concerned that a substantial shortening of our normal 21-day intervention period for this type of filing may not allow potential intervenors sufficient time to review the application and to comment appropriately. Therefore, I dissent.

William L. Massey,

Commissioner.

[FR Doc. 02–27927 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM01–12–000 et al.]

Remedying Undue Discrimination Through Open Access Transmission Service and Standard Electricity Market Design; Notice Announcing Process for Western Interconnection Market Design and Postponing Technical Conference

October 25, 2002.

Avista Corporation, Bonneville Power Administration, Idaho Power Company, Montana Power Company, Nevada Power Company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc., Sierra Pacific Power Company, British Columbia Hydro and Power Authority, Arizona Public Service Company, El Paso Electric Company, Public Service Company of New Mexico, Tucson Electric Power Company , WestConnect RTO, LLC [Docket No. EL02–9–000], California Independent System Operator Corporation, California Independent System Operator Corporation. [Docket No. RM01–12–000], [Docket No. RT01–35–000], [Docket No. RT02–1–000], [Docket No. ER02–1656–000], [Docket No. ER02–2576–000]

The Commission is announcing a process to develop compatible market designs in the Western Interconnect. The Commission wishes to build upon constructive ideas that emerged in technical meetings in Denver this week, comments from western commissioners at CREPC on October 1, and other outreach meetings around the West. In these meetings, participants learned about positive developments in RTO West, WestConnect, and the California ISO and flagged certain market design elements that may not be sufficiently compatible across the region. We note that the Seams Steering Group of the Western Interconnect (SSG-WI) and other regional organizations have been working to identify such elements in order to develop and support an evolving seamless western wholesale energy market that minimizes trade barriers and promotes common business practices for inter-RTO transmission services. We learned that SSG-WI is pursuing plans to formalize its role and to re-structure in a way that allows for open participation, and that there has been further clarification of the roles of SSG-WI, the WECC, and CREPC. Participants in these meetings asked FERC staff for an opportunity to resolve ''seams'' issues through these regional processes.

We are encouraged by these developments and offer FERC staff resources to support this effort. We believe that the seams resolution and market development process will be most successful if all market participants and representatives of public power and states fully participate, and if the process is driven by the market participants within the context of FERC's efforts. State participation is essential to this process, and states are encouraged to give their policy guidance through the appropriate regional organization. We request that SSG-WI develop a list of recommended market design elements appropriate for the western interconnect (*i.e.,* balancing market, transmission rights, planning process, etc.), which elements must be designed compatibly to avoid seams, and a plan and timeline for resolution of these issues that is coordinated with RTO development efforts. This plan would include specific tasks for each of the current SSG-WI working groups and any other working groups that may be necessary. We request that SSG-WI present that plan by mid-January, consistent with previously set SSG-WI deadlines.

To accommodate this process, we recognize that some flexibility in RTO timelines may be required. We envision a parallel track between this process and RTO development processes so that both can continue to move forward. We expect the SSG–WI process to clarify which remaining issues can be resolved in RTO proceedings and which should be coordinated through this collaborative process for the Western Interconnect.

We will defer the November 4, 2002, policy meeting scheduled in Portland, Oregon, to allow this alternative process a chance to succeed. We will schedule a public meeting, which Commissioners plan to attend, after a consensus plan has been presented. We expect further technical meetings between the parties during November and December to advance this process; our staff will participate.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27944 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ES03–6–000]

Baltimore Gas and Electric Company; Notice of Application

October 24, 2002.

Take notice that on October 16, 2002, Baltimore Gas and Electric Company submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue no more than $700 million of short term unsecured promissory notes, commercial paper notes, medium term notes, and guarantees of assumptions of liabilities or obligations with a final maturity date no later than December 31, 2005.

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Comment Date: November 14, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27933 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–4–000]

Calpine Energy Services, L.P., Riverside Energy Center, LLC; Notice of Filing

October 24, 2002.

Take notice that on October 21, 2002, Calpine Energy Services, L.P. (CES) and Riverside Energy Center, LLC (Riverside) tendered for filing an application with the Federal Energy Regulatory Commission (Commission) under section 203 of the Federal Power Act for approval of the assignment by CES to Riverside of a power purchase agreement between CES and Madison Gas and Electric Company.

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Comment Date: November 12, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27926 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2064–003]

Choctaw Generation, LP; Notice of Filing

October 24, 2002.

Take notice that on October 8, 2002, Choctaw Generation LP, hereby advised the Federal Energy Regulatory Commission that on September 6, 2002, Choctaw transferred, under protest, and with a full reservation of rights, consistent with the Request for Rehearing filed by Choctaw in the above referenced docket on September 6, 2002, to the Tennessee Valley Authority, the amount to $153,604.37.

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Comment Date: November 4, 2002.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27931 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95–408–047]

Columbia Gas Transmission Corporation; Notice of Refund Report

October 25, 2002.

Take notice that on October 21, 2002, Columbia Gas Transmission Corporation (Columbia Gas) tendered for filing its report on the flow-back to customers of funds received from insurance carriers for environmental costs attributable to Columbia Gas' Docket No. RP95–408 settlement period.

Columbia Gas states that it allocated such recoveries among customers based on terms of the Docket No. RP95–408 Phase II Settlement which states that customer allocations shall be based on customers' actual contributions to Remediation Program collections for the most recent February 1–January 31 period.

Columbia Gas states further that it provided a copy of the report to all customers who received a share of the environmental insurance recoveries and all state commissions whose jurisdiction includes the location of any such recipient.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed on or before November 1, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27952 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP91–160–028]

Columbia Gulf Transmission Company; Notice of Refund Report

October 25, 2002.

Take notice that on October 21, 2002, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing its report on the flow-back to customers of funds received from insurance carriers for environmental costs pursuant to Article I(A)(2)(d) of its Docket No. RP91–160 settlement.

Columbia Gulf states that it allocated such recoveries among customers based on their fixed cost responsibility for services rendered on the Columbia Gulf system during the period December 1, 1991 through October 31, 1994, the period of the Docket No. RP91–160 settlement.

Columbia Gulf states further that it provided a copy of the report to all customers who received a share of the environmental insurance recoveries and all state commissions whose jurisdiction includes the location of any such recipient.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before November 1, 2002. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27951 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–069]

Columbia Gulf Transmission Company; Notice of Compliance Filing

October 25, 2002.

Take notice that on October 21, 2002, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Sixth Revised Sheet No. 316 to become effective October 10, 2002.

Columbia Gulf states that on August 30, 2002, it made a filing with the Commission seeking approval of a Rate Schedule FTS–1 negotiated rate agreement FPL Energy Power Marketing Inc. (FPL) in Docket No. RP96–389–067. On October 10, 2002, the Commission issued an order approving the service agreement effective November 1, 2002. The order directed Columbia Gulf to file a tariff sheet identifying the agreement as a non-conforming agreement in compliance with Section 154.112(b) of the Commission's regulations. The instant filing is being made to comply with Section 154.112(b) and reference the non-conforming service agreement in its Volume No. 1 tariff.

Columbia Gulf states that copies of its filing have been served to each of the parties listed on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18

CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27953 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 184–065]

El Dorado Irrigation District, Ca; Notice of Public Meetings

October 24, 2002.

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the El Dorado Project (FERC No. 184), filed on February 22, 2000. The El Dorado Project, licensed to the El Dorado Irrigation District (EID), is located on the South Fork American River, in El Dorado, Alpine, and Amador Counties, California. The project occupies lands of the El Dorado National Forest.

The EID, several state and federal agencies, and several non-governmental agencies are working collaboratively with a facilitator to resolve certain issues relevant to this proceeding. These meetings are a part of that collaborative process. Meetings will be held as follows:

Date	Group-Time
November 12	Aquatics/Hydrology Workgroup, 9 am–4 pm
November 13	Recreation Workgroup, 9 am–12 pm
November 13	Terrestrial Workgroup, 1 pm–2 pm
November 13	Project Economics Workgroup, 2:15 pm–4 pm

We invite the participation of all interested governmental agencies, non-governmental organizations, and the general public in these meetings.

All meetings will be held in the Rancho Cordova Holiday Inn, located at 11131 Folsom Blvd, Rancho Cordova, California.

For further information, please contact Elizabeth Molloy at (202) 502–8771 or John Mudre at (202) 502–8902.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27940 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–39–000]

Enbridge Pipelines (Midla) L.L.C. Formerly Enbridge Pipelines (Midla) Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 25, 2002.

Take notice that on October 23, 2002, Enbridge Pipelines (Midla) L.L.C. (Midla L.L.C.), formerly Enbridge Pipelines (Midla) Inc., tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1 and Third Revised Volume No. 2 to reflect a name change to become effective on October 11, 2002. A complete listing of the tariff sheets filed are shown on Appendix A to the filing.

Midla L.L.C. states that copies of its transmittal letter and appendices have been mailed to all parties on the Commission's Official Service list, all of its jurisdictional customers, and applicable State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27949 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–40–000]

Enbridge Pipelines (AlaTenn) L.L.C. formerly Enbridge Pipelines (AlaTenn) Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 25, 2002.

Take notice that on October 23, 2002, Enbridge Pipelines (AlaTenn) L.L.C. (AlaTenn L.L.C.), formerly Enbridge Pipelines (AlaTenn) Inc. tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, to reflect a name change to become effective on October 11, 2002. A complete listing of the tariff sheets filed is shown on Appendix A to the filing.

AlaTenn L.L.C. states that copies of its transmittal letter and appendices have been mailed to all parties on the Commission's Official Service list, all of its jurisdictional customers, and applicable State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202) 502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27950 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–38–000]

North Baja Pipeline, LLC; Notice of Tariff Filing

October 25, 2002.

Take notice that on October 21, 2002, North Baja Pipeline, LLC (NBP) tendered for filing to be part of its FERC Gas Tariff, Original Volume No. 1, First Revised Sheet No. 164, First Revised Sheet No. 171, Second Revised Sheet No. 173 and First Revised Sheet No. 174, with an effective date of October 1, 2002.

NBP states that these tariff sheets reflect modifications necessary to reinstate the rate ceiling for short-term capacity release transactions following the conclusion of FERC's two-year waiver period as provided for in Order No. 637.

NBP further states that a copy of this filing has been served on NBP's jurisdictional customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27948 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–41–000]

e prime, inc., Complainant, v. PG&E Gas Transmission, Northwest Corp., Respondent; Notice of Complaint and Request for Fast Track Processing

October 29, 2002.

Take notice that on October 25, 2002, e prime inc. (e prime) filed a Complaint and Request for Fast Track Processing against PG&E Gas Transmission, Northwest Corporation (GTN) requesting that the Federal Energy Regulatory Commission (Commission) find that GTN's demand for collateral support in an amount equal to one year of reservation charges as a precondition to continuing to provide service to e prime is in violation of GTN's tariff, and order GTN immediately to return the collateral cash deposits demanded from e prime, with interest, and to continue providing service to e prime under the Service Agreement.

Any person desiring to be heard 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. The answer to the complaint and all comments, interventions or protests must be filed on or before November 8, 2002. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866)208–3676, or for TTY, contact (202)502–8659. The answer to the complaint, 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. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28104 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT02–37–001]

PG&E Gas Transmission Northwest Corporation; Notice of Compliance Filing

October 25, 2002.

Take notice that on October 21, 2002, PG&E Gas Transmission, Northwest Corporation (GTN) tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the tariff sheets included in Appendix A to the filing, to be effective October 1, 2002.

GTN states that the filing is being filed to comply with the requirements of the Commission's September 30, 2002 Order in this proceeding. The Commission's September 30th Order required minor modifications to GTN tariff language that provides for the termination of shipper contracts for non-payment and the treatment of replacement shippers when a releasing shipper's contract is terminated.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with section 385.211 of the Commission's rules and regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions

on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27934 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP03–37–000]

Southern LNG Inc.; Notice of Proposed Changes to FERC Gas Tariff

October 25, 2002

Take notice that on October 21, 2002, Southern LNG Inc. (SLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following revised sheets, with an effective date of October 1, 2002:

Fourth Revised Sheet No. 5
Fourth Revised Sheet No. 6

SLNG states that the purpose of this filing is to add the Commission-approved ACA surcharge to the settlement rates accepted by the Commission's order issued on October 10, 2002 (October 10 Order) in SLNG's Docket No. RP02–129 *et al.* SLNG has requested that these sheets be made effective as of October 1, 2002, the date the ACA surcharge became effective pursuant to the September 30, 2002 order in Docket No. RP02–523.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27947 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–205–003]

Southern Natural Gas Company; Notice of Negotiated Rate Filing

October 25, 2002.

Take notice that on October 21, 2002, Southern Natural Gas Company (Southern) tendered for filing its Negotiated Rate Tariff Filing.

Southern's filing requests that the Commission approve a negotiated rate arrangement between Southern and SCANA Resources, Inc. (SCANA). On September 20, 2002, in Docket Nos. CP02–1–000 and CP02–1–001, the Commission approved, subject to conditions, Southern's South System II Expansion Project (South System II Order). In the South System II Order, the Commission stated, ''although SCANA will initially pay Southern's maximum tariff rate, other aspects of SCANA's rate are negotiated to amounts other than those provided in the tariff. Accordingly, we find it appropriate for Southern to file the SCANA contract as a negotiated rate agreement, putting forward all the particulars of the rate so that customers who believe they are similarly situated may seek a similar rate with Southern.''

In accordance with the South System II Order, Southern files herewith the SCANA FT Agreement. Southern requests that the Commission grant such approval effective the date facilities are completed and placed in service.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27946 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP02–90–000 et al., CP01–36–000, CP01–382–000, CP01–52–000 and CP01–383–000]

Zia Natural Gas Company, an Operating Division of Natural Gas Processing Company v. Raton Gas Transmission Company [Not Consolidated]; Notice of Technical Conference

October 24, 2002.

Take notice that a technical conference to discuss a proposed settlement of issues raised by the complaints and certificate filings in these proceedings will be held on Thursday, November 14, 2002, at 10 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC, 20426.

All interested parties and staff are permitted to attend. For further information contact Cecilia Desmond at (202) 502–8695.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27921 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL03–7–000, et al.]

Cities of Anaheim, et al.; Electric Rate and Corporate Regulation Filings

October 10, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Cities of Anaheim, Azusa, Banning, and Riverside, California

[Docket No. EL03–7–000]

Take notice that on October 4, 2002, the Cities of Anaheim, Azusa, Banning, and Riverside, California (Southern Cities) filed a Petition for Declaratory Order, Request for Expedited Procedures, and Request for Waiver of Filing Fee. Southern Cities seek a determination of the propriety of a withdrawal provision in the Transmission Control Agreement that will enable them to participate in the California ISO as Participating Transmission Owners.

Comment Date: October 31, 2002.

2. LMB Funding, Limited Partnership

[Docket No. EL03–8–000]

Take notice that on October 4, 2002, LMB Funding, Limited Partnership (Petitioner) filed a Petition for Declaratory Order Disclaiming Jurisdiction and Request for Expedited Consideration. Petitioner is seeking a disclaimer of jurisdiction in connection with a lease financing involving a generating plant of approximately 600 MW to be located in Lower Mount Bethel Township, Northampton County, Pennsylvania.

Comment Date: November 4, 2002.

3. Westar Generating, Inc.

[Docket Nos. ER01–1305–004]

Take notice that on October 7, 2002, in compliance with the Commission's September 5, 2002. Order Conditionally Approving Uncontested Settlement, 100 FERC 61,255 (2002), in the above-referenced dockets, Westar Generating, Inc. (Westar) submitted a new Order 614 designation for the Purchase Power Agreement between Westar and Western Resources, Inc. (Western), and changes to Section 3.2 of Article III of the Settlement Agreement as required by the Order in the above-referenced proceedings.

A copy of this filing was served on every participant to the proceedings.

Comment Date: October 28, 2002.

4. Southwest Power Pool, Inc.

[Docket Nos. ER02–1705–003]

Take notice that on October 7, 2002, Southwest Power Pool, Inc. (SPP) submitted for filing the compliance filing required by the Federal Energy Regulatory Commission's September 5, 2002 issued in the proceeding listed above. Southwest Power Pool, Inc., 100 FERC 61,248.

Comment Date: October 28, 2002.

5. Duke Energy Corporations

[Docket No. ER02–2008–002]

Take notice that on October 7, 2002, in compliance with the Commission's order in Docket Nos. ER02–2008–000 and ER02–2008–001 issued September 5, 2002, Duke Energy Corp., 100 FERC 61,251, Duke Energy Corporation, on behalf of Duke Electric Transmission, filed a revised Interconnection and Operating Agreement by and between Duke Electric Transmission and GenPower Anderson, LLC. The Interconnection and Operating Agreement was made effective as of September 9, 2002 by the Commission.

Comment Date: October 28, 2002.

6. New England Power Pool and ISO New England Inc.

[Docket Nos. ER02–2330–001 and EL00–62–052]

Take notice that on October 7, 2002, New England Power Pool and ISO New England Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission) a Compliance Filing in response to the Commission's September 20, 2002 Order issued in the above proceedings. Copies of these materials were sent to the NEPOOL Participants, Non-Participant Transmission Customers and the New England state governors and regulatory commission.

Comment Date: October 28, 2002.

7. Pinnacle West Capital Corporation

[Docket No. ER02–2385–001]

Take notice that on October 8, 2002, Pinnacle West Capital Corporation (PWCC) tendered for filing a refund report for the time value of revenues received from Phelps Dodge Energy Services (PDES).

A copy of this filing has been served on PDES.

Comment Date: October 29, 2002.

8. Westar Energy, Inc.

[Docket No. ER03–9–001]

Take notice that on October 8, 2002, Westar Energy, Inc. (Westar Energy) filed an errata to its Notification of Change in Status and Petition for Acceptance of Revised Market Rate Schedules. The errata corrects the proposed tariff sheets to comply with Order No. 614.

Comment Date: October 29, 2002.

9. El Paso Electric Company

[Docket No.ER03–23–000]

Take notice that on October 8, 2002, El Paso Electric Company (EPE) tendered for filing eight umbrella service agreements for firm transmission service, two umbrella service agreements for non-firm transmission service, and seven service agreements and accompanying specification sheets for firm transmission service transactions of exactly one year (collectively, TSAs) between EPE and nine of its customers. The rates, terms, and conditions of the TSAs are those of EPE's Open Access Transmission Tariff (OATT). EPE seeks effective dates for the TSAs in accordance with their service commencement dates.

Comment Date: October 29, 2002.

10. Los Esteros Critical Energy Facility, LLC

[Docket No. ER03–24–000]

Take notice that on October 8, 2002, Los Esteros Critical Energy Facility, LLC (Los Esteros) tendered for filing, under section'205 of the Federal Power Act, a request for authorization to make wholesale sales of electric energy, capacity and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights. Los Esteros proposes to own and operate an approximately 180 megawatt simple cycle natural gas-fired generation facility located in Santa Clara County, California.

Comment Date: October 29, 2002.

11. Blue Spruce Energy Center, LLC

[Docket No. ER03–25–000]

Take notice that on October 8, 2002, Blue Spruce Energy Center, LLC (the Applicant) tendered for filing, under section 205 of the Federal Power Act (FPA), a request for authorization to make wholesale sales of electric energy, capacity, replacement reserves, and ancillary services at market-based rates, to reassign transmission capacity, and to resell firm transmission rights. Applicant proposes to own and operate a 300 MW gas fired, simple cycle electric generating facility in Aurora, Colorado.

Comment Date: October 29, 2002.

12. Wisconsin Electric Power Company

[Docket No. ER03–26–000]

Take notice that on October 8, 2002, Wisconsin Electric Power Company

(Wisconsin Electric) tendered for filing revisions to the Wisconsin Corporation Operating Companies (WEC Operating Companies) Joint Ancillary Services Tariff. (WEC Operating Companies FERC Electric Tariff, Original Volume No. 2)

Wisconsin Electric respectfully requests an effective date October 15, 2002.

Comment Date: October 29, 2002.

13. Edison Sault Electric Company

[Docket No. ES03–3–000]

Take notice that on October 2, 2002, Edison Sault Electric Company (Edison Sault) filed an application pursuant to section 204 of the Federal Power Act seeking authorization to issue, over a two-year period, long-term and short-term debt to its parent company, Wisconsin Energy Corporation, and/or short term debt to other third-party lenders, with no more than $50 million outstanding at any one time.

Edison Sault also requests a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: October 23, 2002.

Standard Paragraph

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. 02–27928 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2227–001, et al.]

Creed Energy Center, LLC, et al.; Electric Rate and Corporate Regulation Filings

October 15, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1 Creed Energy Center, LLC

[Docket No. ER02–2227–001]

Take notice that on October 10, 2002, Creed Energy Center, LLC tendered for filing a revised rate schedule to correct an error in the name of the company.

Comment Date: October 31, 2002.

2. RockGen Energy LLC

[Docket No. ER02–2314–001]

Take notice that on October 10, 2002, RockGen Energy LLC (the Applicant) tendered for filing with the Federal Energy Regulatory Commission (Commission), under section'205 of the Federal Power Act, a compliance filing pursuant to the Commission's September 10, 2002 Order in the above-captioned proceeding.

Comment Date: October 31, 2002.

3. Allegheny Energy Service Corporation, on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER02–2561–001

Take notice that on October 10, 2002, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power), filed an amendment to its Interconnection Agreement (Agreement) with Mill Run Windpower LLC as First Revised Sheet No. 12 to First Revised Service Agreement No. 345 under Allegheny Power's Open Access Transmission Tariff. The proposed effective date for First Revised Sheet No.12 to First Revised Service Agreement No. 345 is September 20, 2002.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment Date: October 31, 2002.

4. NorthWestern Energy, L.L.C.

[Docket No. ER02–2569–000]

Take notice that on October 4, 2002 NorthWestern Energy, L.L.C. (NWE) filed with the Federal Energy Regulatory Commission (Commission) pages of Exhibit No. NWE–3 that were inadvertently omitted from NWE's September 20, 2002 filing with the Commission. On October 7, 2002, NWE filed a few more pages to Exhibit No. NWE–3 that were inadvertently omitted from the October 4, 2002 filing.

Comment Date: October 28, 2002.

5. CP Power Sales Eighteen, L.L.C.

[Docket No. ER03–30–000]

Take notice that on October 10, 2002, CP Power Sales Eighteen, L.L.C. tendered for filing a Notice of Succession. Effective September 10, 2002, CP Power Sales Eighteen, L.L.C. changed its name to Midwest Generation Energy Services, LLC.

Comment Date: October 31, 2002.

6. The United Illuminating Company

[Docket No. ER03–31–000]

Take notice that on October 10, 2002, The United Illuminating Company (The United Illuminating Company) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Interconnection Agreement between UI and Cross-Sound Cable Company, LLC , executed pursuant to UI's Open Access Transmission Tariff, FERC Electric Tariff, Original Volume No. 4, as amended.

Comment Date: October 31, 2002.

7. Virginia Electric and Power Company

[Docket Nos. ER03–32–000]

Take notice that on October 10, 2002 Virginia Electric and Power Company (Dominion Virginia Power), tendered for filing revisions to its Amended and Restated Interconnection and Operating Agreement (I&O Agreement), First Revised Rate Schedule FERC No. 126, between Dominion Virginia Power and Old Dominion Electric Cooperative (Old Dominion). The revisions address generation reserves in Section 8.05(a), operating costs in Section 11.01, reserve capacity charges in Appendix I and the appropriate billing format in Appendix L.

Dominion Virginia Power respectfully requests that the Commission allow the revised I&O Agreement to become effective on January 1, 2001 and allow the revisions in Section 8.05(a) and Appendix I to become effective as of January 1, 2002.

Copies of the filing were served upon Old Dominion, the Virginia State

Corporation Commission and the North Carolina Utilities Commission.

Comment Date: October 31, 2002.

8. Duquesne Light Company

[Docket No. ER03–33–000]

Take notice that on October 11, 2002, Duquesne Light Company (DLC) filed a Service Agreement for Retail Network Integration Transmission Service and a Network Operating Agreement for Retail Network Integration Transmission Service dated October 11, 2002 with Constellation NewEnergy, Inc. under DLC's Open Access Transmission Tariff (Tariff). The Service Agreement and Network Operating Agreement adds Constellation NewEnergy, Inc. as a customer under the Tariff. DLC requests an effective date of October 11, 2002 for the Service Agreement.

Comment Date: November 1, 2002.

Standard Paragraph

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. 02–27932 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–10–003, et al.]

Duke Energy Oakland, LLC, et al.; Electric Rate and Corporate Filings

October 25, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Duke Energy Oakland, LLC

[Docket Nos. ER02–10–003, ER02–240–003, and ER02–1478–002]

Take notice that on October 22, 2002, Duke Energy Oakland, LLC (DEO) tendered for filing certain revisions to Schedules A and B of its RMR Agreement (RMR Agreement) with the California Independent System Operator (CAISO). The revisions are proposed in light of an Offer of Settlement submitted in the above-referenced dockets. DEO states that the revised tariff sheets resolve all outstanding issues related to DEO's 2002 Annual Fixed Revenue Requirement in the above referenced dockets.

DEO requests an effective date of January 1, 2002 for these revisions. Copies of the filing have been served upon each person designated on the official service list compiled by the Secretary in these proceedings.

Comment Date: November 12, 2002.

2. California Independent System Operator Corporation

[Docket No. ER02–1656–007]

Investigation of Wholesale Rates of Public Utility Sellers of Energy and Ancillary Services in the Western Systems Coordinating Council

[Docket No. EL01–68–023]

Take notice that on October 21, 2002, the California Independent System Operator Corporation (ISO) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Report on Demand Response, in compliance with the Commission's July 17, 2002 Order issued in the above-referenced dockets.

Comment Date: November 12, 2002.

3. Aquila, Inc.

[Docket No. ER02–2170–001]

Take notice that on October 22, 2002, Aquila, Inc. d/b/a Aquila Networks-MPS (Aquila), filed with the Commission, pursuant to Section 205 of the Federal Power Act, 16 U.S.C. 824d, and Part 35 of the Commission regulations, Rate Schedule FERC No. 120, an amended Master Power Purchase and Sale Agreement Confirmation between Aquila and its affiliate Aquila Merchant Services, Inc.

Comment Date: November 12, 2002.

4. ISO New England Inc.

[Docket No. ER02–2463–001]

Take notice on October 23, 2002, pursuant to Section 205 of the Federal Power Act and in compliance with the Commission's order dated October 9, 2002, 101 FERC ¶ 61,003 (2002), ISO New England Inc. filed with the Federal Energy Regulatory Commission an unredacted Reliability Agreement dated August 1, 2002 between ISO–NE and Devon Power LLC.

Copies of said filing have been served upon all parties to this proceeding, and upon NEPOOL Participants, and upon all non-Participant entities that are customers under the NEPOOL Open Access Transmission Tariff, as well as upon the utility regulatory agencies of the six New England States.

Comment Date: November 13, 2002.

5. Duke Energy Corporation

[Docket No. ER02–2553–001]

Take notice that on October 23, 2002, Duke Energy Corporation, on behalf of Duke Electric Transmission, (collectively, Duke) tendered for filing an amended Notice of Cancellation of the Service Agreement for Network Integration Transmission Service between Duke and Cincinnati Gas and Electric Company, PSI Energy, Inc., and Cinergy Services, Inc., as agent for and on behalf of Cincinnati Gas and Electric Company, PSI Energy, Inc., and the Commissioners of Public Works of the City of Greenwood, South Carolina.

Duke requests an effective date for the Notice of Cancellation of October 24, 2002.

Comment Date: November 13, 2002.

6. Kentucky Utilities Company

[Docket No. ER02–2608–001]

Take notice that on October 22, 2002, Kentucky Utilities Company (KU) tendered for filing an Amendment to Interchange Agreement between the City of Paris, Kentucky (City) and Kentucky Utilities Company, dated June 25, 2002 (Amendment). The Amendment, along with the Interchange Agreement was appended to such filing as Exhibit 1 and 2, respectively.

Comment Date: November 12, 2002.

7. Calpine Northbrook Energy Marketing, LLC

[Docket No. ER03–36–001]

Take notice that on October 23, 2002, Calpine Northbrook Energy Marketing,

LLC submitted for filing its triennial market power analysis in compliance with the Commission Order issued in this docket on March 4, 1999.

Comment Date: November 13, 2002.

8. Montana-Dakota Utilities Co., A Division of MDU Resources Group, Inc.

[Docket No. ER03–68–000]

Take notice that on October 21, 2002, Montana-Dakota Utilities Co. (Montana-Dakota), a Division of MDU Resources Group, Inc., tendered for filing the restated ''Agreement Covering Operation and Maintenance of Upper Missouri G & T Electric Cooperative's Electric Facilities'' dated February 3, 1999 and ''Amendment No. 1 to Agreement Covering Operation and Maintenance of Upper Missouri G & T Electric Cooperative's Electric Facilities' dated July 23, 2002. The Agreement is being filed to implement Amendment No. 1 to the Agreement and to comply with Commission Order No. 614. Order No. 614 requires that as changes are made to a portion of a tariff or rate schedule, the Commission will require that the entire rate schedule be re-filed in a format consistent with the requirements of Order No. 614. Montana-Dakota designates the Agreement and Amendment, together, as Revised Rate Schedule FERC No. 35.

Montana-Dakota requests an effective date of July 23, 2002 for the Amendment, and requests whatever waivers may be necessary for that effective date or as otherwise necessary for the Commission's acceptance of the Revised Rate Schedule No. 35. Montana-Dakota states that service of its filing has been made upon Upper Missouri G & T Electric Cooperative and upon applicable state utility commissions as set out in the filing.

Comment Date: November 12, 2002.

9. Midwest Generation, LLC

[Docket No. ER03–69–000]

Take notice that on October 22, 2002, Midwest Generation, LLC (Midwest) tendered for filing a Fourth Revised Service Agreement No. 1 (the Collins Generating Station Power Purchase Agreement between Commonwealth Edison Company and Midwest).

Comment Date: November 12, 2002.

10. Tucson Electric Power Company

[Docket No. ER03–70–000]

Take notice that on October 22, 2002, Tucson Electric Power Company (Tucson Electric) tendered for filing a Notice of Cancellation of the Power Sales Agreement by and between Tucson Electric and Navopache Electric Cooperative, Inc., designated as Service Agreement No. 10 under Tucson Electric's Market-Based Power Sales Tariff, FERC Electric Tariff Original Volume No. 3.

Comment Date: November 12, 2002.

11. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER03–71–000]

Take notice that on October 22, 2002, Deseret Generation & Transmission Co-operative, Inc. (Deseret) tendered for filing Amendments to First Revised Service Agreement Nos. 1 though 6 to its FERC Electric Tariff, Volume No. 1. The amendment provides for a rate rebate for the calendar year 2002 to each of Deseret's six Member Cooperatives. Deseret requests an effective date of December 9, 2002.

Copies of this filing were served upon Deseret's six Member Cooperatives.

Comment Date: November 12, 2002.

12. Westar Energy, Inc.

[Docket No. ER03–72–000]

Take notice that on October 23, 2002, Westar Energy, Inc. (Westar Energy) submitted for filing a Notice of Cancellation for Rate Schedule FERC No. 208, Contract between Westar Energy and the City of Seneca, Kansas, effective October 31, 2002.

Copies of this filing were served on the City of Seneca, Kansas and the Kansas Corporation Commission.

Comment Date: November 13, 2002.

13. PPL Electric Utilities Corporation

[Docket No. ER03–73–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 95. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Public Service Electric and Gas Company.

Comment Date: November 13, 2002.

14. PPL Electric Utilities Corporation

[Docket No. ER03–74–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 96. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Delmarva Power & Light Company.

Comment Date: November 13, 2002.

15. PPL Electric Utilities Corporation

[Docket No. ER03–75–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 97. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Atlantic City Electric Company.

Comment Date: November 13, 2002.

16. PPL Electric Utilities Corporation

[Docket No. ER03–76–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 107. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Philadelphia Electric Company.

Comment Date: November 13, 2002.

17. PPL Electric Utilities Corporation

[Docket No. ER03–77–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of PPL Electric Utilities' Rate Schedule FERC No. 109. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Long Island Lighting Company.

Comment Date: November 13, 2002.

18. PPL Electric Utilities Corporation

[Docket No. ER03–78–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 110. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Public Service Electric and Gas Company.

Comment Date: November 13, 2002.

19. PPL Electric Utilities Corporation

[Docket No. ER03–79–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 142. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Consolidated Edison Company of New York, Inc.

Comment Date: November 13, 2002.

20. PPL Electric Utilities Corporation

[Docket No. ER03–80–000]

Take notice that on October 23, 2002, PPL Electric Utilities Corporation (PPL Electric Utilities) filed a notice of termination of Rate Schedule FERC No. 143. PPL Electric Utilities requests that the termination be effective on December 22, 2002.

Notice of the termination has been served on Electric Clearinghouse, Inc.

Comment Date: November 13, 2002.

21. Reliant Energy Solutions West, LLC

[Docket No. ER03–81–000]

Take notice that on October 23, 2002, Reliant Energy Solutions West, LLC (RESW) petitioned the Federal Energy Regulatory Commission to grant certain blanket authorizations, to waive certain of the Commission's Regulations and to issue an order accepting RESW's FERC Electric Rate Schedule No. 1.

Comment Date: November 13, 2002.

22. Mountainview Power Company

[Docket No. ER98–4301–002]

Take notice that on October 22, 2002, pursuant to the Federal Energy Regulatory Commission's Order in this docket, Mountainview Power Company (Mountainview) submitted its triennial market power update. In addition, pursuant to Section 205 of the Federal Power Act, Mountainview submitted its second revision to FERC Electric Rate Schedule, Original Volume No. 1, and a supplemental code of conduct reflecting new corporate affiliations.

Comment Date: November 12, 2002.

23. Public Service Company of New Mexico

[Docket No. OA03–1–000]

Take notice that on October 16, 2002, Public Service Company of New Mexico (PNM) submitted for filing an updated version of its written procedures for implementing Standards of Conduct. PNM is replacing the predecessor version of Standards of Conduct on file with the Commission with this updated version, and has posted the update on PNM's Open Access Same-Time Information System (OASIS). PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Informational copies of this filing have been sent to the New Mexico Public Regulation Commission and to the New Mexico Attorney General.

Comment Date: November 6, 2002.

Standard Paragraph

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27929 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–2414–001, et al.]

Florida Power & Light Company, et al.; Electric Rate and Corporate Filings

October 28, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Florida Power & Light Company

[Docket No. ER02–2414–001]

Take notice that on October 25, 2002, Florida Power & Light Company (FPL) filed, pursuant to the Commission's Order issued on September 25, 2002 in Docket No. ER02–2414–000, a compliance filing making the required changes to the Interconnection & Operation Agreement between FPL and Duke Energy Fort Pierce, LLC.

Comment Date: November 15, 2002.

2. Southern California Edison Company

[Docket No. ER03–82–000]

Take notice that on October 24, 2002, Southern California Edison Company (SCE) tendered for filing a Reliability Management System Agreement (RMS Agreement) between SCE and High Desert Power Trust (HDPT). SCE respectfully requests the RMS Agreement to become effective on December 24, 2002.

The RMS Agreement sets forth terms and conditions intended to maintain the reliable operation of the Western Interconnection through the generator's commitment to comply with certain reliability standards.

Copies of this filing were served upon the Public Utilities Commission of the State of California and HDPT.

Comment Date: November 14, 2002.

3. TRANSLink Development Company, LLC

[Docket No. ER03–83–000]

Take notice that on October 24, 2002, TRANSLink Development Company, LLC (TRANSLink) filed with the Commission rate schedules and attachments for service on the TRANSLink transmission system within the Midwest ISO region consistent with the guidance provided by the Commission's April 25, 2002 Order Authorizing Disposition of Jurisdictional Facilities and Participation in the Midwest ISO Regional Transmission Organization, 99 FERC ¶ 61,106.

TRANSLink filed at the Commission schedules for rates for Firm Point-To-Point Transmission Service, Non-Firm Point-To-Point Transmission Service and Network Integration Transmission Service on the TRANSLink network; and a schedule explaining the calculation and application of TRANSLink's Administrative Fee. TRANSLink also filed tariff attachments outlining TRANSLink's Emergency Redispatch Service and TRANSLink's Rate Calculation Process for Network Integration and Point-to-Point Transmission Service; setting forth retail access terms; containing definitions and general provisions that are specific to TRANSLink transactions pursuant to TRANSLink rate schedules to the MISO Tariff. TRANSLink requested that the rate schedules and attachments be accepted by the Commission with an effective date of December 23, 2002, and an operational date when TRANSLink commences commercial operations and begins providing transmission services, targeted for the third quarter of 2003.

Comment date: November 14, 2002.

4. Southwest Power Pool, Inc.

[Docket No. ER03–84–000]

Take notice that on October 24, 2002, Southwest Power Pool, Inc. (SPP) submitted for filing executed service agreements for Firm Point-to-Point Transmission Service, Non-Firm Point-to-Point Transmission Service, and Loss Compensation Service with RWE Trading Americas, Inc. (Transmission Customer).

SPP seeks an effective date of September 26, 2002 for these service agreements.

The Transmission Customer was served with a copy of this filing.

Comment Date: November 14, 2002.

5. PJM Interconnection, L.L.C.

[Docket Nos. ER03–85–000]

Take notice that on October 24, 2002 PJM Interconnection, L.L.C. (PJM), submitted for filing revised pages to PJM's Open Access Transmission Tariff (PJM Tariff). PJM states that these revised tariff sheets contain the same (with certain minor exceptions, as explained in the filing) provisions regarding terms and conditions for interconnection of generation facilities as those that PJM filed in Docket No. ER02–1333–000 on March 18, 2002. The Commission accepted and suspended those tariff sheets by its order dated May 17, 2002, 99 FERC¶ 61,189 (2002), to become effective, subject to refund and subject to its final rule in Docket No. RM02–1–000, on November 1, 2002. It is necessary to re-file these tariff sheets, PJM states, to re-designate them in conformance with PJM's current effective Fifth Revised Volume No. 1 tariff, which has superceded the Fourth Revised Volume No. 1 that was in effect at the time of its March 18, 2002, filing. PJM proposes to make the enclosed tariff sheets effective on November 1, 2002, the end of the suspension period under the Commission's cited order of May 17, 2002, subject to the same conditions prescribed by that order.

Copies of this filing were served upon the official service list for Docket No. ER02–1333–000, all members of PJM, and the state electric utility regulatory commissions within the PJM region.

Comment Date: November 14, 2002.

6. GWF Energy LLC

[Docket No. EC03–6–000]

Take notice that on October 24, 2002, GWF Energy LLC tendered for filing an application under Section 203 of the Federal Power Act for approval of an intra-corporate reorganization.

Comment Date: November 14, 2002.

Standard Paragraph

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28101 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–763–003, et al.]

Indigo Generation LLC, et al.; Electric Rate and Corporate Filings

October 23, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Indigo Generation LLC, Larkspur Energy LLC and Wildflower Energy LP (collectively the Wildflower Entities)

[Docket No. ER02–763–003]

Take notice that on October 21, 2002, Indigo Generation LLC, Larkspur Energy LLC and Wildflower Energy LP (collectively the Wildflower Entities) supplemented their June 26, 2002 filing in compliance with the directives of the Commission in a letter order dated June 11, 2002 in the above-captioned dockets.

Comment Date: November 12, 2002.

2. PECO Energy Company

[Docket No. ER02–1779–001]

Take notice that on October 21, 2002, PECO Energy Company (PECO) submitted for filing First Revised Page 32 to the Interconnection Agreement between PECO, and Rock Springs Generation LLC and CED Rock Springs, Inc. (Rock Springs/CED), and requests an effective date of October 21, 2002. The Interconnection Agreement had originally been filed by PECO Energy unexecuted. The unexecuted Interconnection Agreement was designated as Service Agreement No. 669 under PJM Interconnection L.L.C.'s (PJM) FERC Electric Tariff Fourth Revised Volume No. 1, and accepted by the Commission for filing with an effective date of May 10, 2002, subject to PECO Energy making this compliance filing. Original Page 32 has been revised to reflect the electronic signatures of the parties to the Interconnection Agreement.

Other than the addition of the parties' signatures, the Interconnection Agreement remains unchanged. Copies of this filing were served on Rock Springs/CED and PJM.

Comment Date: November 12, 2002.

3. New England Power Pool and ISO New England Inc.

[Docket No. ER02–2330–003]

Take notice that on October 21, 2002, the New England Power Pool (NEPOOL) Participants Committee and ISO New England Inc. submitted revisions to Market Rule 1 in response to requirements of the Commission's September 20, 2002 order in New England Power Pool *et al.*, 100 FERC ¶ 61,287 (2002).

The NEPOOL Participants Committee states that copies of these materials were sent to all persons identified on the service lists in the captioned proceedings, the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment Date: November 12, 2002.

4. PPL Electric Utilities Corporation

[Docket No. ER03–3–001]

Take notice that on October 21, 2002, PPL Electric Utilities Corporation (PPL Electric) filed an executed Interconnection Agreement between PPL Electric and Allegheny Electric Cooperative, Inc. for interconnection at the Renovo/Chapman delivery point. The executed Interconnection Agreement replaces the unexecuted

version that was filed in this docket on October 1, 2002.

Comment Date: November 12, 2002.

5. PPL Electric Utilities Corporation

[Docket No. ER03–4–001]

Take notice that on October 21, 2002, PPL Electric Utilities Corporation (PPL Electric) filed an executed Interconnection Agreement between PPL Electric and Allegheny Electric Cooperative, Inc. for interconnection at the Fairfield delivery point. The executed Interconnection Agreement replaces the unexecuted version that was filed in this docket on October 1, 2002.

Comment Date: November 12, 2002.

6. PECO Energy Company

[Docket No. ER03–63–000]

Take notice that on October 21, 2002 PECO Energy Company (PECO) submitted for filing an Interconnection Agreement by and between PECO and FPL Energy Marcus Hook, L.P. (FPL) for Generation Interconnection and Parallel Operation, designated as Service Agreement No. 791 under PJM Interconnection, L.L.C.'s FERC Electric Tariff, Fourth Revised Volume No. 1, to be effective on October 21, 2002. Copies of this filing were served on Visteon and PJM.

Comment Date: November 12, 2002.

7. PECO Energy Company

[Docket No. ER03–64–000]

Take notice that on October 21, 2002, PECO Energy Company (PECO) submitted for filing a Construction Agreement between PECO and Fairless Energy, LLC (Fairless Energy) related to the Fairless Energy Station, to be located in Fairless Hills, Pennsylvania. The Construction Agreement was designated as Service Agreement 792 under PJM Interconnection L.L.C.'s (PJM) FERC Electric Tariff Fourth Revised Volume No. 1. The proposed effective date for the Construction Agreement is October 21, 2002. Copies of this filing were served on Fairless Energy and PJM.

Comment Date: November 12, 2002.

8. Allegheny Trading Finance Company

[Docket No. ER03–65–000]

Take notice that on October 21, 2002, Allegheny Trading Finance Company (ATF) filed a market rate tariff of general applicability under which it proposes to sell capacity and energy to affiliates and non-affiliates at market-based rates, and to make such sales to franchised public utility affiliates at rates capped by a publicly available regional index price. ATF requests an effective date of October 22, 2002.

Comment Date: November 12, 2002.

9. Idaho Power Company

[Docket No. ER03–66–000]

Take notice that on October 21, 2002, Idaho Power Company filed the Goshen Series Capacitor Replacement Agreement between Idaho Power Company and PacifiCorp.

Comment Date: November 12, 2002.

10. PJM Interconnection, L.L.C.

[Docket No. ER03–67–000]

Take notice that on October 21, 2002 PJM Interconnection, L.L.C. (PJM), submitted for filing thirty-three executed interconnection service agreements and interim interconnection service agreements between PJM and Conectiv Bethlehem, Inc., Industrial Power Generating Corp., PPL Martins Creek, L.L.C., PSEG Nuclear LLC, MM Hackensack Energy L.L.C., Delaware Municipal Electric Corporation, Conectiv Delmarva Generation, Inc., Constellation Power Source Generation, Inc., PPL Holtwood, L.L.C., Energy Systems North East, L.L.C., Conectiv Mid-Merit Inc., Lebanon Methane Recovery, Inc., Williams Generation Company—Hazleton, Somerset Windpower, L.L.C., AES Red Oak, L.L.C., Susquehanna Electric Company, LMB Funding, Limited Partnership, PPL Susquehanna, LLC, AES Ironwood L.L.C., Sight and Sound Ministries, Inc., Motiva Enterprises, L.L.C., Public Service Electric and Gas Company, PSEG Power, L.L.C., PPL Montour, LLC, Mantua Creek Generating Company, LP, and Liberty Electric Power, LLC, and three notices of cancellation of certain ISAs and Interim ISAs that have been superceded.

PJM requests a waiver of the Commission's 60-day notice requirement to permit the effective dates agreed to by the parties. Copies of this filing were served upon each of the parties to the agreements and the state regulatory commissions within the PJM region.

Comment Date: November 12, 2002.

Standard Paragraph

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 ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number filed to access the document. For assistance, call (202) 502–8222 or TTY, (202) 502–8659. 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. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27930 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–2–000, et al.]

WPS Empire State, Inc., et al.; Electric Rate and Corporate Regulation Filings

October 22, 2002.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. WPS Empire State, Inc

[Docket No. EC03–2–000]

Take notice that on October 17, 2002, WPS Empire State, Inc. (Empire) tendered for filing with the Federal Energy Regulatory Commission (Commission) pursuant to Section 203 of the Federal Power Act and Part 33 of the Commission's regulations, a request for authorization to engage in an internal restructuring whereby Empire transfers its ownership interest in three generating and associated facilities to three limited liability companies that will be wholly-owned by Empire

Copies of the filing were served on the New York Public Service Commission.

Comment Date: November 7, 2002.

2. New England Power Company and Central Vermont Public Service Corporation

[Docket No. EC03–3–000]

Take notice that on October 18, 2002, New England Power Company (NEP) and Central Vermont Public Service

Corporation (CVPS) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to Section 203 of the Federal Power Act for authorization to transfer from NEP to CVPS the ownership of a section of a 0.8 mile long 34.5 kV transmission line associated with electric service provided to American Paper Mills of Vermont, Inc. located in Gilman, Vermont.

Comment Date: November 8, 2002.

3. WPS Beaver Falls Generation, LLC, WPS Niagara Generation, LLC, WPS Syracuse Generation, LLC

[Docket Nos. EG03–5–000, EG03–6–000, and EG03–7–000]

Take notice that on October 17, 2002, WPS Beaver Falls Generation, LLC (WPS Beaver Falls) WPS Niagara Generation, LLC (WPS Niagara) and WPS Syracuse Generation, LLC (WPS Syracuse) each having a business address of 1088 Springhurst Toad, Green Bay, Wisconsin, 54304, tendered for filing with the Federal Energy Regulatory Commission (Commission), an Application for Determination of Exempt Wholesale Generator Status pursuant to Part 365 of the Commission's Regulations (18 CFR part 365).

Applicants are each wholly-owned subsidiaries of WPS Empire State, Inc. (WPS Empire), a New York corporation and exempt wholesale generator which owns three generating facilities located in upstate New York: (1) the approximately 95 MW Beaver Falls Generating Facility located in Crogham (Beaver Falls Facility); (2) the approximately 53 MW Niagara Falls Generating Facility located in Niagara Falls (Niagara Facility); (3) and the approximately 108 MW Syracuse Generating Facility located in Solvay (Syracuse Facility). As part of an internal corporate reorganization, WPS Empire will transfer the Beaver Falls Facility to Applicant WPS Beaver Falls Generation, LLC, the Niagara Facility to WPS Niagara Generation, LLC, and the Syracuse Facility to WPS Syracuse Generation, LLC. No operational changes are anticipated as a result of these transactions.

Comment Date: November 12, 2002.

4. FPL Energy Hancock County Wind, LLC

[Docket No. EG03–8–000]

Take notice that on October 18, 2002, FPL Energy Hancock County Wind, LLC (the Applicant), with its principal office at 700 Universe Blvd., Juno Beach, Florida 33408, filed with the Federal Energy Regulatory Commission (the Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Delaware limited liability company engaged directly and exclusively in the business of owning and operating an approximately 98 MW wind-powered generation facility located in Hancock County, Iowa. Electric energy produced by the facility will be sold at wholesale.

Comment Date: November 12, 2002.

5. Arizona Public Service Company v. Idaho Power Company

[Docket No. EL99–44–007]

Take notice that on October 10, 2002, Idaho Power Company tendered for filing with the Federal Energy Regulatory Commission (Commission) compliance filing pursuant to the Commission's September 5, 2002 Order, Opinion No. 460, 100 FERC ¶ 61,253 (2002).

Comment Date: November 12, 2002.

6. City of Azusa, California

[Docket No. EL03–14–000]

Take notice that on October 18, 2002, the City of Azusa, California (Azusa) submitted a Petition for a Declaratory Order (1) determining that Azusa's proffered Transmission Revenue Requirement (TRR) is appropriate under the California Independent System Operator Corporation's Tariff on file at the Commission for purposes of Azusa's becoming a Participating Transmission Owner; (2) approving Azusa's Transmission Owner (TO) Tariff; (3) waiving the filing fee otherwise applicable to a petition for declaratory order; and (4) granting any other relief or waivers necessary or appropriate for approval or implementation of Azusa's TRR and TO Tariff effective as of the later of January 1, 2003 or the effective date of a Transmission Control Agreement acceptable to Azusa.

Comment Date: November 18, 2002.

7. City of Anaheim, California

[Docket No. EL03–15–000]

Take notice that on October 18, 2002, the City of Anaheim, California (Anaheim) tendered for filing with the Federal Energy Regulatory Commission (Commission) a Petition for a Declaratory Order (1) determining that Anaheim's proffered Transmission Revenue Requirement (TRR) is appropriate under the California Independent System Operator Corporation's Tariff on file at the Commission for purposes of Anaheim's becoming a Participating Transmission Owner; (2) approving Anaheim's Transmission Owner (TO) Tariff; (3) waiving the filing fee otherwise applicable to a petition for declaratory order; and (4) granting any other relief or waivers necessary or appropriate for approval or implementation of Anaheim's TRR and TO Tariff effective as of the later of January 1, 2003 or the effective date of a Transmission Control Agreement acceptable to Anaheim.

Comment Date: November 18, 2002.

8. PPL Electric Utilities Corporation

[Docket No. EL03–16–000]

Take notice that on October 18, 2002, PPL Electric Utilities Corporation filed with the Federal Energy Regulatory Commission (Commission) a petition requesting that the Commission issue a declaratory order stating that, in the event that the Borough of Olyphant, Pennsylvania, takes over service to certain PPL's existing retail customers, neither the Settlement Agreement approved in Boroughs of Lansdale, *et al.*, Docket No. SC97–1–000, nor the Commission order approving that Agreement, would affect the existing retail stranded cost charges that such customers would be required to continue paying pursuant to orders of the Pennsylvania Public Utility Commission.

Comment Date: November 18, 2002.

9. Choctaw Generation Limited Partnership

[Docket No. ER98–3774–001]

Take notice that on October 17, 2002, Choctaw Generation Limited Partnership tendered for filing its Triennial Market Power Update.

Comment Date: November 7, 2002.

10. Dighton Power Associates, L.P.

[Docket No. ER99–616–001]

Take notice that on October 18, 2002, Dighton Power Associates, L.P. submitted for filing its triennial market analysis update in compliance with the Commission order issued in this docket on January 7, 1999.

Comment Date: November 8, 2002.

11. WPS Westwood Generation, LLC

[Docket No. ER02–2361–001]

Take notice that on October 17, 2002, WPS Westwood Generation, LLC (Westwood) filed supplementary cost support to its July 24, 2002 filing for recovery of the costs for Reactive Supply and Voltage Control from Generation Sources Service (Reactive Power Service) in response to the Commission's September 20, 2002 deficiency letter in this proceeding.

Comment Date: November 7, 2002.

12. Virginia Electric and Power Company Docket No. ER02–2485–001

[Docket No. ER02–2485–001]

Take notice that on October 17, 2002, Virginia Electric and Power Company, doing business as Dominion Virginia Power, tendered for filing a revised first page of its August 21, 2002 transmittal letter filed in these proceedings (Revised First Page) and a revised cover sheet (Revised Cover Sheet) to the Generator Interconnection and Operating Agreement (Interconnection Agreement) between Dominion Virginia Power and CPV Cunningham Creek LLC filed in these proceedings. The Revised First Page and Revised Cover Sheet have been modified to reflect a new proposed effective date in compliance with an informal Commission Staff request.

Dominion Virginia Power respectfully requests that the Commission accept the Revised First Page and the Revised Cover Sheet to the Interconnection Agreement to allow them to become effective on August 20, 2002.

Copies of the filing were served upon parties on the Commission's official service list and the Virginia State Corporation Commission.

Comment Date: November 7, 2002.

13. American Electric Power

[Docket No. ER02–2507–001]

Take notice that on October 17, 2002, American Electric Power Service Corporation (AEPSC) tendered for filing with the Commission a Compliance Filing in the above referenced Docket. On August 28, 2002 AEPSC had filed a Facilities, Operation and Maintenance Agreement (Facility Agreement) dated August 1, 2002, between Columbus Southern Power Company (d/b/a AEP), Consolidated Electric Cooperative, Inc. (hereinafter called CEC) and Buckeye Power, Inc. (hereinafter called Buckeye).

The Facility Agreement provides for the establishment of a new delivery point, pursuant to the provisions of the Power Delivery Agreement between Columbus Southern Power, Buckeye, The Cincinnati Gas & Electric Company, The Dayton Power and Light Company, Monongahela Power Company, Ohio Power Company and Toledo Edison Company, dated January 1, 1968. AEP requested an effective date of October 1, 2002 for the Facility Agreement.

On October 2, 2002 the Commission issued an Order directing AEPSC to correct certain deficiencies in the August 28, 2002 submission. This subsequent filing complies with the Commission's Order of October 2, 2002.

AEPSC states that copies of its Compliance Filing were served upon CEC, Buckeye and the Public Utilities Commission of Ohio.

Comment Date: November 8, 2002.

14. CED ROCK SPRINGS, INC.

[Docket No. ER02–2546–001]

Take notice that on October 18, 2002, CED Rock Springs, Inc. (CEDRS) tendered for filing an Amendment to its Application dated September 6, 2002, which sought an Order accepting CEDRS's FERC Electric Rate Schedule No. 1, granting certain blanket approvals, including the authority to sell electricity at market-base rates, and waiving certain regulations of the Commission. CEDRS also filed its FERC Electric Rate Schedule No. 1, seeking an effective date of October 10, 2002. .

Comment Date: November 8, 2002.

15. AES NewEnergy, Inc.,

[Docket No. ER02–2567–001]

Take notice on October 18, 2002, Constellation NewEnergy, Inc. (NewEnergy) submitted for filing a revised market-based tariff (Tariff) reflecting its name change from AES NewEnergy, Inc. to Constellation NewEnergy, Inc., and the elimination of its Code of Conduct with Central Illinois Light Co. and Indianapolis Power & Light Company, which is no longer applicable. NewEnergy requests waiver of the 60-day prior notice requirement to allow its revised Tariff to become effective as of September 9, 2002.

Comment Date: November 8, 2002.

16. MidAmerican Energy Company

[Docket No. ER02–2603–001]

Take notice that on October 18, 2002, MidAmerican Energy Company (MidAmerican), filed with the Federal Energy Regulatory Commission (Commission) a supplement to its September 26, 2002, filing in this docket, consisting of a red-lined version of the Generation Interconnection Contract (Contract), entered into by MidAmerican, as transmission and distribution delivery services provider (Delivery), and MidAmerican, as wholesale merchant (Merchant). The supplement consists of a red-lined version of the Contract, showing revisions to Exhibits A and B, and the addition of Exhibit F.

MidAmerican requests an effective date of May 1, 2002, for the Revised Contract and seeks a waiver of the Commission's notice requirement. MidAmerican has served a copy of the filing on the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment Date: November 8, 2002.

17. Wisconsin Public Service Corporation

Docket No. ER03–29–000]

Take notice that on October 10, 2002, Wisconsin Public Service Corporation (WPSC) tendered for filing a revised partial requirements service agreement with Washington Island (WIEC). Fourth Revised Service Agreement No. 9 provides WIEC's contract demand nominations for January 2003—December 2007, under WPSC's W–2A partial requirements tariff.

The company states that copies of this filing have been served upon WIEC and to the State Commissions where WPSC serves at retail.

Comment Date: November 4, 2002.

18. Westar Energy, Inc.

[Docket No. ER03–50–000]

Take notice that on October 17, 2002, pursuant to Rule 204 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.204, Westar Energy, Inc. (Westar Energy), tendered for filing an Application for Waiver of the Commission's FAC regulations, 18 CFR 35.14(a)(6). Westar Energy states that the waiver is necessary to enable it to recover its costs related to coal contract buy-down and buy-out payments through its wholesale fuel adjustment clause (FAC).

Comment Date: November 7, 2002.

19. Southern California Edison Company

[Docket No. ER03–52–000]

Take notice that on October 17, 2002, Southern California Edison Company (SCE) tendered for filing a Service Agreement for Wholesale Distribution Service under SCE's Wholesale Distribution Access Tariff and an Interconnection Facilities Agreement (Agreements) between SCE and NM Milliken Genco LLC (NM Milliken Genco). SCE respectfully requests the Agreements become effective on October 18, 2002.

NM Milliken Genco intends to install, own and operate four 1,440 kW reciprocating engines operating on landfill gas (Milliken Landfill Project) at the Milliken Landfill located in Ontario, California. These Agreements specify the terms and conditions under which SCE will interconnect NM Milliken Genco's Milliken Landfill Project to its electrical system and provide Distribution Service for up to 5.44 MW of power produced Milliken Landfill Project.

Copies of this filing were served upon the Public Utilities Commission of the

State of California and NM Milliken Genco.

Comment Date: November 7, 2002.

20. Southern California Edison Company

[Docket No. ER03–53–000]

Take notice that on October 17, 2002, Southern California Edison Company (SCE) tendered for filing a Service Agreement for Wholesale Distribution Service under SCE's Wholesale Distribution Access Tariff and an Interconnection Facilities Agreement (Agreements) between SCE and NM Mid Valley Genco LLC (NM Mid Valley Genco). SCE respectfully requests the Agreements become effective on October 18, 2002.

NM Mid Valley Genco intends to install, own and operate three 1,440 kW reciprocating engines operating on landfill gas (Mid Valley Landfill Project) at the Mid Valley Landfill located in Rialto, California. These Agreements specify the terms and conditions under which SCE will interconnect NM Mid Valley Genco's Mid Valley Landfill Project to its electrical system and provide Distribution Service for up to 4.08 MW of power produced Mid Valley Landfill Project.

Copies of this filing were served upon the Public Utilities Commission of the State of California and NM Mid Valley Genco.

Comment Date: November 7, 2002.

21. WPS Beaver Falls Generation, LLC, WPS Niagara Generation, LLC, and WPS Syracuse Generation, LLC

[Docket Nos. ER03–54–000, ER03–55–000, and ER03–56–000]

Take notice that on October 17, 2002, WPS Empire State, Inc. (Empire) and its proposed subsidiaries, including WPS Beaver Falls Generation, LLC (WPS Beaver Falls), WPS Niagara Generation, LLC (WPS Niagara) and WPS Syracuse Generation, LLC (WPS Syracuse) (collectively, the Companies), hereby tendered for filing requests for market-based rate authority for each of the Companies. Applicants request that the Commission make the market-based rate tariffs filed for the Companies effective on December 17, 2002, sixty days after the date of this filing.

Comment Date: November 7, 2002.

22. Southern Company Services, Inc.

[Docket No. ER03–57–000]

Take notice that on October 17, 2002, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company (APC), filed an amendment (the Amendment) to the Interconnection Agreement Between mobile Energy Services Company, L.L.C. and APC (the Agreement) (Service Agreement No. 416 under Southern Operating Companies' FERC Electric Tariff, Fourth Revised Volume No. 5). Pursuant to the Amendment, the term of the Agreement will be extended until November 18, 2002.

Comment Date: November 7, 2002.

23. Cinergy Services, Inc.

[Docket No. ER03–58–000]

Take notice that on October 18, 2002. Cinergy Services, Inc. (Cinergy), tendered for filing a form of service agreement for ancillary services to be incorporated into the Cinergy Open Access Transmission Tariff (OATT), Second Revised, Volume No. 5, and contemporaneously submitted for filing an executed electric service agreement for ancillary services, designated as Service Agreement No. 344 under the Cinergy OATT between Cinergy and Midwest Independent System Operator (MISO). Cinergy respectfully requests an effective date November 1, 2002.

Copies of the filing have been served on MISO, the Public Utility Commission of Ohio, the Indiana Utility Regulatory Commission and ancillary service customers under the Cinergy OATT.

Comment Date: November 8, 2002.

24. Entergy Services, Inc.

[Docket No. ER03–59–000]

Take notice that on October 17, 2002, Entergy Services, Inc., on behalf of Entergy New Orleans, Inc., tendered for filing an unexecuted Interconnection and Operating Agreement with Duke Energy Orleans, LLC (Duke Orleans), and a Generator Imbalance Agreement with Duke Orleans.

Comment Date: November 7, 2002.

25. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER03–60–000]

Take notice that on October 15, 2002, Desert Generation & Transmission Co-operative, Inc. Submitted an informational filing, providing the exact amount paid as a 2001 Rate Rebate to each of its six member cooperatives under Service Agreement Nos. 1 through 6 of FERC Electric Tariff, Original Volume No. 1.

Comment Date: November 5, 2002.

26. Ameren Services Company

[Docket No.ER03–61–000]

Take notice that on October 18, 2002, Ameren Services Company (ASC) tendered for filing Service Agreements for Firm Point-to-Point Transmission Service and Non-Firm Point-to-Point Transmission Service between ASC and Dominion Energy Marketing, Inc., PLL EnergyPlus, LLC, RWE Trading Americas Inc. and Select Energy, Inc. (the parties). ASC asserts that the purpose of the Agreements is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: November 8, 2002.

27. The New Power Company

[Docket No. ER03–62–000]

Take notice that on October 18, 2002, The New Power Company (NewPower) tendered for filing a Notice of Cancellation of its Rate Schedule, Designated as Rate Schedule FERC No. 1. New Power requests cancellation effective January 31, 2003, which is more than sixty (60) days and less than 120 days after the date of this filing.

Comment Date: November 8, 2002.

Standard Paragraph

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. 02–27925 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No.11797–000]

Grande Pointe Power Corporation; Notice of Availability of Environmental Assessment

October 24, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission (Commission or FERC) regulations contained in the Code of Federal Regulations (CFR) (18 CFR part 380 (FERC Order No. 486, 52 FR 47897)), the Office of Energy Projects staff (staff) reviewed the application for an original minor license for the Three Rivers Project, located on the St. Joseph River in the city of Three Rivers, St. Joseph County, Michigan, and has prepared an environmental assessment (EA) for the project. In this EA, the staff has analyzed the potential environmental effects of the existing project and concluded that licensing the project, with staff's recommended measures, would not constitute a major federal action significantly affecting the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room, or it may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, call (202) 502–8222 or (202) 502–8659 (for TTY).

Any comments should be filed within 45 days from the date of this notice and should be addressed to Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please affix ''Three Rivers Project No. 11797–000,'' to all comments. For further information, please contact Sean Murphy at (202) 502–6145 or at *sean.murphy@ferc.gov*.

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 website at *http://www.ferc.gov* under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27936 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP02–396–000 and PF01–1–000]

Greenbrier Pipeline Company, LLC; Notice of Availability of the Draft Environmental Impact Statement for the Proposed Greenbrier Pipeline Project

October 24, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this draft environmental impact statement (DEIS) on the natural gas pipeline facilities (the Greenbrier Pipeline Project) proposed by Greenbrier Pipeline Company, LLC (GPC) in the above-referenced dockets. The application and other supplemental filings in these dockets are available for viewing on the FERC Internet Web site *(www.ferc.gov)*. Click on the ''FERRIS'' link, select ''General Search,'' then ''Docket #'' on the menu, and follow the instructions.

The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The staff concludes that approval of the proposed project with appropriate mitigating measures, as recommended, would result in some adverse environmental impacts. The DEIS evaluates alternatives to the proposal, including system alternatives, route alternatives, and route variations, and requests comments on them.

The purpose of the project is to create gas supply diversity and to meet a portion of the growing energy market in the South Atlantic region. The project would be designed to meet a variety of anticipated loads, including the growth of two local distribution companies, four natural gas-fired electric generation plants and a natural gas marketer. The project is fully subscribed and would transport up to 600,000 decatherms per day of natural gas.

The proposed pipeline would extend from east of Clendenin, Kanawha County, West Virginia through West Virginia, southwestern Virginia, and North Carolina to its terminus near Stem, in Granville County, North Carolina. It would consist of 275.6 miles of mainline and three laterals totaling 3.8 miles. GPC would also construct 2 compressor stations, 3 meter stations, 20 block valves, and appurtenant facilities, and use up to 212 access roads. Mainline DG–1 would extend from the proposed Elk River Compressor Station adjacent to Dominion Transmission, Inc.''s existing Cornwell Compressor Station to the proposed Public Service Company of North Carolina, a South Carolina Corporation's compressor station near Stem, North Carolina. DG–1 would include 20-, 24-, and 30-inch-diameter pipeline. Lateral DG–2 would consist of 1.0 mile of 12-inch-diameter pipeline that extends from DG–1 to the proposed Somerset Meter Station near Roxboro, North Carolina. Lateral DG–3 would consist of 2.1 miles of 10-inch-diameter pipeline that extends from the end of DG–1 to the proposed Mountain Creek Meter Station near Butner, North Carolina. Lateral DG–4 would consist of 0.7 mile of 30-inch-diameter pipeline that would interconnect the proposed Transco Meter Station and the proposed Eden Compressor Station in Rockingham County, North Carolina.

Comment Procedures and Public Meetings

Any person wishing to comment on the DEIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send one original and two copies of your comments 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 the Gas 2, PJ–11.2;
- Reference Docket No. CP02–396–000; and
- Mail your comments so that they will be received in Washington, DC on or before December 16, 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 the project. 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 Internet Web site *(http://www.ferc.gov)* under the ''e-Filing'' link and the links to the User's Guide. Before you can file comments, you will need to create an account, which can be created by clicking on ''Login to File,'' ''New Account,'' and then following the instructions. For help in ''e-Filing'' call (202) 502–8258.

We will announce in a future notice, the location and time of the local public meetings to receive comments on the DEIS.

After comments have been reviewed, any significant new issues will be

investigated. When the DEIS has been modified as appropriate, the staff will publish and distribute a final environmental impact statement (FEIS). The FEIS will contain the staff's responses to timely comments filed on the DEIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a Motion to Intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (*see* 18 CFR 385.214). Anyone may intervene in this proceeding based on this DEIS. You must file your request to intervene as specified above.[1] You do not need intervenor status to have your comments considered.

All intervenors, agencies, elected officials, local governments, Indian tribes, local libraries, media, and anyone providing written comments on the DEIS will receive a copy of the FEIS. If you do not wish to comment on the DEIS but wish to receive a copy of the FEIS, you must write to the Secretary of the Commission, indicating this request.

The DEIS has been placed in the public files of the FERC and is available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, (202) 502–8371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, copies of the DEIS have been mailed to Federal, state, and local government agencies; elected officials, environmental and public interest groups; affected landowners who requested a copy of the DEIS; Native American tribes that might attach religious and cultural significance to historic properties in the area of potential effect; local libraries and newspapers; and the Commission's list of parties to this proceeding. Additional information about the proposed project is available from the Commission's Office of External Affairs, at 1–866–208-FERC (3372) or on the FERC Internet Web site *(www.ferc.gov)*, using the ''FERRIS'' link to information in this docket number. Click on the ''FERRIS'' link, select ''General Search'' from the menu, and follow the instructions. For assistance with access to FERRIS, the FERRIS help line can be reached at 1–866–208–3676, TTY (202) 502–8659.

[1] Interventions also may be filed electronically via the Internet in lieu of paper. See the previous discussion on filing comments electronically.

The FERRIS link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27923 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 6418–007]

Judith A. Burford Hydroelectric Project, CO; Notice of Availability of Final Environmental Assessment

October 25, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license for the Judith A. Burford Hydroelectric Project, and has prepared an Environmental Assessment (EA). The operating project is located on East Brush Creek, a tributary to the Eagle River, in Eagle County, Colorado. The project occupies about 1.008 acres of land within the White River National Forest, administered by the FS.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (202)502–8222 or for TTY, (202) 502–8659.

For further information, contact Gaylord Hoisington at (202) 502–6032.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27943 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Northern California Power Agency Utica Power Authority; Notice of Availability of Final Environmental Assessment

October 25, 2002.

[Project Nos. 2699–001, 2019–017, & 11563–002-California]

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the applications for licenses for the Angels Hydroelectric Project, Utica Hydroelectric Project, and the Upper Utica Project. Commission staff, with the U.S. Forest Service as a cooperating agency, has prepared a Final Environmental Assessment (FEA) for the project. These projects are located on the North Fork Stanislaus River, Silver Creek, Mill Creek, and Angels Creek in Alpine, Calaveras, and Tuolumne Counties, California, partially within the Stanislaus National Forest.

The FEA contains the analysis of the potential environmental impact of the projects and concludes that licensing the projects, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the FEA is on file with the Commission and is available for public inspection. The FEA may also be viewed on the web at *http://www.ferc.gov* using the ''FERRIS'' link. For assistance with FERRIS, the FERRIS help line can be reached at (202) 502–8222, TTY (202) 208–1659.

For further information, contact Timothy Welch at (202) 502–8760.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27941 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP02–204–000]

Transcontinental Gas Pipe Line Corporation; Notice of Availability of the Environmental Assessment for the Proposed Trenton Woodbury Expansion Project

October 24, 2002.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared this Environmental Assessment (EA) on the natural gas pipeline facilities proposed by Transcontinental Gas Pipe Line Corporation (Transco) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed natural gas pipeline facilities, including:

- Trenton Woodbury Expansion Loop—about 7.17 miles of new 36-inch-diameter loop and associated tap valve and pig launcher/receiver facilities adjacent to Transco's existing 16-inch-diameter Trenton Woodbury Line ''A'' between milepost (MP) 8.23 and MP 15.40 in Mercer and Burlington Counties, New Jersey; and
- Fairless Delivery Lateral—about 2.48 miles of new 24-inch-diameter pipeline lateral in Burlington County, New Jersey, and Bucks County, Pennsylvania, including a meter station in Bucks County, Pennsylvania, and associated tap valve and pig launcher/receiver facilities at the beginning and end points of the lateral. The lateral would commence from approximate MP 17.74 on Transco's existing Trenton Woodbury Line ''A'' in Bordentown, New Jersey.

Transco states that the project facilities would create incremental primary firm capacity and provide additional delivery flexibility to its subscribers, PECO Energy Company (PECO) and Virginia Power Energy Marketing (VAPEM), on Transco's existing Trenton Woodbury Line in Mercer and Burlington Counties, New Jersey. The project would also provide natural gas to a new power generation plant in Bucks County, Pennsylvania.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, (202) 502–8371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. 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 comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE, Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Branch 1, PJ11.1.
- Reference Docket No. CP02–204–000; and
- Mail your comments so that they will be received in Washington, DC on or before November 25, 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 strongly 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-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.''

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). [1] Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208-FERC or on the FERC Internet Web site *(www.ferc.gov)* using the FERRIS link. Click on the FERRIS link, enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance with FERRIS, the FERRIS helpline can be reached at 1–866–208–3676, TTY (202) 502–8659 or at *FERCONLINESUPPORT@FERC.GOV*. The FERRIS link on the FERC Internet Web site also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27922 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

[1] 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

Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

October 24, 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*: 12369–000.

c. *Date Filed*: September 17, 2002.

d. *Applicant*: MSR 5 Hydro, LLC.

e. *Name of Project*: Mississippi L & D # 5 Hydroelectric Project.

f. *Location*: The proposed project would be located on an existing dam owned by the U.S. Army Corps of Engineers, on the Mississippi River in Buffalo County, Wisconsin. 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 U.S.C. § § 791(a)-825(r).

h. *Applicant Contact*: Mr. Brent L. Smith, Northwest Power Services, Inc., PO Box 535, Rigby, ID 83442, (208) 745–0834.

i. FERC Contact: Any questions on this notice should be addressed to Mr. Lynn R. Miles, Sr. at (202) 502–8763.

j. *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. The Commission strongly encourages electronic filings. Please include the project number (P–12369–000) 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.

k. Description of Project: The proposed run-of-river project using the existing Corps of Engineers' Mississippi Lock & Dam No. 5 would consist of: (1) Four 168-inch-diameter 50-foot-long concrete penstocks, (2) a proposed powerhouse containing four generating units with an installed capacity of 40 MW, (3) a 49 kv transmission line approximately 1 mile long, and (4) appurtenant facilities. The project would have an annual generation of 300 GWh.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCONLINESUPPORT@FERC.GOV*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h. above.

m. Competing 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. Competing Development Application—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. 02–27938 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11887–000]

Notice of Application Accepted for Filing and Soliciting Comments, Motions to Intervene, and Protests

October 24, 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*: 12399–000.

c. *Date Filed*: October 9, 2002.

d. *Applicant*: San Jacinto River Authority.

e. *Name and Location of Project*: The Conroe Dam Hydroelectric Project would be located at an existing dam owned by the Applicant on the West

Fork San Jacinto River in Montgomery County, Texas.

f. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

g. Applicant Contact: Mr. James R. Adams, General Manager, San Jacinto River Authority, 1577 Damsite Road, Conroe, TX 77304, (936) 588–1111.

h. *FERC Contact*: James Hunter, (202) 502–6086.

i. *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. 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. The Commission strongly encourages electronic filings. Please include the project number (P–12399–000) 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. *Competing Application*: Project No. 12247–000, Date Filed: June 18, 2002, *Due Date*: September 9, 2002

k. *Description of Project*: The proposed project would consist of: (1) The existing 80-foot-high, 11,300-foot-long concrete dam impounding Lake Conroe, which has a 21,000-acre surface area at normal maximum water surface elevation 201 feet, (2) a proposed 500-foot-long, 66-inch-diameter steel penstock, (3) a proposed powerhouse containing one generating unit with an installed capacity of one megawatt, (4) a proposed one-mile-long, 15-kilovolt transmission line, and (5) appurtenant facilities. The project would have an average annual generation of 3.2 gigawatthours.

l. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCONLINESUPPORT@FERC.GOV*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g. above.

m. Competing Applications—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30 (b) and 4.36.

n. 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.

o. 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.

p. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''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 Compliance and Administration, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

q. 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. 02–27939 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Settlement Agreement and Soliciting Comments

October 24, 2002.

Take notice that the following settlement agreement has been filed with the Commission and is available for public inspection.

a. *Type of Application*: Settlement Agreement.

b. *Projects*: Oneida Project No. 472–017, Soda Project No. 20–019 and Grace-Cove Project No. 2401–007.

c. *Date filed*: September 26, 2002.

d. *Applicant*: PacifiCorp.

e. *Location*: On the Bear River in Caribou and Franklin Counties, Idaho. The projects are partially located on United States lands administered by the Bureau of Land Management.

f. *Filed Pursuant to*: Rule 602 of the Commission's Rules of Practice and Procedure, 18 CFR 385.602.

g. *Applicant Contact*: Randy Landolt, Managing Director, Hydro Resources, PacifiCorp, 825 NE. Multnomah Street, Suite 1500, Portland, OR 97232, (503) 813–6650, or Thomas H. Nelson, 825 Multnomah Street, Suite 925, Portland, OR 97232, (503) 813–5890.

h. *FERC Contact*: Susan O'Brien, (202) 502–8449; *susan.obrien@ferc.gov*.

i. *Deadline for filing comments*: December 2, 2002. Reply comments due December 17, 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 require all intervenors 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 intervenor 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.

Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *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.

j. PacifiCorp filed a comprehensive settlement agreement, signed by 14 other stakeholders, with the stated objective ''. . . to resolve all issues regarding relicensing of the Bear River Projects, for the purpose of obtaining a FERC order issuing to PacifiCorp the New Licenses for the Projects . . .'' (section 1.1 of the agreement). Thus, the settlement agreement supercedes the original license application filings of September 1999, and the settlement constitutes PacifiCorp's proposed action. Issues resolved through the settlement include project operations, delivery of irrigation water, flood control, recreational opportunities, water quality, and enhancement and restoration of natural resources. k. A copy of the settlement agreement is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item g. above.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27942 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, Soliciting Additional Study Requests, and Establishing Procedural Schedule for Relicensing and a Deadline for Submission of Final Amendments

October 29, 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 Major License.

b. Project No.: 2105–089.

c. Date Filed: October 23, 2002.

d. Applicant: Pacific Gas and Electric Company.

e. Name of Project: Upper North Fork Feather River Project

f. Location: On the North Fork Feather River, in the vicinity of the community of Chester, Plumas County, California, T28N, R7E. The project occupies 1,500 acres of land administered by the Forest Supervisors of the Lassen and Plumas National Forests.

g. Filed Pursuant to: Federal Power Act 16 U.S.C. 791(a)-825(r)

h. Applicant Contacts: Mr. Randal Livingston, Lead Director, Hydro Generation Department, Pacific Gas and Electric Company, PO Box 770000 (N11C), San Francisco, CA, 94177, (415) 973–6950, and Ms. Janet Loduca, Attorney, Pacific Gas and Electric Company, PO Box 7442, San Francisco, CA, 94120–7442, (415) 973–0174.

i. FERC Contact: John Mudre, (202) 502–8902 or john.mudre@ferc.gov.

j. Cooperating agencies: We are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the environmental document. Agencies who would like to request cooperating status should follow the instructions for filing comments described in item k below.

k. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the date of filing of the application, and serve a copy of the request on the applicant.

1. Deadline for filing additional study requests and requests for cooperating agency status: December 23, 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 require all intervenors 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 intervenor 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.

Additional study requests and requests for cooperating agency status may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. *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.

m. This application is not ready for environmental analysis at this time.

n. The existing Upper North Fork Feather River Project consists of three dams and reservoirs, five powerhouses, tunnels and penstocks connecting the rewservoirs to the powerhouses, 230kV and 115kV transmission facilities, and various roads, recreation facilities, and administrative facilities. Project reservoirs include Lake Almanor (1,142,251 acre-feet), Butt Valley Reservoir (49,891 acre-feet), and Belden Forebay (2,477 acre-feet). Powerhouses include Butt Valley Powerhouse (41 MW), Caribou No. 1 Powerhouse (75 MW), Caribou No. 2 Powerhouse (120 MW), Oak Flat Powerhouse (1.3 MW), and Belden Powerhouse (125 MW). The Applicant proposes no new facilities, but proposes to add 33.73 acres of lands of the Plumas National Forest to the project because of historical and future project use of these lands.

o. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

p. With this notice, we are initiating consultation with the CALIFORNIA STATE HISTORIC PRESERVATION

OFFICER (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36, CFR, at § 800.4.

q. Procedural schedule and final amendments: The application will be processed according to the following Hydro Licensing Schedule. Revisions to the schedule will be made as appropriate.

Issue Acceptance or Deficiency Letter: December 2002
Request Additional Information (if needed): December 2002
Issue Acceptance Letter: March 2003
Issue Scoping Document 1 for comments: April 2003
Hold Scoping Meetings: May 2003
Request Additional Information (if needed): July 2003
Issue Scoping Document 2: July 2003
Notice of Application is Ready for Environmental Analysis: July 2003
Notice of the availability of the draft EA: January 2004
Initiate 10(j) process: March 2004
Notice of the availability of the final EA: July 2004
Ready for Commission's decision on the application: October 2004

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–28102 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Woods Lake Hydro Company, CO, Project No. 3410–009; Notice of Availability of Environmental Assessment

October 29, 2002.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for a new license for the Woods Lake Hydro Company Hydroelectric Project, and has prepared an Environmental Assessment (EA). The operating project is located on Lime Creek, a tributary to the Frying Pan River, in Eagle County, Colorado. The project occupies about 2.73 acres of land within the White River National Forest, administered by the Forest Service.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

A copy of the EA is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call 1–866–208–3676 or for TTY, (202) 502–8659.

For further information, contact Gaylord Hoisington at (202) 502–6032.

Magalie R. Salas,

Secretary.

[FR Doc. 02–28103 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Third Workshop, Better Stakeholder Involvement: How To Make It Work

October 29, 2002.

The Office of Energy Projects will host the third workshop in its second phase of its ''Better Stakeholder Involvement—How to Make it Work'' series in Lowell, Massachusetts, Thursday, November 21, 2002. We are inviting interstate natural gas companies; Federal, state and local agencies; landowners and other non-governmental organizations interested in developing strategies for involving people in the pre-filing planning process for natural gas pipelines.

We will continue to base our discussions on the ideas outlined in staff's December 2001 report, ''Ideas for Better Stakeholder Involvement In The Interstate Natural Gas Pipeline Planning Pre-Filing Process.''[1]

In the Lowell meeting, among other things, we will focus on interagency communications and agreements, alternative dispute resolution, and benefits and opportunities for local stakeholders in the pre-filing arena.

The workshop will be held at the Doubletree Riverfront Hotel, 50 Warren Street, Lowell, Massachusetts 01852, from 9 a.m. to 4:30 p.m. The phone number at the hotel is 978–452–1200. A preliminary agenda and directions to the hotel are enclosed. You may also go to the hotel's website for more detailed directions at *www.doubletree.com.*

If you plan to attend or have suggestions for the agenda, please respond by Monday, November 18, 2002 via facsimile to Roberta Coulter at 202/208–0353, or you may email our team at: *gasoutreach@ferc.gov.* Please include in the response the names, addresses, and telephone numbers of all attendees from your organization.

To help us enhance our panel discussions, please consider, and forward to us, issues and/or questions you would like to have addressed at the meetings. If you have any questions, you may contact any of the staff listed below: Richard Hoffmann 202/502–8066, Lauren O'Donnell 202/502–8325, Jeff Shenot 202/502–8329, Howard Wheeler 202/502–8688.

J. Mark Robinson,

Director, Office of Energy Projects.

Agenda

Federal Energy Regulatory Commission

Better Stakeholder Involvement: How To Make It Work

Lowell Workshop, November 21, 2002

9 a.m. Welcome, Introduction and Objectives
9:15 a.m. FERC NEPA Pre-filing Process Presentation/Discussion
10:15 a.m. Elements of a Public Participation Plan
11 a.m. Break
11:15 a.m. Benefits and Opportunities for Local Stakeholders
12:15 p.m. Lunch (on your own)
1:30 p.m. FERC's Alternative Dispute Resolution Process and the Millennium Settlement—Lessons Learned
3 p.m. Break
3:15 p.m. A Tale of Two Companies: A Citizen Perspective
4 p.m. Summary Discussion, Overall Comments, Next Steps
4:30 p.m. Adjourn

BILLING CODE 6717–01–P

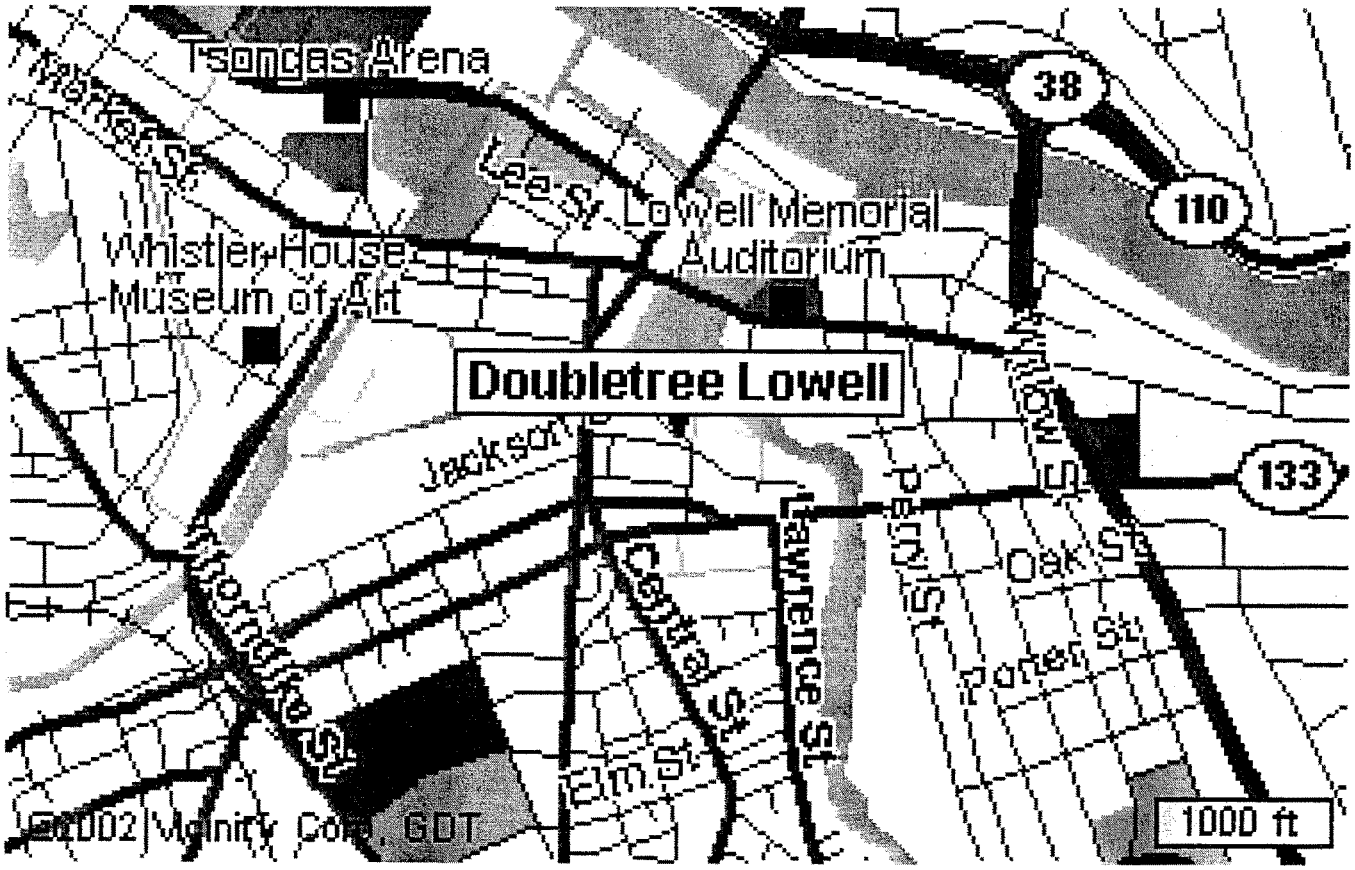
[1] The staff report can be downloaded from the FERC web-site at www.ferc.gov or requested by e-mail at: *gasoutreach@ferc.gov.*

Doubletree Riverfront Hotel

50 Warren Street, Lowell, MA 01852
Tel: 1-978-452-1200 Fax: 1-978-453-4674

www.doubletree.com

Directions from Boston Logan International Airport
Distance from hotel: 20 mi.
Directions: from the airport exit, take route 93 north to exit 44B (495 South). Follow 495 South to Exit 35 C/Lowell Connector.



[FR Doc. 02–27983 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–C

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

October 25, 2002.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications recently received in the Office of the Secretary. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, call (202)502–8222 or for TTY, (202) 502–8659.

EXEMPT

	Date filed	Presenter or requester
1. Project No. 184–065	10–21–02	Susan O'Brien.
2. Project No. 184–000	10–21–02	Scott E. Shewbridge.
3. Project Nos 20, 2401 and 472	10–21–02	Monte Garrett
4. Project Nos. 20, 2401 and 472	10–21–02	Monte Garrett.

Magalie R. Salas,

Secretary.

[FR Doc. 02–27945 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12068–001]

CPS Products, Incorporated; Notice of Surrender of Preliminary Permit

October 24, 2002.

Take notice that CPS Products, Incorporated, permittee for the proposed Upper Bear Creek Project, has requested that its preliminary permit be terminated. The permit was issued on December 13, 2001, and would have expired on November 30, 2004. The project would have been located on North Fork Bear Creek in Skagit County, Washington.

The permittee filed the request on September 17, 2002, and the preliminary permit for Project No. 12068 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the permit shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Linwood A. Watson, Jr.,

Deputy Secretary.

[FR Doc. 02–27937 Filed 11–1–02; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7403–9]

Update to EPA Policy on Certain Grants to Intertribal Consortia

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is providing public notice that it is updating its policy allowing for the award of grants to intertribal consortia to include two new grant programs that were authorized by the recently enacted Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA). The effect of this policy change is that EPA interprets its authority to award, to Federally recognized Indian tribes, Brownfields Revitalization Grants and State and Tribal grants for the establishment and enhancement of state and tribal response programs to include awarding such grants to intertribal consortia, as the term is defined in this document. This document does not affect the eligibility status of intertribal consortia in their capacity to apply for other types of grants authorized under SBLRBRA.

DATES: The policy update summarized in this document is effective immediately.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA/CERCLA Call Center at 800–424–9346 or TDD 800–553–7672 (hearing impaired). In the Washington, DC metropolitan area, call 703–412–9810 or TDD 703–412–3323.

For more detailed information on specific aspects of this rule, contact Felicia Wright, Office of Solid Waste and Emergency Response, (Mail Code

5105T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002, 202–566–1786. *Wright.Felicia@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On September 29, 1999, EPA published a document advising the public of its policy to interpret statutes authorizing EPA to make grants to Indian tribes for specified EPA grant programs to Indian tribes. This policy will allow EPA to award grants to intertribal consortia to the extent that such an interpretation would be consistent with Congressional intent (64 FR 52504, September 29, 1999). Subsequently, the Agency promulgated regulations at 40 CFR part 35, subpart B which reflect that policy with some modifications, for all but two grant programs. The two programs covered under the September 1991 document, but not affected by the regulations include grants authorized by section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and grants for the Leaking Underground Storage Tank program authorized under Subtitle I of RCRA. Today EPA is providing public notice that it is updating its September 1999 policy to include two new grant programs that were authorized by the recently enacted Small Business Liability Relief and Brownfields Revitalization Act (SBLRBRA, Pub. L. 107–118). The policy also is being updated to modify the requirements for intertribal consortia to receive grants under the grant programs covered by the September 1999 document, but not covered by regulations at 40 CFR part 35, subpart B.

SBLRBRA amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to authorize funding for Brownfields revitalization grants (*e.g.*, site assessment, cleanup, and revolving loan fund grants) and for establishing or enhancing State and tribal response programs. EPA is notifying the public today that it interprets its new authorities under section 104(k) of CERCLA to award Brownfields revitalization grants to Federally recognized Indian tribes to include awarding these grants to intertribal consortia, as that term is defined in this document. The Agency notes, however, that section 104(k)(1)(G) of CERCLA excludes Indian tribes in Alaska from the definition of entities eligible for Brownfields revitalization funding. The Agency also interprets its new authorities under section 128(a) of CERCLA to award grants to establish and enhance tribal response programs to include awarding these grants to intertribal consortia. Intertribal consortia comprised of Alaskan Indian tribes are eligible for funding under section 128(a) of CERCLA.

On September 29, 1999, EPA announced its policy regarding the award of financial assistance to intertribal consortia under the following EPA grant programs for Indian tribes: Pesticides Program Implementation (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Pesticides Enforcement (section 23(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act); Superfund Cooperative Agreements (section 104(d) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)); Leaking Underground Storage Tanks (Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L. 105–276, 112 Stat. 2461, 2497–98(1998)); Underground Storage Tank Programs (Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L. 105–276, 112 Stat. 2461, 2499(1998)); and Hazardous Waste Management Programs (Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L. 105–276, 112 Stat. 2461, 2499(1998)). The September 1999 tribal consortia funding policy states:

> In the absence of clear Congressional intent to the contrary and in accordance with the definition and requirements set forth [in the September 29, 1999 **Federal Register** notice], EPA interprets its statutory authorities to award grants to Indian tribes to include the authority to award grants to intertribal consortia. If Indian tribes are eligible for a particular grant, EPA will also treat a group of individually eligible tribes (an intertribal consortium) as eligible for the grant. EPA believes this approach is a practical, reasonable and prudent way to help interested tribes strengthen environmental protection when limited funding is available to support tribal environmental program. Tribes that form an intertribal consortium may be able to use their limited resources more efficiently and address environmental issues more effectively than they could if each tribe developed and maintained separate environmental programs. Moreover, EPA believes that making grants for tribes available to intertribal consortia is consistent with President Clinton's Executive Order 13084, which encourages agencies to adopt ''flexible policy approaches'' and to respect the principle of Indian self-government and sovereignty.

Executive Order 13084 was revoked by Executive Order 13175 dated November 6, 2000, which also encourages agencies to adopt flexible policy approaches and to recognize tribal self government and sovereignty. At the time the September 1999 document was published, EPA had also announced the same policy and rationale in a proposed rulemaking governing the award of environmental program grants to Indian tribes, which has since been promulgated as a final rule and is codified at 40 CFR part 35, subpart B (66 FR 3782, January 16, 2001). In the September 1999 document, EPA explained that it may change this policy as a result of comments received in response to the proposed rule governing grants to intertribal consortia at 40 CFR part 35, subpart B (*i.e.*, grants under the Pesticides Program Implementation; Pesticides Enforcement; Underground Storage Tank Programs; and Hazardous Waste Management Programs). EPA further explained in September 1999 that if EPA changed the treatment of consortia in grant programs covered by 40 CFR part 35, subpart B, then EPA would likely issue a subsequent **Federal Register** notice so as to treat grants to intertribal consortia consistently in all programs covered by the September 1999 **Federal Register** document. Because EPA made some changes to the eligibility requirements for intertribal consortia in the final rulemaking, this document makes the same changes for grants to intertribal consortia under the following two EPA grant programs for Indian tribes: Superfund Cooperative Agreements (section 104(d) of the CERCLA); Leaking Underground Storage Tanks (Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L.w 105–276, 112 Stat. 2461, 2497–98(1998)). In addition, with this document, EPA announces that it will apply the policy to grants for Brownfields revitalization awarded under section 104(k) of CERCLA and to grants for establishing or enhancing tribal response programs awarded under section 128(a) of CERCLA.

Federally recognized Indian tribes, other than excluded Indian tribes in Alaska, are eligible for Brownfields revitalization grants awarded under section 104(k) of CERCLA in accordance with the definition of ''eligible entity'' set forth at section 104(k)(1)(G) of CERCLA. Alaska Native Regional Corporations and Alaska Native Village

Corporations, as those terms are defined in the Alaska Native Claims Settlement Act, 43 U.S.C. 1601 *et. seq.,* and the Metlakata Indian community are included within the definition of entities eligible for Brownfields funding under CERCLA 104(k)(1)(H). Although Alaska Native Village Corporations and Alaska Native Regional Corporations as those terms are defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601 and following) are eligible for Brownfields revitalization grants awarded under section 104(k) of CERCLA, EPA will not consider an intertribal consortium that includes one or more such Alaska Native corporations to be eligible for 104(k) grants as an intertribal consortium under this document. Those Alaska Native corporations are not federally recognized Indian tribes. Groups of Alaska Native Village Corporations and Alaska Native Regional Corporations may, however, apply for funding in combined applications as ''coalitions'' (*i.e.,* one eligible entity that will be accountable for grant funds applies on behalf of itself and one or more other eligible entities) under EPA's guidelines for applying for SBLRBRA grants.

EPA has determined that it would be inconsistent with EPA's policy and Congressional intent to allow intertribal consortia comprised of excluded Indian tribes in Alaska to be eligible for Brownfields revitalization grants awarded under section 104(k) of CERCLA. However, neither the eligibility provisions of section 128(a)(1)(A) of CERCLA nor the legislative history of section 128, indicate that Congress intended for Indian tribes in Alaska to be ineligible for grants to establish or enhance tribal response programs. EPA will, therefore, consider intertribal consortia comprised of Indian tribes in Alaska to be eligible for funding under section 128(a) of CERCLA. The rationale stated in the September 29, 1999 document for EPA's decision to allow intertribal consortia to be eligible for funding also applies to funding under section 104(k) and section 128(a) of CERCLA, to the extent consistent with Congressional intent: ''EPA believes this approach is a practical, reasonable and prudent way to help interested Indian tribes strengthen environmental protection when limited funding is available to support tribal environmental programs. Indian tribes that form an intertribal consortium may be able to use their limited resources more efficiently and address environmental issues more effectively than they could if each tribe developed and maintained separate environmental programs.'' Making grants for Indian tribes available to intertribal consortia is consistent with Executive Order 3175, which encourages agencies to adopt ''flexible policy approaches'' and to respect the principle of Indian self-government and sovereignty.

An organization that characterizes itself as an intertribal consortium that does not meet the definition of intertribal consortium or the eligibility requirements in this document may be eligible for funding under section 104(k) of CERCLA or other EPA grant programs, but not as an intertribal consortium under this document. This is because some of EPA's grant programs are available to a broad range of recipients, such as public or nonprofit private agencies, institutions, organizations, and individuals. Thus, an intertribal organization that does not meet the definition of an intertribal consortium or the requirements of this document nonetheless may be eligible for a grant as another type of organization, such as a nonprofit agency. This document is not intended to affect the eligibility status of intertribal consortia for grants in their capacity as other types of eligible organizations. If the organization meets the definition of a non profit organization provided in section 4(6) of the Federal Financial Management Assistance Act of 1999, Pub. L. 106–107, it will be eligible for funding as a non profit organization under section 104(k)(3) of CERCLA for Brownfields site remediation grants and under section 104(k)(6) Brownfields research, training, and technical assistance grants. Non profit organizations are not eligible for grants to establish or enhance State and tribal response programs under section 128(a) of CERCLA.

II. EPA Policy

The following definition and statement of eligibility requirements for awarding grants to intertribal consortia apply to the following grant programs: Superfund Cooperative Agreements (section 104(d) of the CERCLA); Leaking Underground Storage Tanks (Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, Pub. L. 105–276, 112 Stat. 2461, 2497–98(1998)); Brownfields Revitalization (section 104(k) of CERCLA); and Tribal Response Programs (section 128(a) of CERCLA).

Definition: The term intertribal consortium means a partnership between two or more federally recognized Indian tribes that is authorized by the governing bodies of those Indian tribes to apply for and receive assistance under one of the EPA grant programs covered by this document.

Eligibility Requirements for an Intertribal Consortium: (a) An intertribal consortium is eligible to receive a grant from EPA under the statutes authorizing grants to federally recognized Indian tribes listed in this document only if the intertribal consortium demonstrates that all members of the consortium (1) meet the eligibility requirements for the grant and (2) authorize the consortium to apply for and receive assistance in accordance with paragraph (b).

(b) An intertribal consortium must submit to EPA adequate documentation of: (1) The existence of the partnership between federally recognized Indian Tribal governments, and (2) Authorization of the consortium by all its members to apply for and receive the grant(s) for which the consortium has applied.

Dated: October 29, 2002.

Marianne Lamont Horinko,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 02–28005 Filed 11–1–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7403–8]

Preliminary Administrative Determination Document on the Question of Whether Ferric Ferrocyanide Is One of the ''Cyanides'' Within the Meaning of the List of Toxic Pollutants Under the Clean Water Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of new information and reopening of comment period.

SUMMARY: On January 25, 2001, EPA published a notice announcing a preliminary administrative determination document on whether Ferric Ferrocyanide is one of the ''cyanides'' within the meaning of the list of toxic pollutants under the Clean Water Act. The comment period ended on July 10, 2001. Today's action reopens the comment period for an additional 60 days for a limited purpose.

DATES: Comments will be accepted through December 4, 2002.

ADDRESSES: Send your comments by mail to ''Ferric Ferrocyanide; Preliminary Administrative Determination'' Comment Clerk (W–00–24), Water Docket (4101T), U. S.

Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460. You may also submit comments electronically or through hand delivery or courier. Follow the detailed instruction in I. B.

FOR FURTHER INFORMATION CONTACT: For further information and to request a copy of the administrative determination, contact Marion Kelly, USEPA, Engineering and Analysis Division (4303T), Office of Science and Technology, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460; or call (202) 566–1045; or fax (202) 566–1053; or e-mail *kelly.marion@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under Docket ID No. W–00–24. The official public docket is the collection of materials that is available for public viewing at the Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Ave., NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the Water Docket is (202) 566–2426.

2. *Electronic Access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select ''search,'' then key in the appropriate docket identification number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in I.A.1.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the Docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

B. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. However, late comments may be considered if time permits.

1. *Electronically.* If you submit an electronic comment as prescribed below, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket,* and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in Docket ID No. OW–2002–0036. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by electronic mail (e-mail) to *OW-Docket@epa.gov* Attention Docket ID No. OW–2002–0036. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the Docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in I.B.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By Mail.* Send an original and three of copies of your comments to: Water Docket , Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460, Attention Docket ID No. W–00–24 (Electronic Docket No. OW–2002–0036).

3. *By Hand Delivery or Courier.* Deliver your comments to: Water Docket in the EPA Docket Center (EPA/DC), EPA West, Room B102, 1301 Constitution Avenue, NW, Washington, DC., Attention Docket ID No. W–00–24 (Electronic Docket No. OW–2002–0036).

Such deliveries are only accepted during the Docket's normal hours of operation as identified in I.A.1.

C. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

II. Subject of Notice

On January 25, 2001, EPA published a notice announcing availability of the preliminary administrative determination document (66 FR 7759). While EPA initially scheduled a 60 day comment period (to end March 12, 2001), EPA received requests for additional time to provide comments. EPA reopened the comment period for an additional 90 days (66 FR 14581, March 13, 2001) and then extended the comment period until July 10, 2001 (66 FR 29800, June 1, 2001).

On March 1, 2001, Narragansett Electric Company (''Narragansett'') submitted a request for Agency records under the Freedom of Information Act (FOIA) relating to the preliminary administrative determination and records concerning the interpretation of the term ''cyanides.'' EPA released some documents and withheld others pursuant to discretionary exclusions under the FOIA. Narragansett appealed the withholding of documents. EPA and Narragansett agreed to a settlement of the appeal based on EPA's release of 29 of the withheld documents and access to other historical documentation. These records include scientific articles, reports, legal briefs and memoranda pertaining to the development of the Toxic Pollutant List and effluent guidelines. Recently, Narragansett requested that EPA reopen the comment period on the preliminary administrative determination in order to allow for comment on these recently released records.

In response to this request, EPA has placed these documents in the docket and is reopening the comment period to allow public comment on the records released pursuant to the FOIA as they relate to the determination of whether ferric ferrocyanide (FFC) is one of the ''cyanides'' within the meaning of EPA regulations promulgated pursuant to section 307(a) of the Clean Water Act. These documents are designated in the index to Docket W–00–24, section F, numbers 1–199 and in the index to the electronic docket (OW–2002–0036) as numbers 1–199. In addition, on October 3, 2002, EPA officials met with representatives of Narragansett where Narragansett presented a document concerning some of the recently released records. This document has also been placed in the docket and is designated as number 207 in the index to the Docket W–00–24, section F and in the index to the electronic docket (OW–2002–0036) as number 207. By placing these documents in the docket and reopening the comment period with respect to these documents, EPA is not conceding that any of the documents are necessarily relevant to the final administrative determination nor are they necessarily a part of the administrative record.

In addition, EPA has gathered additional documents that may affect the final determination, independent of the FOIA request, and has placed these in the docket for public review and comment. These documents are recently-published scientific articles, and appear in the Docket W–00–24, section F as numbers 200–206 and in the index to the electronic docket (OW–2002–0036) as numbers 200–206. Today's action makes these records available for public comment.

EPA is hereby requesting comment on whether any of these newly-released records or other documents provide additional information that is relevant to the final determination on whether FFC is one of the ''cyanides'' within the list of toxic pollutants promulgated under section 307(a) of the Clean Water Act, and, if so, whether and how such document or documents should affect EPA's final administrative determination regarding FFC.

Dated: October 29, 2002.

G. Tracy Mehan, III,

Assistant Administrator for Water.

[FR Doc. 02–28006 Filed 11–1–02; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0068; FRL–7279–8]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from October 1, 2002 to October 18, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT–2002–0068 and the specific PMN number or TME number, must be received on or before December 4, 2002.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0068. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/.*

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

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C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number— OPPT–2002–0068. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail.* Comments may be sent by e-mail to oppt.ncic@epa.gov, Attention: Docket ID Number OPPT–2002–0068 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail

system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM.* You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail.* Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier.* Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2002–0068 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why Is EPA Taking This Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from October 1, 2002 to October 18, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 43 PREMANUFACTURE NOTICES RECEIVED FROM: 10/01/02 TO 10/18/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0001	10/01/02	12/30/02	CIBA Specialty Chemicals Corporation	(S) Light stabilizer for coatings	(G) Substituted triazine derivatives
P–03–0002	10/01/02	12/30/02	The Dow Chemical Company	(S) Polymer used in foams and adhesives manufacture	(G) Blocked, isocyanate terminated urethane prepolymer
P–03–0003	10/01/02	12/30/02	Burlington Chemical Company, Inc.	(G) Fabric conditioning agent	(S) Soybean oil, reaction products with hydrogenated soybean oil and triethanolamine, di-et sulfate-quaternized
P–03–0004	10/02/02	12/31/02	E.I. Dupont De Nemours and Co.	(G) Coating stabilizer for non-dispersive use; catalyst used in closed process	(S) Titanium, acetylacetone et alc. iso-pr alc. complexes

I. 43 PREMANUFACTURE NOTICES RECEIVED FROM: 10/01/02 TO 10/18/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0005	10/02/02	12/31/02	Cook Composites and Polymers Co.	(S) Industrial/maintenance coatings resin	(G) 2-propenoic acid, 2-methyl-,alkyl ester, telomer with butyl 2-propenoate, 2-(dimethylamino)ethyl-2-methyl-2-propenoate,1-dodecanethiol, ethenylbenzene,2-hydroxyethyl-2-methyl-2-propenoate and methyl 2-methyl-2-propenoate, 1,1-dimethylpropyl-2-ethylhexaneperoxoate-initiated
P–03–0006	10/03/02	01/01/03	Degussa Corporation	(S) Monomer in the production of a polymer	(G) Alkylamino functional silane
P–03–0007	10/03/02	01/01/03	CBI	(S) Ingredient for use in fragrances for soaps, detergents, cleaners and other household products	(G) Alkyl cinnamic aldehyde
P–03–0008	10/07/02	01/05/03	Reichhold, Inc.	(G) Industrial coatings	(G) Hydroxyester acrylate, polymer with alkanediol polymer and isocyanate.
P–03–0009	10/07/02	01/05/03	CBI	(G) Pressure sensitive adhesive	(G) Acrylic polymer
P–03–0010	10/07/02	01/05/03	Reichhold, Inc.	(G) Industrial coating	(G) Hydroxyester acrylate, polymer with isocyanate and alkanediol
P–03–0011	10/08/02	01/06/03	CBI	(G) Petroleum additive	(G) Organometallic sulfide complex
P–03–0012	10/08/02	01/06/03	CBI	(G) Surfactant	(G) Alkylamides, ethoxylated
P–03–0013	10/08/02	01/06/03	CBI	(G) Surfactant	(G) Alkylamides, ethoxylated
P–03–0014	10/08/02	01/06/03	CBI	(G) Open, non dispersive (coating applications)	(G) Crosslinking stoving urethane resin
P–03–0015	10/08/02	01/06/03	CBI	(G) Surfactant	(G) Alkyl ether sulfuric acid, amine salt
P–03–0016	10/09/02	01/07/03	CBI	(G) Resin coating	(G) Polyurethane
P–03–0017	10/09/02	01/07/03	CBI	(G) Lubricant additive.	(G) Fatty acid amide
P–03–0018	10/11/02	01/09/03	CBI	(G) Raw material for manufacturing of photosensitive material	(G) Polysubstituted imidazole
P–03–0019	10/15/02	01/13/03	CBI	(G) Open, non-dispersive (resin)	(G) Aliphatic, hydroxyl-bearing polyester polyurethane resin
P–03–0020	10/15/02	01/13/03	CBI	(G) Open, non-dispersive (resin)	(G) Aliphatic hydroxyfunctional polyester polyurethane resin
P–03–0021	10/15/02	01/13/03	The Purolite Company	(S) An ion exhange resin for demineralization of water or process fluids	(S) 2-propenenitrile, polymer with diethenylbenzene, hydrolyzed, reaction products with diethylenetriamine
P–03–0022	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0023	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0024	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0025	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0026	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0027	10/15/02	01/13/03	CBI	(S) Resin for printing ink	(G) Modified hydrocarbon resin
P–03–0028	10/16/02	01/14/03	CBI	(G) Friction reducing polymer for use in engineering plastics (open/non-dispersive use)	(G) Alkene acrylate copolymer
P–03–0029	10/15/02	01/13/03	CBI	(S) A colorant for plastics	(G) Disazo yellow pigment
P–03–0030	10/17/02	01/15/03	Cytec Engineered Materials Inc. (CEM)	(G) Resin for non-dispersive use.	(G) Epoxy-amine adduct
P–03–0031	10/17/02	01/15/03	CBI	(G) Resin coating	(G) Urethane acrylate
P–03–0032	10/17/02	01/15/03	3M Company	(G) Protective treatment	(G) Blocked fluoroChemical urethane
P–03–0033	10/17/02	01/15/03	3M Company	(G) Chemical intermediate	(G) FluoroChemical alcohol
P–03–0034	10/18/02	01/16/03	EPM Services, Inc.	(S) Pulper conditioner for treatment of the pulper water system on ships	(S) Formic acid, potassium salt (1:2)
P–03–0035	10/17/02	01/15/03	CBI	(G) Polymer used to improve scratch resistance of thermoplastics (open/non-dispersive use)	(G) Alkene acyylate copolymer
P–03–0036	10/17/02	01/15/03	CBI	(G) Polishing compound	(G) Acrylic acid co-polymer
P–03–0037	10/18/02	01/16/03	CBI	(G) Colourant	(G) Copper(11) complex of sulfonated azo dye intermediate
P–03–0038	10/18/02	01/16/03	CBI	(G) Colourant	(G) Copper(11) complex of sulfonated azo dye
P–03–0039	10/18/02	01/16/03	CIBA Specialty Chemicals Corporation	(S) Antioxidant for elastomers	(G) Amine stabilizer

I. 43 PREMANUFACTURE NOTICES RECEIVED FROM: 10/01/02 TO 10/18/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0040	10/18/02	01/16/03	CBI	(S) Retention agent in paper making process prior to sheet formation	(G) Polyamidoamine resin grafted with aziridine.
P–03–0041	10/18/02	01/16/03	CBI	(G) Chemical intermediate - destructive use	(G) Alkyl silane methacrylate
P–03–0042	10/18/02	01/16/03	CBI	(G) Surfactant	(G) Alkylamides, ethoxylated
P–03–0043	10/18/02	01/16/03	CBI	(G) Resin component - destructive use	(G) Substituted phenolic polymer

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 29 NOTICES OF COMMENCEMENT FROM: 10/01/02 TO 10/18/02

Case No.	Received Date	Commencement/ Import Date	Chemical
P–01–0111	10/03/02	09/25/02	(G) Benzothiazine
P–01–0213	10/18/02	10/06/02	(G) Hydrocarbon resin
P–01–0442	10/16/02	09/29/02	(S) Xonotlite
P–02–0025	10/01/02	07/25/02	(S) Aluminum cesium fluoride
P–02–0058	10/18/02	09/18/02	(G) *N*-substituted-2-methyl-2-propenamide
P–02–0389	10/01/02	08/27/02	(G) Alkyd resin
P–02–0396	10/18/02	09/17/02	(G) Aliphatic substituted amide
P–02–0416	10/01/02	08/27/02	(G) Alkyd resin
P–02–0434	10/08/02	09/23/02	(G) Polyester resin
P–02–0532	10/02/02	09/13/02	(G) Acrylic solution polymer
P–02–0579	10/01/02	09/12/02	(G) Polyester isocyanate
P–02–0631	10/18/02	10/02/02	(G) Substituted naphthalene sulfonic acid, alkali salt
P–02–0632	10/09/02	09/10/02	(G) Acrylic polymer
P–02–0650	10/04/02	09/04/02	(G) Aromatic polyester polyol
P–02–0662	10/18/02	10/02/02	(G) Substituted naphthalene sulfonic acid, alkali salt
P–02–0696	10/16/02	10/04/02	(G) Styrene-methacrylate copolymer
P–02–0697	10/17/02	09/26/02	(G) Dineopentyl-4-substituted phthalate
P–02–0730	10/07/02	09/06/02	(G) Polytertiaryamine glycol
P–02–0731	10/15/02	09/30/02	(S) Fatty acids, $C_{16–18}$ and C_{18}-unsaturated, branched and linear, reaction products with polyethylenepolyamines
P–02–0742	10/04/02	09/18/02	(G) Polyurethane
P–02–0754	10/08/02	09/27/02	(G) Amine modified epoxy resin
P–02–0756	10/08/02	09/27/02	(G) Amine modified epoxy resin
P–02–0819	10/08/02	10/02/02	(G) Polymer of alkylene polyester and methylenebis [isocyanatobenzene]
P–96–0281	10/16/02	07/22/02	(S) Fatty acids, C_{18}-unsaturated, dimers, hydrogenated, diisooctadecyl esters
P–99–0039	10/16/02	09/26/02	(G) Aliphatic urethane acrylate
P–99–0103	10/16/02	09/26/02	(G) Acrylated oligoamine
P–99–0207	10/02/02	08/12/02	(S) *L*-glutamic acid, n-(1-oxododecyl)-, disodium salt
P–99–0208	10/02/02	09/11/02	(S) *L*-glutamic acid, n-(1-oxododecyl)-
P–99–0805	10/01/02	09/20/02	(G) Modified polyester isocyanate prepolymer

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: October 24, 2002.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–28003 Filed 11–1–02; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2002–0065; FRL–7278–8]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from September 12, 2002 to September 30, 2002, consists of the PMNs pending or expired, and the notices of commencement to

manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT–2002–0065 and the specific PMN number or TME number, must be received on or before December 4, 2002.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2002–0065. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at http://www.epa.gov/fedrgstr/.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at http://www.epa.gov/edocket/ to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

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C. How and To Whom Do I Submit Comments?

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1. *Electronically.* If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets.* Your use of EPA's electronic public docket to submit

comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at http://www.epa.gov/edocket, and follow the online instructions for submitting comments. Once in the system, select'' search,'' and then key in docket ID number— OPPT–2002–0065. The system is an'' anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

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iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

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3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2002–0065 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

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E. What Should I Consider as I Prepare My Comments for EPA?

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2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why Is EPA Taking This Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from September 12, 2002 to September 30, 2002, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 90 PREMANUFACTURE NOTICES RECEIVED FROM: 09/12/02 TO 09/30/02

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–0994	09/12/02	12/11/02	CBI	(S) Ink jet dye for inks	(G) Cuprat-e,[[[[[[[(sulfonaphthalenyl)]azo]-(substitutedphenyl)]azo]-(substitutedsulfonaphthalenyl)]azo]-substitutedphenyl-substituted heteromonocycle], sodium salts
P–02–0995	09/12/02	12/11/02	E.I. Dupont De Nemours and Company	(S) Chemical intermediate	(G) Aminonitrile
P–02–0996	09/12/02	12/11/02	E.I. Dupont De Nemours and Company	(S) Monomer for polymers with amide or imide links; crosslinker for epoxy type coatings, adhesives, sealents; crosslinker for epoxy type composites; monomer for urea and urethane urea polymers used in coatings; chemical intermediate for functional chemicals: amides, imides; chemical intermediate for functional chemicals: isocyanates, salts; chemical intermediate for functional chemicals: cyclic amines. etc.	(G) Aliphatic triamine
P–02–0997	09/13/02	12/12/02	Solutia Inc.	(S) Cross linker for waterborne primers	(G) Alkaline epoxide amine adduct
P–02–0998	09/13/02	12/12/02	CBI	(G) Component of polymer batteries	(G) Alkyleneoxide derivatives
P–02–0999	09/13/02	12/12/02	J.M. Huber corporation	(S) Industrial coating	(G) Silane coated barium sulfate
P–02–1000	09/13/02	12/12/02	J.M. Huber corporation	(S) Industrial coating	(G) Silane coated barium sulfate
P–02–1001	09/13/02	12/12/02	J.M. Huber corporation	(S) Industrial coating	(G) Silane coated barium sulfate
P–02–1002	09/16/02	12/15/02	Eichrom Technologies, Inc.	(S) Removal of polyvalent metal cations from aqueous media	(S) Benzene, diethenyl-, polymer with ethenylbenzene and ethenylethylbenzene, phosphonomethylated sulfonated
P–02–1005	09/16/02	12/15/02	CBI	(G) Surfactant	(G) Mixed phosphate esters
P–02–1006	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1007	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1008	09/17/02	12/16/02	CBI	(G) Surfactant performance additive	(S) 1-propanaminium, .nu.,.nu.,.nu.-trimethyl-3-[(2-methyl-1-oxo-2-propenyl)amino]-, chloride, polymer with ethyl 2-propenoate and sodium 2-propenoate
P–02–1009	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1010	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1011	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1012	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Polyurethane crosslinker
P–02–1013	09/18/02	12/17/02	CBI	(G) Resin for coating plates	(G) Modified polyvinyl butyral
P–02–1014	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Cationic polyether
P–02–1015	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Cationic polyether
P–02–1016	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Cationic polyether
P–02–1017	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Cationic polyether
P–02–1018	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Cationic polyether
P–02–1019	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin
P–02–1020	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin
P–02–1021	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin
P–02–1022	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin

I. 90 PREMANUFACTURE NOTICES RECEIVED FROM: 09/12/02 TO 09/30/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–1023	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin
P–02–1024	09/17/02	12/16/02	CBI	(G) Component of coating with open use	(G) Acrylic resin
P–02–1025	09/18/02	12/17/02	CBI	(G) Lubricant additive	(S) Octadecanoic acid, 12-hydroxy-, homopolymer, reaction products with .nu.,.nu.-dimethyl-1,3-propanediamine, compounds with polyethylene glycol dihydrogen phosphate bu ether
P–02–1026	09/18/02	12/17/02	Solutia Inc.	(S) Binder for industrial coatings	(G) Modified alkyd resin
P–02–1027	09/18/02	12/17/02	CBI	(S) Structural sealant for window manufacture	(G) Silylated polyester
P–02–1028	09/18/02	12/17/02	3M Company	(S) Adhesive component	(S) Oxirane, methyl-, polymer with oxirane, ether with 1,2,3-propanetriol (3:1), polymer with 1,1′-methylenebis[4-isocyanatocylohexane]
P–02–1029	09/18/02	12/17/02	3M Company	(S) Adhesive component	(S) Oxirane, methyl-, polymer with oxirane, ether with 1,2,3-propanetriol (3:1), polymer with alpha-hydro-.omega.-hydroxypoly[oxy(methyl-1,2-ethanediyl)] and 1,1′-methylenebis[4-isocyanatocylohexane]
P–02–1030	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1031	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1032	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1033	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1034	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1035	09/18/02	12/17/02	CBI	(S) Anionic electrocoat	(G) Hydroxy functional acrylic resin salted with an organic amine
P–02–1036	09/19/02	12/18/02	The Dow Chemical Company	(G) Isocyanate prepolymer for polyurethan products	(G) Polyurethane prepolymer
P–02–1037	09/19/02	12/18/02	CBI	(G) Lawn and garden bag coatings	(G) Polyamine acrylate
P–02–1038	09/19/02	12/18/02	CBI	(G) Surfactant	(G) Alkylamides, ethoxylated
P–02–1039	09/19/02	12/18/02	The Dow Chemical Company	(G) Polymer for bonding textiles and/or fibers	(G) Water dispersable polyurethane polymer
P–02–1040	09/19/02	12/18/02	CBI	(G) Processing aid	(G) Alkyl phosphate derivative
P–02–1041	09/19/02	12/18/02	Forbo Adhesives, LLC	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polyester polyether urethane polymer
P–02–1042	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1043	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1044	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1045	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1046	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1047	09/20/02	12/19/02	CBI	(G) Energy curable compounds	(G) Polyester acrylate oligomer
P–02–1048	09/20/02	12/19/02	CBI	(G) Water-borne coating	(G) Water-borne urethane polymer
P–02–1049	09/20/02	12/19/02	CBI	(S) Friction modifier and lubricity additive in industrial and automotive lubricants	(G) Saturated and unsaturated fatty acids, esters with a polyalcohol.
P–02–1050	09/19/02	12/18/02	International Specialty Products	(S) Component of coatings for digital printing paper	(S) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with n-[3-(dimethylamino)propyl]-2-methyl-2-propenamide
P–02–1051	09/20/02	12/19/02	CBI	(G) Ingredient for concrete admixtures	(G) Distiller's solubles
P–02–1054	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin polymer
P–02–1055	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin polymer
P–02–1056	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin polymer

I. 90 PREMANUFACTURE NOTICES RECEIVED FROM: 09/12/02 TO 09/30/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–1057	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1058	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1059	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1060	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1061	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1062	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylate, acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1063	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1064	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1065	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1066	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1067	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1068	09/23/02	12/22/02	CBI	(G) Thermoset polymer component, open nondispersive use	(G) Acrylonitrile, butadiene rubber-extended epoxy resin
P–02–1069	09/24/02	12/23/02	CBI	(S) Intermediate chemical for synthesizing alkylphosphine	(G) Alkylhalophosphine
P–02–1070	09/24/02	12/23/02	CBI	(S) Intermediate chemical for synthesizing alkylarsine	(G) Alkylhaloarsine
P–02–1071	09/24/02	12/23/02	CBI	(S) Phosphorus source in semiconductor manufacture by metalorganic chemical vapor deposition (mocvd)	(G) Alkylphosphine
P–02–1072	09/25/02	12/24/02	Essential Industries	(S) Acrylic floor finish	(S) 2-propenoic acid, 2-methyl-, polymer with ethenylbenzene, 2-ethyhexyl 2-propenoate, 1,6-hexanediyl di-2-propenoate and methyl 2-methyl-2-propenoate
P–02–1073	09/25/02	12/24/02	Essential Industries	(S) Acrylic floor finish	(S) 2-propenoic acid, 2-methyl-, polymer with ethenylbenzene, 2-ethyhexyl 2-propenoate, 1,6-hexanediyl di-2-propenoate and methyl 2-methyl-2-propenoate, ammonium salt
P–02–1074	09/25/02	12/24/02	Degussa Corporation	(G)Surface Treatment/Modification	(G) Fluorosilane mixture
P–02–1075	09/24/02	12/23/02	CBI	(S) Arsenic source in semiconductor manufacture by metalorganic chemical vapor deposition (mocvd)	(G) Alkylarsine
P–02–1076	09/25/02	12/24/02	Grain Processing Corporation	(G) Inert carrier	(G) Corn by product
P–02–1077	09/25/02	12/24/02	Grain Processing Corporation	(G) Inert carrier/absorbent	(G) Corn by product
P–02–1078	09/26/02	12/25/02	CBI	(S) Curative for epoxy resin (to improve chemcal resistance)	(G) Mannich base
P–02–1079	09/26/02	12/25/02	CBI	(S) Epoxy curing agent for green concrete	(G) Modified mannich base polyamine
P–02–1080	09/26/02	12/25/02	CBI	(S) Curative for eposxy resin (to improve chemical resistance)	(G) Mannich base
P–02–1081	09/26/02	12/25/02	CBI	(G) Open, non dispersive (active in batteries)	(G) Lithium nickel cobalt oxide
P–02–1086	09/26/02	12/25/02	CBI	(G) Sealant component	(G) Polymer of a carbomonocyclic diisocyanante, a modified polyalkene, hydroxyalkane and a substituted alkoxysilane
P–02–1087	09/27/02	12/26/02	Eastman Chemical Company	(S) Chemical intermediate	(S) Ethanol, 2,2′-[sulfonylbis(4,1-phenyleneoxy)]bis-
P–02–1088	09/27/02	12/26/02	CBI	(G) Destructive	(G) Alkylphenol mannich
P–02–1089	09/27/02	12/26/02	Degussa Corporation	(S) Weatherproofing formulation; mineral filler treatment	(G) Polysiloxane, containing propyl and ethoxy groups
P–02–1090	09/30/02	12/29/02	CBI	(G) Surfactant	(G) Glycol ether sulfuric acid ester, ammonium salt

I. 90 PREMANUFACTURE NOTICES RECEIVED FROM: 09/12/02 TO 09/30/02—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–02–1091	09/26/02	12/25/02	CBI	(G) Coating component	(G) Polymer of methacrylate and acrylate esters, peroxide-initiated

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 41 NOTICES OF COMMENCEMENT FROM: 09/12/02 TO 09/30/02

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0936	09/24/02	08/23/02	(G) Phenolic modified polymer or resin
P–00–0961	09/26/02	09/05/02	(G) Aliphatic polyisocyanate
P–01–0009	09/12/02	08/12/02	(G) Halogenated arylsilane
P–01–0047	09/17/02	08/06/02	(G) Modified alkyl ester
P–01–0596	09/18/02	09/04/02	(G) Polymer of a polyether polyol, isophorone diisocyanate and hydroxyethyl methacrylate
P–02–0100	09/25/02	09/16/02	(G) Substituted o-cresol
P–02–0123	09/16/02	08/19/02	(G) Anthracenesulfonic acid, amino[[[[[[(alkenylsulfonyl)alkyl]substituted phenyl]amino]-substituted 1,3,5-triazin]amino]-alkyl-substituted phenyl]amino]-9,10-dihydro-9,10-dioxo-, disodium salt
P–02–0139	09/12/02	09/07/02	(G) Polymer of substituted propenoic acid, propenamide and propenoic esters
P–02–0177	09/16/02	08/19/02	(G) Naphthalene disulfonicacid,azo substituted phenyl disodium salt, reaction products with halo triazin amino substituted phenyl sulfonyl compound
P–02–0184	09/23/02	09/02/02	(S) 1,4-benzenedicarboxylic acid, polymer with 1,3-diisocyanatomethylbenzene, 1,2-ethanediol, 2,2′-[1,2-ethanediylbis (oxy)] bis [ethanol], 2-ethyl-2-(hydroxymethyl)-1,3-propanediol and alpha,alpha′-[(1-methylethylidene)di-4,1-phenylene] bis (omega-hydroxypoly [oxy(methyl-1,2-ethanediyl)]], benzoate (ester)
P–02–0286	09/13/02	08/06/02	(G) Naphthalenedisulfonic acid, amino halo alkyl sulfonyl alkyl amino-1,3,5-triazin sulfophenyl azo hydroxy substituted phenyl azo sodium salt
P–02–0428	09/17/02	08/15/02	(G) Alkoxysilane terminated polyether polymer
P–02–0456	09/16/02	08/19/02	(G) Naphthalenesulfonic acid amino halo substituted triazin azo substituted phenyl sodium salt
P–02–0484	09/18/02	08/28/02	(G) Substituted naphthalenedisulfonic acid amino substituted triazine reaction products with substituted alkyl amino benzenesulfonic acid
P–02–0506	09/16/02	08/31/02	(G) Aromatic pyromellitic tetrapolyimide
P–02–0516	09/13/02	09/03/02	(G) Alkyl methacrylate copolymer
P–02–0519	09/12/02	09/07/02	(G) (substituted)dicarboxylic acid, polymer with dioic acid, (substituted)diol, hydrazine, (substituted)propanoic acid and (substituted)cylcohexane, compound with (substituted)amine
P–02–0533	09/24/02	09/16/02	(G) Sulfophenyl substituted alkyl acid, sodium salt
P–02–0566	09/17/02	09/12/02	(G) Polymer ester of mono and dibasic acids
P–02–0577	09/26/02	08/09/02	(G) Amine acrylate ester
P–02–0589	09/25/02	09/17/02	(G) Polyester isocyanate
P–02–0595	09/13/02	09/05/02	(G) Epoxy-amine adduct salt
P–02–0611	09/17/02	07/26/02	(G) Polyisocyanate polyaddition product
P–02–0614	09/13/02	09/04/02	(G) Acrylic copolymer
P–02–0616	09/17/02	08/22/02	(G) Halogenated heterocyclic carboxylic acid derivative
P–02–0617	09/13/02	09/04/02	(G) Acrylic copolymer
P–02–0634	09/17/02	08/08/02	(G) Methoxymethylbenzenes methylanisoles
P–02–0635	09/17/02	08/08/02	(G) Methoxymethylbenzenes methylanisoles
P–02–0636	09/17/02	08/08/02	(G) Methoxymethylbenzenes methylanisoles
P–02–0637	09/17/02	08/08/02	(G) Methoxymethylbenzenes methylanisoles
P–02–0658	09/17/02	08/26/02	(G) Ethylene copolymer
P–02–0660	09/18/02	08/24/02	(G) Chlorooxazole
P–02–0679	09/17/02	08/27/02	(G) Polyester polyurethane polymer
P–02–0685	09/23/02	09/17/02	(G) Butyl acrylate, polymer with styrene and methylamino chloride compounds
P–02–0699	09/30/02	09/04/02	(G) Substituted aminophenyl substituted heteropolycycle, salt
P–02–0729	09/13/02	09/04/02	(G) Acrylic copolymer
P–02–0737	09/18/02	09/10/02	(G) Naphthalenesulfonic acid derivative
P–98–1081	09/23/02	09/10/02	(G) Urethane acrylate
P–99–0101	09/24/02	09/10/02	(G) Aliphatic urethane acrylate
P–99–0647	09/24/02	09/10/02	(G) Polyester acrylate
P–99–0831	09/27/02	09/18/02	(G) Metal salt of a phosphorus compound

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: October 15, 2002.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 02–28004 Filed 11–1–02; 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

[DA 02–2813]

Public Safety National Coordination Committee

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document advises interested persons of a meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in Brooklyn, New York. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC. This notice advises interested persons of the eighteenth meeting of the Public Safety National Coordination Committee.

DATES: November 22, 2002 at 9:30 a.m.–12:30 p.m.

ADDRESSES: Fire Department of New York—Headquarters, 9 MetroTech Center, Brooklyn, New York 11201.

FOR FURTHER INFORMATION CONTACT: Designated Federal Officer, Michael J. Wilhelm, (202) 418–0680, e-mail *mwilhelm@fcc.gov.* Press Contact, Meribeth McCarrick, Wireless Telecommunications Bureau, 202–418–0600, or e-mail *mmccarri@fcc.gov.*

SUPPLEMENTARY INFORMATION: Following is the complete text of the Public Notice: This Public Notice advises interested persons of the eighteenth meeting of the Public Safety National Coordination Committee (''NCC''), which will be held in Brooklyn, New York. The Federal Advisory Committee Act, Public Law 92–463, as amended, requires public notice of all meetings of the NCC.

Date: November 22, 2002.

Meeting Time: General Membership Meeting—9:30 a.m.–12:30 p.m.

Address: Fire Department of New York—Headquarters, 9 MetroTech Center, Brooklyn, New York.

The NCC Subcommittees will meet from 9 a.m. to 5:30 p.m. the previous day. The NCC General Membership Meeting will commence at 9:30 a.m. and continue until 12:30 p.m. The agenda for the NCC General Membership meeting is as follows:

1. Introduction and Welcoming Remarks
2. Administrative Matters
3. Report from the Interoperability Subcommittee
4. Report from the Technology Subcommittee
5. Report from the Implementation Subcommittee
6. Public Discussion
7. Action on Subcommittee Recommendations
8. Other Business
9. Upcoming Meeting Dates and Locations
10. Closing Remarks

The FCC has established the Public Safety National Coordination Committee, pursuant to the provisions of the Federal Advisory Committee Act, to advise the Commission on a variety of issues relating to the use of the 24 MHz of spectrum in the 764–776/794–806 MHz frequency bands (collectively, the 700 MHz band) that has been allocated to public safety services. See The Development of Operational, Technical and Spectrum Requirements For Meeting Federal, State and Local Public Safety Agency Communications Requirements Through the Year 2010 and Establishment of Rules and Requirements For Priority Access Service, WT Docket No. 96–86, First Report and Order and Third Notice of Proposed Rulemaking, FCC 98–191, 14 FCC Rcd 152 (1998), 63 FR 58645 (11–2–98).

The NCC has an open membership. Previous expressions of interest in membership have been received in response to several Public Notices inviting interested persons to become members and to participate in the NCC's processes. All persons who have previously identified themselves or have been designated as a representative of an organization are deemed members and are invited to attend. All other interested parties are hereby invited to attend and to participate in the NCC processes and its meetings and to become members of the Committee. This policy will ensure balanced participation. Members of the general public may attend the meeting. To attend the eighteenth meeting of the Public Safety National Coordination Committee, please RSVP to Joy Alford of the Policy and Rules Branch of the Public Safety and Private Wireless Division, Wireless Telecommunications Bureau of the FCC by calling (202) 418–0680, by faxing (202) 418–2643, or by e-mailing at *jalford@fcc.gov.* Please provide your name, the organization you represent, your phone number, fax number and e-mail address. This RSVP is for the purpose of determining the number of people who will attend this eighteenth meeting. The FCC will attempt to accommodate as many people as possible. However, admittance will be limited to the seating available. Persons requesting accommodations for hearing disabilities should contact Joy Alford immediately at (202) 418–7233 (TTY). Persons requesting accommodations for other physical disabilities should contact Joy Alford immediately at (202) 418–0694 or via e-mail at *jalford@fcc.gov.* The public may submit written comments to the NCC's Designated Federal Officer before the meeting.

Additional information about the NCC and NCC-related matters can be found on the NCC Web site located at: *http://wireless.fcc.gov/publicsafety/ncc.*

Federal Communications Commission.

Jeanne Kowalski,

Deputy Division Chief for Public Safety, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau.

[FR Doc. 02–27975 Filed 11–1–02; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1422–DR]

Arizona; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Arizona, (FEMA–1422-DR), dated June 25, 2002, and related determinations.

EFFECTIVE DATE: October 23, 2002.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *Magda.Ruiz@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Arizona is hereby amended to include assistance under the Public Assistance program limited to Category F for repair of public utilities in the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 25, 2002:

Apache and Navajo Counties for Category F, Utilities. (Already designated for Public

Assistance Categories A, Debris Removal; C, Roads and Bridges; E, Buildings and Equipment; and Individual Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 02–27960 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1437–DR]

Louisiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana, (FEMA–1437–DR), dated October 3, 2002, and related determinations.

EFFECTIVE DATE: October 17, 2002.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705 or *Magda.Ruiz@fema.gov.*

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of October 3, 2002:

Acadia, Assumption, Avoyelles, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Iberville, Jefferson Davis, Jefferson, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and Vermillion Parishes for Categories C through G under the Public Assistance program (already designated for Categories A and B, including direct Federal assistance and Individual Assistance).

East Baton Rouge, Pointe Coupee, Rapides, and West Baton Rouge Parishes for Categories C through G under the Public Assistance program (already designated for Categories A and B).

Allen, Caldwell, Catahoula, East Feliciana, LaSalle, Ouachita, St. Helena, Vernon, Washington, and West Feliciana Parishes for Public Assistance.

Allen, East Baton Rouge, East Feliciana, St. Helena, Pointe Coupee, Rapides, Washington, and West Baton Rouge Parishes for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 02–27961 Filed 11–1–02; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL MARITIME COMMISSION

Advisory to Ocean Common Carriers, Conferences and Discussion Agreements of Such Carriers, Shippers, Shippers' Associations, Ocean Transportation Intermediaries and Tariff Publishers in the Foreign Commerce of the United States Regarding Actions in Response to Congestion at Ports on the West Coast of the United States

October 29, 2002.

The Federal Maritime Commission (''Commission'') has been monitoring ongoing developments relating to the congestion and delays that recently have occurred, and may continue for some time, at U.S. West Coast ports. We also have received several inquiries from interested parties as to the legality of certain carrier actions being taken or proposed. Accordingly, the Commission wishes to remind the regulated industry and the shipping public of the general requirements of the Shipping Act of 1984, 46 U.S.C. app. § 1701 *et seq.* (''1984 Act'') and of the Commission's rules that govern rate changes that result in an increased cost to the shipper. These provisions should provide guidance to shippers and carriers in this situation.

Section 8(d) of the 1984 Act, and the Commission's rules on tariffs at 46 CFR 520.8, generally prohibit any ''change in an existing rate that results in an increased cost to the shipper from becoming effective earlier than 30 calendar days after publication.'' The Commission's rules on tariffs state that the ''rates, charges, and rules applicable to any given shipment shall be those in effect on the date the cargo is received by the common carrier or its agent including originating carriers in the case of rates for through transportation.'' 46 CFR 520.7(c).

With respect to service contracts, the public is reminded that the specific terms of individual service contracts generally govern the rates and service obligations of the parties. Any variance from specific terms must be authorized otherwise, either by the terms of the contract itself or by reference therein to other applicable authority, such as carrier rules tariffs which would normally be subject to the 30-day notice requirement. Of course, service contract terms always may be varied by mutual agreement of the parties reflected in an amendment duly filed with the Commission and otherwise consistent with applicable regulations and statutes.

The Commission wishes to caution the industry and the shipping public that these general rules remain in effect and that any actions inconsistent with these rules would be permissible only if they are authorized by other lawful provisions. Specifically, any surcharges published in tariffs that are designed to address the consequences of continuing congestion at U.S. West Coast ports generally should not be instituted without the required 30-day notice, and may be applied only in conformance with the applicable ''effective date'' rule, cited above. Again, parties to service contracts lawfully may negotiate alternative means of addressing the costs associated with this congestion through amendment of their service contacts.

The Commission recognizes that a host of differing circumstances and questions will arise as the West Coast dock situation continues to unfold. The foregoing does not attempt to address all such matters—it is intended to serve as general guidance. Involved parties who have any uncertainty as to the legality of the actions they are encountering or proposing may wish to obtain legal counsel. The Commission will continue to monitor this situation and is available to answer general questions on applicable legal requirements. Any questions relating to this Advisory or other aspects of common carriers' service in the present situation may be directed to Vern W. Hill, Director, Bureau of Enforcement, at (202) 523–5783 or by electronic mail at *vernh@fmc.gov.*

This Advisory will be posted on the Commission's website at *http://www.fmc.gov,* posted in the Office of the Secretary, 800 N. Capitol Street, NW., Room 1046, Washington, DC 20573, and published in the **Federal Register**.

By the Commission.

Bryant L. VanBrakle,

Secretary.

[FR Doc. 02–27919 Filed 11–1–02; 8:45 am]

BILLING CODE 6730–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

NCHS, Data Policy and Standards Staff: Meeting

National Center for Health Statistics (NCHS), Data Policy and Standards Staff, announces the following meeting.

Name: ICD–9–CM Coordination and Maintenance Committee meeting.

Times and Dates: 9 a.m.–4 p.m., December 5–6, 2002.

Place: Centers for Medicare and Medicaid Services (CMS) Auditorium, 7500 Security Boulevard, Baltimore, Maryland.

Status: Open to the public, but limited by the space available. Because of fire code requirements, should the number of attendants meet the capacity of the room, the meeting room will be closed.

Purpose: The ICD–9–CM Coordination and Maintenance (C&M) Committee will hold its final meeting of the 2002 calendar year cycle on Thursday and Friday, December 5–6, 2002. The C&M meeting is a public forum for the presentation of proposed modifications to the International Classification of Diseases, Ninth-Revision, Clinical Modification.

Matters to Be Discussed: Agenda items include:

Subgaleal hemorrhage
Septic shock
Cerebral infarction of unknown vessel
Early satiety
Impaired fasting glucose
Carnithine deficiency
Late newborn
Hyperaldosteronism
Scrotal transposition
Peyronie's disease
Rhabdomyolysis
Hypercoagulable states
Postpartum cardiomyopathy
ICD–10 Procedure Classification System (PCS)—Update
Multi-level spinal fusion
Artificial heart
Interleukin 2 (IL–2)
Laparoscopic/Thorascopic approaches
Radioactive Isotope therapy
Addenda

Contact Person for Additional Information: Amy Blum, Medical Classification Specialist, Data Policy and Standards Staff, NCHS, 6526 Belcrest Road, Room 1100, Hyattsville, Maryland 20782, telephone 301/458–4106 (diagnosis), Amy Gruber, Health Insurance Specialist, Division of Acute Care, CMS, 7500 Security Blvd., Room C4–07–07, Baltimore, Maryland, 21244 telephone 410–786–1542 (procedures).

Notice: In the interest of security, (CMS) 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.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 25, 2002.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 02–27956 Filed 11–1–02; 8:45 am]

BILLING CODE 4160–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Statement of Organization, Functions, and Delegations of Authority

This notice amends Part K of the Statement of Organization, Functions, and Delegations for Authority of the Department of Health and Human Services (DHHS), Administration of Children and Families (ACF) as follows: Chapter KG, The Office of Community Services (OCS) [62 FR 8743–44], as last amended February 26, 1997; Chapter KH, The Office of Family Assistance (OFA) [61 FR 35770], as last amended, February 23, 2000; and Chapter KM, The Office of Planning, Research and Evaluation (OPRE) [67 FR 4453–54], as last amended, January 30, 2002. This notice reflects the realignment of the Tribal Services and the Data Collection and Analysis functions within ACF.

These Chapters are amended as follows:

I. Chapter KG, The Office of Community Services

A. *Delete KG.00 Mission in its entirety, and replace it with the following:*

KG.00 Mission. The Office of Community Services (OCS) advises the Secretary, through the Assistant Secretary for Children and Families, on matters relating to community programs to promote economic self-sufficiency. The Office is responsible for administering programs that serve low-income and needy individuals and address the overall goal of personal responsibility and achieving and maintaining self-sufficiency. The Office administers the Community Services Block Grant, Social Services Block Grant, and the Low Income Home Energy Assistance Block Grant programs. The Office also administers the Family Violence Program. It administers a variety of discretionary grant programs that foster family stability, economic security, responsibility and self-support, promote and provide services to homeless and low-income individuals, and develop new and innovative approaches to reduce welfare dependency.

B. *Delete KG.10 Organization in its entirety and replace with the following:*

KG.10 Organization. The Office of Community Services is headed by a Director who reports directly to the Assistant Secretary for Children and Families and consists of:

Office of the Director (KGA)
Division of State Assistance (KGB)
Division of Community Discretionary Programs (KGC)
Division of Community Demonstration Programs (KGD)
Division of Energy Assistance (KGE)

C. *Delete KG.20 Functions, Paragraph F, The Division of Tribal Services in its entirety.*

II. Chapter KH, The Office of Family Assistance

A. *Delete Chapter KH.00 Mission in its entirety, and replace with the following:*

KH.00 Mission. The Office of Family Assistance (OFA) advises the Secretary, through the Assistant Secretary for Children and Families, on matters relating to the Temporary Assistance for Needy Families (TANF) program, title IV–A of the Social Security Act. This program promotes temporary assistance and economic self-sufficiency for children and families. The Office provides leadership, direction and technical guidance, with ACF Regional Offices, to the States, Tribes, and Territories on the TANF program, the Native Employment Works program, and the Aid to the Aged, Blind and Disabled program in Guam, Puerto Rico and the Virgin Islands. The Office refocuses efforts to increase economic independence and productivity for families. It provides direction and guidance in the collection and dissemination of performance and other valuable data for these programs. The Office provides technical assistance to States, Territories, Indian Tribes, Native American organizations, localities and

community groups, and assesses State, Territorial, and Tribal performance in administering these programs; reviews State and Tribal planning for administrative and operational improvements; and recommends actions to improve effectiveness.

B. *Delete KH.10 Organization in its entirety and replace with the following:*

KH.10 Organization. The Office of Family Assistance is headed by a Director, who reports to the Assistant Secretary for Children and Families. The office is organized as follows:

Office of the Director (KHA)
Division of State TANF Policy (KHB)
Division of State and Territory TANF Management (KHC)
Division of Data Collection and Analysis (KHG)
Division of Tribal TANF Management (KHH)

C. *Delete KH.20 Functions, Paragraph A. in its entirety and replace with the following:*

KH.20 Functions. A. The Office of the Director is directly responsible to the Assistant Secretary for Children and Families for carrying out OFA's mission and providing direction, leadership, guidance and general supervision to the principal components of OFA. The Deputy Director assists the Director in carrying out the responsibilities of the office. The Chief Program Officer assists the Director, and OFA Divisions in program planning, coordination, and evaluation efforts, and providing leadership and direction in the planning and execution of initiatives designed to improve program and organizational performance. The Office provides public information services by responding to welfare reform inquiries from the public and private sectors from both domestic and international entities via written and electronic communication and monitors completion of correspondence assigned to OFA. This office also coordinates and organizes the printing and distribution of policy and guidance documents and responds to Freedom of Information Act (FOIA) requests.

D. *Delete KH.20 Functions, Paragraph B. in its entirety and replace with the following:*

B. The Division of State TANF Policy provides direction and guidance in the nationwide administration of the Temporary Assistance for Needy Families programs, under title IV–A of the Social Security Act and the Aid to the Aged, Blind, and Disabled program in Guam, Puerto Rico and the Virgin Islands.

The Division ensures compliance with Federal laws and regulations. The Division proposes and reviews legislation and implements national policy, develops regulations to implement new laws and prepares policy interpretations. The Division provides guidance and direction, analyzes, tracks and disseminates information on State progress in achieving work participation goals. The Division shapes and facilitates communication between Federal, State and local entities to coordinate cross-cutting welfare to work related policies. The Division collaborates with ACF and HHS components on related programs such as: Head Start, child care programs and programs related to child welfare. The Division develops State plan procedures and evaluates State TANF plans with internal and external collaboration to identify critical issues contained in the plans and amendments. It also prepares congressional materials, testimonies and speeches. The Division collaborates with and provides program guidance to the Office of the General Counsel (OGC) on litigation.

E. *Delete KH.20 Functions, Paragraph C. in its entirety and replace with the following:*

C. The Division of State and Territory TANF Management provides technical assistance to States, Territories, localities and community groups; assists in the assessment of State and Territorial performance in administering the TANF program and the Aid to the Aged, Blind and Disabled program in Guam, Puerto Rico and the Virgin Islands; and recommends and promotes improvements in outcomes for clients. The Division develops and implements strategies to assist grantees in implementing and designing programs to meet TANF purposes. The Division develops and delivers technical assistance, focusing on innovative policy and program design approaches, to improve the well-being of children. The Division facilitates closer working relationships with State programs and program officials to help States improve their TANF programs. The Division promotes cross-program policy initiatives to self-sufficiency and family focused services. The Division collaborates with ACF and HHS components and other Federal agencies to deliver family-focused services. It promotes job development through agreements with other Federal agencies and corporations. The Division identifies best practices and shares information through conferences, publications and other means. The Division establishes strong working partnerships with States, Tribes and Territories to help them build management capacity and skills to improve the performance of the TANF programs. The Division compiles, analyzes, evaluates, and disseminates information on implementation and strategies in the TANF program and other related welfare programs in the United States, including information on pertinent statutes, regulations, program instructions and guidance. The Division serves as a catalyst to connect other relevant national, Federal, State and local organizations to operate more effectively, and to share resources and information relative to increasing the economic self-sufficiency of low-income families. The Division has responsibility for updating contracted Web sites to provide easy access; targeted and focused useful information; customer-friendly organization and search capabilities.

F. *Delete KH.20 Functions, Paragraph D. in its entirety and replace with the following:*

D. The Division of Data Collection and Analysis is responsible for all aspects of the collection, compilation, analysis, and dissemination of statistical and financial data on the TANF program and the Aid to the Aged, Blind and Disabled programs in Guam, Puerto Rico, and the Virgin Islands. The Division develops regulations to implement data collection requirements; designs, develops, implements, and maintains systems for the collection and analysis of data including: participation rate information, recipient characteristics, financial and administrative data, State expenditures on families, work activities of non-custodial parents, transitional services, and data used in the assessment of State performance. The Division provides leadership and coordinates with other ACF and HHS offices and external organizations in the use of these data for policy and research purposes. The Division also develops and maintains statistical protocols and manuals for data collection purposes and provides technical assistance in the use of these materials.

G. *Amend KH.20 Functions, to add the following new paragraph:*

E. The Division of Tribal TANF Management is responsible for assisting in implementation and coordination of ongoing consultation with tribal governments and, where appropriate, State and Federal agencies regarding issues relating to the TANF and the Native Employment Works program and related legislation. It is also responsible for development of regulations and guidelines for Tribal employment programs and for providing leadership, policy direction, technical assistance and coordination of Tribal services

programs. The Division performs inter- and intra-agency liaison functions to promote family stability, economic security, responsibility and self-support for Native Americans. It is responsible for conducting program reviews to ensure compliance with the Act, regulations and policy directives. It is responsible for activities related to tribal data collection reporting requirements relating to the programs.

III. Chapter KM, The Office of Planning, Research and Evaluation

A. *Delete KM.00 Mission in its entirety and replace with the following:*

KM.00 Mission. The Office of Planning, Research and Evaluation (OPRE) is the principal advisor to the Assistant Secretary for Children and Families on improving the effectiveness and efficiency of programs designed to make measurable improvements in the economic and social well-being of children and families.

The Office provides guidance, analysis, technical assistance, and oversight to ACF programs and across programs in the agency on: Strategic planning aimed at measurable results; performance measurement; research and evaluation methodologies; demonstration testing and model development; statistical, policy and program analysis; synthesis and dissemination of research and demonstration findings; and application of emerging technologies to improve the effectiveness of programs and service delivery.

The Office, through the Division of Economic Independence and the Division of Child and Family Development, oversees and manages the research programs under sections 413 and 1110 of the Social Security Act, including: Priority setting and analysis; managing and coordinating major cross-cutting, leading-edge studies and special initiatives; and collaborating with states, communities, foundations, professional organizations and others to promote the development of children, family focused services, parental responsibility, employment, and economic independence. Through the Division of Child and Family Development, the Office also oversees and manages the research, demonstration, and evaluation activities under Section 649 of the Head Start Act. In addition, the Office also provides coordination and leadership in implementing the Government Performance and Results Act (GPRA).

B. *Delete KM.10 Organization in its entirety and replace with the following:*

KM.10 Organization. The Office of Planing, Research and Evaluation (OPRE) is headed by a Director, who reports to the Assistant Secretary for Children and Families. *The Office is organized as follows:*

Office of the Director (KMA)
Division of Economic Independence (KMB)
Division of Child and Family Development (KMC)

C. *Delete KM.20 Functions, Paragraph A. in its entirety and replace with the following:*

KM.20 Functions. A. The Office of the Director provides direction and executive leadership to OPRE in administering its responsibilities. It serves as principal advisor to the Assistant Secretary for Children and Families on all matters pertaining to: improving the effectiveness and efficiency of ACF programs; strategic planning; performance measurement; program and policy evaluation; research and demonstrations; state and local innovations and progress; and public/private partnership initiatives of concern to the Assistant Secretary for Children and Families. It represents the Assistant Secretary for Children and Families at various planning, research, and evaluation forums and carries out special Departmental and Administration initiatives.

D. *Delete KM.20 Functions, Paragraph B in its entirety and replace with the following:*

B. The Division of Economic Independence, in cooperation with ACF income support programs and others, works with Federal counterparts, States, community agencies, and the private sector to understand and overcome barriers to economic independence; promote parental responsibility; and assist in improving the effectiveness of programs that further economic independence.

The Division provides guidance, analysis, technical assistance and oversight in ACF on: Strategic planning and performance measurement for economic independence; statistical, policy, and program analysis; surveys, research, and evaluation methodologies; demonstration testing and model development; synthesis and dissemination of research and demonstration findings; and application of emerging technologies to programs which promote employment, parental responsibility, and economic independence.

The Division develops policy-relevant research priorities; conducts, manages, and coordinates major cross-program, leading-edge research, demonstrations, and evaluation studies, manages and conducts statistical, policy, and program analyses on trends in employment, child support payments, and other income supports; and works in partnership with States, communities, and the private sector to promote employment, parental responsibility, and family economic independence.

E. *Delete KM.20 Functions, Paragraph C. in its entirety and replace with the following:*

C. The Division of Child and Family Development, in cooperation with ACF programs and others, works with Federal counterparts, States, community agencies, and the private sector to: Improve the effectiveness and efficiency of programs; assure the protection of children and other vulnerable populations; strengthen and promote family stability; and foster sound growth and development of children and their families.

The Division provides guidance, analysis, technical assistance, and oversight in ACF on: Strategic planning and performance measurement for all ACF programs, including child and family development; statistical, policy, and program analysis; surveys, research and evaluation methodologies; demonstration testing and model development; synthesis and dissemination of research and demonstration findings; and application of emerging technologies to improve the effectiveness of programs and service delivery.

The Division conducts, manages, and coordinates major cross-program, leading edge research, demonstration, and evaluation studies; develops policy-relevant research priorities; and manages and conducts statistical, policy, and program analyses related to children and families. Division staff also provides consultation, coordination, direction, and support for research activities related to children and families across ACF programs.

In partnership with the Head Start Bureau and the Commissioner, Administration on Children, Youth and Families, the Division oversees and manages the research, demonstration, and evaluation activities under section 649 of the Head Start Act and manages the Head Start research budget. The Division also manages the Social Services research and demonstration budget under section 1110 of the Social Security Act.

F. *Delete KM.20 Functions, Paragraph D. in its entirety.*

Dated: October 28, 2002.

Wade F. Horn,

Assistant Secretary for Children and Families.

[FR Doc. 02–27971 Filed 11–1–02; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

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

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Novel Molecular Conjugates for Signal Amplification

Subhash Dhawan (CBER/FDA), DHHS Reference No. E–136–02/0 filed 10 Jun 2002, Licensing Contact: Susan Ano; 301/435–5515; *anos@od.nih.gov.*

This invention relates to novel molecular conjugates that are applicable to the field of immunoassays and, in general, any probe assay requiring detection of an analyte. These molecular constructs are capable of enhancing test sensitivity and shortening assay time through the use of analyte-specific binding reagents associated with a multiple label scaffold. The invention can utilize a diversity of analyte-binding molecules, providing adjustable selectivity for a range of analytes. Conversely, combination of labels with different chemical properties with a single binding partner facilitates a multiplex approach to analyte detection on a large scale. The invention includes kits and methods for production and use of the molecular conjugates.

Methods of Inducing Deacetylase Inhibitors To Promote Cell Differentiation and Regeneration

Vittorrio Sartorelli (NIAMS) and Pier L. Puri, DHHS Reference No. E–353–01/0 filed 18 Oct 2001, Licensing Contact: Fatima Sayyid; 301/435–4521; *sayyidf@od.nih.gov.*

The present invention discloses a method of enhancing progenitor cell differentiation, including enhancing myogenesis, neurogenesis and hematopoiesis, by contacting a progenitor cell with an effective amount of a deacetylase inhibitor (DI). The progenitor cell can be part of cell culture, such as a cell culture used for in vitro or in vivo analysis of progenitor cell differentiation, or can be part of an organism, such as a human or other mammal. Contacting the progenitor cell with a DI can lead to enhancement of expression of terminal cell-type specific genes in the progenitor cell, such as enhancing expression of muscle-specific genes in myoblasts, and can lead to skeletal muscle hypertrophy. Administering a DI to a subject also can provide some prophylactic or therapeutic effect for inhibiting, preventing, or treating associated with a degeneration or loss of tissue. The DI can be administered to a subject as part of a pharmaceutical composition.

FcεRI-Bearing Human Mast Cell Lines

Arnold Kirshenbaum, Cem Akin, Dean D. Metcalfe (NIAID), DHHS Reference No. E–279–01/0 filed 04 Feb 2002, Licensing Contact: Marlene Shinn; 301/435–4426; *shinnm@od.nih.gov.*

Allergic diseases, which include asthma, are a significant health problem in the United States, with 15–25% of the population displaying some form of allergies. The mast cell is the major effector cell of allergic inflammation and has also been shown to be involved in delayed hypersensitivity reactions, fibrosis, autoimmune disorders, neoplasia, and immunity against parasitic infections. Most mast cell studies are currently performed using mast cells derived from cultured CD34+ progenitor cells, which is time consuming, costly, and produces a poor yield of cells.

The NIH announces a number of newly derived mast cell lines that more closely resemble normal in vivo and in vitro human mast cells, which express functional FcεRI receptors and respond to Stem Cell Factor (SCF) with proliferation. It is well known that the most important means by which mast cells induce inflammation is by mediator release via FcεRI receptor cross-linking. These cell lines also release mediators by cross-linking of FcγRI (CD64) receptors, and have been shown to express FcγRII (CD32). It is anticipated that these cell lines will be useful in a variety of research projects including the development of drugs that block the release of potent mediators that cause allergic inflammation and the development of drugs to inhibit mast cell hyperplasia and dysmyelopoiesis in mastocytosis.

Thermolabile Hydroxyl Protecting Groups and Methods of Use

Serge L. Beaucage et al. (FDA), DHHS Reference No. E–242–00/0 filed 03 Dec 2001, Licensing Contact: Marlene Shinn; 301/435–4426; *shinnm@od.nih.gov.*

Synthetic oligonucleotides can be used in a wide variety of settings, which aside from basic research tools include gene therapy applications, antisense and immunostimulatory therapeutic indications, and the rapidly evolving diagnostic and DNA sequencing microarray technology. The NIH announces a new technology aimed at improving oligonucleotide synthesis on glass microarrays. The technology is based on the use of thermolabile groups for 5′-/3′-hydroxyl protection of oligonucleotides and departs from the current methods employed in the preparation of oligonucleotide microarrays in that it does not utilize photochemical irradiation or abrasive chemicals for the removal of such protecting groups. Instead, thermal cleavage of 5′-/3′-hydroxyl protecting groups is effected at temperatures near 90°C under mild neutral conditions to prevent glass surfaces from being harmed by harsh chemical reagents. In addition, thermolabile protecting groups could be useful in manufacturing synthetic oligonucleotides on solid supports or in solution. Thermolabile protecting groups may also be used to protect/deprotect drug functional groups under conditions that will not affect other functional entity(ies) on the molecule.

Dated: October 24, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–27900 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

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

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Identification of a Novel BHD Gene

Laura S. Schmidt (NCI), DHHS Reference Nos. E–190–02/0 filed 31 May 2002 and E–190–02/1 filed 20 Jun 2002, Licensing Contact: George Pipia; 301/435–5560; *pipiag@od.nih.gov.*

Birt-Hogg-Dube (BHD) syndrome is an inherited autosomal dominant neoplasia syndrome characterized by benign hair follicle tumors and is associated with a higher risk for developing renal cancer, spontaneous pneumothorax and /or lung cysts.

The present invention describes identification of the BHD syndrome associated germline mutations in a novel human gene, herein called BHD gene. This gene encodes for the protein, folliculin, functions of which remain currently unknown.

This discovery makes possible the development of a diagnostic method for BHD syndrome using a simple blood test. The test is particularly useful in detecting BHD mutations in asymptomatic carriers within BHD families.

Patients with kidney tumors can be evaluated for BHD gene mutations using a similar genetic diagnostic test, which will allow for a more accurate diagnosis of a kidney cancer and improved patient prognosis. The BHD encoding sequence is the third gene found to be responsible for inherited kidney cancer, and mutation testing allows for a correct diagnosis and initiation of the proper treatment, which is different for each of the types of kidney cancer caused by the three genes.

Methods of using BHD encoding sequence also allows for a differential genetic diagnosis of spontaneous pneumothorax, or collapsed lung. Since collapsed lung can be caused by several factors, a BHD diagnostic test allows a physician to determine predisposition and recurrence of additional spontaneous pneumothoraces due to mutation(s) in the BHD gene.

The discovery should also lead to the development of novel pharmaceutical products and methods for treating BHD skin lesions using creams containing the BHD gene product, folliculin. Such products and methods of treatment are expected to reduce the size and appearance of the benign hair follicle tumors.

The disclosed technology will provide new and exciting methodologies to correctly diagnose BHD syndrome and should lead to the development of novel pharmaceutical reagents for treatment of BHD skin lesions as well as other skin diseases.

Novel Anti-CD30 Antibodies and Recombinant Immunotoxins Containing Disulfide-Stabilized Fv Fragments

Ira H. Pastan et al. (NCI), DHHS Reference No. E–135–02/0 filed 07 Jun 2002, Licensing Contact: Jonathan Dixon; 301/435–5559; *dixonj@od.nih.gov.*

The present invention discloses the creation of new anti-CD30 stalk antibodies and anti-CD30 dsFv-immunotoxins, which have shown good cytotoxic activity.

CD30 is a member of the tumor necrosis factor receptor super family. It is an excellent target due to its high expression in malignant Reed Sternberg cells of Hodgkin's Lymphoma (HL) and in anaplastic large cell lymphomas (ALCL), and due to its expression in only a small subset of normal lymphocytes. Previous attempts to target CD30 include the scFv immunotoxin Ki-4 that has shown specific binding to CD30-positive lymphoma cell lines and killed target cells.

The immunotoxins of the present invention are more stable and have higher affinity for CD30 then their predecessors. Research thus far has shown that the dsFv-immunotoxins are able to kill a variety of CD30-positive lymphoma cell lines in vitro as well as CD30-transfected A431 cells via specific binding to CD30.

As claimed in this patent application, the antibodies are able to bind to the stalk or to a cleavage site that is destroyed when sCD30 is cleaved away. This enhancement further increases the ability of immunotoxins to target and treat lymphomas expressing CD30.

The researchers are also interested in seeking a partner(s) under a Cooperative Research and Development Agreement (CRADA). For information on this CRADA opportunity, please contact Dr. Patrick Twomey of the NCI Technology Transfer Branch at twomeyp@mail.nih.gov.

Cytotoxic Agents Delivered Into Tumor Cells Through Specific Cell Surface Receptors and Conjugates of Ligand, Linker and Cytotoxic Agent and Related Compositions and Methods of Use

DHHS Reference No. E–057–02/0 filed 27 Feb 2002 and DHHS Reference No. E–057–02/1 filed 05 Apr 2002, Nadya Tarasova, Christophe A. Michejda, Marcin Dyba, Carolyn Cohran (NCI), Licensing Contact: George Pipia; 301/435–5560; *pipiag@od.nih.gov.*

Systemic toxicity of drugs is one of the most serious problems in cancer chemotherapy and frequently is dose limiting. Specific delivery of cytotoxic drugs to cancer cells remains among the most intractable problems of cancer therapy. Targeted delivery of anti-proliferation drugs through the cell surface receptors that are over expressed on cancer cells can reduce systemic toxicity and increase effectiveness of a treatment.

The present invention describes cytotoxic compounds with an intracellular target that can selectively enter tumor cells through specific receptors on the cell surface. The invention also describes a conjugate comprising a cytotoxic agent, a linker arm and a ligand capable of delivering a cytotoxic agent in a cell specific manner. Such conjugates of a cytotoxic agent and a ligand (delivery moiety) have increased selectivity for tumor cells. The toxic moiety and the ligand are joined by a linker arm that is stable in circulation, but is easily cleaved in lysosomes upon internalization of the conjugate. A panel of compounds comprised of a variety of cytotoxic warheads, against various intracellular targets linked to an assortment of ligands, has been developed and tested in a model system. Ligand moieties of these conjugates are capable of specific delivery of cytotoxic agents to receptors that are frequently over expressed in gastric, colon, lung, breast, ovarian and pancreatic tumors. These compounds have the potential to be highly effective anti-tumor agents with considerably little negative effect. This disclosed technology could provide new and exciting methodologies to treat cancer.

Novel Form of MRP9 in Breast Cancer

I. Pastan, T. Bera, and B. Lee (NCI), U.S. Provisional Patent Application 60/350,053 filed 17 Jan 2002, Licensing Contact: Brenda Hefti; 301/435–4632; *heftib@od.nih.gov.*

MRP9 is a member of the ATP binding cassette (ABC) transporter super family. This gene has at least two splice variants, one of which is membrane-associated and expressed in normal breast, breast cancer and testis, and the other of which is expressed in several other tissues. Anti-peptide antibodies designed to react with the amino terminus of the protein detect only the variant found in breast and testis. This protein should be a useful target for immunotherapy in breast cancer.

The patent application has claims directed towards use of MRP9 in detecting various cancers, including breast, testicular and pancreatic cancers. The application also contains claims directed toward immunotherapeutic agents, which could be useful to treat said cancers.

Use of a Histone Deacetylase Inhibitor To Increase the Entry of an Adenoviral Agent into a Cell

Tito A. Fojo *et al.* (NCI), DHHS Reference No. E–198–01/0 filed 24 Aug 2001, Licensing Contact: Matthew Kiser; 301/435–5236; *kiserm@od.nih.gov.*

This technology is directed to the use of any histone deacetylase inhibitor, including but not limited to FR901228 (depsipeptide, FK228), to increase the expression of Coxsackie-Adenovirus Receptor (CAR) and/or ''-'' integrins on the surface of a cell, such as a normal or cancerous cell, so as to increase the entry into the cell of a subsequently administered adenovirus-based therapeutic agent.

This disclosed method comprises exposing a cell to a histone deacetylase inhibitor in an amount sufficient to increase the expression of CAR and/or ''-'' integrin on the surface of the cell and, simultaneously with or subsequently to, exposing the cell to an adenoviral agent, whereupon the uptake of the adenoviral agent by the cell is increased relative to an otherwise identical cell that has not been exposed to a histone deacetylase inhibitor.

PEGylation of Linkers Improves Antitumor Activity and Reduces Toxicity of Immunoconjugates

I. Pastan, Y. Tsutsumi, M. Onda, S. Nagata and B. Lee (NCI), DHHS Reference No. E–216–00/2 filed 08 Jun 2001 (PCT Application PCT/US01/18503), Licensing Contact: Jonathan Dixon; 301/435–5559; *dixonj@od.nih.gov.*

The present invention relates to site-directed PEGylation of immunoconjugates. In particular, it provides a new approach for modifying with polyethylene glycol (PEG) a connector molecule that attaches the toxin moiety to the targeting moiety of an immunotoxin. The PEGylated immunotoxin has comparable *in vitro* specific toxicity against tumor cells, but other properties including stability, plasma half-life, antitumor activity, immunogenicity and non-specific toxicity are greatly improved.

The application contains composition of matter claims towards PEGylated connector molecules and method claims for using said PEGylated connector molecules.

Inhibitor of DNA Methylation

Victor E. Marquez (NCI), Erik Selker, Cindy Matson, Sheldon Greer, Peter Jones, PCT filing claiming priority to 60/309,242 filed on July 31, 2001, Licensing Contact: Brenda Hefti; 301/435–4632; *heftib@od.nih.gov.*

DNA methyltransferases (also referred to as DNA methylases) transfer methyl groups from the universal methyl donor S-adenosyl methionine to specific sites on a DNA molecule. When gene sequences contain many methylated cytosines, they are less likely to be expressed. Several such 'silenced' genes are now known to be an important contributing factor in many cancers where expression of tumor suppressor genes has been suppressed. Preventing DNA methyltransferase production, or inhibiting the enzyme, may allow tumor suppressor genes that have been silenced by hypermethylation to be re-activated. Re-activation of tumor suppressor genes is intended to stop or slow tumor growth by restoring growth control mechanisms. Thus, there exists a need for an effective, stable, and low-toxicity inhibitor of DNA methylation.

The inventors have discovered a potent inhibitor of DNA methylation that can specifically reactivate silenced tumor suppressor genes. This agent can be used to inhibit methylation and thereby combat certain cancers that have been linked to hypermethylation. This agent has also been shown in initial animal testing to be active orally and is more stable than some other agents in this same area of therapy and is a suitable candidate for further pre-clinical and clinical development as an anti-cancer agent to be used as monotherapy and/or as an adjunct to existing anti-cancer therapeutics.

Dated: October 24, 2002.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 02–27901 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Public Health Service and National Institute of Environmental Health Sciences; Notice of a Meeting of the Scientific Advisory Committee on Alternative Toxicological Methods

December 5, 2002.

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Scientific Advisory Committee on Alternative Toxicological Methods (SACATM) beginning at 9 AM on December 5, 2002, in Salon C at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia.

Background

The SACATM was chartered January 9, 2002, to fulfill section 3(d) of Public Law 106–545, the ICCVAM Authorization Act of 2000 [42 U.S.C. 285*l*–3(d)] and is composed of scientists from the public and private sectors (**Federal Register:** March 13, 2002: Vol. 67, No. 49, page 11358). The SACATM provides advice to the Director of the National Institute of Environmental Health Sciences (NIEHS), the Interagency Coordinating Committee on the Validation of Alternative Toxicological Methods (ICCVAM), and the National Toxicology Program (NTP) Interagency Center for the Evaluation of Alternative Toxicological Methods (NICEATM) regarding statutorily mandated duties of the ICCVAM and activities of the NICEATM. The committee's charter is posted on the Web at *http://iccvam.niehs.nih.gov* and is available in hard copy upon request from the NTP Executive Secretary (NTP Liaison and Scientific Review Office, NIEHS, PO Box 12233, Research Triangle Park, NC 27709; telephone: 919–541–0530; facsimile: 919–541–0295 or *wolfe.niehs.nih.gov*).

Agenda

The meeting is being held on December 5, 2002, from 9 AM until adjournment and is open to the public with attendance limited only by the space available. Although not required, pre-registration is preferred to assist in planning for adequate space. To pre-register for this meeting, please contact the NTP Executive Secretary (contact information above). Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable

accommodations, are asked to notify the executive secretary.

A preliminary agenda is provided below. Relevant documents and publications about the test methods and the validation and acceptance criteria being discussed are available on the NICEATM/ICCVAM Web site at: *http://iccvam.niehs.nih.gov* (select Documents and Publications).

Preliminary Agenda

Scientific Advisory Committee on Alternative Toxicological Methods

December 5, 2002.

Salon C, Crystal Gateway Marriott (703–920–3230), 1700 Jefferson Davis Highway, Arlington, Virginia, Crystal City Metro Stop.

9:00 a.m.

Welcome and Introductions
Informational Overviews of NIEHS, NTP, NICEATM, and ICCVAM
ICCVAM Validation and Acceptance Criteria
Current Scientific Directions of the European Centre for Validation of Alternative Methods (ECVAM)
Linkage of Scientific Directions between ECVAM and ICCVAM
- Public comment

12:15 p.m.

Lunch break

1:15 p.m.

Test Method Submissions and Proposed Nomination and Prioritization Process
- Public comment

In-Vitro Acute Toxicity Testing Methods
- Public comment

In-Vitro Estrogen/Androgen Receptor Binding and Transcriptional Activation Assays
- Public comment

Other Business

5:00 p.m.

Adjourn

A copy of the agenda, committee roster, and any additional information, when available, will be posted on the NTP Web site (*http://ntp-server.niehs.nih.gov*) or available upon request to the NTP Executive Secretary (contact information provided above). Following the meeting, summary minutes will be prepared and available through the NICEATM/ICCVAM Web site (*http://iccvam.niehs.nih.gov*) and upon request to the NTP Liaison and Scientific Review Office (contact information above).

Public Comment Welcome

Public input at this meeting is invited and time is set aside for the presentation of public comments on any agenda topic. Each organization is allowed one time slot per agenda topic. At least 7 minutes will be allotted to each speaker, and if time permits, may be extended to 10 minutes. In order to facilitate planning for this meeting, persons wishing to make an oral presentation are asked to notify the NTP Executive Secretary (contact information above) by November 28, 2002, and to provide their name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any). Registration for oral comments will also be available on-site, although time allowed for presentation by on-site registrants may be less then that for pre-registered speakers and will be determined by the number of persons who register at the meeting.

Persons registering to make oral comments are asked, if possible, to provide a copy of their statement to the NTP Executive Secretary (contact information above) by November 28, to enable review by the SACATM and NIEHS/NTP staff prior to the meeting. Written statements can supplement and may expand the oral presentation. If registering on-site and reading from written text, please bring 50 copies of the statement for distribution to the SACATM and NIEHS/NTP staff and to supplement the record.

Persons may also submit written comments in lieu of making oral comments. Written comments should be sent to the NTP Executive Secretary and should be received by November 28 to enable review by the SACATM and NIEHS/NIH prior to the meeting. Persons submitting written comments should include their name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any) with the document.

Dated: October 24, 2002.

Samuel Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 02–27902 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Small Grants Program for Cancer Epidemiology (PAR–01–021) and Cancer Prevention Research (PAR–00–025).

Date: December 3–4, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: C. Michael Kerwin, Ph.D., MpH, Scientific Review Administrator, Special Review & Logistics Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8057, MSC 8329, Bethesda, MD 20892–8329. (301) 496–7421. *kerwinm@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27895 Filed 11–01–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NHLBI.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural

programs and projects conducted by the National Heart, Lung, and Blood Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NHLBI.

Date: December 12–13, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Institutes of Health, Building 10, Room 7S235, 10 Center Drive, Bethesda, MD 20892.

Contact Person: Elizabeth G. Nabel, MD, Scientific Director for Clinical Research, National Heart, Lung, and Blood Institute, Division of Intramural Research, Building 10, Room 8C103, MSC 1754, Bethesda, MD 20892, 301/496–1518.

Information is also available on the Institute's/Center's Home Page: www.nhlbi.nih.gov/meetings/index.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 25, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27890 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The 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: Heart, Lung, and Blood Program Project Review Committee.

Date: December 5, 2002.

Time: 8 a.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Jeffrey H. Hurst, Ph.D., Scientific Review Administrator, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, (301) 435–0303.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 25, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27891 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Meeting

Pursuant to section 109(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, National Human Genome Research Institute.

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 as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual grant applications and/or contract proposals conducted by the National Human Genome Research Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Human Genome Research Institute.

Date: November 3–5, 2002.

Open: November 3, 2002, 8 p.m. to 10 p.m.

Agenda: To discuss matters of program relevance.

Place: Eisenhower Inn and Conference Center, Gettysburg, PA.

Closed: November 4, 2002, 8:30 a.m. to adjournment on November 5, 2002.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Eisenhower Inn and Conference Center, Gettysburg, PA.

Contact Person: Claire Rodgaard, Assistant to the Scientific Director, Division of Intramural Research, Office of the Director, National Human Genome Research Institute, 45 Convent Drive, Building 49, Room 4A06, Bethesda, MD 20892, 301–435–5802.

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 intramural research review cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27898 Filed 11–01–02; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nutrients Uptake and Intestinal Immunity, Part 1.

Date: December 2, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Michael W. Edwards, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 751, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–8886.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nutrients Uptake and Intestinal Immunity, Part 2.

Date: December 5, 2002.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal City Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Michael W. Edwards, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 751, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–8886.

(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: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27892 Filed 11–1–02; 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 Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Adult Stem Cells for Program Project.

Date: November 21, 2002.

Time: 9 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Mariott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: John Connaughton, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 757, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Career Enhancement Award for Stem Cells Research.

Date: November 21, 2002.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Mariott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

Contact Person: John Connaughton, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 757, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7797, *connaughtonj@extra.niddk.nih.gov.*

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Small Clinical Research Grants in Digestive Diseases and Nutrition.

Date: December 2, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA 22202.

Contact Person: Carolyn Miles, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 755, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594–7791.

(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: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27893 Filed 11–1–02; 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 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Digestive Diseases Research Development Centers.

Date: December 4–5, 2002.

Time: 6:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: Dan E. Matsumoto, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 749, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–8894.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; BioSample and Genetics Repositories.

Date: December 9, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Courtyard by Marriott, 2899 Jefferson Davis Highway, Arlington, VA 22203.

Contact Person: Maxine Lesniak, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 756, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7792, *lesniakm@extra.niddk.nih.gov.*

(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: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27894 Filed 11–1–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Deafness and Other Communications Disorders Special Emphasis Panel, NIDCD Exploratory/Developmental Research-Voice, Speech, and Language.

Date: December 10, 2002.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd., Suite 400C, Rockville, MD 20852.

Contact Person: Stanley C. Oaks, PhD, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, Executive Plaza South, Room 400C, 6120 Executive Blvd., Bethesda, MD 20892–7180. 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27897 Filed 11–01–02; 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, Fetal Basis of Adult Disease.

Date: November 14–15, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, Versailles Room 4, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dennis Leszczynski, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6170, MSC 7892, Bethesda, MD 20892. (301) 435–1044.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1: SSS–7 (10): Small Business Applications on Imaging Technologies B.

Date: November 19, 2002.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5112, Bethesda, MD 20892. (301) 435–1259. *orrt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1: SSS–M (15) Nephrology/Urology SBIR.

Date: November 19, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Select, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4106, MSC 7814, Bethesda, MD 20892–7814. 301/435–1743. *sipej@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Oral, Craniofacial and Dental Sciences SBIR/STTR Panel.

Date: November 19, 2002.

Time: 10 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: The River Inn, 924 Twenty-Fifth Street, NW., Washington, DC 20037.

Contact Person: J. Terrell Hoffeld, DDS, Ph.D., Dental Officer, USPHS, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4116, MSC 7816, Bethesda, MD 20892, 301/435–1781. *th88q@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Developmental Disabilities.

Date: November 19, 2002.

Time: 11:30 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Cheri Wiggs, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892. (301) 435–1261.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Special Topics: Tumor Hypoxia and Apoptosis.

Date: November 19, 2002.

Time: 1 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: Shen K. Yang, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892. (301) 435–1213. *yangsh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN (3) Neurobiology of Alcohol and Stress.

Date: November 19, 2002.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Gamil C. Debbas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892. (301) 435–1247. *eskayr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 CDF–5 01M: Member Conflict: Dab2 Adaptor Proteins.

Date: November 19, 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: Sherry L. Dupere, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892. (301) 435–1021. *duperes@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 MEP01M: HSP and cancer.

Date: November 19, 2002.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Angela Y. Ng, Ph.D., MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, (For courier delivery, use MD 20817), Bethesda, MD 20892. 301–434–1715, *nga@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neuroscience/ZRG1 BDCN–5 (10) SBIR.

Date: November 20–21, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street, NW., Washington, DC 20036–3305.

Contact Person: Sherry L. Stuesse, Ph.D., Scientific Review Administrator, Division of Clinical and Population-Based Studies,

Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5188, MSC 7846, Bethesda, MD 20892. 301–435–1785. *stuesses@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 PTHB 04M: Member Conflict: Carcinogenesis: DNA Damage.

Date: November 20, 2002.

Time: 1 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: Martin L. Padarathsingh, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892. 301–435–1717.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Metastasis and Invasion.

Date: November 20, 2002.

Time: 1 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: Victor A. Fung, Ph.D., Scientific Review Administrator, Oncological Sciences Initial Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6178, MSC 7804, Bethesda, MD 20814–9692. 301–435–3504 *vf6n@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BBCB 03: PA–01–049; Single Molecule Studies of Membranes.

Date: November 20, 2002.

Time: 1:30 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: Arnold Revzin, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4184, MSC 7824, Bethesda, MD 20892. (301) 435–1153.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–C (04) BBBP–1 Member Reviews in the Neurobiology of Addiction.

Date: November 20, 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: Mary Sue Krause, MED, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3182, MSC 7848, Bethesda, MD 20892. 301–435–0902. *krausem@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 F02A (20) Fellowships: integrative, Functional & Cognitive Neurosciences.

Date: November 21, 2002.

Time: 8 a.m. to 4 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Gamil C. Debbas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892. (301 435–1018. *debbasg@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 F04 20L: Chemistry/Biophysics Fellowships Panel.

Date: November 21–22, 2002.

Time: 8 a.m. to 6 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Avenue, Chevy Chase, MD 20814.

Contact Person: David R. Jollie, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4156, MSC 7806, Bethesda, MD 20892. (301) 435–1722. *joieda@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Ethical, Legal and Social Implications of Genetics.

Date: November 21–22, 2002.

Time: 8:30 a.m. to 3 pm.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Cheryl M. Corsaro Ph.D., Genetic Sciences IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892. (30) 435–1045. *coraroc@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Nero SBIR.

Date: November 21, 2002.

Time: 8:30 a.m. to 5 pm.

Agenda: To review and evaluate grant applications.

Place: Jurys Washington Hotel, 1500 New Hampshire Avenue, NW., Washington, DC 20036.

Contact Person: Michael A. Lang, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892. (301) 435–1265.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 EDC–2A 10B: Small Business: Social Sciences, Nursing, Epidemiology & Methods.

Date: November 21–22, 2002.

Time: 8 a.m. to 4 pm.

Agenda: To review and evaluate grant applications.

Place: The Madison Hotel, 15th and M Streets, NW., Washington, DC 20005.

Contact Person: Denise Wiesch, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892. (301) 435–0684.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neuroscience/ZRG1 BDCN–2 (10).

Date: November 21, 2002.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: William C. Benzing, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892. (301) 435–1254. *benzingw@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Molecular Genetics.

Date: November 21, 2002.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Sharon K. Gubanich, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4140, MSC 7804, Bethesda, MD 20892. (301) 435–1767.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 GRM (03) Musculoskeletal & Dental Sciences.

Date: November 21, 2002.

Time: 11 a.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).

Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7814, Bethesda, MD 20892. (301) 435–1786.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Member Conflict: Oncogene Amplification.

Date: November 21, 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: Shen K. Yang, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892. (301) 435–1213. *yangsh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Demography of Long Term Care.

Date: November 21, 2002.

Time: 1:30 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: Robert Weller, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892. (301) 435–0694.

Name of Committee: Center for Scientific Review Special Emphasis Panel, Brain Disorders and Clinical Neuroscience/ZRG1 BDCN–2(11).

Date: November 22, 2002.

Time: 8:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: William C. Benzing, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5190, MSC 7846, Bethesda, MD 20892. (301) 435–1254. *benzingw@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Adolescent Substance Use Prevention & Smoking Cessation.
Date: November 22, 2002.
Time: 8:30 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Melrose Hotel, 2430 Pennsylvania Ave., NW., Washington, DC 20037.
Contact Person: Karen Sirocco, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3184, MSC 7848, Bethesda, MD 20892. (301) 435–0676. *siroccok@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, Computational Neuroscience.
Date: November 22, 2002.
Time: 10:30 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: John Bishop, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892. (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 PC (02): DNA Metabolism.
Date: November 22, 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: Richard Panniers, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892. (301) 435–1741.

Name of Committee: Center for Scientific Review Special Emphasis Panel, SNEM 5—Member Applications.
Date: November 22, 2002.
Time: 1 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: Yvette M. Davis, VMD, MpH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3152, MSC 7770, Bethesda, MD 20892. 301–435–0906.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 BBBP–6 (03) Member Conflict Review on Perception, Cognition and Emotion.
Date: November 22, 2002.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Anita Miller Sostek, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892. (301) 435–1260.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–B (02) M: Member Conflict in Biophysical Chemistry.
Date: November 22, 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: Donald Schneider, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4172, MSC 7806, Bethesda, MD 20892. (301) 435–1727.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–7 (40) Research Resources: Nuclear Magnetic Resonance.
Date: November 24–26, 2002.
Time: 7 p.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Select, Pittsburgh University Center, 100 Lytton Avenue, Pittsburgh, PA 15213.
Contact Person: Tracy E. Orr, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5112, Bethesda, MD 20892. (301) 435–1259. *orrt@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 SSS–5 (15) Small Business Orthopedic Medicine.
Date: November 25–26, 2002.
Time: 10 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton Washington Embassy Row, 2015 Massachusetts Avenue NW., Washington, DC 20036.
Contact Person: Nancy Shinowara, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814. (301) 435–1173. *shinowan@drg.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 PTHB 03M: Member Conflict: Carcinogenesis: Vascular Injury.
Date: November 25, 2002.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892. (Telephone Conference Call).
Contact Person: Martin L. Padarathsingh, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4146, MSC 7804, Bethesda, MD 20892. (301) 435–1717.

(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: October 28, 2002.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 02–27899 Filed 11–01–02; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Draft Environmental Impact Report/ Environmental Impact Statement and Habitat Conservation Plan for the Natomas Basin, Sacramento County, CA

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period and notice of availability.

SUMMARY: On August 26, 2002, the Fish and Wildlife Service (Service) issued a Notice of Availability (NOA) for the draft Environmental Impact Statement/ Environmental Impact Report (EIS/EIR) and draft Habitat Conservation Plan (HCP) for the Natomas Basin, Sacramento County, California (67 FR 54819). We are extending the comment period, which was originally scheduled to close on October 22, 2002, to December 2, 2002. Comments already submitted on the draft EIS/EIR and draft HCP need not be resubmitted as they will be fully considered in the final documents. This notice is provided pursuant to section 10(a) of the Endangered Species Act and Service regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6). In addition, the draft HCP included as an appendix a Natomas Basin HCP Fee Update, prepared by Economic Planning Systems (EPS), to estimate the amount of the mitigation fee under the HCP. The Service also announces the availability of a revised Fee Study Update that EPS has prepared and invites public comment during the extended public comment period.

DATES: The comment period now closes on December 5, 2002. Any comments received by the closing date will be considered in the final documents.

ADDRESSES: Comments should be addressed to the Field Supervisor, Fish and Wildlife Service, Sacramento Fish

and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825. Written comments may be sent by facsimile to (916) 414–6711.

FOR FURTHER INFORMATION CONTACT: Ms. Vicki Campbell, Chief, Conservation Planning Division, at the Sacramento Fish and Wildlife Office (*see* **ADDRESSES**); telephone: (916) 414–6600.

SUPPLEMENTARY INFORMATION:

Document Availability

Individuals wishing copies of the fee study should immediately contact the Service by telephone at (916) 414–6600 or by letter to the Sacramento Fish and Wildlife Office [*see* **ADDRESSES**]. Copies of the updated fee study Update also are available for public inspection, during regular business hours, at the Sacramento Fish and Wildlife Office; and the City of Sacramento Planning and Building Department, 1231 I Street, Room 300, Sacramento, California; State Library, 914 Capitol Mall, Sacramento, California; Central Library, 828 I Street, Sacramento, California; South Natomas Library, 2901 Truxel Road, Sacramento, California; and Sutter County Library, 750 Forbes Avenue, Yuba City, California.

Dated: October 28, 2002.

Daniel S. Walsworth,

Acting Deputy Manager, California/Nevada Operations Office, Sacramento, California.

[FR Doc. 02–27955 Filed 11–1–02; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60-day notice of information collection under review: New collection; survey of practitioners to assess the impact of transnational crime.

The Department of Justice, Office of Justice Programs, National Institute of Justice has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by November 13, 2002. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information and Regulation Affairs, Attention: Department of Justice Desk Officer, (202) 395–6466, Washington, DC 20503.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Jay Albanese, Director, National Institute of Justice International Center, 810 7th Street, NW., Washington, DC 20531 or call (202) 616–1960.

Written comments and suggestion from the public and affected agencies concerning 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 information collection:

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Survey of Practitioners to Assess the Impact of Transnational Crime.

(3) *Agency form number, if any, and the applicable component of the department sponsoring the collection:* OJP Form Number, none. National Institute of Justice, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Affected public includes law enforcement administrators or other persons responsible for investigatory operations within sampled jurisdictions. The survey will gather information about the impact of terrorism and other transnational crimes on local jurisdictions across the country, including resource allocation, collaboration with other agencies, extent of activity, and awareness of activity. The data will be used to advise the National Institute of Justice, Federal law enforcement agencies, and state and local law enforcement agencies on how state and local jurisdictions are impacted by terrorism and transnational crime.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 250 respondents will complete the survey which will take 30 minutes to complete.

An estimate of the total public burden (in hours) associated with this collection: An estimated 125 hours of public burden is associated with this collection.

If additional information is required, contact: Brenda E. Dyer, Department Deputy Clearance Officer, Information Management and Security Staff, Justice Management Division, United States Department of Justice, Patrick Henry Building, Suite 1600, 601 D Street NW., Washington, DC 20530.

Dated: October 30, 2002.

Brenda Dyer,

Department Deputy Clearance Officer, U.S. Department of Justice.

[FR Doc. 02–27920 Filed 11–1–02; 8:45 am]

BILLING CODE 4410–18–M

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meetings

TIMES AND DATES: 2 p.m. to 5 p.m., December 4, 2002; 8:30 a.m. to 1:00 p.m., December 5, 2002.

PLACE: Renaissance Washington, DC Hotel, 999 9th Street, NW., Washington, DC.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Reports from the Chairperson and the Executive Director, Committee Meetings and Committee Reports, Executive Session, Unfinished Business, New Business, Announcements, Adjournment.

PORTIONS OPEN TO THE PUBLIC: Reports from the Chairperson and the Executive Director, committee meetings and committee reports, unfinished business, new business, announcements, adjournment.

PORTIONS CLOSED TO THE PUBLIC: Executive Session.

CONTACT PERSON FOR MORE INFORMATION: Mark S. Quigley, Director of Communications, National Council on Disability, 1331 F Street, NW., Suite

850, Washington, DC 20004; 202–272–2004 (Voice), 202–272–2074 (TTY), 202–272–2022 (Fax), *mquigley@ncd.gov* (E-mail).

AGENCY MISSION: The National Council on Disability (NCD) is an independent federal agency composed of 15 members appointed by the President and confirmed by the U.S. Senate. Its overall purpose is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, including people from culturally diverse backgrounds, regardless of the nature or significance of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

ACCOMMODATIONS: Those needing sign language interpreters or other disability accommodations should notify NCD at least one week prior to this meeting.

LANGUAGE TRANSLATION: In accordance with E.O. 13166, Improving Access to Services for Persons with Limited English Proficiency, those people with disabilities who are limited English proficient and seek translation services for this meeting should notify NCD at least one week prior to this meeting.

MULTIPLE CHEMICAL SENSITIVITY/ ENVIRONMENTAL ILLNESS: People with multiple chemical sensitivity/ environmental illness must reduce their exposure to volatile chemical substances to attend this meeting. To reduce such exposure, NCD requests that attendees not wear perfumes or scented products at this meeting. Smoking is prohibited in meeting rooms and surrounding areas.

Dated: October 31, 2002.

Ethel D. Briggs,

Executive Director.

[FR Doc. 02–28109 Filed 10–31–02; 3:19 pm]

BILLING CODE 6820–MA–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Federal Council on the Arts and the Humanities; Arts and Artifacts Indemnity Panel; Advisory Committee; Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, DC 20506, in Room 708, from 9 a.m. to 5:30 p.m., on Monday, November 18, 2002.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after January 1, 2003.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Daniel Schneider, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or call 202/606–8322.

Daniel Schneider,

Advisory Committee Management Officer.

[FR Doc. 02–27912 Filed 11–01–02; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Council on the Humanities; Meeting

October 28, 2002.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, as amended) notice is hereby given the National Council on the Humanities will meet in Washington, DC on November 14–15, 2002.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to policies, programs, and procedures for carrying out his functions, and to review applications for financial support from and gifts offered to the Endowment and to make recommendations thereon to the Chairman.

The meeting will be held in the Old Post Office Building, 1100 Pennsylvania Avenue, NW., Washington, DC. A portion of the morning and afternoon sessions on November 14–15, 2002, will not be open to the public pursuant to subsections (c)(4), (c)(6) and (c)(9)(B) of section 552b of Title 5, United States Code because the Council will consider information that may disclose: trade secrets and commercial or financial information obtained from a person and privileged or confidential; information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and information the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action. I have made this determination under the authority granted me by the Chairman's Delegation of Authority dated July 19, 1993.

The agenda for the session on November 14, 2002 will be as follows:

Committee Meetings

(Open to the Public)

Policy Discussion

9–10:30 a.m.
- Education Programs—Room M–07.
- Federal/State Partnership—Room 507.
- Preservation and Access/Challenge Grants—Room 415.
- Public Programs—Room 420.
- Research Programs—Room 315.

(Closed to the Public)

Discussion of Specific Grant Applications and Programs Before the Council

10:30 a.m. until adjourned
- Education Programs—Room M–07.
- Federal/State Partnership—Room 507.
- Preservation and Access/Challenge Grants—Room 415.
- Public Programs—Room 420.
- Research Programs—Room 315.

The morning session on November 15, 2002 will convene at 9 a.m., in the 1st Floor Council Room M–09, and will be open to the public, as set out below. The agenda for the morning session will be as follows:

Minutes of the Previous Meeting

Reports
- A. Introductory Remarks.
- B. Staff Report.
- C. Congressional Report.
- D. Budget Report.
- E. Reports on Policy and General Matters.
  1. Overview.
  2. Research Programs.
  3. Education Programs.
  4. Preservation and Access/Challenge Grants.
  5. Public Programs.
  6. Federal/State Partnership.

The remainder of the proposed meeting will be given to the consideration of specific applications and closed to the public for the reasons stated above.

Further information about this meeting can be obtained from Mr.

Daniel C. Schneider, Advisory Committee Management Officer, National Endowment for the Humanities, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, or by calling (202) 606–8322, TDD (202) 606–8282. Advance notice of any special needs or accommodations is appreciated.

Daniel C. Schnieder,

Advisory Committee Management Officer.

[FR Doc. 02–27913 Filed 11–01–02; 8:45 am]

BILLING CODE 7536–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Biological Sciences (BIO); Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Biological Sciences (BIO) (1110).

Date and Time: November 7, 2002, 8:30 am.–5 p.m., November 8, 2002, 8:30 a.m.–3 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Stafford II, Room 595.

Type of Meeting: Open.

Contact Person: Dr. Mary E. Clutter, Assistant Director, Biological Sciences, Room 605, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Tel No.: (703) 292–8400.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: The Advisory Committee for BIO provides advice, recommendations, and oversight concerning major program emphases, directions, and goals for the research-related activities of the divisions that make up BIO.

Agenda: Planning and issues discussion.

Dated: October 29, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–27908 Filed 11–01–02; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Proposal Review Panel for Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Proposal Review Panel for Physics (#1208).

Date and Time: November 12–13, 2002, 8 a.m. to 6 p.m.

Place: University of Illinois.

Type of Meeting: Part-open.

Contact Person: Dr. Richard Boyd, Program Director for Nuclear Physics, Room 1015N, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–7381.

Purpose of Meeting: Site Visit in conjunction with review for a five-year grant.

Agenda: Closed: Nov. 12, from 8:30–9 a.m., noon–1 p.m., 3:30–3:50 p.m., and 5:30–6 p.m.; and Nov. 13 from 8:30–9 a.m. to noon, 1–3:30 p.m. During these times the merits of the research presented in the open sessions will be discussed and evaluated.

Open: Nov. 12, from 9 a.m. to noon, 1–3:30 p.m., and 3:50–5:30 p.m.; and Nov. 13 aspects of the program will be presented. In an evening session on Nov. 12, from 8–9:30, graduate students will present their work in a poster session.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 29, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–27907 Filed 11–01–02; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Social, Behavioral and Economic Sciences; Notice of Meeting

In accordacne with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Advisory Committee for Social, Behavioral, and Economic Sciences, (ACSBE) (#1171).

Date & Time: December 12, 2002 8:30 a.m.—5 p.m., December 13, 2002 8:30 a.m.—12:30 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Dr. Sally Kane, Senior Advisor, ACSBE, Directorate for Social, Behavioral, and Economic Sciences, National Science Foundation, 4201 Wilson Boulevard, Room 905, Arlington, VA 22230, 703–292–8741.

Summary Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation on major goals and policies pertaining to Social, Behavioral and Economic Sciences Directorate programs and activities.

Agenda: Discussion on issues, role and future direction of the Directorate for Social, Behavioral, and Economic Sciences.

Note: Visitors from outside of NSF should call (703)292–8741 to arrange for a vistitor's badge in order to facilitate getting into the building.

Dated: October 29, 2002.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 02–27906 Filed 11–1–02; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Company; Haddam Neck Plant; 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 No. DPR–61 issued to Connecticut Yankee Atomic Power Company (the licensee) for the Haddam Neck Plant, a permanently shutdown nuclear reactor facility located in Middlesex County, Connecticut. The new license condition is related to the licensee's proposed License Termination Plan (LTP) for the plant. Therefore, pursuant to Section 51.21 of Title 10 of the Code of Federal Regulations (10 CFR), the NRC is issuing this environmental assessment and finding of no significant impact.

Environmental Assessment

Identification of the Proposed Action

The proposed action would amend Facility Operating License No. DPR–61 to approve the LTP for the plant and add a new License Condition C.7 to the LTP for the plant. The proposed condition will require the licensee to implement and maintain in effect all provisions of the LTP that are approved by the NRC as part of the amendment. The proposed condition would also (1) provide criteria for the licensee to make changes to the LTP with prior NRC review and approval and (2) require the licensee to perform a capture zone analysis and to have assured that the groundwater contribution is included for all applicable survey areas. In accordance with the regulations, the licensee has, and will continue to have, the authority to remediate the site without an approved LTP, which is performed under the provisions of 10 CFR 50.82(a)(6) and 50.59. The proposed license amendment does not authorize additional plant activities beyond those that are already authorized and, therefore, is administrative.

The proposed action is in accordance with the licensee's application dated July 7, 2000, as supplemented by letters dated June 14, July 31, August 15, August 22, September 6, September 7, 2001, and August 20 and October 10, 2002. Calculations to support the LTP were also provided by the licensee in the letters dated January 11, 2001, and May 9, June 26, and August 15, 2002.

Consistent with the decommissioning rule that appeared in the **Federal Register** notice dated July 29, 1996 (Vol. 61, No. 146, pp. 39283–39284), the NRC has also prepared this environmental assessment (EA) to determine the adequacy of the radiation release criteria and the adequacy of the final status survey presented in the LTP.

The Need for the Proposed Action

The proposed action would allow the licensee to meet the requirements of 10 CFR 50.82(a)(9), by which a licensee is required to submit an LTP to the NRC for approval. Further, in accordance with the requirements of 10 CFR 50.82(a)(10) and (11), the staff will: (1) Approve an LTP by license amendment if the remaining decommissioning activities will be performed in accordance with the regulations, will not be inimical to the common defense and security or the health and safety of the public, and will not have a significant effect on the quality of the environment; and (2) terminate the license if the remaining dismantlement has been performed in accordance with the approved LTP and if the final radiation survey and associated documents demonstrate the facility and site are suitable for release.

Environmental Impacts of the Proposed Action

Background

The nuclear steam supply for the HNP is a four-loop pressurized-water reactor (PWR) with a thermal power design limit of 1,825 MWt. The turbine generator was rated to produce 619 MWe. The HNP began commercial operation in January 1968 and was permanently shut down on December 4, 1996, after 28 years of operation. After the cessation of operations, the licensee began to decommission the HNP. The Post Shutdown Decommissioning Activities Report (PSDAR) was submitted to NRC in 1997. The licensee transmitted an Updated Final Safety Analysis Report (UFSAR) to NRC in 1998. The UFSAR reflects the HNP's permanent shutdown status. Later in 1998, NRC amended the HNP Facility Operating License to reflect the plant's shutdown condition. In 1999, the operating license was amended to reflect the decommissioning status of the plant and long-term storage of the spent fuel.

The LTP was submitted to NRC on July 7, 2000. The LTP was subsequently revised in response to NRC comments and resubmitted on August 20 and October 10, 2002. NRC regulations in 10 CFR 50.82 require that an LTP contain plans for site characterization, identification of remaining dismantlement activities, plans for site remediation, the licensee's plan for the final radiation survey, information on whether the site is being released for restricted or unrestricted use, an assurance that the licensee has adequate funds to complete decommissioning, and a supplement to the environmental report that describes any new information or significant environmental change associated with what the licensee provided in its PSDAR.

The licensee is proposing to decontaminate the site to meet the unrestricted release criteria (25 mrem/year and residual radioactivity as low as reasonably achievable) as found in 10 CFR 20.1402. The licensee plans to complete decommissioning activities by 2004. At the time of license termination, several buildings may remain on site. Debris from buildings that were demolished during decommissioning will have been sent to an appropriate offsite disposal facility. The spent fuel will eventually be removed from the spent fuel pool and placed in an Independent Spent Fuel Storage Installation (ISFSI).

Scope

NRC rule changes in 1996 (61 FR 39278) allow the licensee to perform major decommissioning activities after submittal of a PSDAR. The 1996 rule prohibits decommissioning activities that could result in significant environmental impacts that have not been previously analyzed. The impacts of decommissioning activities for nuclear power reactors have been assessed previously by NRC in the Generic Environmental Impact Statement (GEIS) for Decommissioning (Reference NRC, 1988, 2001) and are not reevaluated in the EA. The PSDAR is required to include a discussion of the reasons for concluding that the planned decommissioning activities are bounded by the GEIS and previous site-specific analyses.

At this time, the NRC is considering only approval of the licensee's LTP, not termination of the license. Approval of the LTP, as discussed in the Statements of Consideration that accompanied the Final Rule on Decommissioning Nuclear Power Reactors (61 FR 39284, July 29, 1996), requires the NRC to consider: (1) The licensee's plan for assuring sufficient funds will be available for final site release; (2) radiation release criteria for license termination; and (3) the adequacy of the final survey required to verify that these release criteria have been met. NRC has reviewed the decommissioning costs to ensure that adequate funds will be available for site decommissioning, and this review is documented in the safety evaluation report for the LTP amendment. Financial assurance is not analyzed in this EA since financial assurance methods would not result in any environmental impacts. The radiation release criteria and adequacy of the final status survey are addressed in this EA.

Additionally, the Commission has made a generic determination (10 CFR 51.23) that spent fuel generated in any reactor can be stored safely and without significant environmental impacts for at least 30 years beyond the licensed life for operation of the plant and that there is reasonable assurance that at least one mined geologic repository will be available within 30 years beyond the licensed life of operation to dispose of high level waste. Accordingly, no discussion of environmental impacts of spent fuel storage in HNP's storage pool or its projected ISFSI is provided in this EA.

Site Description and Current Site Environmental Conditions

The HNP is located on a site of about 2,124,608 square meters (525 acres) in the town of Haddam on the eastern bank of the Connecticut River in an area known as Haddam Neck. Haddam Neck is bounded by the Connecticut River and the Salmon River, which enters the Connecticut River just south of the plant site. The town of Haddam is in Middlesex County, Connecticut. The HNP is about 35.4 kilometers (22 miles) south-southeast of Hartford and 40.2 kilometers (25 miles) northeast of New Haven.

Land Use

About 80 percent of the area surrounding the site within a 8-kilometer (5-mile) radius is rural and wooded, with much of it occupied by State parks and forests. The remaining area is used for general farming and for small industrial-production facilities. The largest industrial complex in the vicinity, which employs about 3,000 workers, is located in Middletown, which is about 8.9 kilometers (5.5 miles) northwest of the site. Several other

small industrial facilities are located within a 10-mile radius. The nearest agricultural farm is about 17 kilometers (10 miles) from the site. Two schools are located within 8 kilometers (5 miles), with a combined enrollment of about 600 students in 1995 (Reference CYAPCO, 1997).

Geology and Soil

As discussed in the Decommissioning Environmental Review dated August 1997 (Reference CYAPCO, 1997), the surficial deposits at the site are dominated by relatively thin and often discontinuous layers of glacial till overlying bedrock. This till is a poorly sorted mixture of clay, silt, sand, gravel, cobbles, and boulders. Sediments underlying the floodplain portion of the site vary from 3 to 30.5 meters (10 to 100 feet) thick. The uppermost portion of these sediments consists of thin [less than 6.1 meters (20 feet deep)] alluvial silts and sands deposited by the Connecticut River.

Before the plant was constructed, much of the overburden sediments were excavated to competent, unweathered bedrock. The area was filled and graded from an initial elevation of about 3.7 meters (12 feet) to an elevation of 6.4 meters (21 feet) above mean sea level (MSL). Site elevations range from about 3 to 6.1 meters (10 to 20 feet) MSL on the developed floodplain, and to approximately 91.4 meters (300 feet) MSL in undeveloped upland portions of the site.

Radiologically contaminated site soil is generally confined to surface soil, although survey results have indicated localized areas with deeper contamination. In the LTP, 20 radionuclides have been identified in site soil on the basis of survey data collected from 15 sample locations. These radionuclides include cesium, plutonium, americium, and cobalt.

Surface Water

All stream flow past the site is derived wholly from within the Connecticut River basin. Although tidal influence in the Connecticut River extends upstream to approximately Hartford, saline water extends only as far north as East Haddam, about 3.2 kilometers (2 miles) south of the plant. No drinking water intakes exist on the Connecticut River in the vicinity of the site; local water supply needs are provided by wells or tributary stream reservoirs.

Stream flow at the site is a combination of upstream basin discharge and tidal interchange. The average annual daily flow at Haddam Neck is approximately 481 cubic meters per second (cms) [17,000 cubic feet per second (cfs)]. Tidal flow at the site averages about 425 cms (15,000 cfs), but it may be as great as 623 cms (22,000 cfs). During periods of low river flow, tidal flows can be significant (Reference CYAPCO, 1997).

The HNP drew once-through cooling water from the Connecticut River through an intake structure at the edge of the river. The cooling water effluent was discharged into a canal that flows parallel to the river, with its outflow located approximately 1676 meters (5,500 feet) downstream of the intake. The plant's National Pollutant Discharge Elimination System permit will be in effect until the end of decommissioning. The permit imposes the limits for flow, temperature, and effluent chemistry. To date, no surface-water contamination attributable to the site has been observed.

Groundwater

At the site, groundwater is present in both unconsolidated sediments and in underlying fractured bedrock. In the LTP, the shallow groundwater is described as flowing toward the Connecticut River. Near the uplands, the generalized flow direction of groundwater is downward and toward the river; near the river, the generalized flow direction of the groundwater is upward toward the river. Groundwater flow in the bedrock is assumed to occur in the fractures. The direction of this flow can be complex because of the variability of the depth, orientation, and interconnectiveness of fractures; however, net flow in the bedrock is expected to be toward the river.

Groundwater beneath the HNP has been affected by boron, tritium, and strontium-90 releases. The boron and tritium contamination is attributed, in part, to leakage from the refueling water storage tank (RWST). A contaminated groundwater plume extends from the RWST south to wells adjacent to the Connecticut River. The locations of the core and bottom of the boron/tritium plume are not known. Groundwater concentrations of tritium as high as 5,137 Becquerels per liter (Bq/L) [138,700 picocuries per liter (pCi/L)] were reported from sampling events performed in 1999 (Reference Malcolm Pirnie, 1999). Since then, there has been a trend of decreasing tritium concentrations. The highest concentration reported from sampling conducted in June 2001 was 774 Bq/L (20,900 pCi/L) (Reference CYAPCO, 2001a). Groundwater in the deep water-bearing bedrock units is also monitored (Reference CYAPCO, 2002b). Tritium concentrations as high as 1,225 Bq/L (33,070 pCi/L) were reported for deeper segments of the fractured bedrock (Reference CYAPCO, 2001b). No plant-generated contamination has been found in any of the area drinking-water wells. However, strontium-90 has been found at a concentration of about 0.4 Bq/L (1 pCi/L) in water from the water-supply well on the peninsula adjacent to the discharge canal. Cesium-137 (76 pCi/L in 1999) and technetium-99 (3.9 pCi/L in 2001) have each been found in one monitoring well, both near the containment building.

Many private water-supply wells occur in the vicinity of the site (Reference CYAPCO, 1997). These wells, which pump water from deep water-bearing units in the bedrock, are located outside and upgradient of the facility. The nearest residential well is approximately 0.8 kilometer (0.5 mile) northwest, in the opposite direction of the groundwater plume traveling southwest of the RWST, of the HNP stack. The nearest community water supply well is approximately 4.8 kilometers (3 miles) from the site.

Additional groundwater characterization is being performed by the licensee to determine the nature and extent of potential groundwater contamination. This investigation is described in the plan titled ''Phase 2 Hydrogeologic Investigation Work Plan,'' which was approved by the State of Connecticut's Department of Environmental Protection on May 10, 2002 (Reference CYAPCO, 2002a). The plan's objectives are to study the distribution and migration of radionuclides within the plant industrial area, and to show whether any radiological substances of concern exist at the landfill, other property areas, or across the Connecticut River.

Groundwater samples from the landfill area wells were also analyzed for chemical parameters, consistent with State requirements for solid waste disposal areas. The samples were analyzed for various metals and for volatile organic compounds. No volatile organic compounds were found, and metals were either below detection limits or were detected at very low concentrations (Reference Malcolm Pirnie, 1999). The licensee will be conducting a site-wide characterization of hazardous constituents under the Federal Resource Conservation and Recovery Act Corrective Action program, and this environmental investigation will provide additional information regarding chemical parameters (Reference Rosenstein, 2002).

Ecological Resources

About 70 percent of the plant site's 2,124,604 square meters (525 acres) are forested. Dominant tree species include eastern hemlock, black oak, shagbark hickory, and sweet (black) birch (Reference CYAPCO, 1997). The remainder of the site contains wetlands and open areas. Wetlands include forested swamps, beaver ponds, and floodplain (riparian) areas. Open lands are mostly manmade, occurring within the transmission line rights-of-way and along roadways. These areas consist primarily of short, transitional vegetation. Only 28,328 square meters (7 acres) of the site were developed and occupied by buildings and associated parking lots. Approximately 36,422 square meters (9 acres) were modified to create the discharge canal. Transmission line rights-of-way associated with the HNP occupy about 3,986,170 square meters (985 acres) (Reference USAEC, 1973). Important habitats located within the plant site boundary include a freshwater tidal marsh and a bald eagle winter-roosting site (Reference McKay, 1997).

Common mammal species occurring at the site include white-tailed deer, woodchucks, eastern cottontails, red and gray squirrels, eastern chipmunks, raccoons, and Virginia opossums. Regularly encountered bird species include mourning doves, red-eyed vireos, red-winged blackbirds, black-capped chickadees, American robins, wood thrushes, common grackles, song sparrows, American goldfinches, and several species of warblers. Herring gulls, mallards, and great blue herons are common species within riparian areas. Salmon River Cove, which abuts the site, is a wintering area for waterfowl such as mallards, black ducks, and Canada geese. Common reptile and amphibian species include northern spring peepers, bullfrogs, red-spotted newts, eastern box turtles, eastern hognose snakes, and northern black racers (Reference CYAPCO, 1997).

The HNP is located at the estuary portion of the Connecticut River about 25.8 kilometers (16 miles) from the mouth of the river. Thus, freshwater, estuarine, and anadromous fish species occur in the plant area. Common fish species include channel catfish, striped bass, large-mouth bass, white catfish, white perch, yellow perch, spottail shiners, white suckers, American eels, carp, American shad, and several species of sunfish. The American shad is the most important commercial species in the area. Plant operations had no apparent effect on the shad population (Reference CYAPCO, 1997). Because of silt deposition in the plant area, the macroinvertebrate community is dominated by aquatic worms and chironomid (midge) larvae. Several expansive beds of submerged aquatic vegetation occur in the plant vicinity. A large bed occurs near Haddam Island State Park and Haddam Meadows State Park upstream of the plant, and several smaller beds occur just downstream of the plant in the vicinity of the discharge canal (Reference CYAPCO, 1997).

No Federally listed or proposed threatened or endangered species are known to occur in the area that will be affected by site activities (Reference Amaral, 2001). However, the endangered shortnose sturgeon makes seasonal movements through the Connecticut River estuary and thus passes by the site. The shortnose sturgeon is also State-listed as endangered. Three other State-listed species occur in the site area: Atlantic sturgeon (threatened); tidewater mucket (endangered); and swamp cottonwood (endangered). Six other species listed as of special concern in Connecticut occur in the site area: eastern box turtle; eastern pondmussel; golden club; woodland pondsnail; and two arrowleaf species (Reference McKay, 1997).

Historical and Cultural Resources

Known archaeological and historical resources within the HNP lands include the plant itself, archaeological sites containing Native American ceramics, and the Venture Smith site. The HNP is historically significant as one of four early demonstration reactors that used the PWR design. It was one of the earliest nuclear power plants constructed in the Northeast and was the world's leading reactor in nuclear power generation from 1980 to 1984. The HNP has been determined eligible for listing on the National Register of Historic Places (Reference Maddox, 1998). The Venture Smith site is an 18th century homestead of African American archaeological significance and has been identified as potentially eligible for listing on the National Register of Historic Places (Reference Maddox, 2001).

Visual and Scenic Resources

The HNP is adjacent to the Cove Meadow State Park, located on an undeveloped riverfront area at the confluence of the Salmon and Connecticut Rivers. Haddam Meadows State Park is located directly across from the HNP on the western bank of the Connecticut River. The plant can be viewed from the parking and boat-launching facilities at this park. Hurd State Park, Haddam Island State Park, and Cockaponset State Park are all within 4.8 kilometers (3 miles) of the HNP (Reference CYAPCO, 1997). The nearest Historic Landmark is the Goodspeed Opera House, which is located 4.8 kilometers (3 miles) downstream of the plant. The plant is not visible from this landmark because of a bend in the Connecticut River near the Salmon River confluence (Reference CYAPCO, 1997).

Radiological Impacts

After approval of the LTP and release of the site for unrestricted use, the only source of exposure to members of the public would be any residual radionuclide concentrations on the building surfaces, in the soil, and in the groundwater. Derived concentration guideline levels (DCGLs) were derived to ensure that exposure of the average member of the critical group to residual radioactivity within the various media will not exceed the dose limit of 0.25 Sieverts per year (Sv/yr) [25 milliroentgen-equivalent-man per year (mrem/yr)] as specified in 10 CFR Part 20, Subpart E. The impacts of radiological release criteria were analyzed in NRC's 1997 Generic Environmental Impact Statement (GEIS) in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities (NUREG–1496). Because the residual radionuclides that are expected to remain on the building surfaces, in soil, and in groundwater will be less than the DCGLs, any doses incurred by a potential receptor will be less than the 0.25 Sv/yr (25 mrem/yr) dose limit.

The manner in which the DCGLs are derived for the HNP is documented in the LTP. NRC evaluated the adequacy of the DCGLs in providing protection for members of the public as the site is released for unrestricted use, as documented in the safety evaluation for the amendment that approves the LTP (Reference NRC, 2002).

In deriving the soil DCGLs, a resident-farmer was considered to represent the average member of the critical population group. The hypothetical resident farmer is assumed to build a house, draw water from a well, grow plant food and fodder, raise livestock, and catch fish for consumption from a pond within areas of the site with residual radioactivity in the soil and groundwater. The resident farmer scenario embodies the greatest number of exposure pathways and represents the longest exposure durations of any other scenario envisioned.

The DCGLs for buildings are obtained by selecting the more restrictive DCGLs (*i.e.*, the lowest radionuclide

concentrations) between two potential exposure scenarios. The first scenario is a building occupancy scenario that considers a light industrial worker working in a contaminated building. The second scenario considers a resident farmer who builds a house on the concrete debris generated from the demolition of the contaminated buildings. The light industrial worker is assumed to be the average member of the critical group for exposure to residual radioactivity remaining on the walls of standing structures at the site. The worker is assumed to spend time in the structure performing light industrial activities. Because exposure for the light industrial worker scenario does not consider exposure from any residual radioactivity that may be located below the wall surface (*e.g.*, from activation within the containment building), a second scenario involving a resident farmer performing limited activities in the area of concrete debris was considered.

The DCGLs for the groundwater pathway are determined by assuming a well is pumping water that contains residual radioactivity and the water is used for drinking, crop irrigation, and livestock watering.

NRC evaluated the appropriateness of the exposure scenarios postulated and the methodology used for deriving the DCGLs. It has concluded that the potential radiation exposures caused by residual radionuclide concentrations have not been underestimated by the licensee and will not exceed the dose limit in 10 CFR Part 20, subpart E, for the general public. Additional details of the NRC's analysis of the DCGLs are available in the safety evaluation for the amendment which approves the LTP (Reference NRC, 2002).

The licensee will use a series of surveys and a final status survey to demonstrate compliance with Part 20, Subpart E, consistent with the Radiation Survey and Site Investigation process and the data quality objectives (DQO) process. Planning for the final status survey involves an iterative process that requires appropriate site classification (on the basis of the potential residual radionuclide concentration levels relative to the DCGLs) and formal planning using the DQO process. The licensee has committed to an integrated design process that will address the selection of appropriate survey and laboratory instrumentation and procedures, and that includes a statistically based measurement and sampling plan for collecting and evaluating the data needed for the final status survey. The NRC staff has determined that the integrated design process, sampling strategy, and survey data evaluation methodology presented in the LTP are adequate. Additional details of the NRC's analysis of the survey plan are available in the safety evaluation for the amendment which approves the LTP (Reference NRC, 2002).

If the licensee requests license termination in the future, it will submit a final status survey report, which will describe the residual contamination remaining on site. NRC would conduct a confirmatory study to determine whether the site meets the criteria for unrestricted release, and would also confirm that decommissioning activities were done in accordance with the LTP, prior to terminating the license.

As for groundwater, emptying the RWST has eliminated a major source of tritium contamination in the shallow groundwater system. With time, contaminant concentrations will decrease because of source removal and dilution and discharge to the Connecticut River. Groundwater levels at this site are complex and the effect of discontinuing groundwater pumping is not well understood. Tidal conditions in the Connecticut River probably affect water levels. The water levels and groundwater flow directions between the unconsolidated and fractured bedrock units are variable. The complexity of the stratigraphic units in this area also affects both the water levels and groundwater flow (Reference CYAPCO, 2002a).

Nonradiological Impacts

The scope of this EA is limited to adequacy of the DCGLs and adequacy of the final status survey described in the LTP. Therefore, there are not expected to be any adverse nonradiological impacts on the environmental resources described in Section 3.0.

NRC notes that the HNP has been determined eligible for the National Register of Historic Places, and decommissioning and dismantling of the plant are considered adverse effects on Connecticut's cultural heritage (Reference Maddox, 2001). Additionally, HNP lands have a high potential for containing significant prehistoric and historic archaeological resources. Archaeological resources that have been determined potentially eligible include the Venture Smith homestead and areas near the canal that have been found to contain Native American ceramics (Reference Maddox, 2001). The following summarizes the mitigation measures that the Connecticut Historical Commission (Reference Maddox, 2001) has recommended, in response to NRC's request for a consultation:

a. Documentation of the HNP to the professional standards of the National Park Service's Historic American Engineering Record;

b. Completion of a reconnaissance-level archaeological survey of all lands associated with the HNP; and

c. Consultation with the Thomas J. Dodd Research Center, at the University of Connecticut, concerning the archiving of pertinent documents, plans, and photographs of the HNP.

All three of these recommendations are being carried out by the licensee.

Cumulative Impacts

The NRC has evaluated whether cumulative environmental impacts could result from an incremental impact of the proposed action when added to other past, present, or reasonably foreseeable future actions in the area. The proposed NRC approval of the LTP, when combined with known effects on resource areas at the site, are not anticipated to result in any cumulative impacts at the site.

Mitigation Measures

As a result of NRC's review of the LTP, the NRC has added license conditions to the licensee's Part 50 license. The license conditions concern: (1) The procedure for any changes to the LTP after approval by the NRC, and (2) the analysis of groundwater prior to release of any survey areas. These license conditions will ensure that there are no significant adverse effects on the adequacy of the DCGLs or the final status survey after approval of the LTP. The license conditions are described further in the NRC's safety evaluation for the amendment that approves the LTP (Reference NRC, 2002).

The licensee is taking mitigative measures to minimize adverse effects on the potential historic and cultural resources present at the site. These mitigative measures are described in the above section on nonradiological impacts.

Conclusions

NRC believes that the approval of the LTP will not cause any significant impacts on the human environment and is protective of human health. Adverse effects were identified for historical and cultural resources, but these impacts will be mitigated by the licensee, as described in the above section on nonradiological impacts. Environmental impacts caused by site activity after NRC has terminated the HNP license would be evaluated, if necessary, by either the State of Connecticut or other

agencies responsible for overseeing or regulating the specific future activity.

Agencies and Persons Consulted

The NRC staff has prepared this EA with input from the State of Connecticut's Historic Preservation Officer, by letter dated January 8, 2001, and the U.S. Fish and Wildlife Service, by letter dated January 25, 2001.

In its letter, the State of Connecticut's Historic Preservation Office noted that the HNP possesses historic and technological significance and is eligible for the National Register of Historic places. It further notes that the lands associated with the HNP possess high sensitivity for prehistoric and historic archaeological resources, and these resources harbor a strong potential for being eligible for the National Register. The State Historic Preservation Office believes that decommissioning and dismantling of the HNP represent adverse effects upon Connecticut's cultural heritage and has recommended three mitigative measures, which are described in the above section on nonradiological impacts.

The U.S. Fish and Wildlife Service indicated, in its letter, that on the basis of current information, no Federally or proposed threatened or endangered species under U.S. Fish and Wildlife Service jurisdiction are known to occur in the site project area.

The NRC staff provided a draft of this EA to the State of Connecticut for review. In response, the Connecticut Department of Environmental Protection provided input related to ecological resources, surface water, and groundwater (Reference Wilds, 2002). The EA was revised to reflect the State's input where appropriate.

The U.S. Environmental Protection Agency provided comments on the draft EA to the NRC staff (Reference Rosenstein, 2002). The comments were related to a range of topics, including site characterization and decommissioning impacts. The EA was revised to reflect the EPA's comments where appropriate.

The licensee submitted comments related to clarification of the water resources and historical resources sections (Reference Fetherston, 2002). The EA was revised to reflect the licensee's comments where appropriate.

In accordance with its stated policy, on January 3, 2001, the NRC staff consulted by e-mail with the Connecticut State Official, Dr. Michael Firsick, of the Connecticut Department of Environmental Protection, regarding the environmental impact of the proposed action. In the e-mail response dated October 4, 2002, the State official had no further comments (ADAMS Accession No. ML022840536).

Alternatives, Including the Proposed Action

Proposed Action

The proposed action is NRC approval of the HNP's LTP, which contains the radiation release criteria (*i.e.*, the DCGLs), and the description of the final status survey plan required by NRC. NRC review and approval of the LTP will verify that the remainder of the decommissioning activities will be performed in accordance with NRC regulations.

No Action

NRC considered the no-action alternative relative to the licensee's request for approval of the LTP. Under the no-action alternative, NRC would not approve the LTP and therefore would not be able to terminate the license. This alternative is in conflict with NRC's regulations in 10 CFR 50.82, which states that an LTP will be approved if it has been determined that the remainder of the decommissioning activities will be performed in accordance with NRC regulations, are not detrimental to the health and safety of the public, and do not have a significant effect on the quality of the environment. Therefore, the no-action alternative is not considered to be reasonable and is not analyzed further in this EA. Also, the no-action alternative would result in no change in current environmental impacts.

Therefore, the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Haddam Neck Plant or the Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities.

Finding of No Significant Impact

NRC has prepared an EA related to the issuance of a license amendment to Facility Operating License No. DPR–61, approving the LTP. On the basis of this EA and the mitigative measures described above, NRC has concluded that there are no significant environmental impacts and the license amendment does not warrant the preparation of an Environmental Impact Statement. Accordingly, it has been determined that a Finding of No Significant Impact is appropriate.

For further details with respect to the proposed action, see the licensee's letters dated July 7, 2000, January 11, June 14, July 31, August 15, August 22, September 6, September 7, 2001, and May 9, June 26, and August 15 and 20 and October 10, 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 at 1–800–397–4209, or 301–415–4737, or by e-mail at *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 28th day of October 2002.

For the Nuclear Regulatory Commission.

Stephen Dembek,

Chief, Section 2, Project Directorate IV, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

Attachment to "Connecticut Yankee Atomic Power Company Environmental Assessment and Finding of No Significant Impact"

References for the Environment Assessment and Finding of No Significant Impact

Amaral, M., 2001, letter from Amaral (U.S. Department of the Interior, Fish and Wildlife Service, New England Field Office, Concord, N.H.) to C.E. Abrams (U.S. Nuclear Regulatory Commission, Washington, D.C.), January 2001. (Amaral, 2001)

Connecticut Yankee Atomic Power Company, 1997, Decommissioning Environmental Review, Haddam Neck Plant, East Hampton, Conn., August 1997. (CYAPCO, 1997)

Connecticut Yankee Atomic Power Company, 2000, Haddam Neck License Termination Plan, Attachment 1, Haddam Neck Plant, East Hampton, Conn., July 7, 2000. (CYAPCO 2000)

Connecticut Yankee Atomic Power Company, 2001a, June 2001 Quarterly Groundwater Monitoring Report, Haddam Neck Plant, Haddam, Conn., November 2001 (CYAPCO 2001a)

Connecticut Yankee Atomic Power Company, 2001b, Response to the Request for Additional Information (RAI) Regarding the Haddam Neck Plant License Termination Plant (TAC NO. MA9791), CY–01–084, Haddam Neck Plant, Conn., submitted to U.S. Nuclear Regulatory Commission, Document Control Desk, Washington, D.C., August 22, 2001. (CYAPCO, 2001b)

Connecticut Yankee Atomic Power Company, 2002a, Phase 2 Hydrogeologic Investigation Work Plan, Haddam Neck Plant, May 2002. (CYAPCO, 2002a)

Connecticut Yankee Atomic Power Company 2002b, Haddam Neck License Termination Plan, Revision 1, Haddam Neck Plant, East Hampton, Conn., August 20, 2002. (CYAPCO, 2002b)
Connecticut Yankee Atomic Power Company, 2002b, Haddam Neck License Termination Plan, Revision 1a, Haddam Neck Plant, East Hampton, Conn., October 10, 2002. (CYAPCO, 2002c)
Fetherston, N.W., 2002, letter from Fetherston (Site Manager, CYAPCO, East Hampton, Conn.) to U.S. Nuclear Regulatory Commission, Washington, D.C., June 19, 2002. (Fetherston, 2002)
Maddox, D., 1998, letter from Maddox (Deputy State Historic Preservation Officer, Connecticut Historical Commission, Hartford, Conn.) to J. Borne (Northeast Utilities Service Company, Hartford, Conn.), June 1, 1998. (Maddox, 1998)
Maddox, D., 2001, letter from Maddox (Deputy State Historic Preservation Officer, Connecticut Historical Commission, Hartford, Conn.) C.E. Abrams (Office of Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, Washington, D.C.), January 8, 2001. (Maddox, 2001)
Malcolm Pirnie, Inc., 1999, Groundwater Monitoring Report, Connecticut Yankee Atomic Power Station, Haddam Neck, Connecticut, Final Report, Malcolm Pirnie, Inc., Middletown, Conn., September 1999. (Malcolm Pirnie, 1999)
McKay, D.M., 1997, letter from McKay (Department of Environmental Protection, Natural Resources Center, Hartford, Conn.) to P. Jacobson (Northeast Utilities Service Company, Hartford, Conn.) January 6, 1997. (McKay, 1997)
Rosenstein, M., 2002, letter from Rosenstein (U.S. Environmental Protection Agency, Region 1, Boston, MA) to J. Donoghue (Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, Washington, D.C.), June 24, 2002. (Rosenstein, 2002)
U.S. Atomic Energy Commission, 1973, Final Environmental Statement, Haddam Neck (Connecticut Yankee) Nuclear Power Plant, Connecticut Yankee Atomic Power Company, Docket No. 50–2123, Directorate of Licensing, Washington, D.C., October 1973. (USAEC, 1973)
U.S. Nuclear Regulatory Commission, 1988, Final Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities, NUREG–0586, Office of Nuclear Regulatory Research, Washington D.C. (NRC, 1988)
U.S. Nuclear Regulatory Commission, 1997, Final Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities, NUREG–1496; Office of Nuclear Regulatory Research, Washington, D.C. (GEIS, 1997)
U.S. Nuclear Regulatory Commission, 2001, Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities; Draft Supplement Dealing with Decommissioning of Nuclear Power Reactors, NUREG–0586 Supplement 1, Office of Nuclear Reactor Regulation, Washington, D.C. (NRC, 20901)
U.S. Nuclear Regulatory Commission, 2002, Safety Evaluation Related to Amendment to Facility Operating License No. DPR–61, Connecticut Yankee Atomic Power Company, Haddam Neck Plant, Docket No. 50–213, Office of Nuclear Material Safety and Safeguards, Washington, D.C., to be issued in November 2002. (NRC, 2002)
Wilds, E., 2002, letter from Wilds (Department of Environmental Protection, Hartford, Conn.) to J.E. Donoghue (U.S. Nuclear Regulatory Commission, Washington, D.C.), June 3, 2002. (Wilds, 2002)

[FR Doc. 02–28014 Filed 11–1–02; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste

Meeting on Planning and Procedures; Notice of Meeting

The ACNW will hold a Planning and Procedures meeting on November 20, 2002, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACNW, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

Wednesday, November 20, 2002—8:30 a.m.–10:00 a.m.

The Committee will discuss proposed ACNW activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Chairman; written statements will be accepted and made available to the Committee. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the Designated Federal Official, Howard J. Larson (telephone: 301/415–6805) between 7:30 a.m. and 4:15 p.m. (ET). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes in the proposed agenda.

Dated: October 29, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–28012 Filed 11–1–02; 8:45 am]
BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards

Subcommittee Meeting on Future Plant Designs; Notice of Meeting

The ACRS Subcommittee on Future Plant Designs will hold a meeting on November 21, 2002, Room T–2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, November 21, 2002—8:30 a.m. Until the Conclusion of Business

The Subcommittee will review the draft commission paper being prepared by the Office of Nuclear Regulatory Research regarding the options on policy issues for advanced reactor designs. The purpose of this meeting is to gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman. Written statements will be accepted and made available to the Committee. Persons desiring to make oral statements should notify the Designated Federal Official named below five days prior to the meeting, if possible, so that appropriate arrangements can be made. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary

views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the Designated Federal Official, Dr. Medhat M. El-Zeftawy (telephone 301–415–6889) between 7:30 a.m. and 5 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual at least two working days prior to the meeting to be advised of any potential changes to the agenda.

Dated: October 29, 2002.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 02–28011 Filed 11–1–02; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 72–12 and 50–333; License No. DPR–59]

Entergy Nuclear Operations, Inc.; James A. Fitzpatrick Nuclear Power Plant; Notice of Issuance of Director's Decision Under 10 CFR 2.206

Notice is hereby given that the Director, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission (NRC), has issued a Director's Decision with regard to a Petition dated February 21, 2002, filed by Mr. Timothy Judson of the Citizens Awareness Network, *et al.*, hereinafter referred to as the ''Petitioner.'' The Petition concerns the operation of Entergy's James A. FitzPatrick Interim Spent Fuel Storage Installation (ISFSI). The Petitioner requested the following:

1. That the NRC order Entergy to suspend the dry cask storage program at the FitzPatrick reactor.

2. That the NRC require Entergy to:

- Demonstrate that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)–(5);
- Submit its proposed design changes for technical review in the form of a license amendment application and seek regulatory approval for them pursuant to § 72.244;
- Evaluate its use of the HI-TRAC 100 transfer cask for ALARA standards, per § 50, Appendix I;
- Provide more substantial physical and structural protection of the irradiated fuel and ISFSI to satisfy the requirements of §§ 73.51, 73.55; and
- Demonstrate the use of the HI-STORM 100 can satisfy these requirements at FitzPatrick, or demonstrate countervailing and compelling reasons to utilize the HI-STORM 100 at FitzPatrick, as opposed to any other casks certified by NRC.

3. That all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection.

4. That the Petition Review Board (PRB) submit this Petition to the NRC's Office of the Inspector General (OIG) for review of the Spent Fuel Project Office's compliance with regard to NRC regulations in terms of design changes, licensing, amendments, exemptions and ALARA in its permitting process relating to the use of dry cask storage at FitzPatrick. Additionally, that a review be conducted to determine whether NRC staff in the Spent Fuel Project Office are complicit or misguided in permitting design changes to these casks without submission of a license amendment.

5. That the NRC conduct an investigation to determine whether Entergy has deliberately circumvented the appropriate technical and regulatory review required to protect worker and public health and safety and the environment.

As the basis for the February 21, 2002, request, the Petitioner states several safety concerns related to the design changes associated with the HI-STORM 100 cask design, as well as safety concerns related to national security.

The Petitioner addressed the PRB on March 29, 2002, in a telephone conference call to clarify the bases for the Petition. The meeting gave the Petitioner and the licensee an opportunity to provide additional information and to clarify issues raised in the Petition.

The NRC sent a copy of the proposed Director's Decision to the Petitioner and to the licensee for comment on August 13, 2002. The Petitioner responded with comments on August 27, 2002, and the licensee responded on August 28, 2002. The comments and the NRC staff's response to them are Enclosures to the Director's Decision.

The Director of the Office of Nuclear Material Safety and Safeguards has determined that the safety concerns the Petitioner raised related to the modified HI-STORM 100 cask design at FitzPatrick were reviewed, and determined not to pose an immediate safety issue. Therefore, the request to require that an order be issued to Entergy to suspend the dry cask storage program at FitzPatrick was denied. In response to the Petitioner's request that Entergy submit an additional safety demonstration of the FitzPatrick storage facility, it was determined, through the NRC inspection program, that Entergy has demonstrated that the proposed fuel storage program presents no increased risks to the national security or worker or public health and safety beyond what is contemplated in the Certificate of Compliance and General License, pursuant to § 72.212(4)–(5). The NRC denied the Petitioner's request that Entergy submit a license amendment, ALARA review, and various other safety evaluations and justifications to the NRC for review for the reasons noted in the detailed discussion in the Director's Decision. The Petitioner's request to require Entergy to provide more substantial physical and structural protection of the irradiated fuel and ISFSI was also denied, as existing security measures, including issuance of an NRC Order to Entergy on October, 16, 2002, have been determined to be adequate. The Petitioner requested that all documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick be put on the docket for public inspection. Documents and information filed in relation to the selection of storage casks and the implementation of dry storage at FitzPatrick were put on the docket for public inspection by letter dated May 10, 2002, and the additional information was released to the public at that time. The Petitioner's request that the PRB submit this Petition to the OIG for review of the SFPO was granted, as noted in the letter dated April 12, 2002. In response to the Petitioner's request to investigate whether Entergy deliberately circumvented the regulatory process, the NRC staff review of Entergy's 10 CFR 72.48 evaluation concluded that the proper regulatory process was followed by Entergy, and no further investigation was warranted. The reasons for these decisions are explained in the Director's Decision pursuant to 10 CFR 2.206 (DD–02–02), the complete text of which is available for inspection at the Commission's Public Document Room, located at One

White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. The text is also accessible through the ADAMS Public Library on the NRC's Web site, *http://www.nrc.gov* (Public Electronic Reading Room).

A copy of the Director's Decision will be filed with the Secretary of the Commission for the Commission's review in accordance with 10 CFR 2.206 of the Commission's regulations. As provided for by this regulation, the Director's Decision will constitute the final action of the Commission 25 days after the date of the decision, unless the Commission, on its own motion, institutes a review of the Director's Decision in that time.

Dated at Rockville, Maryland, this 28th day of October 2002.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Director, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 02–28013 Filed 11–1–02; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration on the American Stock Exchange LLC (Citizens, Inc., Class A Common Stock, no par value) File No. 1–16509

October 30, 2002.

Citizens, Inc., a Colorado corporation (''Issuer''), has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 12d2–2(d) thereunder,[2] to withdraw its Class A Common Stock, no par value (''Security''), from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Issuer stated in its application that it has met the requirements of Amex Rule 18 by complying with all applicable laws in the State of Colorado, in which it is incorporated, and with the Amex's rules governing an issuer's voluntary withdrawal of a security from listing and registration.

The Board of Directors (''Board'') of the Issuer unanimously approved a resolution on June 4, 2002, to withdraw the Issuer's Security from listing on the Amex. The Issuer states that the Security has traded on the New York Stock Exchange, Inc. (''NYSE'') since August 2002. The Issuer stated that the Board took such action in order to avoid the direct and indirect costs and the division of the market resulting from dual listing on the Amex and NYSE.

The Issuer's application relates solely to the withdrawal of the Security from listing on the Amex and shall not affect its listing on the NYSE or its obligation to be registered under section 12(b) of the Act.[3]

Any interested person may, on or before November 19, 2002, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. [4]

Jonathan G. Katz,

Secretary.

[FR Doc. 02–27999 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 25789; 812–12224]

Credit Suisse Asset Management, LLC, et al.; Notice of Application

October 29, 2002.

AGENCY: Securities and Exchange Commission (''Commission'')

ACTION: Notice of application under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') for an exemption from section 12(d)(1) of the Act, under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act, under section 6(c) of the Act for an exemption from section 17(e) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order to permit (a) Certain investment companies and other institutional investors to use cash collateral from securities lending transactions (''Cash Collateral'') and uninvested cash (''Uninvested Cash,'' and together with the Cash Collateral, the ''Cash Balances'') to purchase shares of certain registered open-end management investment companies (''Registered Investment Funds'') and unregistered investment companies (''Unregistered Investment Funds,'' and together with the Registered Investment Funds, the ''Investment Funds''); (b) Credit Suisse First Boston (New York Branch) (''CSFB'') to accept fees from certain registered investment companies for acting as securities lending agent; (c) CSFB, Credit Suisse First Boston Corporation (''CSFB Corp.''), Credit Suisse Asset Management Securities, Inc. (''CSAMSI'') and any broker-dealer that may be controlling, controlled by or under common control with CSFB, CSFB Corp. or CSAMSI (each, an ''Affiliated Broker-Dealer'') to borrow portfolio securities from certain registered investment companies and to receive brokerage commissions from, and to engage in principal securities transactions with, registered investment companies that are affiliated persons solely because they hold 5% or more of the outstanding voting securities of an Investment Fund; and (d) certain investment companies, other institutional investors and the Investment Funds to engage in certain purchase and sale transactions with each other.

APPLICANTS: Credit Suisse European Equity Fund, Inc., Credit Suisse Select Equity Fund, Inc., Credit Suisse Global Technology Fund, Inc., Credit Suisse Municipal Bond Fund, Inc., Credit Suisse Institutional U.S. Core Equity Fund, Inc., Credit Suisse Institutional Fixed Income Fund, Inc., Credit Suisse Institutional High Yield Fund, Inc., Credit Suisse Capital Appreciation Fund, Credit Suisse Capital Funds, Credit Suisse Emerging Growth Fund, Inc., Credit Suisse Emerging Markets Fund, Inc., Credit Suisse Fixed Income Fund, Credit Suisse Global Fixed Income Fund, Inc., Credit Suisse Global Health Sciences Fund, Inc., Credit Suisse Global Post-Venture Capital Fund, Inc., Credit Suisse Global Financial Services Fund, Inc., Credit Suisse Institutional Fund, Inc., Credit Suisse Investment Grade Bond Fund, Inc., Credit Suisse Institutional International Fund, Inc, Credit Suisse Japan Growth Fund, Inc., Credit Suisse International Focus Fund, Inc., Credit Suisse New York Municipal Fund, Credit Suisse Opportunity Funds, Credit Suisse Short Duration Bond Fund, Credit Suisse Small Cap Growth Fund, Inc., Credit Suisse Strategic Small Cap Fund, Inc., Credit Suisse Strategic Value

[1] 15 U.S.C. 781(d).

[2] 17 CFR 240.12d2–2(d).

[3] 15 U.S.C. 78*l*(b).

[4] 17 CFR 200.30–3(a)(1).

Fund, Inc., Credit Suisse Cash Reserve Fund, Inc., Credit Suisse Institutional Money Market Fund, Inc., Credit Suisse New York Tax Exempt Fund, Inc., Credit Suisse Trust and Credit Suisse Global New Technologies Fund, Inc. (each, a ''Registered Affiliated Fund''), Credit Suisse Asset Management, LLC (''CSAM''), CSFB, CSFB Corp. and CSAMSI (''Applicants'').

FILING DATES: The application was filed on August 16, 2000 and amended on January 7, 2002, May 22, 2002 and August 21, 2002. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on November 21, 2002, and should be accompanied by proof or service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o Credit Suisse Asset Management, LLC, 466 Lexington Avenue, New York, New York, 10017, Attn: Hal Liebes.

FOR FORTHER INFORMATION CONTACT: John L. Sullivan, Senior Counsel, at (202) 942–0681, or Nadya B. Roytblat, Assistant Director, at (202) 942–0578 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. Each of the Registered Affiliated Funds is either an open-end or closed-end management investment company registered under the Act and advised or subadvised by CSAM or an entity controlling, controlled by or under common control with CSAM (each, including CSAM, a ''CS Entity''). Each such CS Entity is or will be registered as an investment adviser under the Investment Advisers Act of 1940 or exempt from such registration. Applicants requests that the order also apply to any other existing or subsequently created registered open- and closed-end management investment companies (and each series thereof) that are advised or subadvised by a CS Entity (included in the term ''Registered Affiliated Funds'').[1]

2. CSFB is a Zurich-based bank. CSFB's New York branch will serve as the lending agent in a securities lending program (''Program'') for the Registered Affiliated Funds and certain other registered management investment companies (and series thereof) of which CSFB is not an affiliated person, as defined in section 2(a)(3) of the Act, or an affiliated person of an affiliated person (''Second-Tier Affiliate'') (each, an ''Other Fund,'' and together with the Registered Affiliated Funds, the ''Funds''). Other participants in the Program include certain investment companies exempt from registration under sections 3(c)(1) and 3(c)(7) of the Act (''Unregistered Funds''), including those advised by a CS Entity (''Unregistered Affiliated Funds''); certain managed accounts advised or sub-advised by a CS Entity (''Managed Accounts''); and certain corporations, partnerships or other entities (i) in which a Registered Affiliated Fund or an Unregistered Affiliated Fund directly or indirectly owns, controls or holds with power to vote 5% or more of the outstanding voting securities or (ii) which may be deemed to be controlled by or under common control with a Registered Affiliated Fund or Unregistered Affiliated Fund (''Portfolio Companies,'' and together with the Managed Accounts, the ''Other Institutional Investors,'' and together with the Funds and Unregistered Funds, the ''Participants'').[2] The Other Institutional Investors also include other corporations, partnerships and other entities that are not owned or controlled by a CS Entity. The Managed Accounts are not pooled investment vehicles, and the Other Institutional Investors are not investment companies as defined in the Act.

3. Each of the Investment Funds is or will be advised by a CS Entity. The Registered Investment Funds are or will be open-end management investment companies registered under the Act. Certain of the Registered Investment Funds are or will be taxable or tax-exempt money market funds operating pursuant to rule 2a–7 under the Act or short-term bond funds that seek current income consistent with the preservation of capital by investing in fixed-income securities and maintaining a dollar-weighted average maturity of three years or less. The Registered Investment Funds are, or will be, designed specifically for use in connection with the investment of Cash Balances. The Unregistered Funds will be investment companies exempt from registration under sections 3(c)(1) or 3(c)(7) of the Act. Each Unregistered Investment Fund will comply with rule 2a–7 under the Act.

4. CSFB Corp. and CSAMSI are broker-dealers registered under the Securities Exchange Act of 1934 and are (together with CSAM) indirect wholly owned subsidiaries of the Credit Suisse Group, an international financial services firm.

5. Under the Program, CSFB and each Fund will enter into a securities lending agreement (''Securities Lending Agreement'') that authorizes CSFB to enter into a borrowing agreement (''Borrow Agreement'') with certain entities (''Borrowers'') approved by a Fund from a list of Borrowers maintained by CSFB. The Securities Lending Agreement authorizes CSFB to lend portfolio securities of the Fund to Borrowers in exchange for Cash Collateral or other types of collateral, as indicated in the Securities Lending Agreement and Borrowing Agreement. CSFB invests any Cash Collateral on behalf of the Fund in accordance with specific guidelines provided by the Fund. These guidelines identify the particular Investment Funds and other investments, if any, in which Cash Collateral may be invested, as well as the amounts that may be invested.

6. When a securities loan is collateralized with Cash Collateral, CSFB will receive a portion of the return earned on the investment of the Cash Collateral. Depending on the arrangement negotiated with the Borrower by CSFB, the Fund may pay the Borrower a rate of interest for use of the Cash Collateral. When the collateral is not Cash Collateral, CSFB will negotiate a lending fee to be paid by the Borrower to the Fund. For its services to the Funds, if the requested order is granted, CSFB will receive fees based on a share of the revenue generated from the securities lending transactions.

7. The personnel who will provide day-to-day lending agency services to

[1] All existing Registered Affiliated Funds that currently intend to rely on the relief requested in the application have been named as Applicants. Any existing and future entity may rely on the requested order only in accordance with the terms and conditions in the application.

[2] If a Portfolio Company is relying on section 3(c)(1) or 3(c)(7) of the Act, it will be treated as an Unregistered Fund for purposes of the requested relief.

the Funds do not provide investment advisory services to the Funds or participate in any way in the selection of portfolio securities or other aspects of the management of the Funds.

8. The Registered Affiliated Funds and the Unregistered Affiliated Funds may have Uninvested Cash that comes from a variety of sources, including dividend or interest payments, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, liquidation of portfolio securities to meet anticipated redemption and dividend payments, as well as monies received from investors. Other Institutional Investors, including the Managed Accounts and the Portfolio Companies, also may have Uninvested Cash.

9. Applicants request an order to permit (a) the Participants to use Cash Balances to purchase shares of the Investment Funds; (b) (CSFB to accept fees from the Funds for acting as securities lending agent; (c) the Affiliated Broker-Dealers to borrow portfolio securities from the Registered Affiliated Funds and to receive brokerage commissions from, and to engage in principal securities transactions with, the Other Funds that are affiliated persons solely because they hold 5% or more of the outstanding voting securities of an Investment Fund; and (d) the Participants and the Investment Funds to engage in certain purchase and sale transactions with each other.[3]

Applicants' Legal Analysis

A. Investment of Cash Balances by the Participants in the Investment Funds

1. Section 12(d)(1)(A) of the Act prohibits an investment company or any company controlled by the investment company from acquiring shares of a registered investment company if the securities represent more than 3% of the total outstanding voting stock of the acquired company, more than 5% of the total assets of the acquiring company, or, together with the securities of any other investment companies, more than 10% of the total assets of the acquiring company. Section 12(d)(1)(B) of the Act prohibits a registered open-end investment company from selling its shares to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies generally. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision of section 12(d)(1) if such exemption is consist with the public interest and the protection of investors.

2. Applicants seek an order under section 12(d)(1)(J) of the Act exempting them from the provisions of section 12(d)(1) of the Act to permit the Funds, Unregistered Funds and Portfolio Companies to purchase, and the Registered Investment Funds to sell, securities in excess of the limits of sections 12(d)(1)(A) and 12(d)(1)(B) in connection with the investment of Cash Balances in a Registered Investment Funds.

3. Applicants state that the proposed arrangement will not give rise to the policy concerns underlying sections 12(d)(1)(A) and (B). Applicants note that shares of the Investment Funds will be sold without a sales load, redemption fee, asset-based distribution fee or service fee (as defined in rule 2830(b)(9) of the Conduct Rules of the National Association of Securities Dealers, Inc.). In addition, before approving any advisory contract, the board of directors (''Board'') of a Registered Affiliated Fund; including a majority of the directors/trustees who are not interested persons within the meaning of section 2(a)(19) of the Act (''Independent Directors/Trustees''), will consider the extent to which the advisory fees charged to a Registered Affiliated Fund by a CS Entity should be reduced to account for reduced services provided to the Registered Affiliated Fund by such CS Entity as a result of Uninvested Cash being invested in the Investment Funds. Applicants also note that an Investment Fund will not acquire securities of any investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

4. Sections 17(a)(1) and (2) of the Act make it unlawful for any affiliated person of a registered investment company, or any Second-tier Affiliate, acting as principal, to sell any security to, or purchase any security from, the registered investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include, among others, any person directly or indirectly owning, controlling or holding with power to vote 5% or more of the outstanding voting securities of such other person; Any person 5% or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by the other person: Any person directly or indirectly controlling, controlled by, or under common control with, the other person; and, in the case of an investment company, its investment adviser.

5. As investment adviser to each of the Registered Affiliated Funds and the Investment Funds, CSAM could be deemed to control both the Registered Affiliated Funds and the Investment Funds. Accordingly, the Registered Affiliated Funds and the Investment Funds could be deemed to be under common control and affiliated persons of each other. In addition, if an Other Fund acquires 5% or more of the outstanding voting securities of an Investment Fund, the Investment Fund could be deemed an affiliated person of the Other Fund. As a result, section 17(a) would prohibit an Investment Fund from selling its shares to, and redeeming its shares from, certain Funds.

6. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and if the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act provides that the Commission may exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants request an order under sections 6(c) and 17(B) of the Act to permit the funds to purchase shares of the Investment Funds and the Investment Funds to redeem their shares from the Funds. Applicants submit that the terms of the proposed transactions, including the consideration to be paid or received, are reasonable and fair and consistent with the general purposes of the Act, as well as with the policies of the respective Funds. Applicants state that the Funds will be treated like any other shareholders in an Investment Fund, and the Funds will purchase and redeem shares of an Investment Fund on the same terms and basis as such shares are purchased and redeemed by all other shareholders of an Investment Fund. Applicants state that a Fund will only be permitted to invest Cash Balances in an Investment Fund if that

[3] No relief is requested from the provisions of section 12(d)(1)(A) and (B) with respect to any investment of Uninvested Cash in a Registered Investment Fund by any Unregistered Fund that is not an Unregistered Affiliated Fund or by any Other Fund.

Investment Fund has been approved for investment by the Fund and if the Investment Fund invests in instruments that the Fund has previously determined are an acceptable medium for the investment of Cash Balances. A Fund that complies with rule 2a–7 under the Act will not invest its Cash Balances in an Investment Fund that does not comply with rule 2a–7. For these reasons, Applicants believe that their requested relief meets the standards of sections 6(c) and 17(b) of the Act.

8. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person of a registered investment company or any Second-tier Affiliate, acting as principal, from effecting any transaction in connection with any joint enterprise or joint arrangement in which the investment company participates, unless an application regarding the joint arrangement has been filed with the Commission and granted by order. Under rule 17d–1, in passing on applications for orders under section 17(d), the Commission considers whether the participation of the registered investment company is consistent with the provisions, policies, and purposes of the Act and the extent to which the participation is on a basis different from or less advantageous than that of other participants.

9. Applicants state that the Participants (by purchasing and redeeming shares of an Investment Fund), the Investment Funds (by selling shares of an Investment Fund to and redeeming them for the Participants), a CS Entity (by managing the portfolio securities of the Registered Affiliated Funds, the Unregistered Affiliated Funds, the Managed Accounts and the Investment Funds at the same time that the Registered Affiliated Funds, Unregistered Affiliated Funds and Managed Accounts' Cash Balances are invested in shares of an Investment Fund) and CSFB (by acting as lending agent, investing Cash Collateral in shares of an Investment Fund and receiving a portion of the revenue generated by securities lending transactions) could be considered participants in a joint enterprise or arrangement. Applicants request an order in accordance with section 17(d) and rule 17d–1 to permit certain transactions incident to investment of Cash Balances in the Investment Funds.

10. Applicants state that the Registered Affiliated Funds and the other Participants will invest in the Investment Funds on the same basis as any other shareholder in the Investment Funds. Accordingly, Applicants believe that the proposed investment in Investment Funds meets the standards of section 17(d) and rule 17d–1.

B. Interfund Transactions

1. Applicants state that certain Participants and certain Investment Funds currently rely on rule 17a–7 to engage in purchase and sale transactions in securities (''Interfund Transactions''). Rule 17a–7 excepts from the prohibitions of section 17(a) the purchase or sale of certain securities between registered investment companies that are affiliated persons or Second-tier Affiliates of each other or between a registered investment company and a person that is an affiliated person or Second-tier Affiliate of such company solely by reason of having a common investment adviser or affiliated investment advisers, common officers, and/or common directors. If at any time a Participant were to own 5% or more of the voting securities of an Investment Fund, then such Participant would be an affiliated person of such Investment Fund, and such Investment Fund would be an affiliated person of such Participant, by reason of such ownership of voting securities, and not solely by reason of such Participant and such Investment Fund having a common investment adviser, common officers and/or common directors.

2. Applicants request an order under sections 6(c) and 17(b) to permit the Interfund Transactions. Applicants state that the Participants and the Investment Funds will comply with rule 17a–7 under the Act, other than the requirement that the participants be affiliated solely by reason of having a common investment adviser or affiliated investment advisers, common officers, and/or common directors. Applicants state that the affiliation created by the proposed transaction does not affect the other protections provided by rule 17a–7 or the policies underlying the rule.

C. Payment of Fees by the Funds to CSFB

1. Applicants state that the lending agent arrangement between each Fund and CSFB, under which CSFB is to receive compensation based on a share of the revenue generated from the securities lending transactions, may be deemed a joint enterprise or other joint arrangement requiring an order under section 17(d) of the Act and rule 17d–1 under the Act. Consequently, Applicants request an order in accordance with section 17(d) and rule 17d–1 to the extent necessary to permit each Fund to pay, and CSFB to accept, fees in connection with CSFB's acting as lending agent in the manner and subject to the conditions and procedures described in the application.

2. Applicants submit that to safeguard each Registered Affiliated Fund's shareholders, Applicants will adopt the following procedures to ensure that the proposed fee arrangement and other terms governing the relationship with CSFB, as lending agent, will meet the standards of rule 17d–1:

(a) In connection with the approval of CSFB as lending agent for a Registered Affiliated Fund and implementation of the proposed fee arrangement, a majority of the Board (including a majority of the Independent Directors/Trustees) will determine that (i) the contract with CSFB is in the best interests of the Registered Affiliated Fund and its shareholders, (ii) the services to be performed by CSFB are appropriate for the Registered Affiliated Fund, (iii) the nature and quality of the services provided by CSFB are at least equal to those offered and provided by others, and (iv) the fees for CSFB's services are fair and reasonable in light of the usual and customary charges imposed by other lending agents for services of the same nature and quality.

(b) Each Registered Affiliated Fund's contract with CSFB for lending agent services will be reviewed annually and will be approved for continuation only if a majority of the Board (including a majority of the Independent Directors/Trustees) makes the findings referred to in paragraph (a) above.

(c) In connection with the initial implementation of an arrangement whereby CSFB will be compensated as lending agent based on a percentage of the revenue generated by a Registered Affiliated Fund's participation in the Program, the Board shall obtain competing quotes with respect to lending agent fees from at least three independent lending agents to assist the Board in making the findings referred to in paragraph (a) above.

(d) The Board of the Registered Affiliated Fund, including a majority of the Independent Directors/Trustees, will (i) determine at each regular quarterly meeting that the loan transactions during the prior quarter were conducted in compliance with the conditions and procedures set forth in the application and (ii) review no less frequently than annually the conditions and procedures set forth in the application for continuing appropriateness.

(e) Each Registered Affiliated Fund will (i) maintain and preserve permanently in an easily accessible place a written copy of the procedures and conditions (and modifications thereto) described in the application and (ii) maintain and preserve for a

period not less than six years from the end of the fiscal year in which any loan transaction pursuant to the Program occurred, the first two years in an easily accessible place, a written record of each loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, the terms of the loan transaction, and the information or materials upon which the determination was made that each loan was made in accordance with the procedures set forth above and the conditions to the application.

3. With respect to the Other Funds, Applicants state that the nature of the affiliation between the Other Funds and CSFB is only technical. Applicants state that CSFB would not have any influence over the decisions made by any Other Fund and that any fee arrangements between the Other Funds and CSFB will be the product of arms-length bargaining.

D. Loans by Registered Affiliated Funds to Affiliated Broker-Dealers

1. Section 17(a)(3) of the Act makes it unlawful for any affiliated person of a registered investment company, or any Second-tier Affiliate, acting as principal, to borrow money or other property from a registered investment company. Under section 2(a)(3)(E) of the Act, CSFB Corp. is an affiliated person of those Registered Affiliated Funds for which it acts as investment adviser and, under section 2(a)(3)(C), a Second-tier Affiliate of those Registered Affiliated Funds for which CSAM acts as an investment adviser, since CSFB Corp. and CSAM may be deemed to be under common control. Further, the other Affiliated Broker-Dealers may be deemed to be under common control with CSAM and Second-tier Affiliates of the Registered Affiliated Funds. Accordingly, under section 17(a)(3) of the Act, CSFB Corp. and the other Affiliated Broker-Dealers would be prohibited from borrowing securities from the Registered Affiliated Funds.

2. The Applicants request relief under sections 6(c) and 17(b) of the Act exempting them from Section 17(a)(3) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act to permit the Registered Affiliated Funds to lend portfolio securities to the Affiliated Broker-Dealers.

3. Applicants state that each loan to an Affiliated Broker-Dealer by a Registered Affiliated Fund will be made with a spread that is no lower than that applied to comparable loans to unaffiliated Borrowers.[4] In this regard, Applicants state that at least 50% of the loans made by the Registered Affiliated Funds, on an aggregate basis, will be made to unaffiliated Borrowers. Moreover, all loans will be made with spreads that are no lower than those set forth in a schedule of spreads (''Schedule of Spreads'') established by the Board of each Registered Affiliated Fund, including a majority of the Independent Directors/Trustees.

E. Transactions by the Other Funds With the Affiliated Broker-Dealers

1. As noted above, sections 17(a)(1), (2) and (3) of the Act prohibit certain principal transactions between a registered investment company and its affiliates. The Affiliated Broker-Dealers and the Investment Funds could be deemed to be under common control and thus affiliated persons of one another. Therefore, an Affiliated Broker-Dealer could be deemed a Second-tier Affiliate of an Other Fund that purchases 5% or more of the outstanding voting securities of an Investment Fund. Applicants request relief under sections 6(c) and 17(b) from section 17(a) to permit principal transactions between the Other Funds and the Affiliated Broker-Dealer where the affiliation between the parties arises solely as a result of an investment by an Other Fund of Cash Balances in an Investment Fund.

2. Applicants state that there will be no element of self-dealing because the Affiliated Broker-Dealers have no influence over the decisions made by any Other Fund. Applicants state that each transaction between an Affiliated Broker-Dealer and an Other Fund would be the product of arms-length bargaining.

3. Section 17(e)(2) of the Act makes it unlawful for any affiliated person of a registered investment company, or any Second-tier Affiliate, acting as broker in connection with the sale of securities to or by that registered investment company, to receive from any source a commission for effecting the transaction that exceeds (a) the usual and customary broker's commission if the sale is effect on a securities exchange, (b) 2 percent of the sales price if the sale is effected in connection with a secondary distribution of the securities, or (c) 1 percent of the purchase or sale price of such securities if the sale is otherwise effected.

4. Applicants request relief under section 6(c) from section 17(e)(2) as it may apply to transactions by Other Funds that are brokered by an Affiliated Broker-Dealer. Applicants believe that each transaction between an Other Fund and an Affiliated Broker-Dealer would be the product of arms-length bargaining.

Applicant's Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

A. General

1. The Securities Lending Program of each Fund will comply with all present and future applicable Commission and staff positions regarding securities lending arrangements.

2. The approval of the Registered Affiliated Fund's Board, including a majority of the Independent Directors/Trustees, shall be required for the initial and subsequent approvals of CSFB's service as lending agent for the Registered Affiliated Fund pursuant to the Securities Lending Program, for the institution of all procedures relating to the Securities Lending Program as it relates to the Registered Affiliated Fund, and for any periodic review of loan transactions for which CSFB acted as lending agent pursuant to the Securities Lending Program.

3. No Fund will purchase shares of any Investment Fund unless participation in the Securities Lending Program has been approved by a majority of the Independent Directors/Trustees of the Fund. The Independent Directors/Trustees also will evaluate the Securities Lending Program no less frequently than annually and determine that investing Cash Collateral in the Investment Funds is in the best interests of the shareholders of the Fund. Further, the Independent Directors/Trustees of the Registered Affiliated Funds will initially and at least annually thereafter determine that investing Uninvested Cash in the Investment Funds is in the best interests of the shareholders of the Registered Affiliated Funds.

4. Each of the Registered Affiliated Funds will invest Uninvested Cash in, and hold shares of, the Investment Funds only to the extent that the Registered Affiliated Fund's aggregate investment of Uninvested Cash in the Investment Funds does not exceed 25% of the Registered Affiliated Fund's total assets. For purposes of this limitation, each Registered Affiliated Fund or series

[4] A ''spread'' is the compensation earned by a Registered Affiliated Fund, as lender, from a securities loan, which compensation is in the form either of a lending fee payable by the Borrower to the Registered Affiliated Fund (where non-Cash Collateral is posted) or of the excess, retained by the Registered Affiliated Fund, over a rebate rate payable by the Registered Affiliated Fund to the Borrower (where Cash Collateral is posted and then invested by the Registered Affiliated Fund).

thereof will be treated as a separate investment company.

5. The Registered Affiliated Funds, Unregistered Affiliated Funds, and any Investment Fund will be advised by a CS Entity or will have a CS Entity as its general partner or managing member. A Registered Affiliated Fund that is subadvised, but not advised, by a CS Entity may rely on the order provided that the CS Entity manages the Cash Balances and that any relief granted from the provision of section 12(d)(1)(A) and (B) of the Act shall be available only if the Registered Affiliated Fund is in the same group of investment companies (as defined in Section 12(d)(1)(G) of the Act) as the Registered Investment Fund in which the Registered Affiliated Fund invests Cash Balances.

B. Loans to Affiliated Broker-Dealers

1. The Registered Affiliated Funds, on an aggregate basis, will make at least 50% of their portfolio securities loans to unaffiliated Borrowers.

2. The total value of securities loaned to any one broker-dealer on the approved list will be in accordance with a schedule by the Registered Affiliated Fund's Board, but in no event will the total value of securities lent to any one Affiliated Broker-Dealer exceed 10% of the net assets of the Registered Affiliated Fund, computed at market.

3. A Registered Affiliated Fund will not make any loan to an Affiliated Broker-Dealer unless the income attributable to such loan fully covers the transaction cost incurred in making such loan.

4. (a) All loans will be made with spreads no lower than those set forth in a Schedule of Spreads which will be established and may be modified from time to time by each Registered Affiliated Fund's Board and by a majority of the Independent Directors/Trustees.

(b) The Schedule of Spreads will set forth rates of compensation to each Registered Affiliated Fund that are reasonable and fair and that are determined in light of those considerations set forth in the application.

(c) The Schedule of Spreads will be uniformly applied to all Borrowers of the Registered Affiliated Funds' portfolio securities , and will specify the lowest allowable spread with respect to a loan of securities to any Borrower.

(d) If a security is loaned to an unaffiliated Borrower with a spread higher than the minimum set forth in the Schedule of Spreads, all comparable loans to an Affiliated Broker-Dealer will be made at no less than the higher spread.

(e) The Registered Affiliated Funds' portfolio securities lending program will be monitored on a daily basis by an officer of each Registered Affiliated Fund who is subject to section 36(a) of the Act. This officer will review the terms of each loan to an Affiliated Broker-Dealer for comparability with loans to unaffiliated Borrowers and conformity with the Schedule of Spreads, and will periodically, and at least quarterly, report his or her findings to each Registered Affiliated Fund's Board, including a majority of the Interested Directors/Trustees.

5. Each Registered Affiliated Fund's Board, including a majority of the Independent Directors/Trustees: (a) will determine no less frequently than quarterly that all transactions with Affiliated Broker-Dealers effected during the preceding quarter were effected in compliance with the requirements of the procedures adopted by the Board and the conditions of this order if granted and that such transactions were conducted on terms which were reasonable and fair; and (b) will review no less frequently than annually such requirements and conditions for their continuing appropriateness.

6. Each Registered Affiliated Fund's Board, including a majority of the Independent Directors/Trustees: (a) will determine no less frequently than quarterly that all transactions with Affiliated Broker-Dealers effected during the preceding quarter were effected in compliance with the requirements of the procedures adopted by the Board and the conditions of this order if granted and that such transactions were conducted on terms which were reasonable and fair; and (b) will review no less frequently than annually such requirements and conditions for their continuing appropriateness.

C. Investment of Cash Balances in an Investment Fund

1. Investment in shares of an Investment Fund by a particular Fund will be in accordance with the guidelines regarding the investment of securities lending Cash Collateral specified by the Fund in the Securities Lending Agreement. A Fund's Cash Balances will be invested in a particular Investment Fund only if that Investment Fund has been approved for investment by the Fund and if that Investment Fund invests solely in the types of instruments that the Fund has authorized for the investment of its Cash Balances.

2. An Investment Fund will not acquire securities of any investment company in excess of the limits contained section 12(d)(1)(A) of the Act.

3. Each Fund will purchase and redeem shares of any Unregistered Investment Fund on the same basis as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other shareholders investing in the same series of the Unregistered Investment Fund. A separate account will be established in the shareholder records of the Unregistered Investment Fund for the account of each Fund for the account of each Fund that invests in such Unregistered Investment Fund.

4. Each Unregistered Investment Fund will comply with rule 2a–7 under the Act. A CS Entity as the investment adviser to such Unregistered Investment Fund will adopt and monitor the procedures described in rule 2a–7(c)(7) under the Act and will take such other actions as are required to be taken pursuant to such procedures. A Fund may only purchase shares of such Unregistered Investment Fund if the relevant CS Entity determines on an ongoing basis that the Unregistered Investment Fund is in compliance with rule 2a–7. Such CS Entity will preserve for a period not less than six years from the date of determination, the first two years in an easily accessible place, a record of such determination and the basis upon which such determination was made. The record will be subject to examination by the Commission and the staff.

5. Each Unregistered Investment Fund will comply with the requirements of sections 17(a), (d) and (e) and 18 of the Act as if it were a registered open-end investment company. With respect to all redemption requests made by a Fund, each Unregistered Investment Fund will comply with section 22(e) of the Act. Any CS Entity that serves as investment adviser to an Unregistered Investment Fund will adopt procedures designed to ensure that the Unregistered Investment Fund complies with section 17(a), (d) and (e), 18 and 22(e) of the Act. Any such CS Entity will also periodically review and update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31(a)–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to

examination by the Commission and the staff.

6. The net asset value per share with respect to shares of an Unregistered Investment Fund will be determined separately for each Unregistered Investment Fund by dividing the value of the assets belonging to that Unregistered Investment Fund, less the liabilities of that Unregistered Investment Fund, by the number of shares outstanding with respect to that Unregistered Investment Fund.

7. If a CS Entity collects a fee from an Investment Fund for acting as its investment adviser with respect to Uninvested Cash invested by a Registered Affiliated Fund, before the next meeting of the Board of a Registered Affiliated Fund that invests in the Investment Funds is held for the purpose of voting on an advisory contract pursuant to section 15 of the Act, that CS Entity will provide the Board with specific information regarding the approximate cost to the CS Entity for, or portion of the advisory fee under the existing advisory fee attributable to, managing the Uninvested Cash of the Registered Affiliated Fund that can be expected to be invested in the Investment Funds. Before approving any advisory contract pursuant to Section 15 of the Act, the Board of the Registered Affiliated Fund, including a majority of the Independent Directors/Trustees, shall consider to what extent, if any, the advisory fees charged to the Registered Affiliated Fund by a CS Entity should be reduced to account for the reduced services provided to the Registered Affiliated Fund by such CS Entity as a result of Uninvested Cash being invested in the Investment Funds. The minute books of the Registered Affiliated Fund will record fully the Board's consideration in approving the advisory contract, including the considerations relating to fees referred to above.

8. Investment in shares of an Investment Fund by a particular Fund will be consistent with such Fund's investment objectives and policies. A Fund that complies with rule 2a–7 under the Act will not invest its Cash Balances in an Investment Fund that does not comply with rule 2a–7.

9. The shares of an Investment Fund will not be subject to a sales load, redemption fee, any asset-based distribution fee or service fee (as defined in rule 2830(b)(9) of the Conduct rules of the NASD).

D. Interfund Transactions

1. To engage in Interfund Transactions, the Participants and the Investment Funds will comply with rule 17a–7 under the Act in all respects other than the requirement that the parties to the transaction be affiliated persons (or Second-tier Affiliates) of each other solely by reason of having a common investment adviser or investments advisers which are affiliated persons of each other, common officers, and/or common directors, solely because a Participant and an Investment Fund might become affiliated persons within the meaning of Section 2(a)(3)(A) and (B) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46731; File No. SR–Amex–2002–78]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC Relating to a Temporary Waiver of Associate Member Fees for Persons Trading Nasdaq Securities Admitted to Unlisted Trading Privileges Through the Exchange's Electronic Order Routing Systems

October 28, 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 September 26, 2002, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to waive through December 31, 2002: (1) the membership dues, initiation fee, application processing fee, initial registration fee and the electronic access fee for new Associate Members that trade only Nasdaq stocks through the Exchange's electronic order routing systems during the period of the waiver, and (2) the electronic access fee for existing Associate Members that currently do not have electronic access privileges and that trade only Nasdaq stocks through the Exchange's electronic order routing systems during the period of the waiver.

The proposed fee schedule is available at the Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 IV 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 is proposing to temporarily waive Associate Member and electronic access fees for broker/dealer firms that currently do not have electronic access to the Amex Order File (''AOF''). The waiver would last through December 31, 2002, and would apply to firms that trade only Nasdaq stocks through the Exchange's electronic order routing systems during the period of the waiver. Broker-dealers that become Associate Members during the waiver period would not have to pay: (1) 2002 dues applicable to Associate Members, (2) Associate Member initiation fee, (3) application processing fee, (4) initial registration fee, and (5) the electronic access fee. Existing Associate Members that currently do not have electronic access to the AOF also could upgrade to electronic access privileges without paying the customary electronic access fee provided they trade only Nasdaq stocks through the Exchange's electronic order routing systems during the period of the fee waiver.

At the end of the waiver period, firms that became Associate Members during the waiver and traded only Nasdaq stocks through the AOF would have to: (1) Acquire a regular membership and pay the fees and dues associated with becoming a regular member, or (2) pay the 2003 dues, the Associate Member

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

initiation fee, the application processing fee, the renewal registration fee and the electronic access fee for 2003 applicable to Associate Members, or (3) terminate their Associate Membership. New Associate Members that terminate their Associate Membership on or prior to December 31, 2002, will not have to pay 2002 dues, the Associate Member initiation fee, the application processing fee, the initial registration fee and the electronic access fee for 2002.

At the end of the waiver period, firms that already were Associate Members prior to the waiver and upgraded to electronic access privileges during the waiver and traded only Nasdaq stocks through the AOF would have to: (1) Acquire a regular membership and pay the fees and dues associated with becoming a regular member, or (2) pay the 2003 dues and electronic access fee for 2003 applicable to Associate Members.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [3] in general and furthers the objectives of section 6(b)(4) [4] of the Act in particular in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among the Exchange's members, issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, and therefore, has become effective pursuant to section 19(b)(3)(A)(ii) of the Act [5] and subparagraph (f)(2) of Rule 19b-4 thereunder.[6]

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–2002–78 and should be submitted by November 25, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28001 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[3] 15 U.S.C. 78f(b)

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b-4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46737; File No. SR–NYSE–2002–29]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change and Amendment No. 1 Thereto by the New York Stock Exchange, Inc. Proposing to Increase the Maintenance Charge for Cellular Phones Used on the Floor of the Exchange

October 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 October 16, 2002, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed Amendment No. 1 to the proposed rule change with the Commission on October 28, 2002.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.[4]

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to increase the maintenance charge for cellular phones used on the floor of the Exchange.

The text of the proposed rule change appears below. New text is in italics. Deleted text is in brackets.

* * * * *

NYSE 2002 Price List

* * * * *

Facility and Equipment Fees

* * * * *

Schedule of Annual Charges, unless otherwise noted

* * * * *

Cellular Phones	
Phone and Headset ..	No Charge.
Ongoing Maintenance—per phone.	$[2,100.00] 2,400.00(3).

Notes:

(1) ITPN ''User'' is a member or person associated with a member, who has been entitled to receive one or more third party market data vendor service offerings via the Exchange's Integrated Technology Program Network.

(2) Plus appropriate sales tax where applicable.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from Darla C. Stuckey, Corporate Secretary, NYSE, to Sapna Patel, Attorney, Division of Market Regulation, Commission, dated October 21, 2002 (''Amendment No. 1''). In Amendment No. 1, the Exchange clarified that the proposed rule change has become effective upon filing pursuant to section 19(b)(3)(A)(ii) of the Act and Rule 19b–4(f)(2) thereunder. In its filing, the NYSE had incorrectly referred to Rule 19b–4(e)(2) under the Act.

[4] For purposes of determining the effective date and calculating the 60-day abrogation date, the Commission considers October 28, 2002, the date NYSE filed Amendment No. 1, to be the effective date of the proposed rule change.

(3) Plus sales tax.

* * * * *

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 IV 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 has a charge for cellular phones as part of its facilities and equipment fees.[5] The charge has been the same since 1994. The Exchange proposes to increase the charge from $2,100.00 to $2,400.00 per year to help cover the costs of the recent upgrade to industry standards by Verizon Wireless to the NYSE Broker Mobile Phone System. The Exchange represents that this upgrade provides improved voice quality, longer battery life, smaller and lighter handsets, and improves technical support, which will in turn improve the Exchange's service level. The charge by its nature will continue to apply only to membership organizations that operate on the floor of the Exchange and utilize the NYSE Broker Mobile Phone System.

2. Statutory Basis

The NYSE believes that the proposed rule change, as amended, is consistent with section 6(b) of the Act,[6] in general, and furthers the objectives of section 6(b)(4) of the Act,[7] in particular, which requires that an exchange have rules that provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition 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. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or charge imposed by the Exchange and, therefore, has become effective upon filing pursuant to section 19(b)(3)(A)(ii) of the Act[8] and Rule 19b–4(f)(2) thereunder.[9] At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purpose of the Act.[10]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, 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–NYSE–2002–29 and should be submitted by November 25, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28002 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[5] *See* Securities Exchange Act Release No. 34395 (July 18, 1994) 59 FR 38007 (July 26, 1994).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78(s)(b)(3)(A)(ii).

[9] 17 CFR 240.19b–4(f)(2).

[10] For purposes of determining the effective date and calculating the 60-day abrogation date, the Commission considers October 28, 2002, the date NYSE filed Amendment No. 1, to be the effective date of the proposed rule change.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46733; File No. SR–OCC–2002–15]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Dating Assignments

October 28, 2002.

I. Introduction

On July 3, 2002, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change File No. SR–OCC–2002–15 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1]. Notice of the proposal was published in the **Federal Register** on August 23, 2002.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

This rule change modifies OCC Rule 803 to provide that assignments will be dated and effective on the same date that the related exercise notice is accepted by OCC. Rule 803(b) currently provides that assignments are dated and effective as of the business day following the exercise date. This reflects the mechanics of OCC's processing. OCC assigns exercises on an overnight basis, but assigned clearing members do not receive notice of assignment until the morning of the day after exercise. OCC's practice has been to date assignments as of the day the assigned clearing members receive the notice of assignment. However, the ''trade'' resulting from the exercise is treated as having occurred on the exercise date not the assignment date. Thus, settlement takes place on the third business day following the exercise date.[3]

This has the potential to cause confusion for call writers. OCC has learned that some, if not all, clearing

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 46377 (August 19, 2002), 67 FR 54689.

[3] OCC Rule 902.

members use the same assignment date as OCC. As a result, when a holder exercises a call on the day before an ex-dividend date in order to capture the dividend, the writer who is assigned the exercise may see an assignment date the same as the ex-dividend date. The writer's broker may then have to explain that the writer is required to give up the dividend to the exercising holder because the exercise occurred before the ex-dividend date even though the assignment did not. While the language of this filing reflects OCC's current business of clearing and settling exchange traded options, the filing and the change to OCC's by-laws and rules extend to assignments from national securities exchanges, national securities associations, futures merchants, security futures markets, and international markets for which OCC clears and settles transactions.[4] Dating assignments on the same date as the related exercise will lessen the potential for this kind of confusion.

Other nonsubstantive changes are made to Rule 803 for the purposes of updating obsolete language. In addition, a conforming change is made to Rule 402, which pertains to supplemental reports of matched trades.

OCC believes that the proposed rule change is consistent with Section 17A of the Act because it eliminates a potential source for investor confusion.

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.[5] OCC's current procedure for dating assignments is a potential source of confusion. By changing OCC's assignment dating procedure to provide that assignments will be dated and effective on the same date that the related exercise notice is accepted by OCC, the proposed rule change should eliminate the potential for confusion and therefore is consistent with OCC's section 17A obligation to promote the prompt and accurate clearance and settlement of securities transactions.

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of section 17A(b)(3)(F) of the Act and the rules and regulations thereunder applicable.

[4] OCC Rules 912 and 913(e).

[5] 15 U.S.C. 78q–1(b)(3)(F).

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2002–15) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–27916 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46734; File No. SR–OCC–2002–18]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Matched Trade Reporting

October 28, 2002.

I. Introduction

On July 30, 2002, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change File No. SR–OCC–2002–18 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1]. Notice of the proposal was published in the **Federal Register** on August 23, 2002.[2] No comment letters were received. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description

The rule change modifies OCC's by-laws and rules to accommodate the transition to near real-time reporting of matched trade information by the options exchanges.[3] In addition, OCC's rules are modified to reflect that OCC may make available to clearing members updated position and exercise information; however, such information is provisional until final processing.

Each option exchange currently compares the trade information submitted by purchasing and selling members with respect to each transaction effected on that exchange. A compared transaction reflects that the parties to the trade have agreed on the terms of the trade. After the completion of its comparison processing, an exchange transmits to OCC a cumulative report of all matched trades effected or reconciled on that exchange on that particular trading day.[4] A compared or ''matched'' trade reported to OCC also contains information required by OCC, including, for example, the identity of the purchasing and selling clearing members, the accounts in which each side of the transaction was effected, the exercise prices, the expiration date, and the number of options contracts.[5] Each night, OCC processes the cumulative report of matched trades submitted by each option exchange, as well as exercise notices submitted by clearing members and accepted by OCC, and updates the clearing members' positions for the next trading day.

In connection with systems modification, OCC is amending its by-laws and rules so that it will accept and process matched trades reported by the exchanges on a near real-time basis. After receipt of a matched trade, OCC will process the matched trade information and make available updated position information for clearing member review throughout the trading day. However, a matched trade reported by a particular exchange might not always be complete or accurate for a variety of reasons. A clearing member may need to modify or append additional information after the matched trade has been sent to OCC. For example, a clearing member may need to reflect that a transaction was either to open or close a position. In such cases, the reporting exchange will instruct OCC to disregard a previously reported matched trade and will report new matched trade information to replace the original transaction. No replacement matched trade information will be reported by an exchange if the previously reported matched trade was to be disregarded altogether. Because an exchange may instruct OCC to disregard a previously submitted matched trade,

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 46378 (August 19, 2002), 67 FR 54688.

[3] While the language of this filing reflects OCC's current business of clearing and settling exchange traded options, the filing and the change to OCC's by-laws and rules extend to matching trade information from national securities exchanges, national securities associations, futures merchants, security futures markets, and international markets for which OCC clears and settles transactions.

[4] While OCC receives periodic matched trade transmissions for each option exchange during a business day, it currently uses the cumulative matched trade transmission made by each exchange for position processing and does not use intraday transmissions for position processing. OCC anticipates that the option exchanges will gradually transition to reporting of matched trades on a near real-time basis. Until all exchanges have transitioned to near real-time matched trade reporting during the business day, OCC's systems will accept and process cumulative batch transmissions, intermittent batch transmissions, and near real-time matched trade reporting.

[5] See Article VI, Section 7 of OCC's By-Laws and OCC Rule 401 for a description of the information required by OCC.

OCC is amending Article VI, section 7 of its By-Laws to reflect that, in accordance with such an instruction, the previously reported matched trade will be deemed null and void and will be given no effect under OCC's by-laws and rules. In addition, section 7 is amended to reflect that OCC will not be liable to any writer, holder, buyer, or seller in acting on an exchange's instruction to disregard a previously submitted trade. Article VII, section 7 of the By Laws and Rules 401 and 402 also are amended to eliminate references to the receipt of a report of matched trades. Instead, these provisions will reference the reporting of matching trade information by an exchange. Other by-law and rule provisions that describe the receipt of a report of matched trades are similarly revised.[6]

Rule 501, which governs position reporting by OCC to its clearing members, is amended to reflect that position information updated during a business day is provisional and informational in nature and that only clearing members' daily position reports can be relied upon as definitely reflecting their final positions. Daily position reports are made available to clearing members each morning and reflect matched trades reported the previous business day.

Rule 801, which relates to exercises of options, also is amended to reflect that exercise information provided throughout a business day is provisional and informational only. Exercises accepted by OCC will be definitely reflected in delivery advices and exercise and assignment reports. Such advices or reports are also made available each morning and reflect exercises from the previous business day.

III. Discussion

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions.[7] By moving towards accepting and processing matched trades and exercises on a near real-time basis, OCC will be able to make available to its clearing members information on their positions, exercises, and assignments in a more timely manner. As a result, OCC will be fulfilling its section 17A obligation to promote the prompt and accurate clearance and settlement of securities transactions and thereby meets the requirements of section 17A(b)(3)(F).

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act and the rules and regulations thereunder applicable.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–2002–18) be, and hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–27917 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[6] In addition, the term settlement time, as defined in Section 1.S. of Articles XV, XX, and XXIII is being modified to reflect OCC's receipt of matching trade information as opposed to a matched trade report.

[7] 15 U.S.C. 78q-1(b)(3)(F).

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46722; File No. SR–OCC–2002–13]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Clearing Agreement

October 25, 2002.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on June 24, 2002, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of the ''Amended and Restated Agreement for Clearing and Settling Security Futures and Futures and Futures Options on Broad-Based Indexes' between OCC and Nasdaq Liffe Markets, LLC (''NqLX'').

[1] 15 U.S.C. 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

OCC is preparing to clear security futures for a number of markets. One such market is NqLX. Amendment No. 2 to SR–OCC–2001–07 included the ''Agreement for Clearing and Settlement Services'' dated August 29, 2001, (''Original Agreement'') between OCC and NqLX (under its former name, Nasdaq LIFFE, LLC). The Commission approved that rule filing, as amended, on August 20, 2001.[3]

As generally noted in Amendment No. 2 to SR–OCC–2001–07, OCC anticipated that it would file with the Commission the agreements it enters into with markets for the clearance of security futures when negotiated. OCC has recently executed an amendment and restatement of the Original Agreement with NqLX, which is the subject of this filing. The primary motivation for amending and restating the Original Agreement was to expand the range of contracts to be cleared and settled by OCC under that agreement to include futures on broad-based stock indexes and options on such futures.[4] Thus, the parties have added sections on the selection of underlying interests for broad-based stock index futures and options on such futures and have changed numerous occurrences of ''security futures'' to ''Cleared Contracts,'' a term that encompasses security futures and also futures on broad-based stock indexes and options on such futures. Certain minor

[2] The Commission has modified parts of these statements.

[3] Securities Exchange Act Release No. 44727 (August 20, 2001), 66 FR 45351.

[4] OCC was registered as a ''derivatives clearing organization'' under the Commodity Exchange Act by order of the Commodity Futures Trading Commission (December 10, 2001). The Commission previously approved OCC's rule filing to clear futures and futures options on broad-based stock indexes. Securities Exchange Act Release No. 45946 (May 16, 2002), 67 FR 36056 (SR–OCC–2001–16).

adjustments in other terms have been made to bring the agreement into line with clearing and settlement agreements that OCC has entered into with other exchanges after it entered into the Original Agreement.

OCC believes that the proposed rule change is consistent with the purposes and requirements of section 17A of the Securities Exchange Act of 1934, as amended, because it will foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions and remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were not and are not intended to be solicited with respect to the proposed rule change, and none have been received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A)(iii) of the Act [5] and Rule 19b-4(f)(4)[6] thereunder because it effects a change in an existing service of OCC that (i) does not adversely affect the safeguarding of securities or funds in the custody or control of OCC or for which it is responsible and (ii) does not significantly affect the respective rights or obligations of OCC or persons using the service. At any time within sixty days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW, Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of OCC. All submissions should refer to the File No. SR–OCC–2002–13 and should be submitted by November 25, 2002.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–27918 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[5] 15 U.S.C. 78s(b)(3)(A)(iii).

[6] 17 CFR 240.19b-4(f)(4).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–46728; File No. SR–PCX–2002–65]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Exchange Fees and Charges

October 25, 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 September 27, 2002, the Pacific Exchange, Inc. (''PCX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which the PCX has prepared. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to amend its Schedule of Fees and Charges with respect to the following fees for options: broker-dealer and market maker transaction charges, the continued listings fee, and the shortfall fee. The text of the proposed rule change is below. New text is italicized; deleted text is in brackets.

SCHEDULE OF FEES AND CHARGES FOR EXCHANGE SERVICES

[PCX Options: Trade-Related Charges]

Transactions:	
Customer	$0.00 per contract side.
PCX Market Maker	$0.21 per contract side.
Non-PCX Option Market Makers.	*$0.26 per contract side.*
Firm	$0.10 per contract side for customer facilitation.
Broker/Dealer	[$0.19] *$0.21* per contract side.
PCX Options: Floor and Market Maker Fees:	
Continued Listings Fee.	Difference between $500 and average monthly revenue for issues with less than $500 in volume based charges (average monthly revenue based on trailing 3 months). *The fee will be capped at $15,000 per month per LLM firm.*
Shortfall Fee	$.35 per contract on shortfall volume*

*Only applies to the top 120 options. Shortfall volume is the difference between 12% of the total national market share in an option issue for one month and the percentage executed by the LMM. *For the purpose of this calculation, the national market share of any equity option industry volume will be capped at 2.9 million contracts per day.*

* * * * *

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 PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it had received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of those statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 217 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The PCX is proposing to change its broker-dealer transaction charge, market maker transaction charges, continued listings fee, and shortfall fee effective with the October 2002 trading month. Other than the fees listed herein, the PCX does not seek to make any other changes to its fee schedule.

1. Broker-Dealer Transaction Charge

The PCX currently imposes a fee of $0.19 per contract side on all transactions of broker-dealers. The PCX proposes to increase this fee to $0.21 per contract side, which would bring the transaction fee to the same level as the PCX Market Maker transaction charge.

2. Transaction Fees Originating From Non-PCX Options Market Makers

Currently, the PCX charges all market makers a fee of $0.21 for every contract that they execute. The PCX proposes to increase, to $0.26 per contract, the transaction fee for market maker transactions that originate from non-PCX options market makers. The fee would be imposed only on member firms that clear trades for away market makers. The PCX proposes this increase in order to recoup its administrative and regulatory costs related to non-PCX market maker transactions.

3. Continued Listing Fee

The PCX currently imposes upon LMMs a continued listing fee for issues that have not generated at least $500 in monthly revenues to the PCX on a trailing three-month average basis.[3] The continued listing fee is calculated as the incremental difference between the $500 threshold and the amount of revenue that the issue generates. The PCX proposes to cap the amount of the continued listings fee that can be charged to an LMM firm at $15,000 per month per LMM firm.

The PCX also proposes to modify the continued listing fee in order to adjust the method of calculating the average monthly volume-based charges for recently transferred issues. Currently, LMM firms that are transferred issues from another LMM assume the continued listings fee from the transferring firm. To help foster demand for issues during a period of continuing consolidation among trading firms, the PCX proposes to modify the way the continued listings fee is applied to transferred issues. Under the PCX's proposal, an LMM would not be subject to the continued listings fee for an issue that it acquired by transfer for any portion of the month that it acquired the issue, assuming a mid-month transfer. The LLM firm would be subject to a fee based upon the activity of the first full month that it trades an issue. After the second full month of trading the issue, the transferee LMM would be subject to a continued listings fee based upon the trailing two-month activity level. In future months, the transferee LMM would be subject to the fee based on a three-month rolling average.

4. Shortfall Fee

In June 2002, the PCX increased the LMM shortfall fee from 10% to 12% for the top 120 equity options traded nationally. Due to periodic spikes in national industry volume, the PCX proposes to cap the shortfall fee when equity industry volume reaches 2.9 million contracts per day or higher. As proposed, LMM firms would not be charged a shortfall fee on contracts in a top 120 issue that exceeds the calculated volume cap amount.

The PCX believe that the proposal is consistent with Section 6(b)(4) of the Act[4] in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX 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 PCX neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act[5] and Rule 19b–4(f)[6] because it changes the PCX fee schedule. At any time within 60 days after the filing of the proposed rule change, the Commission may summarily abrogate the rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposal 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 PCX. All submissions should refer to File No. SR–PCX–2002–65 and should be submitted by November 25, 2002.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 02–28000 Filed 11–1–02; 8:45 am]

BILLING CODE 8010–01–P

[3] *See* Securities Exchange Act Release No. 42050 (October 21, 1999), 64 FR 58117 (October 28, 1999) (SR–PCX–99–32).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f).

[7] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection packages that may be included in this notice are for new information collections, revisions to OMB-approved information collections and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its

quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10235, 725 17th St., NW., Washington, DC 20503, Fax: 202–395–6974;

(SSA) Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *Statement of Funds You Provided to Another, Statement of Funds You Received—20 CFR 416.1103(f)—0960–0481.* Supplemental Security Income (SSI) entitlement, and the amount of the SSI payment, is affected by any other income the applicant has. Forms SSA–2854 and SSA–2855 are used by SSA to collect information in situations where the SSI applicant alleges that money was borrowed on an informal basis from a noncommercial lender, *e.g.*, a relative or friend, etc. These statements are completed by the borrower/claimant and by the lender and are required to determine whether the proceeds from the transaction are/are not income to the borrower/claimant. If the transaction constitutes a bona fide loan, the proceeds are not income to the SSI borrower/claimant. The respondents are applicants for SSI payments who borrow money on an informal (noncommercial) basis and by individuals who lend money informally to SSI applicants.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 40,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 6,667 hours.

II. The information collection listed below has been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *The Internet Social Security Benefits Application (ISBA)—20 CFR Subpart D, 404.310–404.311 and 20 CFR Subpart F, 404.601–404.603—0960–0618.* One of the requirements for obtaining Social Security benefits is the filing of an application so that a determination may be made on the applicant's eligibility for monthly benefits. ISBA, which is available at SSA's Internet site, is one method that an individual can choose to file an application for benefits. Individuals can use ISBA to apply for retirement insurance benefits (RIB), disability insurance benefits (DIB) and spouse's insurance benefits based on age. SSA gathers only information relevant to the individual applicant's circumstances and will use the information collected by ISBA to entitle individuals to RIB, DIB and/or spouses benefits. The respondents are applicants for RIB, DIB and/or spouses benefits. Below is an estimate of the public reporting burden:

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 169,000.

Frequency of Response: 1.

Average Burden Per Response: 21.4 minutes.

Estimated Annual Burden: 60,277 hours.

2. *Application for Disability Insurance Benefits—20 CFR Subpart P—404.1501–1512 and Subpart D—404.315–404.322—0960–0060.* Section 223 of the Social Security Act allows payment of disability insurance benefits to any individual who is insured for disability benefits by virtue of covered employment under Social Security; has not attained full retirement age; has filed an application for disability insurance benefits; and is under a disability as defined by the Act. Form SSA–16–F6 obtains the information necessary to determine whether the provisions of the Act have been satisfied with respect to an applicant for disability benefits and detects whether the applicant has dependents who would qualify for benefits on his or her earnings record. The information collected on form SSA–16 helps to determine eligibility for social security disability benefits. The respondents are applicants for Social Security disability benefits.

Type of Request: Revision of an OMB-Approved Information Collection.

Number of Respondents: 1,513,677.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 504,559 hours.

3. *Worker's Compensation/Public Disability Benefit Questionnaire—20 CFR Subpart E, 404.408—0960–0247.* Section 224 of the Social Security Act provides for the reduction of disability insurance benefits (DIB) when the combination of DIB benefits and any worker's compensation (WC) and/or certain Federal, State or Local public disability benefits (PDB) exceeds 80% of the worker's predisability earnings. SSA–546 collects the information to determine whether or not the worker's receipt of WC/PDB payments will cause a reduction of DIB. The respondents are applicants for title II DIB.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 25,000 hours.

4. *Medical Report on Adult with Allegation of Human Immune Deficiency Virus Infection and Medical Report on Child with Allegation of Human Immune Deficiency Virus Infection—20 CFR Subpart I, 416.933—0960–0500.* The information collected on forms SSA–4814–F5 and SSA–4815–F6 assist the field offices/disability determination services to make findings of presumptive disability that confirms the claimants' disease manifestations meet the severity of listing-level criteria for Human Immunodeficency Virus (HIV) infection. The respondents are medical sources of claimants for title XVI disability payments based on HIV infection.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 59,100.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 9,850 hours.

Dated: October 29, 2002.

Elizabeth A. Davidson,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 02–27974 Filed 11–1–02; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–8079]

Setting the Environmental Agenda of the Coast Guard for Oil Pollution—Prevention, Preparedness, and Response—in the 21st Century

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability and request for public comments.

SUMMARY: The Coast Guard announces the availability of the Risk Assessment it conducted to help set its environmental agenda for oil spill prevention, preparedness and response in the 21st century. We request your comments on the Assessment.

DATES: Comments and related material must reach the Docket Management Facility on or before February 3, 2003.

ADDRESSES: To make sure that your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, (USCG–2000–8079), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

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

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as the draft Programmatic Environmental Assessment (PEA), will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket, including the PEA, on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, or the associated risk assessment, call Commander David Lersch, U.S. Coast Guard, telephone (202) 267–0421. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material on the Risk Assessment. If you do so, please include your name and address, identify the docket number for this notice (USCG–2000–8079) and give the reasons for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Proposed Action

The Coast Guard has completed the first phase of the risk assessment it initiated during the fall of 2000 to help set its environmental agenda for oil pollution prevention, preparedness and response in the 21st century. One element of this study was the results of the Public Meeting held at Coast Guard Headquarters on December 12, 2000. We published a notice of this meeting and request for comments in the **Federal Register** on October 18, 2000 (65 FR 62408).

This project contains several elements addressing concept development, risk characterization and issue identification. The first portion identifies the nature and frequency of spills from key sources and determines how the sources and causes may vary in the next decade. The second portion analyzes the impacts associated with each source category. Together these two portions produce a risk characterization by source category. The last section provides an assessment of the overall effectiveness of various prevention, preparedness and response measures in mitigating the threat posed by the various source categories.

The Coast Guard is seeking public comment on the results of this study to help guide its planning for follow-on management analysis.

The assessment is located online at *http://www.uscg.mil/hq/g-m/mor/morgmor1new.htm.*

Dated: September 12, 2002.

Jeffrey P. High,

Acting Assistant Commandant for Marine Safety, Security, and Environmental Protection.

[FR Doc. 02–27489 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket Nos. FMCSA–99–5578, FMCSA–99–6156, FMCSA–99–6480, FMCSA–2000–7006, FMCSA–2000–7165, and FMCSA–2000–8203]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of renewal of exemption; request for comments.

SUMMARY: This notice publishes the FMCSA's decision to renew the exemptions from the vision requirement in the Federal Motor Carrier Safety Regulations for 16 individuals.

DATES: This decision is effective November 9, 2002. Comments from interested persons should be submitted by December 4, 2002.

ADDRESSES: You can mail or deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001. You can also submit comments at *http://dms.dot.gov.* Please include the docket numbers that appear in the heading of this document in your submission. You can examine and copy this document and all comments received at the same Internet address or at the Dockets Management Facility from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Exemption Decision

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may renew an exemption

from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of commercial motor vehicles in interstate commerce, for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than the level that would be achieved absent such exemption.'' The procedures for receiving an exemption (including renewals) are set out in 49 CFR part 381. This notice addresses 16 individuals who have requested renewal of their exemptions in a timely manner. They are: Ronald W. Coe, Sr., James A. Creed, Earl D. Edland, Lloyd E. Hall, Steven H. Heidorn, Dale H. Hellmann, Danny E. Hillier, Gary L. Killian, James A. Kneece, Ronald L. Martsching, Garry R. Setters, Jimmy E. Settle, Jesse M. Sikes, Harold A. Sleesman, Buford C. Varnadore, and Hubert Whittenburg. The FMCSA has evaluated these 16 petitions for renewal on their merits and decided to extend each exemption for a renewable 2-year period.

These exemptions are extended subject to the following conditions: (1) That each individual have a physical exam every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file and retain a copy of the certification on his/her person while driving for presentation to a duly authorized Federal, State, or local enforcement official. Each exemption will be valid for 2 years unless rescinded earlier by the FMCSA. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136(e).

Background

On September 23, 1999, the agency published a notice of final disposition announcing its decision to exempt 32 individuals, including 1 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10)(64 FR 51568). The qualifications, experience, and medical condition of the applicant were stated and discussed in detail at 64 FR 27027 (May 18, 1999). Two comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the exemption (64 FR 51568).

On January 3, 2000, the agency published a notice of final disposition announcing its decision to exempt 40 individuals, including 1 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10)(65 FR 159). The qualifications, experience, and medical condition of the applicant were stated and discussed in detail at 64 FR 54948 (October 8, 1999). Two comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the exemption (65 FR 159).

On April 14, 2000, the agency published a notice of final disposition announcing its decision to exempt 34 individuals, including 1 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10)(65 FR 20251). The qualifications, experience, and medical condition of the applicant were stated and discussed in detail at 64 FR 68195 (December 6, 1999). Two comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the exemption (65 FR 20251).

On September 21, 2000, the agency published a notice of final disposition announcing its decision to exempt 56 individuals, including 4 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10)(65 FR 57230). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 65 FR 20245 (April 14, 2000). Three comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the exemptions (65 FR 57230).

Also on September 21, 2000, the agency published a second notice of final disposition announcing its decision to exempt 60 individuals, including 4 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (65 FR 57234). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 65 FR 33406 (May 23, 2000). One comment was received, and its contents were carefully considered by the agency in reaching its final decision to grant the exemptions (65 FR 57234).

On October 9, 1998, the agency published a notice of final disposition announcing its decision to exempt 12 individuals from the vision requirement in 49 CFR 391.41(b)(10) (63 FR 54519). The qualifications, experience, and medical condition of each applicant were stated and discussed in detail at 63 FR 20385 (June 3, 1998). Three comments were received, and their contents were carefully considered by the agency in reaching its final decision to grant the exemptions (63 FR 54519). On November 3, 2000, the agency published a notice of renewal of exemption for 9 of the 12 individuals, including 5 of these applicants for renewal, from the vision requirement in 49 CFR 391.41(b)(10) (65 FR 66293). At the time of renewal, each applicant submitted evidence showing that the vision in the better eye continued to meet the standard specified at 49 CFR 291.41(b)(10) and that the vision impairment was stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the 2-year exemption period indicated each applicant continued to meet the vision exemption standards.

Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than 2 years from its approval date and may be renewed upon application for additional 2-year periods. In accordance with 49 U.S.C. 31315 and 31136(e), each of the 16 applicants has satisfied the entry conditions for obtaining an exemption from the vision requirements (63 FR 30285, 63 FR 54519, 64 FR 27027, 64 FR 51568, 64 FR 54948, 64 FR 68195, 65 FR 159, 65 FR 20245, 65 FR 20251, 65 FR 33406, 65 FR 57230, and 65 FR 57234), and 5 of the applicants have also satisfied the conditions for renewing an exemption (65 FR 66293). Each of these 16 applicants has requested timely renewal of the exemption and has submitted evidence showing that the vision in the better eye continues to meet the standard specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safely while driving with the respective vision deficiencies over the past 2 years indicates each applicant continues to meet the vision exemption standards. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, the FMCSA concludes that extending the exemption for a period of 2 years is likely to achieve a level of safety equal to that existing without the exemption for each renewal applicant.

Comments

The FMCSA will review comments received at any time concerning a particular driver's safety record and determine if the continuation of the exemption is consistent with the requirements at 49 U.S.C. 31315 and 31136(e). However, the FMCSA requests that interested parties with specific data concerning the safety records of these drivers submit comments by December 4, 2002.

In the past FMCSA has received comments from Advocates for Highway and Auto Safety (Advocates) expressing continued opposition to the FMCSA's procedures for renewing exemptions from the vision requirement in 49 CFR 391.41(b)(10). Specifically, Advocates objects to the agency's extension of the exemptions without any opportunity for public comment prior to the decision to renew and reliance on a summary statement of evidence to make its decision to extend the exemption of each driver.

The issues raised by Advocates were addressed at length in 66 FR 17994 (April 4, 2001). The FMCSA continues to find its exemption process appropriate to the statutory and regulatory requirements.

Issued on October 29, 2002.

Brian M. McLaughlin,

Associate Administrator, Policy and Program Development.

[FR Doc. 02–27992 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–EX–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Job Access and Reverse Commute Program Announcement of Project Selection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice.

SUMMARY: The U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) announces the selection of projects to be funded under Fiscal Year 2002 appropriations for the Job Access and Reverse Commute (JARC) Program, authorized by Section 3037 of the Transportation Equity Act for the 21st Century (TEA–21). A total of $125 million was available for the JARC Program in FY 2002, the guaranteed funding level under TEA–21. In the Congressional conference committee report language accompanying the appropriations bill, $109.3 million was designated for projects in specific areas. However, the General Accounting Office, in a December 2001 report to Congress, concluded that FTA could only select and fund projects through a national competition as specified in the JARC legislation. Accordingly, FTA required all applicants for FY 2002 JARC funding, including those designated in Congressional report language, to submit a project proposal application to be evaluated, scored, and ranked against all others. Subsequently, however, in the FY 2003 Supplemental Appropriations Act (H.R. 4775), signed into law on August 2, 2002, Congress authorized and instructed FTA to fund all projects designated in the report language upon receipt of an application. A number of applications for projects in congressionally-designated areas were submitted in FY 2002 and FTA has obligated $13 million for those projects. The list of congressionally-designated areas was included in FTA's 2002 Annual Apportionment Notice, published in the **Federal Register** on January 2, 2002. That notice can be found at: *http://www.fta.dot.gov/library/legal/federalregister/2002/fr1202a.pdf.*

Because FTA solicited applications for both 2002 and 2003 funding, we will be prepared to announce projects selected for FY 2003 funds as soon as these funds become available.

Local agencies and authorities and private non-profit organizations are eligible to apply for JARC Program funds. Local agencies and authorities include states, local governments, metropolitan planning organizations, public transit agencies and tribal organizations. A Job Access project is one that provides new or expanded transportation service designed to fill gaps that exist for welfare recipients and other low-income individuals to and from jobs and other employment-related services. A Reverse Commute project facilitates the provision of new or expanded public mass transportation services for the general public from urban, suburban, and rural areas to suburban work sites. Capital and operating costs for such projects are eligible.

FOR FURTHER INFORMATION CONTACT: The appropriate FTA Regional Administrator for grant-specific issues; or Sue Masselink, Office of Program Management, 202–366–2053 for general information about the JARC Program.

SUPPLEMENTARY INFORMATION: After setting aside the $109.3 million for Congressional earmarks, a total of $15.7 million was available for allocation by FTA. In FY 2002, the total amount requested from applicants other than those with Congressional earmarks was $43 million. Among these applicants, 49 requested $23 million for 108 continuation projects and 39 requested $20 million for 77 new projects. In order to encourage the creation of partnerships at the local level and afford a reasonable period in which to establish and sustain service, FTA announced in the solicitation notice that it would give funding priority to continuation projects. Because of the limited funding available for competitive allocation by FTA, only 76 of the 108 proposed continuation projects were selected for funding, and none of the 77 proposed new projects were funded. The 76 projects selected were submitted by 39 applicants, and are being funded at a total of $16,765,367. The $15.7 million in available FY 2002 funds, together with a small balance of unobligated and uncommitted funds from prior years, will be used to fund the selected projects. The following continuation projects rated most meritorious in the evaluation process have been selected for funding:

Region	State	Agency	Amount
I	MA	Massachusetts Office of Transportation and Construction	$1,064,223
	MA	Massachusetts Bay Transportation Authority	803,810
	MA	Pioneer Valley Transportation Authority	300,000
	NH	City of Nashua	149,302
II	NY	New York Metropolitan Transportation Council	396,941
	NY	Central NY Regional Transportation Authority	104,167
	NY	Capital District Transportation Authority	232,250
III	PA	Southeastern PA Transit Authority (SEPTA)	116,300
IV	FL	Jacksonville Transportation Authority	1,569,750
	GA	Georgia Department of Transportation	200,000
	NC	North Carolina Department of Transportation	122,000

Region	State	Agency	Amount
V	IL	Chicago Transit Authority	1,128,000
	IL	Metra Commuter Rail Board	75,000
	IL	Regional Transportation Authority	100,000
	IL	Sparta-Monroe Randolph Co. Transit Consortium	113,000
	IN	Muncie Public Transit Corporation	106,722
	MI	City of Detroit Employment and Training Dept.	1,436,482
	MI	Michigan Department of Transportation	814,408
	OH	Lorain County Transit	114,475
	OH	Western Reserve Transit Authority	750,000
VI	LA	Louisiana Dept. of Transportation & Development	1,234,492
	TX	City of Abilene—CityLink	100,000
	TX	City of El Paso Mass Transit Dept. (Sun Metro)	250,000
	TX	City of Lubbock/Citibus	460,000
	TX	Fort Worth Transportation Authority	200,000
VII	IL	Rock Island County Metropolitan Transit District	184,625
	MO	City Utilities of Springfield (CUS)	643,000
	MO	East-West Gateway Coordinating Council	305,197
	MO	Missouri Department of Transportation	750,000
VIII	CO	City of Loveland	97,355
	CO	City of Ft. Collins	130,981
	CO	Mesa County	200,000
	CO	Archuleta County Department of Social Services	85,887
	ND	Standing Rock Public Transportation	63,500
IX	AZ	Maricopa Association of Governments (MAG)	1,500,000
	CA	Mendocino Transit Authority	80,000
	CA	Metropolitan Transit Development Board	388,500
	CA	Napa County TPA	20,000
	CA	San Luis Obispo Council of Governments	25,000
X	OR	Central Oregon Commuter Network	350,000

Pre-Award Authority

JARC costs may be incurred for eligible projects before grants are made without prejudice to possible Federal participation in the cost of the project(s). However, in exercising pre-award authority, applicants must comply with all Federal requirements. Failure to do so will render a project ineligible for FTA financial assistance. Applicants must consult the appropriate FTA regional office regarding the eligibility of the project for future FTA funds or the applicability of the conditions and Federal requirements. Pre-award spending authority is provided effective December 18, 2001, the date on which the Department of Transportation (DOT) and Related Agencies Appropriations Act for Fiscal Year 2002 was signed into law by President Bush.

Certifications and Assurances

In accordance with 49 U.S.C. 5323(n), certifications and assurances have been compiled for the various FTA programs. Before FTA may award a Federal grant, each successful applicant must provide to FTA all certifications and assurances required by Federal laws and regulations applicable to itself and its project. A state providing certifications and assurances on behalf of its prospective subrecipients should obtain sufficient documentation from those subrecipients needed to provide informed certifications and assurances.

The signature page accompanying the Certifications and Assurances contains the current fiscal year's certifications assurances and, when properly attested to and submitted to FTA, assures FTA that the applicant intends to comply with the requirements for the specific program involved. FTA will not award any federal assistance until the successful applicant provides assurance of compliance by selecting Category I on the signature page and all other categories applicable to itself and its project.

FTA's (FY) 2003 Certifications and Assurances Notice is expected to be published in the **Federal Register** soon. The document is already available on the opening page of the TEAM Website. Copies may also be obtained from FTA regional offices. Applicants that need further assistance should contact the appropriate FTA regional office (see Appendix A) for further information.

U.S. Department of Labor Certification

As a condition of release of Federal funds for this program, Federal Transit law requires that applicants must comply with 49 U.S.C. 5333(b), administered under the Department of Labor's (DOL) Mass Transit Employee Protection Program. These employee protections include the preservation of rights, privileges, and benefits under existing collective bargaining agreements, the continuation of collective bargaining rights, the protection of individual employees against a worsening of their positions related to employment, assurances of employment to employees of acquired mass transportation systems, priority of reemployment, and paid training or retraining. Generally, DOL processes the employee protection certification required under Section 5333(b) in accordance with the procedural guidelines published at 29 CFR 215.3. However, for the Job Access and Reverse Commute Grants program, DOL has proposed to apply appropriate protections without referral for Job Access and Reverse Commute Grant applications serving populations under 200,000 and to utilize the guidelines for Job Access and Reverse Commute Grant applications serving populations of 200,000 or more. FTA will submit the grant application to DOL for certification. Grant funds will NOT be released without DOL certification. Where there are questions regarding the DOL certification process and/or information needed by DOL to obtain a labor certification, successful applicants must contact the appropriate FTA regional office (*See* Appendix A). Additional guidance is provided on the World Wide Web at *http://www.fta.dot.gov/wtw/labor.htm.*

Completed Applications

All successful applicants must now proceed to complete their grant application by fully documenting all the Job Access and Reverse Commute Grant program requirements that were not fully documented when the original grant proposal was submitted. In a few cases, not all projects in the applicant's proposal were selected. FTA regional offices will advise applicants by letter of any conditions relative to the selection or remaining outstanding items, as well as stipulations specific to the Job Access and Reverse Commute Grant projects that need to be addressed and/or fully documented prior to grant approval. Successful applicants will be notified in writing by the FTA regional offices with further guidance.

Issued on October 23, 2002.

Jennifer L. Dorn,

Administrator.

Appendix A—FTA Regional Offices

Region I

Maine, New Hampshire, Vermont, Connecticut, Rhode Island, and Massachusetts. Richard Doyle, FTA Regional Administrator, Volpe National Transportation Systems Center, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142–1093, (617) 494–2055.

Region II

New York, New Jersey, and Virgin Islands. Letitia Thompson, FTA Regional Administrator, One Bowling Green, Room 429, New York, NY 10004–1415, (212) 668–2170.

Region III

Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and District of Columbia. Susan Schruth, FTA Regional Administrator, 1760 Market Street, Suite 500, Philadelphia, PA 19103–4124, (215) 656–7100.

Region IV

Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Tennessee, and Puerto Rico. Jerry Franklin, FTA Regional Administrator, 61 Forsyth Street, SW., Suite 17T50, Atlanta, GA 30303, (404) 562–3500.

Region V

Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio. Joel Ettinger, FTA Regional Administrator, 200 West Adams Street, Suite 2410, Chicago, IL 60606–5232, (312) 353–2789.

Region VI

Arkansas, Louisiana, Oklahoma, Texas, and New Mexico. Robert Patrick, FTA Regional Administrator, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, (817) 978–0550.

Region VII

Missouri, Iowa, Kansas, and Nebraska. Mokhtee Ahmad, FTA Regional Administrator, 901 Locust Street, Suite 404, Kansas City, MO 64106, (816) 329–3920.

Region VIII

Colorado, Utah, Wyoming, Montana, North Dakota, South Dakota. Lee Waddleton, FTA Regional Administrator, Columbine Place, 216 16th Street, Suite 650, Denver, CO 80202–5120, (303) 844–3242.

Region IX

California, Hawaii, Guam, Arizona, Nevada, American Samoa, and the Northern Mariana Islands. Leslie Rogers, FTA Regional Administrator, 201 Mission Street, Suite 2210, San Francisco, CA 94105–1839, (415) 744–3133.

Region X

Idaho, Oregon, Washington, and Alaska. Richard F. Krochalis, FTA Regional Administrator, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174–1002, (206) 220–7954.

[FR Doc. 02–27995 Filed 11–1–02; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34265]

Blackwell & Northern Railway Company, Inc.—Operation Exemption—Oklahoma Department of Transportation and Blackwell Industrial Authority

Blackwell & Northern Railway Company, Inc. (BNRC), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate 35.26 miles of rail line owned by the State of Oklahoma by and through the Oklahoma Department of Transportation and Blackwell Industries Authority. The rail line extends: (1) Between milepost 34.3 at Blackwell, OK, and milepost 18+1712.9 feet at the Oklahoma/Kansas State line near Hun Newell, KS; (2) between milepost 35+1848 feet, west of Blackwell and milepost 34.3 at Blackwell; and (3) between milepost 18+1712.9 feet at the Oklahoma/Kansas State line near Hun Newell and milepost 0+466.3 feet, at Wellington, KS. BNRC will replace South Kansas and Oklahoma Railroad, Inc., which has been operating over the line, and will become a Class III rail carrier.[1] BNRC certifies that its projected revenues as a result of this transaction will not exceed those that would qualify it as a Class III carrier and that such revenues would not exceed $5 million.

The transaction was scheduled to be consummated no earlier than October 17, 2002, the effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio.* Petitions to reopen the proceeding 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. 34265, 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 Thomas F. McFarland, Thomas F. McFarland, P.C., 208 South LaSalle Street, Suite 1890, Chicago, IL 60604–1194.

Board decisions and notices are available on our Web site at *http://www.stb.dot.gov.*

Decided: October 28, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–27881 Filed 11–4–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–565 (Sub–No. 11X, AB–55 (Sub–No. 617X)]

New York Central Lines, LLC—Abandonment Exemption—in Lake County, OH; CSX Transportation, Inc.—Discontinuance of Service Exemption—in Lake County, OH

On October 15, 2002, New York Central Lines, LLC (NYC) and CSX Transportation, Inc. (CSXT), jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49

[1] *See South Kansas and Oklahoma Railroad, Inc.-Operation Exemption-Oklahoma Department of Transportation and Blackwell Industrial Authority,* STB Docket No. 33494 (STB served Oct. 31, 1997).

U.S.C. 10903. NYC seeks to abandon and CSXT seeks to discontinue service over a line of railroad in the Western Region, Great Lakes Division, Chicago Line Subdivision, extending from the former B&O Valuation Station 2535+40 to the end of the track at former Conrail Valuation Station 45+01, between Painesville and Grand River, a distance of 2.56 miles in Lake County, OH. The line traverses United States Postal Service Zip Codes 44077 and 44045, and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in NYC's or CSXT's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by January 31, 2003.

Any offer of financial assistance under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a $1,100 filing fee. *See* 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than November 25, 2002. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB–565 (Sub-No. 11X) and AB–55 (Sub-No. 617X) and must be sent to: (1) Surface Transportation Board, 1925 K Street NW, Washington, DC 20423–0001; and (2) Natalie S. Rosenberg, 500 Water Street—J150, Jacksonville, FL 32202. Replies to the petition are due on or before November 25, 2002.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565–1552. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339].

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our Web site at ''*WWW.STB.DOT.GOV.*''

Decided: October 29, 2002.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 02–28069 Filed 11–1–02; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Proposed Collection; Comment Request; Suspicious Activity Report by Financial Institutions

AGENCY: Financial Crimes Enforcement Network (FinCEN), Office of the Comptroller of the Currency (OCC), Office of Thrift Supervision (OTS), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: FinCEN and the Supervisory Agencies (OCC, OTS, Board, FDIC, and NCUA), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). FinCEN, OCC, OTS, Board, FDIC, and NCUA are soliciting comments concerning the Suspicious Activity Report, which is being revised to include two new check boxes in Part III, box 35, suspicious activities, for terrorist financing and identify theft and to update the language in the Safe Harbor provision to that contained in the PATRIOT Act. The OCC is also soliciting comments on all information collections contained in 12 CFR part 21. No new reporting requirements are being added.

DATES: Written comments should be received on or before January 3, 2003.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Department of the Treasury, PO Box 39, Vienna, VA 22183, Attention: 1506–0001, Revised SAR, Financial Institutions. Comments also may be submitted by electronic mail to the following Internet address: *regcomments@fincen.treas.gov* with the caption in the body of the text, ''Attention: 1506–0001, Revised SAR, Financial Institutions''.

OCC: Public Information Room, Office of the Comptroller of the Currency, 250 E Street, SW., Mail stop 1–5, Attention: 1557–0180, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* Due to disruptions in OCC's mail service since September 11, commenters are encouraged to submit comments by fax or e-mail. You can make an appointment to inspect comments by calling (202) 874–5043.

OTS: Information Collection Comments, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552; send a facsimile transmission to (202) 906–6518; or send an e-mail to *infocollection.comments@ots.treas.gov.* OTS will post comments and the related index on the OTS Internet site at *www.ots.treas.gov.* In addition, interested persons may inspect comments at the Public Reading Room, 1700 G Street, NW., by appointment. To make an appointment, call (202) 906–5922, send an e-mail to *publicinfo@ots.treas.gov,* or send a facsimile transmission to (202) 906–7755.

Board: Comments may be mailed to Ms. Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. However, because paper mail in the Washington area and at the Board of Governors is subject to delay, please consider submitting your comments by e-mail to *regs.comments@federalreserve.gov,* or faxing them to the office of the Secretary at 202–452–3819 or 202–452–3102. Comments addresses to Ms. Johnson may also be delivered to the Board's mail facility in the West Courtyard between 8:45 a.m. and 5:15 p.m., located on 21st Street between Constitution Avenue and C Street, NW. Members of the public may inspect comments in Room MP–500 between 9 a.m. and 5 p.m. on weekdays pursuant to 261.12, except as provided in 261.14, of the Board's Rules Regarding Availability of Information, 12 CFR 261.12 and 261.14.

FDIC: Written comments should be addressed to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. (FAX number (202) 898–3838: Internet address: *comments@fdic.gov*). Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m., on business days.

NCUA: Clearance Officer: Mr. Neil M. McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

FinCEN: Russell Stephenson, 202–354–6400 (ORP);

OCC: Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219, (202) 874–5090.

OTS: Richard Stearns, Enforcement Deputy Counsel, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906–7966.

Board: Herbert A. Biern, Senior Associate Director, Division of Banking Supervision and Regulation, (202) 452–2620. For users of Telecommunications Devices for the Deaf (TDD) only, contact 202–263–4869, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898–7453.

NCUA: NCUA Clearance Officer, Mr. Neil M. McNamara, (703) 518–6447, or John K. Ianno, Office of General Counsel, (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report. The OCC is renewing all information collections covered under information collection titled: ''(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance—12 CFR 21.'' FinCEN is renewing 31 CFR 103.18.

OMB Numbers:

FinCEN: 1506–0001
OCC: 1557–0180
OTS: 1550–0003
Board: 7100–0212
FDIC: 3064–0077
NCUA: 3133–0094

Form Numbers:

FinCEN: TD F 90–22.47
OCC: None
OTS: 1601
Board: FR 2230
FDIC: 6710/06
NCUA: 2362

Abstract: In 1985, the Supervisory Agencies issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and Supervisory Agencies. Beginning in 1994, the Supervisory Agencies and FinCEN completely redesigned the reporting process resulting in a Suspicious Activity Report, which became effective in April 1996.[1]

Current Action: This Notice proposes three minor revisions to the form. In Part III Suspicious Activity Information, block 35 Summary characterization of suspicious activity, two new boxes would be added. A box to indicate ''Terrorist Financing'' and a box to indicate ''Identity Theft.'' The third is an update to the ''Safe Harbor'' wording to reflect changes by the Patriot Act. These additions will improve the form's usefulness to law enforcement and the Supervisory Agencies.

Type of Review: Revision of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

FinCEN: 22,600[2]
OCC: 2252
OTS: 990
Board: 10,000
FDIC: 8000
NCUA: 9300

Estimated Total Annual Responses:

FinCEN: 63,750
OCC: 54,172
OTS: 20,804
Board: 11,162
FDIC: 16,018
NCUA: 2,961

Estimated Total Annual Burden:

Estimated 30 minutes per form.
FinCEN: 31,750 hours[3]
OCC: 32,906 hours
OTS: 10,402 hours
Board: 5,581 hours
FDIC: 8,009 hours
NCUA: 1,480 hours

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 and these regulations issued by the Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

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

[1] The report is authorized by the following rules: 31 CFR 103.18 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.20 (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881–84, 3401–22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3015(c)(2) and 3106(a) (Board); 12 U.S.C. 93a, 1818, 1881–84, 3401–22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

[2] Respondents represent many of the same institutions responding to the Supervisory Agencies.

[3] Only one form is filed in satisfaction of the rules of both FinCEN and the Supervisory Agencies. The estimated burden per form is 30 minutes; the hourly burden does not attempt to allocate that time between agencies when the form is filed in satisfaction of the rules of more than one agency.

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: October 28, 2002.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Dated: September 20, 2002.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Dated: September 24, 2002.

Deborah Dakin,

Deputy Chief Counsel, Regulations and Legislation Division, Office of Thrift Supervision.

By the Board of Governors of the Federal Reserve System on October 3, 2002.

Jennifer J. Johnson,

Secretary of the Board.

By Order of the Board of Directors.

Dated in Washington, DC, this 30th day of September, 2002.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

By the National Credit Union Administration Board on September 24, 2002.

Becky Baker.

Secretary of the Board.

BILLING CODE 4810–02–P

Suspicious Activity Report

1

FRB:	FR 2230	OMB No. 7100-0212
FDIC:	6710/06	OMB No. 3064-0077
OCC:	8010-9,8010-1	OMB No. 1557-0180
OTS:	1601	OMB No. 1550-0003
NCUA:	2362	OMB No. 3133-0094
TREASURY:	TD F 90-22.47	OMB No. 1506-0001

Revised January 2003 (This revision supersedes all others)

ALWAYS COMPLETE ENTIRE REPORT (see instructions)

1 Check box below only if correcting a prior report.
☐ Corrects Prior Report (see instruction #3 under "How to Make a Report")

Part I Reporting Financial Institution Information

2 Name of Financial Institution

3 EIN

4 Address of Financial Institution

5 Primary Federal Regulator
a ☐ Federal Reserve d ☐ OCC
b ☐ FDIC e ☐ OTS
c ☐ NCUA

6 City

7 State

8 Zip Code

9 Address of Branch Office(s) where activity occurred ☐ Multiple Branches (include information in narrative, Part V)

10 City

11 State

12 Zip Code

13 If institution closed, date closed
___ / ___ / _____
MM DD YYYY

14 Account number(s) affected, if any
a _____ Closed? ☐ Yes ☐ No
b _____ Closed? ☐ Yes ☐ No
c _____ Closed? ☐ Yes ☐ No
d _____ Closed? ☐ Yes ☐ No

Part II Suspect Information

☐ Suspect Information Unavailable

15 Last Name or Name of Entity

16 First Name

17 Middle

18 Address

19 SSN, EIN or TIN

20 City

21 State

22 Zip Code

23 Country

24 Phone Number - Residence (include area code)
( )

25 Phone Number - Work (include area code)
( )

26 Occupation/Type of Business

27 Date of Birth
_____ / _____ / _____
MM DD YYYY

28 Admission/Confession?
a ☐ Yes b ☐ No

29 Forms of Identification for Suspect:
a ☐ Driver's License/State ID b ☐ Passport c ☐ Alien Registration d ☐ Other _____
Number _____ Issuing Authority _____

30 Relationship to Financial Institution:
a ☐ Accountant d ☐ Attorney g ☐ Customer j ☐ Officer
b ☐ Agent e ☐ Borrower h ☐ Director k ☐ Shareholder
c ☐ Appraiser f ☐ Broker i ☐ Employee l ☐ Other _____

31 Is the relationship an insider relationship? a ☐ Yes b ☐ No
If Yes specify: c ☐ Still employed at financial institution e ☐ Terminated
d ☐ Suspended f ☐ Resigned

32 Date of Suspension, Termination, Resignation
_____ / _____ / _____
MM DD YYYY

DRAFT

Part III Suspicious Activity Information

2

33 Date or date range of suspicious activity
From ____ / ____ / _____ To ____ / ____ / _____
MM DD YYYY MM DD YYYY

34 Total dollar amount involved in known or suspicious activity
$ ¦ ¦ ¦ , ¦ ¦ ¦ , ¦ ¦ ¦ .00

35 Summary characterization of suspicious activity:

- a ☐ Bank Secrecy Act/Structuring/ Money Laundering
- b ☐ Bribery/Gratuity
- c ☐ Check Fraud
- d ☐ Check Kiting
- e ☐ Commercial Loan Fraud
- f ☐ Computer Intrusion
- g ☐ Consumer Loan Fraud
- h ☐ Counterfeit Check
- i ☐ Counterfeit Credit/Debit Card
- j ☐ Counterfeit Instrument (other)
- k ☐ Credit Card Fraud
- l ☐ Debit Card Fraud
- m ☐ Defalcation/Embezzlement
- n ☐ False Statement
- o ☐ Misuse of Position or Self Dealing
- p ☐ Mortgage Loan Fraud
- q ☐ Mysterious Disappearance
- r ☐ Wire Transfer Fraud
- s ☐ Terrorist Financing
- t ☐ Identity Theft
- u ☐ Other _____ (type of activity)

36 Amount of loss prior to recovery (if applicable)
$ ¦ ¦ ¦ , ¦ ¦ ¦ , ¦ ¦ ¦ .00

37 Dollar amount of recovery (if applicable)
$ ¦ ¦ ¦ , ¦ ¦ ¦ , ¦ ¦ ¦ .00

38 Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution?
a ☐ Yes b ☐ No

39 Has the institution's bonding company been notified?
a ☐ Yes b ☐ No

40 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?

- a ☐ DEA
- b ☐ FBI
- c ☐ IRS
- d ☐ Postal Inspection
- e ☐ Secret Service
- f ☐ U.S. Customs
- g ☐ Other Federal
- h ☐ State
- i ☐ Local
- j ☐ Agency Name (for g, h or i) _____

41 Name of person(s) contacted at Law Enforcement Agency

42 Phone Number (include area code)
( )

43 Name of person(s) contacted at Law Enforcement Agency

44 Phone Number (include area code)
( )

Part IV Contact for Assistance

45 Last Name

46 First Name

47 Middle

48 Title/Occupation

49 Phone Number (include area code)
( )

50 Date Prepared
_____ / _____ / _____
MM DD YYYY

51 Agency (if not filed by financial institution)

DRAFT

Part V Suspicious Activity Information Explanation/Description 3

Explanation/description of known or suspected violation of law or suspicious activity.

This section of the report is **critical**. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and **complete** account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. **If necessary, continue the narrative on a duplicate of this page.**

a **Describe** supporting documentation and retain for 5 years.
b **Explain** who benefited, financially or otherwise, from the transaction, how much, and how.
c **Retain** any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.
d **Retain** any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.
e **Retain** any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.
f **Indicate** where the possible violation took place (e.g., main office, branch, other).
g **Indicate** whether the possible violation is an isolated incident or relates to other transactions.
h **Indicate** whether there is any related litigation; if so, specify.
i **Recommend** any further investigation that might assist law enforcement authorities.
j **Indicate** whether any information has been excluded from this report; if so, why?
k If you are correcting a previously filed report, describe the changes that are being made.

For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:

l **Indicate** whether currency and/or monetary instruments were involved. If so, provide the amount and/or description of the instrument (for example, bank draft, letter of credit, domestic or international money order, stocks, bonds, traveler's checks, wire transfers sent or received, cash, etc.).
m **Indicate** any account number that may be involved or affected.

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Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 30 minutes per response, and includes time to gather and maintain data in 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, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, P.O. Box 39, Vienna, VA 22183-0039. The agencies 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.

Suspicious Activity Report
Instructions

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)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.

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WHEN TO MAKE A REPORT:

1. All financial institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:

   a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.

   b. **Violations aggregating $5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.

   c. **Violations aggregating $25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating $25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.

   d. **Transactions aggregating $5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or attempted by, at

or through the financial institution and involving or aggregating $5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (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 law or regulation or to avoid any transaction reporting requirement under Federal law;

ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or

iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all 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 or criminal aspects of the transaction). If a currency transaction equals or is below $10,000 and is suspicious, the institution should only file a suspicious activity report.

2. **Computer Intrusion.** For purposes of this report, "computer intrusion" is defined as gaining access to a computer system of a financial institution to:

   a. Remove, steal, procure or otherwise affect funds of the institution or the institution's customers;
   b. Remove, steal, procure or otherwise affect critical information of the institution including customer account information; or
   c. Damage, disable or otherwise affect critical systems of the institution.

For purposes of this reporting requirement, computer intrusion does not mean attempted intrusions of websites or other non-critical information systems of the institution that provide no access to institution or customer financial or other critical information.

3. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.

4. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:

Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232-0980

2. For items that do not apply or for which information is not available, leave blank.
3. If you are correcting a previously filed report, check the box at the top of the report (line 1). Complete the report in its entirety and include the corrected information in the applicable boxes. Then describe the changes that are being made in Part V (Description of Suspicious Activity), line k.
4. **Do not include any supporting documentation with the suspicious activity report.** Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for five (5) years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. If more space is needed to report additional suspects, attach copies of page 1 to provide the additional information. If more space is needed to report additional branch addresses, include this information in the narrative, Part V.
6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.

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[FR Doc. 02–27771 Filed 11–4–02; 8:45 am]
BILLING CODE 4810–02–C

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8802

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8802, Application for United States Residency Certification.

DATES: Written comments should be received on or before January 3, 2003, to be assured of consideration.

ADDRESSES: Direct all written comments to Glenn P. Kirkland, Internal Revenue Service, room 6411, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, or through the Internet (*CAROL.A.SAVAGE@irs.gov.*), Internal Revenue Service, room 6407, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for United States Residency Certification.

OMB Number: To be assigned later.

Form Number: 8802.

Abstract: An entity must use Form 8802 to apply for United States Residency Certification. All requests for U.S. residency certification must be received on Form 8802, Application for United States Residency Certification. This application must be sent to the Philadelphia Service Center. As proof of residency in the United States and of entitlement to the benefits of a tax treaty, U.S. treaty partner countries require a U.S. Government certification that you are a U.S. citizen, U.S. corporation, U.S. partnership, or resident of the United States for purposes of taxation.

Current Actions: This is a new collection of information.

Type of Review: New OMB approval.

Affected Public: Individuals or households, business or other for-profit organization, and not-for-profit institution.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 2 hours, 34 minutes.

Estimated Total Annual Burden Hours: 256,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 25, 2002.

Glenn P. Kirkland,

IRS Reports Clearance Officer.

[FR Doc. 02–27910 Filed 11–1–02; 8:45 am]
BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

IRS' Intent To Enter Into an Agreement With Free File Alliance, LLC (i.e., Free File Alliance)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains the final agreement that has been agreed to by IRS and Free File Alliance (formerly referred to as the Consortium in the previous **Federal Register** Notice published on August 8, 2002 (67 FR 51621), a non-profit corporation (under the provisions of 26 U.S.C. 501(c)(3)). This agreement will require companies of Free File Alliance to offer free on-line tax preparation and filing services to at least 60% of taxpayers. This document also responds to written comments and concerns that were submitted in response to the announcement of the draft agreement published as a **Federal Register** Notice, dated August 8, 2002 (67 FR 51621).

DATES: These free on-line tax preparation and filing services will be available for use by eligible taxpayers no later than December 31, 2002, and will be located at *http://www.irs.gov* with a link from *http://www.firstgov.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Department of the Treasury and IRS announced, on August 8, 2002, through a **Federal Register** Notice (67 FR 51621), a proposed agreement (the Agreement) with a consortium of companies (Free File Alliance) that will offer free on-line tax return preparation and filing services (Free Services) to at least 60% of taxpayers. IRS will provide eligible taxpayers with links to the Free Services offered by Free File Alliance members via a homepage managed and hosted through irs.gov and accessible through firstgov.gov. The Agreement and during its term, the IRS will not compete with the private sector by providing free on-line tax preparation and filing services to taxpayers.

The IRS plans to enter into the Agreement with Free File Alliance to accomplish the following five objectives:

1. Assuring access to a free and secure electronic preparation and filing option for additional taxpayers, building upon free electronic tax preparation and filing provided in the commercial market today;

2. Making tax return preparation and filing easier and reducing the burden on individual taxpayers;

3. Supporting the IRS's statutory goals of increased e-filing, pursuant to the IRS Restructuring and Reform Act of 1998, which encouraged the IRS to set a goal of having 80% of Federal tax and information returns filed electronically by the year 2007;

4. Providing greater service and access to taxpayers; and

5. Implementing one of the proposals in the President's FY'03 budget,

specifically to encourage further growth in electronic filing by providing taxpayers the option to file their tax return on-line without charge using cooperation with, and encouraging competition within, the private sector to increase e-filing.

IRS Response to Comments and Concerns

In the **Federal Register** Notice, the IRS requested comments and/or suggestions with respect to the draft Agreement. In response, the IRS received over seven hundred comments from various individuals and organizations. The vast majority of the feedback received supported the Agreement and its benefits to taxpayers. Most of the positive feedback received was from taxpayers; however supporting comments were also received from members of Congress, consumer groups, tax software companies, and technology associations. Themes running throughout this feedback were the advantages of public/private sector cooperation rather than direct government competition with the private sector, the economic value of the Agreement and Free Services to both the government and taxpayers, as well as other benefits of the Agreement to many taxpayers who have not previously taken advantage of electronic tax return filing. Taxpayers who e-file get their refunds twice as fast, experience fewer mistakes and errors, and consistently prefer e-filing as measured by customer surveys. The draft Agreement will extend these taxpayer benefits by making Free Services available to approximately 78 million taxpayers.

The most common concern voiced was that these Free Services would adversely impact accounting and legal tax professionals by attracting their clients to Free File Alliance products. However, IRS historical data shows that the migration of taxpayers from the services of accounting and legal tax professionals to low cost Internet filing options has been minimal. This is also not supported by the experience by comparable foreign governments. In Australia, for example, where the national government itself has offered free Internet filing for a number of years, over 70% of all taxpayers still use a tax professional. Free File Alliance products, and the marketing thereof, are expected to focus on taxpayers who currently self-prepare a paper return and mail it to the IRS. In support of its continuing partnership with the tax professionals, the IRS will continue to assist taxpayers desiring to e-file through a tax professional by providing, through its web site (irs.gov), a mechanism (zip code locator) to assist them in finding an e-file tax return preparer in their area.

The next most common concern expressed was that on-line tax software products do not provide the same level of quality and service of a tax return preparer, thus possibly resulting in a greater tax obligation or more errors. It is important to note that the free offerings are not comparable to the services provided by an accounting or legal tax professional, because they service two distinct groups of taxpayers. The free offerings are expected to be of primary interest to those taxpayers who manually prepare their own tax return. Taxpayers who want more comprehensive services are expected to continue to seek the services of accounting or legal tax professionals. Regardless of the vehicle used to prepare and e-file a return, e-filed returns have a lower error rate than paper returns. It is also expected that Free File Alliance products will be equivalent to those offered for sale on the commercial market and thus are expected to have all of the features and operability of those commercial products.

Other respondents, including some consumer groups, expressed concern that the Agreement does not sufficiently protect the interest of taxpayers, specifically low-income taxpayers, because it may expose them to the risk of receiving unsolicited products or services (*e.g.*, Refund Anticipation Loans (RALs)). The Agreement clearly states the use of any Free Service cannot be contingent on the sale of any other product or service. It also provides that taxpayers will not have to go through additional steps or barriers to access the Free Service, beyond those steps required or imposed to access the comparable paid service. In addition, federal tax laws already strictly prohibit unauthorized marketing to taxpayers using a commercial tax preparation service. Accordingly, information entered to complete a tax return under this program will continue to be protected by Internal Revenue Code Section 7216 (26 CFR 301.7216). This provision of law requires explicit taxpayer consent for tax return information to be used for any reason other than the preparation of the tax return, including for marketing purposes. IRS Publication 1345, Handbook for e-file Providers, also governs marketing and business practices for Electronic Return Orginators. In addition to the protections afforded by law, taxpayer privacy and security protections for consumers will be increased in that the Agreement requires that Free File Alliance products receive third party privacy and security certifications, and these additional requirements and certifications will be prominently displayed on the IRS web site.

With respect to RALs, because taxpayers who e-file get their refunds twice as fast, the demand for costly tax refund loans should be reduced as a result of the Agreement. Also, the demand will be reduced significantly further as refund cycle times are shortened under IRS' Business Systems Modernization Plans. It should be noted that RALs are generally governed by state, not federal law. Even if Free File Alliance members had no financial products such as RALs offered within their products, taxpayers wanting a tax refund secured bank loan would still have them available through thousands of tax return preparers. However, to ensure that taxpayer and consumer interests are fully accounted for, the IRS is asking the statutory National Taxpayer Advocate, and the Taxpayer Advocacy Panel (a federal advisory committee comprised of over 100 taxpayers representing the 50 states) to advise the IRS regarding Free File Alliance activities. There was a range of comments (three or fewer), most of which reflected a general misunderstanding of the Agreement. Three respondents stated the IRS should not compete with the commercial marketplace by providing its own government application. As stated earlier, private industry with proven tax experience and expertise will be providing these Free Services, not the IRS.

Three other respondents believed that the Free Services would not help taxpayers overcome the complexity of the tax law. It is important to point out that these complexities are inherent in the underlying tax laws themselves. The Free Services will nonetheless reduce taxpayer burden by making the tax return preparation, filing and payment process simpler and easier. In typical tax software applications the taxpayer need only input relevant tax information through a standard ''interview'' format. Applications then interpret most complications of the tax process for the taxpayer, producing a final result suitable for filing with the IRS at no cost to the taxpayer. Two respondents believed that Free File Alliance members would be given an unfair advantage over non-Free File Alliance members. Membership in Free File Alliance is open to all companies that can satisfy the basic eligibility requirements. Interested companies should visit *www.cerca.org* for more

information. In addition, the IRS will also continue to list non-participating software providers on the IRS web site.

One respondent questioned whether the Agreement was consistent with antitrust laws. With respect to these concerns, on October 7, 2002, the Free File Alliance received a business review letter from the Antitrust Division of the United States Department of Justice (DOJ). The letter concluded that the Free File Alliance, as proposed, should pose no threat to competition in the market for providing tax services to individuals.

Final Analysis

The overwhelming majority of the respondents supported the draft Agreement as an effective way to expand the availability of the benefits of e-filing through a public/private partnership. In evaluating all the comments and concerns received, the IRS has determined that the Agreement does not omit any necessary requirements; therefore, it is the IRS' intention to enter into this Agreement with the Free File Alliance, LLC. The final version of the Agreement is attached.

Drafting Information

The principal author of these comments is Paul J. Mamo, IRS Electronic Tax Administration; however, other personnel from the Department of the Treasury and IRS participated in the development of this document.

Dated: October 29, 2002.

Terence H. Lutes,

Director, Electronic Tax Administration, Internal Revenue Service.

Final Agreement

Free On-Line Electronic Tax Filing Agreement

This Agreement is entered into, as of October 30, 2002, between the Internal Revenue Service (the ''IRS'') and the Free File Alliance, LLC a consortium of companies in the electronic tax preparation and filing industry (the ''Consortium''), a non-profit corporation (under the provisions of 26 U.S.C. § 501(c)(3)) formed under the auspices of, and affiliated with, the Council for Electronic Revenue Communication Advancement. The Consortium has been formed to facilitate participation in this Agreement by commercial entities, which are members of the Consortium engaged in the business of electronic tax preparation and filing (''Consortium Participants'').

I. Purpose

This Agreement provides for free on-line tax return preparation and filing to individual taxpayers, thereby meeting the following five objectives:

1. Assuring access to a free and secure electronic preparation and filing option for additional taxpayers, building upon free electronic tax preparation and filing provided in the commercial market today;
2. Making tax return preparation and filing easier and reducing the burden on individual taxpayers;
3. Supporting the IRS's statutory goals of increased e-filing, pursuant to the IRS Restructuring and Reform Act of 1998, which encouraged the IRS to set a goal of having 80% of Federal tax and information returns filed electronically by the year 2007;
4. Providing greater service and access to taxpayers; and
5. Implementing one of the proposals in the President's FY'03 budget, specifically to encourage further growth in electronic filing by providing taxpayers the option to file their tax return on-line without charge, using cooperation with, and encouraging competition within, the private sector to increase e-filing.

II. Summary

To accomplish the above objectives, the IRS and the Consortium (together, ''the Parties'') will work together to offer free, on-line tax return preparation and filing services to taxpayers (''Free Services''). The Consortium will offer Free Services to taxpayers. The IRS will provide taxpayers with links to the Free Services offered by the Consortium Participants through a web page (described more fully in V. below; hereafter, the ''Web Page''), which will be hosted at irs.gov accessible through firstgov.gov. During the term of this Agreement, the IRS will not compete with the Consortium in providing free, on-line tax return preparation and filing services to taxpayers.

This Agreement is the best method for meeting the above stated objectives because it will promote higher quality Free Services by utilizing the existing expertise of the private sector, maximize consumer choice, promote competition for such Free Services, and thereby meet the objectives in the least costly manner.

III. Scope of Offerings

A. The Consortium will offer Free Services for eligible taxpayers (taxpayers meeting the qualifications for free offerings) from individual commercial sites. Such offerings, when taken in the aggregate, are intended to provide for Free Services to be available to 60% or more of taxpayers. If at any point the Consortium's aggregate offerings of Free Services are available to fewer than 60% of taxpayers, the IRS may notify the Consortium of that fact. After receipt of such notice, the Consortium will have six months within which to raise the availability of such offerings to at least 60% of taxpayers. If the Consortium fails to achieve 60% within such six-month period, the IRS may terminate this Agreement. In making this decision, the IRS agrees to take into account the extent to which actual usage of Free Services has increased. Consortium offerings, taken together, will provide eligible taxpayers with a reasonable assurance that: (1) Free Services will be available on demand, and (2) these services will provide the ability to file the same federal tax forms which are fileable and available in the comparable paid on-line services offered by a selected Consortium Participant.

B. The Consortium shall accept offerings only from entities that:

1. Provide electronic, on-line tax preparation and filing of individual income tax returns:
2. Will offer and can provide Free Services to a number of individual taxpayers, which equals or exceeds 10 percent (10%) of the number of individual income tax returns filed in the base year (CY 2001).
3. Offer on-line software approved by the IRS that generates returns that can be sent to the IRS via an IRS-approved channel.
4. Are Authorized IRS E-File Providers in accord with IRS Rev. Proc. 2000–31.
5. Are in compliance with applicable law, including but not limited to, Department of Treasury/IRS rules, including but not limited to 31 C.F.R. Part 10, IRS Rev. Proc. 2000–31, current versions of IRS Publications 1345 and 1345–A, and 26 U.S.C. § 7216.
6. Demonstrate the competence and capability to deliver their free offerings. This competence and capability may be demonstrated either by providing evidence of prior experience in providing on-line or electronic filing services or by self-certification. Such self-certification shall be reasonably and objectively determined by the Consortium, taking into account the above referenced need for competence and capability and the intent of the Agreement to avoid unnecessary barriers to entry. Consortium Participants must have adequate capacity to meet the expected demand for their Free Services. In addition to initial Participants, the Consortium will

accept later qualified applicants as Consortium Participants.

7. Have a security seal certification program, from a third party agreed to by the Consortium and IRS. Certification will be based upon an assessment of the system's ability to protect taxpayer data.

8. Comply with the privacy provisions of 26 U.S.C. § 7216. Have a privacy seal certification program from a third party agreed to by the Consortium and IRS. Consortium participants are encouraged to use software that will enable their websites to state their privacy practices in a standard machine-readable format that can be retrieved automatically and interpreted easily by users. Consortium Participants shall also agree that provisions of Free Services shall not be conditioned on obtaining an eligible taxpayer's consent to solicitations of additional business.

9. Will not contain or provide links to inappropriate content.

10. Clearly disclose to users their customer service support options and privacy policy.

11. Agree to have at least one link to the IRS web site (irs.gov).

C. The Consortium will take reasonable steps to publicize the criteria for Consortium participation. The Consortium will provide to the IRS, on request, the names of unsuccessful applicants for Consortium participation and the reason for their rejection.

IV. Performance Standards

A. The IRS will have the Consortium web page ready by December 31, 2002. Consortium participants will have submitted their test returns produced by their software to the IRS sufficiently in advance of that date for testing. The IRS will not list on the Consortium web page a Consortium participant whose test returns have not been certified prior to the beginning of the filing season until that participant's test returns have been tested and certified.

B. The Consortium will use its best efforts to assure that Free Services by individual Consortium Participants are performed in accordance with the terms of the Agreement and in accordance with the offer made by the Consortium Participant. If the IRS determines a particular offering of Free Services is deficient or that Free Services are not being properly performed, it will notify the Consortium in writing of that fact, and provide information regarding corrective actions it believes are needed.

C. The undertaking by the Consortium under IV. A to offer Free Services at or above the 60% level shall apply only to January through April of each year (the primary tax filing season). Outside of the primary tax filing season, the Consortium shall encourage Consortium members to offer Free Services to the same extent that such services are offered by Consortium members for compensation.

D. The Consortium will be responsible for establishing its governance standards. These standards shall be in accord with applicable law and regulations. The standards shall be consistent with the Consortium performing its obligations under this Agreement and be designed to maximize participation of industry members while meeting the requirements of the Agreement.

E. IRS, in consultation with the Consortium, will develop an assessment process including usability performance measures to measure the extent to which the Agreement is accomplishing the objectives described in I., above. They will include at least:

1. Uptime and reliability through the tax season.

2. Delivery of the taxpayer to the Free Services in the minimum number of clicks consistent with usability design principles and the need to fully inform taxpayers about the free online services. . From the site the taxpayer arrives at by clicking on the Consortium page's link to the Consortium Participant, until the taxpayer arrives at the Free Services, there will be no more clicks than required of such Consortium Participant's paying customers, if applicable, consistent with usability design principles

V. Consortium Web Page Operation

A. The IRS will host and maintain the Web Page. The Consortium will submit to the IRS proposed content for the Web Page, and the IRS shall determine the final content to appear on the Web Page. The IRS will ensure that there are links from appropriate Government sites to the Web Page.

B. The design of the Web Page will conform to the following guidelines:

1. The Consortium will determine rank order placement of links to individual offerings in accordance with reasonable, objective criteria. Each listing of an offering will provide a description of the scope of, and eligibility for, Free Services it offers.

2. The Web Page will provide a link to each Consortium Participant's Free Services entry using a minimum number of clicks.

3. No advertising will appear on the Web Page.

4. The Consortium will create and supply to IRS proposed content for the Web Page using existing IRS content management procedures.

5. The Web Page will be developed using usability design principles and will be updated based upon usability testing and other user feedback.

C. Taxpayers will be able to use Consortium Participants' software to prepare and electronically file their own personal income tax returns using proprietary processes and systems which such Participants host and maintain.

D. The Consortium will promptly notify the IRS of any planned or unplanned unavailability (*i.e.*, downtime) of an offering that is anticipated to exceed five hours in duration. The IRS will annotate that offering's listing on the Web Page with a notice advising the public of the unavailability. The IRS may delist an offeror if its service remains unavailable for more than 24 hours, but shall re-list after restoration of availability; provided, however, if a Consortium Participant repeatedly has periods of such unavailability, the IRS shall be entitled to delist that Consortium Participant.

VI. Marketing

A. The Parties will coordinate with each other their respective marketing of these Free Services to provide uniformity and maximize public awareness. Final decisions on the marketing campaign will remain with the IRS for IRS marketing expenditures and with the Consortium and the Consortium Participants for their marketing expenditures.

B. The IRS will not endorse specific offerings or products, but will promote the availability of the Consortium's Free Services.

C. The Parties will work with the States to explore how this Agreement can support the states. On-line tax preparation and e-filing of both federal and state returns can maximize benefits of this Agreement to taxpayers.

D. The Consortium understands that the IRS may continue to provide Consortium Participants or non-Participants Partners links from Government sites to electronic preparers and filers.

VII. Term of Agreement; Termination

A. This Agreement has an initial term of three years from its effective date with automatic options to renew for successive two-year periods. Representatives from the Parties will meet semiannually to review operation of this Agreement. The Parties will review the terms of this Agreement on an annual basis, and, upon mutual consent, can agree in writing to modify any provision of this Agreement.

B. Either Party may terminate this Agreement for cause if the other Party fails to comply with this Agreement, and such failure is not cured within thirty days of written notice of such failure from the other Party.

C. The IRS may terminate this Agreement without cause, such termination to be effective 12 months after the date of notice of such termination.

D. Should the IRS decide to offer Free Services to taxpayers the IRS shall notify the Consortium immediately. If the IRS gives such notice during the tax season (between January 1st and April 15th, or the last day of the filing deadline if that date is changed from April 15) of any year, the Consortium may, by written notice to the IRS, terminate this Agreement, effective on April 16th (or, if the filing deadline is changed from April 15, on the day following such new deadline) of that year. If the IRS gives such notice between April 16th (or, if the filing deadline is changed from April 15, on the day following such new deadline) and October 15th of any year, then the Consortium may, by written notice to the IRS other than during a tax season, terminate this Agreement, such termination to be effective no fewer than 30 days after the date of the Consortium's notice of such termination. If the IRS gives such notice between October 15 and December 31, the Consortium may by written notice immediately terminate this Agreement at any time on or before December 31.

VIII. Miscellaneous

This Agreement represents the entire agreement between the Parties. This Agreement is governed by Federal law.

Internal Revenue Service

By: _____

Title: _____

Free File Alliance

By: _____

Title: _____

[FR Doc. 02–27909 Filed 10–30–02; 10:08 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Area 5 Taxpayer Advocacy Panel (Including the States of Texas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, South Dakota, North Dakota, and Minnesota)

ACTION: Notice.

SUMMARY: An open meeting of the Area 5 Taxpayer Advocacy Panel will be conducted (Via teleconference).

DATES: The meeting will be held Monday, November 18, 2002.

FOR FURTHER INFORMATION CONTACT: James McGurn at 1–888–912–1227, or 718–488–3553.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Area 5 Taxpayer Advocacy Panel will be held Monday, November 18, 2002 from 2:30 p.m. Central Time to 4:30 p.m. Central Time via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–3553, or write to James McGurn, TAP Office, 625 Fulton Street—6th Floor, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with James McGurn. Mr. McGurn can be reached at 1–888–912–1227 or 718–488–3553.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 25, 2002.

Cathy VanHorn,

Director, Communication and Liaison.

[FR Doc. 02–28018 Filed 11–1–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Small Business/ Self Employed Ensuring Fair Compliance (Schedule C Non-Filers) Committee of the Taxpayer Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the Small Business/ Self Employed Ensuring Fair Compliance (Schedule C Non-Filers) Committee of the Taxpayer Advocacy Panel will be conducted (via teleconference).

DATES: The meeting will be held Tuesday, November 12, 2002.

FOR FURTHER INFORMATION CONTACT: James McGurn at 1–888–912–1227, or 718–488–3553.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Small Business/Self Employed Ensuring Fair Compliance (Schedule C Non-Filers) Committee of the Taxpayer Advocacy Panel will be held Tuesday, November 12, 2002 from 2 p.m. EST to 4 p.m. EST via a telephone conference call. The public is invited to make oral comments. Individual comments will be limited to 5 minutes. If you would like to have the TAP consider a written statement, please call 1–888–912–1227 or 718–488–3553, or write to James McGurn, TAP Office, 625 Fulton Street, 6th Floor, Brooklyn, NY 11201. Due to limited conference lines, notification of intent to participate in the telephone conference call meeting must be made with James McGurn. Mr. McGurn can be reached at 1–888–912–1227 or 718–488–3553.

The agenda will include the following: various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: October 25, 2002.

Cathy VanHorn,

Director, Communication and Liaison.

[FR Doc. 02–28019 Filed 11–1–02; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

President's Task Force To Improve Health Care Delivery for Our Nation's Veterans; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans is scheduled for Wednesday, November 13, 2002, beginning at 9 a.m. and adjourning at 5 p.m. The meeting will be held in the Horizon Ballroom of the Ronald Reagan Building International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC and is open to the general public.

The purpose of the President's Task Force to Improve Health Care Delivery for Our Nation's Veterans is to:

(a) Identify ways to improve benefits and services for Department of Veterans Affairs (VA) beneficiaries and Department of Defense (DOD) military retirees who are also eligible for benefits from VA, through better coordination of the activities of the two departments;

(b) Identify opportunities to remove barriers that impede VA and DOD coordination, including budgeting processes, timely billing, cost accounting, information technology, and reimbursement; and

(c) Identify opportunities through partnership between VA and DOD, to maximize the use of resources and infrastructure, including buildings, information technology and data sharing systems, procurement of supplies, equipment, and services.

The morning and afternoon sessions will be a discussion of format and issues for the Final Report to the President.

Interested parties can provide written comments to Mr. Dan Amon, Communications Director, President's Task Force to Improve Health Care Delivery for Our Nation's Veterans, 1401 Wilson Boulevard, 4th Floor, Arlington, Virginia 22209.

Dated: October 29, 2002.

By direction of the Secretary.

Nora E. Egan,

Committee Management Officer.

[FR Doc. 02–28015 Filed 11–1–02; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 67, No. 213

Monday, November 4, 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 ENERGY

Energy Information Administration

Policy Statement; Solicitation Of Comments On The Proposed Policy For Information In Statistical Tables Based On Confidential Historical Electric Power Survey Data

Correction

In notice document 02–27123 beginning on page 65345 in the issue of Thursday, October 24, 2002, make the following correction:

On page 65345, in the first column, under the **DATES** heading, in the second line, ''December 23, 2002.'' should read '' November 25, 2002''.

[FR Doc. C2–27123 Filed 11–1–02; 8:45 am]

BILLING CODE 1505–01–D

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

RIN 3245–AF00

Small Business Size Standards; Adoption of Size Standards by 2002 North American Industry Classification System for Size Standards

Correction

In rule document 02–22200 beginning on page 56905 in the issue of Friday, September 6, 2002, make the following correction:

§121.201 [Corrected]

On page 56908, in §121.201, in the table, in **Subsector 237–Heavy and Civil Engineering Construction**, the entry for *EXCEPT,* is corrected as set forth below:

SMALL BUSINESS SIZE STANDARDS BY NAICS INDUSTRY–CONTINUED

NAICS codes	NAICS U.S. industry title	Size standards in millions of dollars	Size standards in number of employees
	Sector 23—Construction		
	Subsector 237—Heavy and Civil Engineering Construction		
EXCEPT, ...	Dredging and Surface Cleanup Activities [2]	[2] 17.0	.....

[FR Doc. C2–22200 Filed 11–1;–02; 8:45 am]

BILLING CODE 1505–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 02–ASO–10]

Establishment of Class E5 Airspace; Franklin, NC

Correction

In rule document 02–26284 appearing on page 63828 in the issue of Wednesday, October 16, 2002, make the following correction:

On page 63828, in the first column, under the heading **EFFECTIVE DATE**, in the first line, ''January 23, 2002'' should read '' January 23, 2003''.

[FR Doc. C2–26284 Filed 11–1–02; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Monday,
November 4, 2002

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds; Final Rule Correction

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018–AI30

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

Correction

In rule document 02–23804 beginning on page 59358 in the issue of Friday, September 20, 2002 make the following correction:

Starting on page 59361 and concluding on page 59384 the text should read as follows:

Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September 19 Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 55624).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16
ATLANTIC FLYWAY				
		* * * * *		
Maine	Sept. 2-Nov. 9	Closed	Oct. 1-Oct. 30	Sept. 2-Dec. 14
		* * * * *		
Massachusetts (4)	Sept. 2-Nov. 9	Closed	Oct. 17-Oct. 26 & Oct. 28-Nov. 16	Sept. 2-Dec. 14
		* * * * *		
Vermont	Closed	Closed	Oct. 5-Nov. 3	Oct. 9-Dec. 15
		* * * * *		
MISSISSIPPI FLYWAY				
		* * * * *		
Louisiana	Sept. 21-Sept. 29 & Nov. 9-Jan. 8	Sept. 21-Sept. 29 & Nov. 9-Jan. 8	Dec. 18-Jan. 31	Nov. 2-Dec.8 & Dec. 14-Feb. 21
		* * * * *		
Tennessee				
Reelfoot Zone	Nov. 9-Nov. 10 & Nov. 30-Jan. 20	Closed	Oct. 26-Dec. 9	Nov. 14-Feb. 28
State Zone	Nov. 23-Nov. 24 & Nov. 30-Jan. 20	Clo sed	Oct. 26-Dec. 9	Nov. 14-Feb. 28
Wisconsin				
North Zone	Sept. 28-Nov. 26	Closed	Sept. 21-Nov. 4	Sept. 28-Nov. 26
South Zone	Oct. 5-Oct. 13 & Oct. 19-Dec. 8	Closed	Sept. 21-Nov. 4	Oct. 5-Oct. 13 & Oct. 19-Dec. 8
		* * * * *		
CENTRAL FLYWAY				
		* * * * *		
New Mexico (16) (1)	Oct. 5-Dec. 13	Closed	Closed	Oct. 5-Jan. 19
		* * * * *		
PACIFIC FLYWAY				
Arizona (17)				
North Zone	Closed	Closed	Closed	Oct. 18-Jan. 26
South Zone	Closed	Closed	Closed	Oct. 18-Jan. 26
California	Closed	Closed	Closed	Oct. 19-Feb. 2
		* * * * *		
Idaho				
Zone 1	Closed	Closed	Closed	Oct. 5-Jan. 17
Zones 2 & 3	Closed	Closed	Closed	Oct. 12-Jan. 24
		* * * * *		
Nevada				
Clark County	Closed	Closed	Closed	Oct. 12-Jan. 24
Rest of State	Closed	Closed	Closed	Oct. 12-Jan. 24
New Mexico(16) (1)	Oct. 5-Dec. 13	Closed	Closed	Oct. 5-Jan. 19
		* * * * *		

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Oregon				
Zone 1	Closed	Closed	Closed	Oct. 5-Nov. 22 & Dec. 28-Feb. 23
Zone 2	Closed	Closed	Closed	Oct. 5-Nov. 22 & Dec. 28-Feb. 23
Utah	Closed	Closed	Closed	Oct. 5-Jan. 18
Washington				
East Zone	Closed	Closed	Closed	Oct. 5-Oct. 16 & Oct. 26-Jan. 26
West Zone	Closed	Closed	Closed	Oct. 5-Oct. 16 & Oct. 26-Jan. 26

* * * * *

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, and New Jersey, the limits for clapper and king rails are 10 daily and 20 in possession.

* * * * *

(4) In Massachusetts, the sora daily limits are 5 daily and 5 in possession; the Virginia rail limits are 10 daily and 10 in possession.

* * * * *

(16) In New Mexico, the rail daily bag and possession limits are 10 and 20, respectively.
(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In Section 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September 19 Federal Registers.

(a) Common Moorhens and Purple Gallinules
(Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 45730). The zones named in this paragraph are the same as those used for setting duck seasons.

	Season Dates	Limits Bag	Limits Possession
ATLANTIC FLYWAY			
* * * * *			
Georgia	Nov. 23-Dec. 1 &	15	30
	Dec. 7-Jan. 20		
* * * * *			
Virginia	Oct. 9-Oct. 12 &	15	30
	Nov. 16-Dec. 7 &	15	30
	Dec. 14-Jan. 25	15	30
West Virginia			
Zone 1	Oct. 1-Oct. 12 &	15	30
	Dec. 2-Jan. 18	15	30
Zone 2	Oct. 1-Oct. 12 &	15	30
	Nov. 25-Jan. 11	15	30
* * * * *			
MISSISSIPPI FLYWAY			
* * * * *			
Louisiana	Sept. 21-Sept. 29 &	15	30
	Nov. 9-Jan. 8	15	30
Michigan			
North Zone	Sept. 28-Nov. 24 &	15	30
	Nov. 30-Dec. 1	15	30
Middle Zone	Oct. 12-Dec. 8 &	15	30
	Jan. 4-Jan. 5	15	30
South Zone	Oct. 12-Dec. 8 &	15	30
	Jan. 4-Jan. 5	15	30
Minnesota (2)	Sept. 28-Nov. 26	15	30
* * * * *			
Tennessee			
Reelfoot Zone	Nov. 9-Nov. 10 &	15	30
	Nov. 30-Jan. 19	15	30
State Zone	Nov. 23-Nov. 24 &	15	30
	Nov. 30-Jan. 19	15	30

	Season Dates	Limits Bag	Limits Possession
Wisconsin			
North Zone	Sept. 28-Nov. 26	10	20
South Zone	Oct. 5-Oct. 13 & Oct. 19-Dec. 8	10	20
* * * * *			
PACIFIC FLYWAY			
All States	Seasons are in aggregate with coots and listed in paragraph (e).		

* * * * *

(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 45730).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates	Limits Bag	Limits Possession
Georgia	Nov. 23-Dec. 1 &	15	30
	Dec. 12-Jan. 20	15	30
* * * * *			
Maine (1)	Oct. 1-Jan. 19	7	14
Maryland	Oct. 5-Jan. 20	5	10
Massachusetts (2)	Oct. 5-Jan. 20	7	14
* * * * *			
North Carolina	Oct. 1-Jan. 20	7	14
* * * * *			
South Carolina	Oct. 6-Jan. 20	7	14
Virginia	Oct. 9-Jan. 20	7	14

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(1) In Maine, the daily bag limit for eiders is 5, possession 10.
(2) In Massachusetts, the daily bag limit may include no more than 4 eiders (only 1 of which may be a hen) and 4 long-tailed ducks.

(e) Waterfowl, Coots, and Pacific-Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The Atlantic Flyway: Includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: Includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: Includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: Includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: Includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: Includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the entire Atlantic Flyway) and all other geese except light geese.

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 3 scaup, 1 black duck, 1 pintail, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Canvasbacks: All areas of the Flyway are closed to canvasback hunting.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Limits Bag	Limits Possession
Connecticut			
Ducks (1):		6	12
North Zone:			
Pintails	Oct. 9-Oct. 19 & Nov. 15-Dec. 7		
Other ducks	Oct. 9-Oct. 19 & Nov. 15-Jan. 11		
South Zone:			
Pintails	Oct. 9-Oct. 16 & Nov. 26-Dec. 21		
Other ducks	Oct. 9-Oct. 16 & Nov. 26-Jan. 25		
Mergansers	Same as for ducks	5	10
Coots	Same as for ducks	15	30
Canada Geese:			
NAP Zone:			
L-Unit	Oct. 1-Oct. 31 &	3	6
	Nov. 26-Jan. 14	3	6
H-Unit			
North Zone	Oct. 1-Oct. 19 &	2	4
	Nov. 26-Jan. 14	2	4
South Zone	Oct. 1-Oct. 19 &	2	4
	Nov. 26-Jan. 14	2	4
(special season)	Jan. 15-Feb. 15	5	10
AP Unit	Nov. 1-Nov. 9 &	2	4
	Nov. 23-Jan. 4	2	4
Light Geese:			
North Zone	Oct. 10-Feb. 8	15	--
South Zone	Oct. 10-Feb. 8	15	--
Brant:			
North Zone	Nov. 4-Jan. 11	3	6
South Zone	Nov. 18-Jan. 25	3	6
Delaware			
Ducks :		6	12
Pintails	Oct. 2-Oct. 5 & Nov. 1-Nov. 11 & Nov. 25-Dec. 13		
Other ducks (2)	Oct. 2-Oct. 5 & Nov. 1-Nov. 11 & Nov. 25-Jan. 17		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese	Nov. 25-Dec. 7 &	1	2
	Dec. 11-Jan. 17	1	2
Light Geese:			
Bombay Hook NWR Zone (2)	Oct. 14-Jan. 17 &	15	--
	Feb. 3-Mar. 7	15	--

	Season Dates	Limits Bag	Limits Possession
Delaware (cont.)			
Rest of State (3)	Oct. 2-Nov. 13 &	15	--
	Nov. 25-Jan. 17 &	15	--
	Jan. 31-Mar. 10	15	--
Brant	Nov. 23-Jan. 31	3	6
Florida			
Ducks:		6	12
Pintails	Nov. 23-Dec. 1 & Dec. 7-Dec. 27		
Other ducks	Nov. 23-Dec. 1 & Dec. 7-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese (4)	Nov. 23-Jan. 30	5	10
Light Geese (5)	Nov. 23-Dec. 1 &	15	--
	Dec. 7-Jan. 26	15	--
Georgia			
Ducks:		6	12
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 23-Dec. 1 & Dec. 7-Jan. 26		
Mergansers	Nov. 23-Dec. 1 &	5	10
	Dec. 7-Jan. 20	5	10
Coots	Nov. 23-Dec. 1 &	15	30
	Dec. 7-Jan. 20	15	30
Canada Geese (special season)	Nov. 23-Dec. 1 &	3	6
	Dec. 7-Jan. 31	3	6
Light Geese	Same as for Canada geese	2	4
Brant	Closed	--	--
Maine			
Ducks (6):		4	8
North Zone:			
Pintails	Oct. 1-Nov. 4		
Other ducks	Oct. 1-Dec. 9		
South Zone:			
Pintails	Oct. 1-Oct. 19 & Nov. 4-Nov. 18		
Other ducks	Oct. 1-Oct. 19 & Nov. 4-Dec. 23		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	5	10
Canada Geese:			
North Zone	Oct. 1-Dec. 9	2	4
South Zone	Oct. 1-Nov. 2 &	2	4
	Nov. 18-Dec. 23	2	4
Light Geese	Oct. 1-Jan. 31	15	--
Brant	Oct. 1-Nov. 27	2	4

	Season Dates	Limits Bag	Limits Possession
Maryland			
Ducks (7):		5	10
Pintails	Oct. 5-Oct. 12 &		
	Dec. 31-Jan. 25		
Other ducks	Oct. 5-Oct. 12 &		
	Nov. 9-Nov. 29 &		
	Dec. 17-Jan. 25		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
RP Zone	Nov. 15-Nov. 29 &	5	10
	Dec. 12-Jan. 14	5	10
AP Zone	Nov. 19-Nov. 29 &	1	2
	Dec. 17-Jan. 25	1	2
Light Geese (8)	Oct. 17-Nov. 29 &	15	--
	Dec. 9-Jan. 31 &	15	--
	Feb. 1-Mar. 10	15	--
Brant	Nov. 9-Nov. 29 &	3	6
	Dec. 3-Jan. 20	3	6
Massachusetts			
Ducks (9):		6	12
Western Zone:			
Pintails	Oct. 15-Nov. 18		
Other ducks	Oct. 15-Dec. 23		
Central Zone:			
Pintails	Oct. 15-Nov. 18		
Other ducks	Oct. 15-Nov. 30 &		
	Dec. 21-Jan. 11		
Coastal Zone:			
Pintails	Oct. 15-Oct. 26 &		
	Nov. 23-Dec. 14		
Other ducks	Oct. 15-Oct. 26 &		
	Nov. 23-Jan. 18		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
NAP Zone			
Central Zone:	Oct. 15-Nov. 30 &	2	4
	Dec. 21-Jan. 11	2	4
(special season)	Jan. 18-Feb. 15	2	4
Coastal Zone:	Oct. 15-Oct. 26 &	2	4
	Nov. 23-Jan. 18	2	4
(special season)	Jan. 26-Feb. 15	5	10
AP Zone	Oct. 26-Nov. 30 &	1	2
	Dec. 16-Dec. 31	1	2
Light Geese:			
Western Zone	Same as for ducks	15	30
Central Zone	Same as for ducks &	15	30
	Jan. 18-Feb. 15	15	30

	Season Dates	Limits Bag	Limits Possession
Massachusetts (cont.)			
Coastal Zone	Same as for ducks &	15	30
	Jan. 20-Feb. 15	15	30
Brant:			
Western & Central Zone	Closed	--	--
Coastal Zone	Nov. 11-Jan. 18	2	4
New Hampshire			
Ducks :		6	12
Inland Zone:			
Pintails	Oct. 2-Oct. 31		
Other ducks	Oct. 2-Nov. 5 &		
	Nov. 27-Dec. 21		
Coastal Zone:			
Pintails	Oct. 3-Oct. 20 &		
	Nov. 27-Dec. 8 &		
Other ducks	Oct. 3-Oct. 20 &		
	Nov. 27-Jan. 7		
Mergansers	Same as ducks	5	10
Coots	Same as ducks	15	30
Canada Geese:			
Inland Zone	Oct. 2-Nov. 5 &	2	4
	Nov. 27-Dec. 21	2	4
Coastal Zone	Oct. 3-Oct. 20 &	2	4
	Nov. 27-Jan. 7	2	4
Light Geese:			
Inland Zone	Oct. 2-Dec. 21	15	--
Coastal Zone	Oct. 3-Jan. 7	15	--
Brant:			
Inland Zone	Oct. 2-Nov. 5 &	3	6
	Nov. 27-Dec. 21	3	6
Coastal Zone	Oct. 3-Oct. 20 &	3	6
	Nov. 27-Jan. 7	3	6
New Jersey			
Ducks (10):		6	12
North Zone:			
Pintails	Nov. 16-Nov. 30 &		
	Dec. 14-Jan. 2		
Other ducks	Oct. 12-Nov. 2 &		
	Nov. 16-Jan. 2		
South Zone:			
Pintails	Oct. 19-Oct. 26 &		
	Nov. 5-Nov. 30		
Other ducks	Oct. 19-Nov. 30 &		
	Dec. 13-Jan. 8		
Coastal Zone:			
Pintails	Nov. 2-Nov. 12 &		
	Dec. 7-Dec. 31		
Other ducks	Nov. 2-Nov. 12 &		
	Nov. 28-Jan. 25		
Mergansers	Same as ducks	5	10

	Season Dates	Limits Bag	Limits Possession
New Jersey (cont.)			
Coots	Same as for Other ducks	15	30
Canada Geese:			
North Zone	Nov. 16-Nov. 30 &	2	4
	Dec. 13-Jan. 18	2	4
South Zone	Nov. 16-Nov. 30 &	2	4
	Dec. 13-Jan. 18	2	4
Coastal Zone	Nov. 28-Jan. 18	2	4
(special season)	Jan. 20-Feb. 15	5	10
Light Geese:			
North Zone	Oct. 12-Feb. 13	15	--
South Zone	Oct. 19-Oct. 26 &	15	--
	Nov. 14-Mar. 10	15	--
Coastal Zone	Oct. 2-Feb. 3	15	--
Brant:			
North Zone	Same as for Other ducks	3	6
South Zone	Same as for Other ducks	3	6
Coastal Zone	Same as for Other ducks	3	6
New York			
Ducks (11):		6	12
Long Island Zone:			
Pintails	Nov. 22-Dec. 1 &		
	Dec. 8-Dec. 27		
Other ducks	Nov. 22-Dec. 1 &		
	Dec. 8-Jan. 26		
Lake Champlain Zone:			
Pintails	Oct. 9-Oct. 13 &		
	Oct. 22-Nov. 15		
Other ducks	Oct. 9-Oct. 13 &		
	Oct. 22-Dec. 15		
Northeastern Zone:			
Pintails	Oct. 5-Nov. 3		
Other ducks	Oct. 5-Nov. 17 &		
	Nov. 23-Dec. 8		
Southeastern Zone:			
Pintails	Oct. 12-Oct. 20 &		
	Nov. 9-Nov. 29		
Other ducks	Oct. 12-Oct. 20 &		
	Nov. 9-Dec. 29		
Western Zone:			
Pintails	Oct. 19-Nov. 17		
Other ducks	Oct. 19-Dec. 5 &		
	Dec. 27-Jan. 7		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
Western Long Island (NAP)	Nov. 22-Jan. 30	3	6
Eastern Long Island (NAP)	Nov. 22-Dec. 1 &	2	4
	Dec. 8-Jan. 26	2	4
Lake Champlain (AP) Zone	Oct. 26-Dec. 9	2	4

	Season Dates	Limits Bag	Limits Possession
New York (cont.)			
Saint Lawrence (RP) Zone	Oct. 26-Jan. 3	5	10
Northeast (AP) Zone	Oct. 26-Dec. 9	2	4
East Central (AP) Zone	Oct. 26-Nov. 16 &	2	4
	Dec. 7-Dec. 29	2	4
West Central (AP) Zone	Oct. 26-Nov. 16 &	2	4
	Dec. 27-Jan. 18	2	4
Southwest (SJBP) Zone	Oct. 26-Jan. 3	2	4
South Central (RP)	Oct. 26-Jan. 3	5	10
(special season)	Feb. 8-Feb. 14	5	10
Light Geese:			
Long Island Zone	Oct. 5-Oct. 23 &	15	--
	Nov. 22-Dec. 1 &	15	--
	Dec. 23-Mar. 10	15	--
Lake Champlain Zone	Oct. 9-Dec. 27 &	15	--
	Feb.24-Mar. 10	15	--
Northeastern Zone	Oct. 5-Jan. 4 &	15	--
	Feb. 24-Mar. 10	15	--
Southeastern Zone	Oct. 12-Jan. 11 &	15	--
	Feb. 24-Mar. 10	15	--
Western Zone	Oct. 19-Jan. 18 &	15	--
	Feb. 24-Mar. 10	15	--
Brant:			
Long Island Zone	Nov. 22-Dec. 1 &	3	6
	Dec. 8-Jan. 26	3	6
Lake Champlain Zone	Oct. 26-Dec. 9	3	6
Northeastern Zone	Oct. 5-Dec. 3	3	6
Southeastern Zone	Oct. 12-Dec. 10	3	6
Western Zone	Oct. 12-Dec. 10	3	6
North Carolina			
Ducks (12):		6	12
Pintails	Dec. 23-Jan. 25		
Other ducks	Oct. 2-Oct. 5 &		
	Nov. 9-Nov. 30 &		
	Dec. 14-Jan. 25		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
Resident Population Hunt Zone	Nov. 9-Nov. 30 &	5	10
	Dec. 14-Jan. 25	5	10
Southern James Bay Hunt Zone	Oct. 12-Oct. 26 &	2	4
Northeast Hunt Zone	Closed		
Light Geese	Oct. 21-Oct. 31 &	15	--
	Nov. 18-Mar. 10	15	--
Brant	Nov. 23-Jan. 31	3	6
Pennsylvania			
Ducks:		6	12
North Zone:			
Pintails	Oct. 5-Oct. 19 &		
	Nov. 12-Nov. 30		

	Season Dates	Limits Bag	Limits Possession
Pennsylvania (cont.)			
Other ducks	Oct. 5-Oct. 19 & Nov. 12-Jan. 4		
South Zone:			
Pintails	Oct. 5-Oct. 12 & Nov. 15-Dec. 11		
Other ducks	Oct. 5-Oct. 12 & Nov. 15-Jan. 15		
Northwest Zone:			
Pintails	Oct. 5-Oct. 19 & Nov. 9-Nov. 28		
Other ducks	Oct. 5-Oct. 19 & Nov. 9-Jan. 2		
Lake Erie Zone:			
Pintails	Oct. 28-Nov. 16 & Nov. 25-Dec. 7		
Other ducks	Oct. 28-Nov. 16 & Nov. 25-Jan. 11		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
Eastern (AP) Zone	Nov. 15-Nov. 30 &	2	4
	Dec. 16-Jan. 20	2	4
(late season area)	Nov. 15-Nov. 30 &	5	10
	Dec. 10-Jan. 14	5	10
SJBP Zone	Nov. 15-Dec. 31	2	4
(special season)	Jan. 15-Feb. 15	5	10
Pymatuning Zone	Nov. 15-Dec. 25	1	2
Resident (RP) Zone	Nov. 15-Nov. 30 &	5	10
	Dec. 13-Feb. 15	5	10
Special Late Season (portion of AP Zone)	Jan. 15-Feb. 15	5	10
Light Geese	Nov. 7-Mar. 10	15	--
Brant	Oct. 5-Dec. 13	3	6
Rhode Island			
Ducks:		6	12
Pintails	Dec. 28-Jan. 26		
Other ducks	Oct. 11-Oct. 14 & Nov. 20-Nov. 24 & Dec. 7-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese	Nov. 16-Nov. 24 &	2	4
	Dec. 7-Jan. 26	2	4
(special season)	Jan. 30-Feb. 15	5	10
Light Geese	Oct. 12-Jan. 26	15	--
Brant	Nov. 20-Nov. 24 &	2	4
	Dec. 7-Jan. 26	2	4
South Carolina			
Ducks (13):		6	12
Pintails	Dec. 28-Jan. 26		

	Season Dates	Limits Bag	Limits Possession
South Carolina (cont.)			
Other ducks	Nov. 27-Nov. 30 & Dec. 12-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese (special season)	Nov. 27-Nov. 30 &	5	10
	Dec. 12-Feb. 15	5	10
Light Geese	Same as for ducks	5	10
Brant	Dec. 12-Jan. 26	3	6
Vermont			
Ducks:		6	12
Lake Champlain Zone:			
Pintails	Oct. 9-Oct. 13 & Oct. 22-Nov. 15		
Other ducks	Oct. 9-Oct 13 & Oct. 22-Dec. 15		
Interior Zone:			
Pintails	Oct. 9-Nov. 7		
Other ducks	Oct. 9-Nov. 14 & Nov. 23-Dec. 15		
Connecticut River Zone:			
Pintails	Oct. 2-Oct. 31		
Other ducks	Oct. 2-Nov. 5 & Nov. 27-Dec. 21		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese			
Lake Champlain Zone:	Oct. 26-Dec. 9	2	4
Interior Zone:	Oct. 26-Dec. 9	2	4
Connecticut River Zone:	Oct. 2-Nov. 5 &	2	4
	Nov. 27-Dec. 21	2	4
Light Geese			
Lake Champlain Zone:	Oct. 9-Dec. 27 &	15	-
	Feb. 24-Mar. 10	15	-
Interior Zone:	Oct. 9-Dec. 27 &	15	-
	Feb. 24-Mar. 10	15	-
Connecticut River Zone:	Oct. 2-Dec. 21	15	-
Brant			
Lake Champlain Zone:	Oct. 9-Dec. 7	2	4
Interior Zone:	Oct. 9-Dec. 7	2	4
Connecticut River Zone:	Oct. 2-Nov. 5 &	2	4
	Nov. 27-Dec. 21	2	4
Virginia			
Ducks (14):		5	10
Pintails	Dec. 23-Jan. 25		

	Season Dates	Limits Bag	Limits Possession
Virginia (cont.)			
Other ducks	Oct. 9-Oct. 12 & Nov. 16-Jan. 7 & Dec. 14-Jan. 25		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
Back Bay Area	Closed	--	--
Eastern (AP) Zone	Nov. 22-Nov. 30 &	1	2
	Dec. 14-Jan. 25	1	2
Western (SJBP) Zone	Nov. 16-Nov. 30 &	2	4
	Dec. 14-Jan. 14	2	4
Western (RP) Zone	Nov. 16-Nov. 30 &	2	4
	Dec. 14-Jan. 14	2	4
(special season)	Jan. 15-Feb. 15	4	8
Light Geese	Nov. 6-Mar. 10	15	--
Brant	Nov. 16-Dec. 7 &	3	6
	Dec. 10-Jan. 25	3	6
West Virginia			
Ducks (15):		6	12
Zone 1:			
Pintails	Dec. 20-Jan. 18		
Other ducks	Oct. 1-Oct. 12 & Dec. 2-Jan. 18		
Zone 2:			
Pintails	Dec. 13-Jan. 11		
Other ducks	Oct. 1-Oct. 12 & Nov. 25-Jan. 11		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Canada Geese:			
Zone 1	Oct. 1-Oct. 12 &	3	6
	Dec. 5-Jan. 31	3	6
Zone 2	Oct. 1-Oct. 26 &	3	6
	Dec. 19Jan. 31	3	6
Light Geese:			
Zone 1	Same as for Canada geese	5	10
Zone 2	Same as for Canada geese	5	10
Brant	Same as for Other ducks	3	6

(1) In Connecticut, the season is closed for black ducks prior to November 16 in the North Zone and prior to November 20 in the South Zone.
(2) In Delaware, the January 31 to March 10 Rest of State snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
(3) In Delaware, the February 3 to March 7 Bombay Hook NWR snow goose season is open Mondays, Wednesdays, and Fridays only.
(4) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271.
(5) In Florida, the light goose season is only open north and west of the Suwannee River.
(6) In Maine, the season is closed for black ducks October 1 through October 4; in addition to the daily bag limit, 2 additional teal may be taken. A possession limit of 12 ducks is permitted provided it includes 4 or more teal.
(7) In Maryland, the black duck season is closed October 5 through October 12. In addition to the daily bag limit, 1 additional teal may be taken.
(8) In Maryland, the February 1 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
(9) In Massachusetts, the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.
(10) In New Jersey, the daily bag limit for buffleheads is 6.
(11) In New York, in the Lake Champlain Zone, the daily bag limit may include no more than 4 goldeneyes.
(12) In North Carolina, the season is closed for black ducks October 2 through October 5 and November 9 through November 30. The daily bag limit for Black and Mottled ducks are combined with no more than 1 of either sex allowed in the bag.
(13) In South Carolina, the daily bag limit of 6 may not exceed 1 female mallard and 1 black duck or 1 mottled duck in the aggregate.
(14) In Virginia, the season is closed for black ducks October 9 through October 12.
(15) In West Virginia, the daily bag limit may include no more than 4 long-tailed ducks and the season is closed for scoters, eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 1 pintail, 2 redheads, 3 scaup, and 2 wood ducks. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 1 daily and 2 in possession may be hooded mergansers.

	Season Dates	Limits Bag	Limits Possession
Alabama			
Ducks:		6	12
North Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 28-Jan. 26		
South Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 28-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Dark Geese:			
North Zone:			
SJBP Zone	Dec. 14-Jan. 30	2	4
Rest of North Zone	Sept. 28-Oct. 19 &	2	4
	Dec. 14-Jan. 30	2	4
South Zone	Sept. 28-Oct. 19 &	2	4
	Dec. 14-Jan. 30	2	4
Light Geese	Sept. 28-Oct. 19 &	5	5
	Dec. 14-Jan. 30	5	5
Arkansas			
Ducks (1):		5	10
Pintails	Nov. 23-Nov. 29 & Jan. 4-Jan. 26		

	Season Dates	Limits Bag	Limits Possession
Arkansas (cont.)			
Other ducks	Nov. 23-Dec. 8 &		
	Dec. 14-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
Northwest Zone	Oct. 5-Oct. 14 &	2	4
	Jan. 9-Jan. 31	2	4
Remainder of State	Jan. 9-Jan. 31	2	4
White-fronted	Nov. 7-Jan. 31	2	4
Brant	Closed	--	--
Light Geese	Nov. 7-Jan. 31	20	--
Illinois			
Ducks (2):		6	12
North Zone:			
Pintails	Closed		
Other ducks	Oct. 17-Dec. 15		
Central Zone:			
Pintails	Closed		
Other ducks	Oct. 24-Dec. 22		
South Zone:			
Pintails	Closed		
Other ducks	Nov. 7-Jan. 5		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada (3):			
North Zone:			
Northern Illinois Quota Zone (3)	Oct. 17-Jan. 4	2	10
Rest of North Zone	Oct. 17-Jan. 4	2	10
Central Zone:			
Central Illinois Quota Zone (3)	Oct. 24-Oct. 27 &	2	10
	Nov. 17-Jan. 31	2	10
Rest of Central Zone	Oct. 24-Oct. 27 &	2	10
	Nov. 17-Jan. 31	2	10
South Zone:			
Southern Illinois Quota Zone (3)(4)	Nov. 7-Nov. 10 &	2	10
	Dec. 7-Jan. 31	2	10
Rest of South Zone	Nov. 7-Nov. 10 &	2	10
	Dec. 7-Jan. 31	2	10
White-fronted (5):			
North Zone	Oct. 17--Jan. 4	2	4
Central Zone	Oct. 24-Oct. 27 &	2	4
	Nov. 17-Jan. 31	2	4
South Zone	Nov. 7-Nov. 10 &	2	4
	Dec. 7-Jan. 31	2	4
Brant (5)	Same as for Light Geese	1	2

	Season Dates	Limits Bag	Limits Possession
Illinois (cont.)			
Light Geese (5):			
North Zone	Oct. 17-Jan. 4	20	--
Central Zone	Oct. 24-Jan. 31	20	–
South Zone	Nov. 7-Jan. 31	20	–
Indiana			
Ducks:		6	12
North Zone:			
Pintails	Oct. 12-Oct. 14 &		
	Oct. 26-Nov. 21		
Other ducks	Oct. 12-Oct. 14 &		
	Oct. 26-Dec. 21		
South Zone:			
Pintails	Oct. 26-Nov. 1 &		
	Nov. 23-Dec. 15		
Other ducks	Oct. 26-Nov. 1 &		
	Nov. 23-Jan. 14		
Ohio River Zone:			
Pintails	Oct. 26-Oct. 27 &		
	Nov. 23-Dec. 20		
Other ducks	Oct. 26-Oct. 27 &		
	Nov. 23-Jan. 19		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
North Zone:			
SJBP Area	Oct. 12-Oct. 14 &	2	4
	Oct. 26-Dec. 11	2	4
Rest of North Zone	Oct. 12-Oct. 14 &	2	4
	Oct. 26-Dec. 21	2	4
South Zone:	Nov. 23-Nov. 26 &	2	4
	Dec. 7-Jan. 31	2	4
Ohio River Zone:	Dec. 3-Jan. 31	2	4
White-fronted and Brant	Oct. 12-Oct. 14 &	1	2
	Oct. 20-Jan. 31	1	2
Light Geese	Oct. 12-Oct. 14 &	20	–
	Oct. 20-Jan. 31	20	–
Iowa			
Ducks:		6	12
North Zone:			
Pintails	Sept. 21-Sept. 25 &		
	Oct. 12-Nov. 5		
Other ducks	Sept. 21-Sept. 25 &		
	Oct. 12-Dec. 5		
South Zone:			
Pintails	Sept. 21-Sept. 23 &		
	Oct. 19-Nov. 14		
Other ducks	Sept. 21-Sept. 23 &		
	Oct. 19-Dec. 14		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Iowa (cont.)			
Geese:			
Canada:			
North Zone	Sept. 28-Dec. 6	2	4
South Zone	Sept. 28-Oct. 20 &	2	4
	Nov. 9-Dec. 25	2	4
White-fronted:			
North Zone	Same as for Canada geese	2	4
South Zone	Same as for Canada geese	2	4
Brant:			
North Zone	Same as for Canada geese	2	4
South Zone	Same as for Canada geese	2	4
Light Geese	Sept. 28-Jan. 12	20	--
Kentucky			
Ducks:		6	12
West Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 28-Jan. 26		
East Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 28-Jan. 26		
Mergansers	Same as for Other Ducks	5	10
Coots	Same as for Other Ducks	15	30
Geese:			
Canada (3):			
Western Goose Zone (3):			
Fulton County	Dec. 7-Feb. 15	2	4
Rest of Zone	Dec. 7-Jan. 31	2	4
Pennyroyal/Coalfield Zone	Dec. 13-Jan. 31	2	4
Rest of State	Dec. 13-Jan. 31	2	4
White-fronted	Nov. 28-Feb. 2	2	4
Brant	Nov. 28-Feb. 2	2	4
Light Geese			
Western Goose Zone:			
Fulton County (6):	Nov. 28-Feb. 15	20	–
Rest of Zone:	Nov. 28-Feb. 2	20	–
Rest of State	Nov. 28-Feb. 2	20	--
Louisiana			
Ducks:		6	12
West Zone:			
Pintails	Nov. 9-Dec. 8		
Other ducks	Nov. 9-Dec. 8 &		
	Dec. 21-Jan. 19		
East Zone (including Catahoula Lake):			
Pintails	Nov. 16-Dec. 1 &		
	Dec. 14-Dec. 27		
Other ducks	Nov. 16-Dec. 1 &		
	Dec. 14-Jan. 26		

	Season Dates	Limits Bag	Limits Possession
Louisiana (cont.)			
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada (7)	Jan. 18-Jan. 26	1	2
White-fronted and Brant:	Nov. 2-Dec. 8 &	2	4
	Dec. 14-Jan. 31	2	4
Light Geese:	Nov. 2-Dec. 8 &	20	–
	Dec. 14-Jan. 31	20	--
Michigan			
Ducks (8):		6	12
North Zone:			
Pintails	Sept. 28-Oct. 27		
Other ducks	Sept. 28-Nov. 24 &		
	Nov. 30-Dec. 1		
Middle Zone:			
Pintails	Oct. 12-Nov. 10		
Other ducks	Oct. 12-Dec. 8 &		
	Jan. 4-Jan. 5		
South Zone:			
Pintails	Oct. 12-Nov. 10		
Other ducks	Oct. 12-Dec. 8 &		
	Jan. 4-Jan. 5		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada (3):			
MVP Zone:			
Muskegon Wastewater Goose Management Unit (GMU) (3)	Nov. 2-Nov. 14 &	2	4
	Dec. 1-Dec. 12	2	4
Allegan County GMU (3)	Nov. 2-Nov. 10 &	1	2
	Jan. 4-Jan. 19	1	2
Rest of MVP Zone	Sept. 16-Oct. 6	2	4
SJBP Zone:			
Saginaw County GMU (3)	Oct. 12-Nov. 30	1	2
Tuscola/Huron GMU (3)	Oct. 12-Nov. 30	1	2
Rest of SJBP Zone	Sept. 16-Oct. 6 &	2	4
	Dec. 14-Dec. 22	2	4
Special Season:			
Southern Michigan GMU	Jan. 4-Feb. 2	5	10
Central Michigan GMU	Jan. 4-Feb. 2	5	10
White-fronted and Brant	Sept. 16-Dec. 8	1	2
Light Geese	Sept. 16-Dec. 8	10	30
Minnesota			
Ducks:		6	12
Pintails	Sept. 28-Oct. 27		
Other ducks	Sept. 28-Nov. 26		
Mergansers	Same as for Other ducks	5	10
Coots (9)	Same as for Other ducks	15	30

	Season Dates	Limits Bag	Limits Possession
Minnesota (cont.)			
Geese:			
Canada (3):			
West Zone:			
West Central Zone:			
Lac qui Parle Zone (3)	Oct. 5-Nov. 13	1	2
Rest of West Central Zone	Oct. 5-Nov. 13	1	2
Rest of West Zone	Sept. 28-Nov. 6	1	2
(Special season)	Dec. 7- Dec. 16	5	10
Northwest Zone	Sept. 28-Nov. 6	1	2
(Special season)	Dec. 7-Dec. 16	5	10
Southeast Zone	Sept. 28-Dec. 6	2	4
(special season)	Dec. 13-Dec. 22	2	4
Rest of State	Sept. 28-Dec. 6	2	4
(special season)	Dec. 7-Dec. 16	5	10
White-fronted	Sept. 28-Dec. 22	2	4
Brant	Sept. 28-Dec. 22	1	2
Light Geese	Sept. 28-Dec. 22	20	40
Mississippi			
Ducks:		6	12
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 23-Nov. 24 & Nov. 29-Dec. 24 & Dec. 26-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada	Nov. 23-Jan. 26	3	6
White-fronted	Nov. 23-Jan. 26	2	4
Brant	Nov. 23-Jan. 26	2	4
Light Geese	Nov. 23-Jan. 26	20	--
Missouri			
Ducks and Mergansers:		6	12
North Zone:			
Pintails	Oct. 26-Nov. 24		
Other ducks/mergansers	Oct. 26-Dec. 24		
Middle Zone:			
Pintails	Nov. 2-Dec. 1		
Other ducks/mergansers	Nov. 2-Dec. 31		
South Zone:			
Pintails	Nov. 23-Dec. 22		
Other ducks/mergansers	Nov. 23-Jan. 21		
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
North Zone:			
Swan Lake Zone	Oct. 26-Dec. 1&	2	4
	Dec. 21-Jan. 18	2	4
Rest of North Zone	Sept. 21-Oct. 6 &	3	6
	Oct. 26-Nov. 24 &	2	4
	Dec. 21-Jan. 18	2	4
Middle Zone:			

	Season Dates	Limits Bag	Limits Possession
Missouri (cont.)			
Southeast Zone	Sept. 28-Oct. 6 &	2	4
	Nov. 23-Jan. 26	2	4
Rest of Middle Zone	Sept. 21-Oct. 6 &	3	6
	Nov. 2-Dec. 1 &	2	4
	Dec. 21-Jan. 18	2	4
South Zone	Sept. 28-Oct. 6 &	2	4
	Nov. 23-Jan. 26	2	4
White-fronted:			
North Zone:			
Swan Lake Zone	Oct. 26-Jan. 18	2	4
Rest of North Zone	Oct. 26-Jan. 18	2	4
Middle Zone:			
Southeast Zone	Nov. 2-Jan. 26	2	4
Rest of Middle Zone	Nov. 2-Jan. 26	2	4
South Zone	Nov. 2-Jan. 26	2	4
Brant	Same as for Canada geese	2	4
Light Geese:			
North Zone:			
Swan Lake Zone	Oct. 26-Jan. 18	20	--
Rest of North Zone	Oct. 26-Jan. 18	20	--
Middle Zone:			
Southeast Zone	Nov. 2-Jan. 26	20	--
Rest of Middle Zone	Nov. 2-Jan. 26	20	--
South Zone	Nov. 2-Jan. 26	20	--
Ohio			
Ducks:		6	12
North Zone:			
Pintails	Oct. 19-Nov. 17		
Other ducks	Oct. 19-Nov. 30 & Dec. 7-Dec. 23		
South Zone:			
Pintails	Oct. 26-Nov. 2 & Dec. 14-Jan. 4		
Other ducks	Oct. 26-Nov. 17 & Dec. 14-Jan. 19		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
North Zone:			
Lake Erie SJBP Zone	Oct. 19-Oct. 27 &	1	2
	Dec. 7-Jan. 1	1	2
Rest of North Zone	Oct. 19-Nov. 30 &	2	4
	Dec. 7-Jan. 2	2	4
(special season)	Jan. 11-Jan. 29	2	4
South Zone	Oct. 26-Nov. 17 &	2	4
	Dec. 14-Jan. 29	2	4
White-fronted and Brant	Same as for Canada geese	2	4
Light Geese	Same as for Canada geese	10	30

	Season Dates	Limits Bag	Limits Possession
Tennessee			
Ducks:		6	12
Reelfoot Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 9-Nov. 10 & Nov. 30-Jan. 26		
State Zone:			
Pintails	Dec. 28-Jan. 26		
Other ducks	Nov. 23-Nov. 24 & Nov. 30-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada (10):			
Northwest Zone	Dec. 7-Feb. 15	2	4
Southwest Zone	Dec. 13-Jan. 31	2	4
Kentucky/Barkley Lakes Zone	Dec. 13-Jan. 31	2	4
Rest of State (10)	Oct. 5-Oct. 16 &	2	4
	Nov. 30-Jan. 26	2	4
White-fronted	Nov. 22-Feb. 15	2	4
Brant	Dec. 2-Jan. 31	2	4
Light Geese	Nov. 16-Mar. 2	20	--
Wisconsin			
Ducks:		6	12
North Zone:			
Pintails	Sept. 28-Oct. 27		
Other ducks	Sept. 28-Nov. 26		
South Zone:			
Pintails	Oct. 5-Oct. 13 & Oct. 19-Nov. 8		
Other ducks	Oct. 5-Oct. 13 & Oct. 19-Dec. 8		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	10	20
Geese:			
Canada (3):			
Horicon Zone	Sept. 16-Dec. 18	Tag System–See State Regulations	
Collins Zone	Sept. 16-Nov. 22	Tag System–See State Regulations	
Exterior Zone:			
Rock Prairie Subzone	Sept. 28-Oct. 13 &	1	2
	Oct. 19-Jan. 2	1	2
Mississippi River Subzone	Sept. 28-Oct. 13 &	1	2
	Oct. 19-Dec. 11	1	2
Brown County Subzone	Sept. 21-Dec. 23	1	2
Rest of Exterior Zone:			
North Duck Zone	Sept. 21-Dec. 23	1	2
South Duck Zone	Sept. 28-Oct. 13 &	1	2
	Oct. 19-Jan. 2	1	2
White-fronted and Brant	Same as for Canada geese	1	2
Light Geese	Same as for Canada geese	10	30

(1) In Arkansas, the daily bag limit may include no more than three mallards, only one of which may be a hen.
(2) In Illinois, the daily bag limit cannot include more than one hen mallard. The season on Pintails is closed.
(3) Harvests of Canada geese will be limited by quotas established in the September19, 2002, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, and Southern Illinois Quota Zones in Illinois, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective Zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(4) In Illinois, shooting hours for geese in the Southern Illinois quota Zone through January 28 shall close at 3 p.m.
(5) In Illinois, white-fronted goose, light goose, and brant seasons will close with Canada goose seasons if the season closes early due the quota being reached.
(6) In Kentucky, in Fulton County, if the Canada goose season closes after January 31 and before February 15, the season for light geese will close with the Canada goose season.
(7) In Louisiana, during the Canada goose season, a special permit is required by the State.
(8) In Michigan, the daily bag limit includes no more than 1 hen mallard.
(9) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.
(10) In Tennessee, see State regulations for permit requirements and additional restrictions.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 2 redheads, 3 scaup, and 2 wood ducks. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.
Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 1 hooded merganser daily and 2 in possession. In states that include mergansers in the duck bag limit, the daily limit is the same as the duck bag limit, of which only 1 daily and 2 in possession may be hooded mergansers.

	Season Dates	Limits Bag	Limits Possession
Colorado			
Ducks:		6	12
Pintails	Sept. 28-Oct. 20 & Nov. 2-Nov. 17		
Other ducks	Sept. 28-Oct. 20 & Nov. 2-Nov. 29 & Dec. 13-Jan. 26		
Coots	Same as for Other ducks	15	30
Mergansers	Same as for Other ducks	5	10
Dark Geese:			
Northern Front Range Unit	Sept. 28-Oct. 9 &	5	10
	Nov. 16-Feb. 16	5	10
South Park/San Luis Valley Unit (1)	Sept. 28-Oct. 9 &	3	6
	Nov. 16-Feb. 16	3	6
North Park Unit (1)	Sept. 28-Oct. 9 &	3	6
	Nov. 16-Feb. 16	3	6
Arkansas Valley Unit (2)	Nov. 16-Feb. 16	5	10
Pueblo County	Dec. 7-Feb. 16	2	4
Rest of State in Central Flyway	Nov. 16-Feb. 16	5	10

	Season Dates	Limits Bag	Limits Possession
Colorado (cont.)			
Light Geese:			
Northern Front Range Unit	Nov. 16-Feb. 16	20	--
South Park/San Luis Valley Unit (1)	Nov. 16-Feb. 16	3	6
North Park Unit (1)	Nov. 16-Feb. 16	3	6
Arkansas Valley Unit (2)	Nov. 16-Feb. 16	20	--
Pueblo County	Nov. 16-Feb. 16	20	--
Rest of State in			
Central Flyway	Nov. 2-Feb. 16	20	--
Kansas			
Ducks (3):		6	12
High Plains:			
Pintails	Oct. 12-Nov. 19		
Other ducks	Oct. 12-Jan 7 & Jan. 18-Jan. 26		
Low Plains:			
Early Zone:			
Pintails	Oct. 12-Nov. 19		
Other ducks	Oct. 12-Dec. 15 & Dec. 24-Jan. 1		
Late Zone:			
Pintails	Oct. 26-Nov. 3 & Nov. 9-Dec. 8		
Other ducks	Oct. 26-Nov. 3 & Nov. 9-Jan. 12		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Dark Geese (4):			
Canada	Oct. 19-Oct. 20 &	3	6
	Nov. 2-Feb. 2	3	6
White-fronted	Oct. 19-Oct. 20 &	2	4
	Nov. 2-Jan. 24	2	4
Light Geese	Oct. 19-Feb. 2	20	--
Montana			
Ducks:		6	12
Zone 1:			
Pintails	Sept. 28-Nov. 5		
Other ducks	Sept. 28-Jan. 2		
Zone 2:			
Pintails	Sept. 28-Nov. 5		
Other ducks	Sept. 28-Jan. 2		
Mergansers	Sept. 28-Jan. 2	5	10
Coots	Sept. 28-Jan. 2	15	30
Dark Geese	Sept. 28-Jan. 10	4	8
Light Geese	Sept. 28-Jan. 10	5	10
Nebraska			
Ducks:		6	12
High Plains:			
Pintails	Sept. 28-Nov. 5		
Other ducks	Sept. 28-Dec. 8 & Dec. 13-Jan. 5		

	Season Dates	Limits Bag	Limits Possession
Nebraska (cont.)			
Low Plains:			
Zones 1 and 2:			
Pintails	Oct. 12-Oct. 13 & Oct. 19-Nov. 24		
Other ducks	Oct. 12-Oct. 13 & Oct. 19-Dec. 29		
Zones 3 and 4:			
Pintails	Sept. 28-Oct. 6 & Oct. 12-Nov. 10		
Other ducks	Sept. 28-Oct. 6 & Oct. 12-Dec. 15		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada:			
Niobrara Unit	Oct. 29-Jan. 31	3	6
East Unit	Sept. 28-Oct. 13 &	3	6
	Nov. 2-Jan. 19	3	6
North Central Unit	Sept. 28-Dec. 31	3	6
Platte River Unit	Oct. 29-Jan. 31	3	6
White-fronted	Sept. 28-Dec. 22	2	4
Light Geese:			
Rainwater Basin Area - East	Sept. 28-Jan. 10	20	--
Rainwater Basin Area - West	Sept. 28-Jan. 10	20	--
Rest of State	Sept. 28-Jan. 10	20	--
New Mexico			
Ducks and Mergansers (5):		6	12
North Zone:			
Pintails	Oct. 5-Oct. 27 & Nov. 8-Nov. 23		
Other ducks/mergs.	Oct. 5-Oct. 27 & Nov. 8-Jan. 19		
South Zone:			
Pintails	Dec. 12-Jan. 19		
Other ducks/mergs.	Oct. 16-Jan. 19		
Coots	Same as for Other ducks	15	30
Dark Geese (6):			
Middle Rio Grande Valley Unit (6)	Dec. 28-Jan. 19	1 per season	
Rest of State	Oct. 17-Jan. 31	4	8
Light Geese	Oct. 17-Jan. 31	20	80
North Dakota			
Ducks:		6	12
High Plains:			
Pintails	Sept. 21-Oct. 29		
Other ducks	Sept. 21-Dec. 1 & Dec. 7-Dec. 29		
Remainder of State:			
Pintails	Sept. 21-Oct. 29		
Other ducks	Sept. 21-Dec. 1		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada Geese (7):			

	Season Dates	Limits Bag	Limits Possession
North Dakota (cont.)			
High Plains Unit	Sept. 21-Dec. 1 &	3	6
	Dec. 7-Dec. 21	3	6
Rest of State	Sept. 21-Dec. 15	3	6
White-fronted (7)	Sept. 21-Dec. 15	2	4
Light Geese (7)	Sept. 21-Dec. 15	20	--
Oklahoma			
Ducks:		6	12
High Plains:			
Pintails	Dec. 8-Jan. 15		
Other ducks	Oct. 12-Jan. 15		
Low Plains:			
Zone 1:			
Pintails	Nov. 30-Dec. 8 &		
	Dec. 14-Jan. 12		
Other ducks	Oct. 26-Dec. 8 &		
	Dec. 14-Jan. 12		
Zone 2:			
Pintails	Dec. 19-Jan. 26		
Other ducks	Nov. 9-Dec. 8 &		
	Dec. 14-Jan. 26		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
Canada	Nov. 9-Dec. 8 &	3	6
	Dec. 14-Feb. 16	3	6
White-fronted	Nov. 9-Dec. 8 &	2	4
	Dec. 14-Feb. 7	2	4
Light Geese	Nov. 9-Dec. 8 &	20	--
	Dec. 14-Feb. 16	20	--
South Dakota			
Ducks:		6	12
High Plains:			
Pintails	Sept. 28-Nov. 5		
Other ducks	Sept. 28-Jan. 2		
Low Plains:			
North Zone:			
Pintails	Sept. 21-Oct. 29		
Other ducks	Sept. 21-Dec. 3		
Middle Zone:			
Pintails	Sept. 28-Nov. 5		
Other ducks	Sept. 28-Dec. 10		
South Zone:			
Pintails	Oct. 12-Nov. 19		
Other ducks	Oct. 12-Dec. 24		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
White-fronted	Sept. 28-Dec. 22	2	4
Canada:			
Unit 1	Sept. 28-Dec. 27	3	6
Unit 2	Oct. 26-Jan. 28	3	6
Unit 3:			

	Season Dates	Limits Bag	Limits Possession
South Dakota (cont.)			
Power Plant Area	Sept. 28-Nov. 30 &	3	6
	Dec. 1-Dec. 15	2	4
Rest of Unit	Sept. 28-Dec. 15	3	6
Unit 4	Oct. 26-Dec. 22 &	3	6
	Jan. 11-Jan. 19	3	6
Light Geese	Sept. 28-Dec. 22	20	--
Texas			
Ducks:		6	12
High Plains:			
Pintails	Dec. 12-Jan. 19		
Other ducks	Sept. 23-Sept. 29 &		
	Oct. 26-Jan. 22		
Low Plains:			
North Zone:			
Pintails	Dec. 19-Jan. 26		
Other ducks	Nov. 9-Nov. 10 &		
	Nov. 16-Jan. 26		
South Zone:			
Pintails	Dec. 12-Jan. 19		
Other ducks	Nov. 2-Dec. 1 &		
	Dec. 7-Jan. 19		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Geese:			
East Tier:			
Canada and brant	Oct. 26-Jan. 19	2	4
White-fronted	Oct. 26-Jan. 19	2	4
Light Geese			
North Zone	Oct. 26-Jan. 26	20	--
South Zone	Oct. 26-Jan. 19	20	--
West Tier:			
Dark Geese:		5	10
Canada geese and Brant	Oct. 26-Feb. 9	5	10
White-fronted	Oct. 26-Feb. 9	1	2
Light Geese	Oct. 26-Feb. 9	20	--
Wyoming			
Ducks:		6	12
Zone 1:			
Pintails	Oct. 5-Oct. 20 &		
	Oct. 26-Nov. 17		
Other ducks	Oct. 5-Oct. 20 &		
	Oct. 26-Jan. 14		
Zone 2:			
Pintails	Sept. 21-Oct. 20 &		
	Oct. 26-Nov. 3		
Other ducks	Sept. 21-Oct. 20 &		
	Oct. 26-Dec. 8		
	Dec. 14-Jan. 5		
Mergansers	Same as for Other ducks	5	10
Coots	Same as for Other ducks	15	30
Dark Geese:			
Area 1	Oct. 5-Jan. 18	5	10

	Season Dates	Limits Bag	Limits Possession
Wyoming (cont.)			
Area 2	Oct. 18-Jan. 31	5	10
Area 3	Sept. 28-Oct. 20 &	5	10
	Oct. 26-Jan. 16	5	10
Area 4(8):	Oct. 5-Oct. 20 &	1	2
	Nov. 16-Feb. 13	5	10
Light Geese	Oct. 5-Dec. 31 &	10	40
	Jan. 27-Feb. 13	10	40

(1) In Colorado, in the North Park and South Park/San Luis Valley Units, the bag limit for the November 16 through February 16 period is 3 geese. The possession limit is twice the daily bag limit.
(2) In Colorado, in the Arkansas Valley Unit, shooting hours are one-half hour before sunrise to noon November 16 through November 24.
(3) In Kansas, the daily bag limit may include no more than 2 scaup and 1 hen mallard.
(4) See State regulations for additional restrictions.
(5) In New Mexico, the daily bag limit consists of no more than 5 mallards (of which only 2 may be female mallards), 2 redheads, 2 scaup, 2 wood ducks, 1 hooded merganser, and 1 northern pintail (see dates by zone).
(6) In New Mexico, the season for dark geese is closed in Bernalillo and Sandoval Counties. In the Middle Rio Grande Valley Unit, a state permit is required.
(7) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through October 26 and until 2 p.m. the remainder of the season, except that during October 2 through December 21, shooting hours are one-half hour before sunrise to sunset on Saturdays and Wednesdays.
(8) In Wyoming, the shooting hours for dark geese in Goshen County are one-half hour before sunrise to 1 p.m., except during the period October 5 through October 20 and on all Saturdays and Wednesdays after December 18 until the close of the dark goose season, when shooting hours are until sunset. In Platte County, shooting hours for dark geese in the area east of Interstate Highway 25 and north of Wyoming Highway 160 are 1/2 hour before sunrise to sunset. In the remainder of Platte County, shooting hours for dark geese are 1/2 hour before sunrise to 1 p.m. except during the period October 5 through October 20 and on all Saturdays and Wednesdays after December 18 until the close of the dark goose season, when shooting hours are until sunset.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 redheads, and 4 scaup. The season on canvasbacks is closed. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

	Season Dates	Limits Bag	Limits Possession
Arizona			
Ducks (1):		7	14
North Zone			
Pintails	Nov. 28-Jan. 26		
Other ducks	Oct. 18-Jan. 26		
South Zone:			
Pintails	Nov. 28-Jan. 26		
Other ducks	Oct. 18-Jan. 26		
Coots and moorhens	Oct. 18-Jan. 26	25	25
Arizona (cont.)			
Geese:			
Dark (2):			
GMU 22 & 23	Nov. 15-Jan. 26	3	3
GMU 1 & 27	Dec. 1-Jan. 26	3	3
Balance of State	Oct. 18-Jan. 26	3	3
Light (2):			
GMU 22 & 23	Nov. 15-Jan. 26	3	3
Rest of State	Oct. 18-Jan. 26	3	3
California			
Ducks:		7	14
Northeastern Zone:			
Pintails	Oct. 12-Dec. 10		
Other ducks	Oct. 12-Jan. 5		
Colorado River Zone:			
Pintails	Nov. 28-Jan. 26		
Other ducks	Oct. 18-Jan. 26		
Southern Zone:			
Pintails	Nov. 28-Jan. 26		
Other ducks	Nov. 2-Jan. 26		
Southern San Joaquin Valley Zone:			
Pintails	Oct. 19-Oct. 25 & Dec. 5-Jan. 26		
Other ducks	Oct. 19-Nov. 10 & Nov. 23-Jan. 26		
Balance-of-State Zone:			
Pintails	Oct. 26-Nov. 10 & Dec. 14-Jan. 26		
Other ducks	Oct. 26-Nov. 17 & Nov. 30-Jan. 26		
Coots and moorhens:			
Northeastern Zone	Same as for Other ducks	25	25
Colorado River Zone	Same as for Other ducks	25	25
Southern Zone	Same as for Other ducks	25	25
Southern San Joaquin Valley Zone	Oct. 19-Jan 26	25	25
Balance-of-State Zone	Oct. 26-Jan. 26	25	25
Geese:			
Northeastern Zone:		3	6
Canada Geese	Oct. 12-Jan. 19	2	4
Small Canada Geese (3)	Oct. 12-Jan. 19	1	2
White-fronted Geese	Oct. 12-Jan. 19	2	4
Light Geese	Oct. 12-Jan. 19	3	6
Colorado River Zone:		5	10
Canada Geese	Oct. 18-Jan. 26	3	6
White-fronted Geese	Oct. 18-Jan. 26	3	6
Light Geese	Oct. 18-Jan. 26	3	6
Southern Zone:		5	10
Dark Geese:		3	6
Canada geese	Oct. 19-Jan. 26	3	6
Small Canada Geese (3)	Oct. 19-Jan. 26	1	2
White-fronted Geese	Oct. 19-Jan. 26	3	6
Light Geese	Oct. 19-Jan. 26	3	6
Balance-of-State Zone:		3	6

	Season Dates	Limits Bag	Limits Possession
California (cont.)			
Dark Geese :		2	4
Canada:			
Del Norte & Humboldt	Nov. 23-Nov. 27	--	--
Sacramento Valley Area	Closed	--	--
San Joaquin Valley Area	Closed	--	--
Rest of Zone:			
Canada geese	Nov. 2-Jan. 26	2	4
White-fronted:			
Sacramento Valley Closure	Nov. 2-Dec. 14	2	4
Rest of Zone	Nov. 2-Jan. 26	2	4
Light Geese	Nov. 2-Jan. 26	3	6
Brant	Nov. 10-Dec. 9	2	4
Colorado			
Ducks:		7	14
Pintails	Sept. 28-Oct. 13 & Oct. 30-Dec. 12		
Other ducks	Sept. 28-Oct. 13 & Oct. 30-Jan. 26		
Coots	Same as for Other ducks	25	25
Geese:	Sept. 28-Oct. 8 &	3	6
	Oct. 30-Jan. 26	3	6
Idaho			
Ducks:		7	14
Zone 1:			
Pintails	Oct. 5-Dec. 3		
Other ducks	Oct. 5-Jan. 10		
Zone 2:			
Pintails	Oct. 12-Dec. 10		
Other ducks	Oct. 12-Jan. 24		
Zone 3:			
Pintails	Oct. 12-Dec. 10		
Other ducks	Oct. 12-Jan. 24		
Coots	Same as for Other ducks	25	25
Geese:			
Zone 1 (4):		4	8
Dark	Oct. 19-Jan. 24	4	8
Light	Oct. 6-Oct. 17 &	3	6
	Oct. 27-Jan. 20	3	6
Zone 2:		3	6
Dark	Oct. 19-Jan. 24	4	8
Light	Oct. 19-Jan. 24	3	6
Zone 3:		3	6
Dark	Oct. 19-Jan. 24	3	6
Light	Oct. 19-Jan. 24	3	6
Zone 4:			
Dark	Oct. 6-Oct. 17 &	4	8
	Oct. 27-Jan. 20	4	8
Light	Oct. 6-Oct. 17 &	3	6
	Oct. 27-Jan. 2	3	6
Zone 5:			
Dark	Oct. 5-Jan. 10	4	8
Light	Oct. 5-Jan. 10	3	6

	Season Dates	Limits Bag	Limits Possession
Montana			
Ducks:		7	14
Pintails	Sept. 28-Nov. 26		
Other ducks	Sept. 28-Jan. 10		
Coots	Sept. 28-Jan. 10	25	25
Geese (5):			
Dark	Sept. 28-Jan. 10	4	8
Light	Sept. 28-Jan. 10	3	6
Nevada			
Ducks:		7	14
Lincoln & Clark Counties:			
Pintails	Oct. 12-Oct. 13 & Nov. 28-Jan. 24		
Other ducks	Oct. 12-Jan. 24		
Rest of State:			
Pintails	Oct. 12-Oct. 13 & Nov. 30-Jan. 25		
Other ducks	Oct. 12-Jan. 25		
Coots and moorhens	Same as for Other ducks	25	25
Dark Geese:			
Lincoln & Clark Counties	Nov. 2-Jan. 24	2	4
Scripps/Washoe Lake Zone	Oct. 12-Jan. 25	3	6
Rest of State	Oct. 12-Jan. 25	3	6
Light Geese:			
Lincoln & Clark Counties	Nov. 2-Jan. 24	3	6
Scripps/Washoe Lake Zone	Oct. 12-Jan. 25	3	6
Rest of State (6)	Oct. 12-Jan. 25	3	6
New Mexico			
Ducks (7):		7	14
Pintails	Oct. 7-Dec. 5		
Other ducks	Oct. 7-Jan. 19		
Coots and Moorhens	Same as for Other ducks	12	24
Dark Geese (8):			
North Zone	Sept. 28-Oct. 27&	3	6
	Nov. 11-Jan. 19	3	6
South Zone	Oct. 12-Jan. 19	3	6
Light Geese:			
North Zone	Sept. 28-Oct. 27 &	1	2
	Nov. 11-Jan. 19	1	2
South Zone	Oct. 12-Jan. 19	1	2

	Season Dates	Limits Bag	Limits Possession
Oregon			
Ducks:		7	14
Zone 1:			
Columbia Basin Unit:			
Pintails	Oct. 12-Oct. 20 & Oct. 23-Dec. 12		
Other ducks	Oct. 12-Oct. 20 & Oct. 23- Jan. 26		
Rest of Zone 1:			
Pintails	Oct. 12-Oct. 20 & Oct. 23-Dec. 12		
Other ducks	Oct. 12-Oct. 20 & Oct. 23- Jan. 26		
Zone 2:			
Pintails	Oct. 5-Dec. 3		
Other ducks	Oct. 5-Dec. 3 & Dec. 13- Jan. 26		
Coots	Same as for Other ducks	25	25
Geese:			
Northwest General Goose Zone:			
Dark Geese	Oct. 12-Jan. 12	4	8
Light Geese	Oct. 12-Jan. 12	3	6
Northwest Special Permit Zone (9):			
Dark Geese	Oct. 27-Nov. 7 &	4	8
	Nov. 23-Jan. 19 &	4	8
	Feb. 8-Mar. 2	4	8
Dusky Canada geese		1 per season	
Light Geese	Oct. 27-Nov. 7 &	3	6
	Nov. 23-Jan. 19	3	6
Southwest General Zone (8):			
Dark Geese	Oct. 12-Dec. 10 &	4	8
	Dec. 20-Jan. 26	4	8
Light Geese	Oct. 12-Dec. 10 &	6	
	Dec. 20-Jan. 26	3	6
Eastern Zone:			
Klamath, Harney, Lake, and Malheur Counties:			
Dark Geese	Oct. 5-Dec. 3 &	4	8
	Dec. 20-Jan. 26	4	8
Cackling Canada geese		1	2
Light Geese	Oct. 5-Dec. 3 &	3	6
	Dec. 20-Jan. 26	3	6
Remainder of Eastern Zone:			
Dark Geese	Oct. 12-Dec. 10 &	4	8
	Dec. 20-Jan. 26	4	8
Cackling Canada geese		1	2
White-fronted geese		4	8
Light Geese	Oct. 12-Dec. 10 &	3	6
	Dec. 20-Jan. 26	3	6
Brant	Nov. 2-Nov. 15	2	4

	Season Dates	Limits Bag	Limits Possession
Utah (11)			
Ducks:		7	14
Zone 1:			
Pintails	Oct. 5-Nov. 7		
	Dec. 25-Jan. 18		
Other ducks	Oct. 5-Jan. 18		
Zone 2:			
Pintails	Oct. 5-Nov. 7		
	Dec. 25-Jan. 18		
Other ducks	Oct. 5-Jan. 18		
Coots	Same as for Other ducks	25	25
Geese:			
Light	Oct. 5-Jan. 18	3	6
Dark:			
Washington County (12)	Oct. 12-Jan. 25	3	6
Rest of State	Oct. 5-Jan. 18	3	6
Washington			
Ducks:		7	14
East Zone:			
Pintails	Oct. 5-Oct. 11 &		
	Oct. 26-Dec. 17		
Other ducks	Oct. 5-Oct 16 &		
	Oct. 26-Jan. 26		
West Zone (13):			
Pintails	Oct. 5-Oct. 11 &		
	Oct. 26-Dec. 17		
Other ducks	Oct. 5-Oct 16 &		
	Oct. 26-Jan. 26		
Coots	Same as for Other ducks	25	25
Geese (14):		4	8
Management Area 1:			
Light Geese	Oct 5-Jan. 5		
Dark Geese	Oct 5-Oct. 24 &		
	Nov. 9-Jan. 26		
Management Area 2A (15)	Nov. 9-Jan. 26		
Dusky Canada geese	Nov. 9-Jan. 26	1 per season	
Late-Season Canada Geese	Feb. 1-Mar. 9	4	8
Dusky Canada geese	Feb. 1-Mar. 9	1 per season	
Management Area 2B (15)	Nov. 9-Dec. 29		
Dusky Canada geese	Nov. 9-Dec. 29	1 per season	
Management Areas 3, 4, & 5 (16)	Oct. 5-Oct. 24 &	4	8
	Nov. 9-Jan. 26	4	8
Brant (17)	Nov. 23-Nov. 29 &	2	4
	Jan. 18-Jan. 26	2	4
Wyoming			
Ducks:		7	14
Pintails	Sept. 21-Nov. 19		
Other ducks	Sept. 21-Jan. 4		
Coots	Same as for Other ducks	25	25
Dark Geese	Sept. 28-Jan. 4	4	8

(1) In Arizona, the daily limit may include no more than either 2 female mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 female mallards and Mexican-like ducks, in the aggregate, may be in possession.
(2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limits are 3 and 6 for Canada geese and 3 and 6 for light geese, respectively.
(3) In California, small Canada geese are cackling and Aleutian Canada geese.
(4) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
(5) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead; Deer Lodge County; and Missoula County.
(6) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
(7) In New Mexico, the daily bag limit for ducks and mergansers may include no more than 5 mergansers (only 1 of which may be a hooded merganser).
(8) In New Mexico, the season for dark geese is closed in Bernalillo and Sandual Counties. In the Middle Rio Grande Valley Unit, a state permit is required.
(9) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
(10) In Oregon, those portions of Coos and Curry Counties south of Bandon and west of US 101 are closed to all Canada goose hunting.
(11) In Utah, the shooting hours are 8:00 a.m. to sunset on October 6 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties, and November 3 statewide.
(12) In Utah, the season in Washington County is for Canada geese only.
(13) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit for harlequins is 1.
(14) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
(15) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
(16) In Washington, in State Goose Area 4, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Areas 3 and 5, hunting is everyday. See State regulations for details, including shooting hours.
(17) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.

(f) Youth Waterfowl Hunting Day

The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.

Definition

Youth Hunters: Includes youths 15 years of age or younger.

NOTE: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 45730). Bag and possession limits will conform to those set for the regular season.

	Season Dates
ATLANTIC FLYWAY	
Connecticut	
Ducks (except Pintails), mergansers, coots, and geese	Nov. 9 & 11
* * * * *	
Florida	
Ducks, mergansers, coots, moorhens, and geese (9)	Feb. 1 & 2
* * * * *	
Massachusetts	
Ducks, mergansers, coots, and geese	Oct. 12 & 14
* * * * *	
New York	
Ducks, coots, mergansers, and Canada geese:	
Long Island Zone	Nov. 9 & 10
Lake Champlain Zone	Sept. 28 & 29
Northeastern Zone	Sept. 28 & 29
Southeastern Zone	Sept. 28 & 29
Western Zone	Oct. 5 & 6
* * * * *	
North Carolina	
Ducks, mergansers, and coots	Feb. 1
* * * * *	
South Carolina	
Ducks and geese	Feb. 1 & 2
* * * * *	
Virginia	
Ducks, mergansers, coots, moorhens, gallinules, and Canada geese (10)	Oct. 19
* * * * *	
MISSISSIPPI FLYWAY	
* * * * *	
Arkansas	
Ducks, geese, mergansers, coots, moorhens, and gallinules	Feb. 1 & 2
Illinois	
Ducks, mergansers, coots, and geese (10):	
North Zone	Oct. 12 & 13
Central Zone	Oct. 19 &20
South Zone	Oct. 26 & 27
Indiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
North Zone	Oct. 5 & 6
South Zone	Nov. 9 & 10
Ohio River Zone	Nov. 9 & 10

	Season Dates
* * * * *	
Louisiana	
Ducks, mergansers, coots, moorhens, gallinules, and geese:	
West Zone	Nov. 2 & 3
East Zone	Nov. 9 & 10
* * * * *	
Mississippi	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Feb. 1 & 2
Missouri	
Ducks, coots, and geese:	
North Zone	Oct. 19 & 20
Middle Zone	Oct. 26 & 27
South Zone	Nov. 16 & 17
Ohio	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Oct. 12 & 13
Tennessee	
Ducks, mergansers, coots, moorhens, gallinules, and geese	Feb. 1 & 2
* * * * *	
CENTRAL FLYWAY	
* * * * *	
Kansas (5)	
Ducks, dark geese, mergansers and coots:	
High Plains	Oct. 5 & 6
Low Plains	
Early Zone	Oct. 5 & 6
Late Zone	Oct. 12 & 13
* * * * *	
Oklahoma	
Ducks, mergansers, coots, and geese:	
High Plains	Oct. 5 & 6
Low Plains:	
Zone 1	Oct. 19 & 20
Zone 2	Nov. 2 & 3
* * * * *	

	Season Dates
Texas	
Ducks, mergansers, and coots:	
High Plains	Oct. 19 & 20
Low Plains:	
North	Oct. 26 & 27
South	Oct. 26 & 27f
* * * * *	
PACIFIC FLYWAY	
California	
Ducks, geese, mergansers, coots, moorhens, and gallinules	
Northeastern Zone	Sept. 28 &29
Colorado River Zone	Feb. 1
Southern Zone	Feb. 1 & 2
Southern San Joaquin Valley	Feb. 1 & 2
Balance-of-State Zone	Feb. 1 & 2
Colorado	
Ducks, dark and light geese, mergansers, and coots	Oct. 26 & 27
* * * * *	
Nevada	
Lincoln and Clark Counties	Jan. 25 & 26
Rest of State	Sept. 28

* * * * *

(5) In Kansas, the adult accompanying the youth and nonresident youth, must be licensed and possess state and federal duck stamps as required by state or federal regulation to hunt waterfowl.

* * * * *

(9) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR 2, north of Jim Woodruff Dam, and east of SR271. The light goose season is only open north and west of the Suwannee River.
(10) In Illinois and Virginia, the daily bag limit for Canada geese is 1.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 23, 2002, Federal Register (67 FR 54702).

Note: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 45730).

	Season Dates	Limits Bag	Limits Possession
CENTRAL FLYWAY			
* * * * *			
Oklahoma (1)	Nov. 9-Feb. 9	3	6
* * * * *			
Texas (1):			
Zone A	Nov. 9-Feb. 9	3	6
Zone B	Nov. 30-Feb. 9	3	6
Zone C	Dec. 21-Jan. 19	2	4

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

* * * * *

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits Bag	Limits Possession
ATLANTIC FLYWAY			
North Carolina	Oct. 21-Jan. 31	1 tundra swan per season	
Virginia	Dec. 2-Jan 31	1 tundra swan per season	
CENTRAL FLYWAY (1)			
Montana	Sept. 28-Jan. 2	1 tundra swan per season	
North Dakota	Sept. 28-Dec. 1	1 tundra swan per season	
South Dakota	Sept. 28-Dec. 22	1 tundra swan per permit	
PACIFIC FLYWAY (1)(2)			
Montana (3)	Oct. 12-Dec. 1	1 swan per season	
Nevada (4)(5)	Oct. 19-Jan. 5	1 swan per season	
Utah (3)(5)	Oct. 5-Dec. 8	1 swan per season	

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) All harvested swans and tags must be checked or registered within 3 days of harvest.
(4) All harvested swans and tags must be checked or registered within 5 days of harvest.
(5) Harvests of trumpeter swans are limited to 5 in Nevada and 10 in Utah. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 23 and September 19 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons -- unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits.

Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas.

Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 29, 2002, Federal Register (67 FR 45730).

	Extended Falconry Dates
ATLANTIC FLYWAY	
Delaware	
* * * * *	
Ducks, mergansers, and coots	Jan. 21-Mar. 10
Brant	Jan. 21-Mar. 10
Florida	
* * * * *	

	Extended Falconry Dates
Florida (cont.)	
Ducks, light geese and coots (6)	Oct. 30-Nov. 12 & Feb. 3-Feb. 28
Georgia	
Sea Ducks	Nov. 16-Nov. 22 & Dec. 2-Dec. 6 & Jan. 27-Feb. 15
Ducks, mergansers, gallinules, and coots	Nov. 16-Nov. 22 & Dec. 2-Dec. 6 & Jan. 27-Feb. 15
Maine	
Ducks, mergansers, and coots (4):	
North Zone	Dec. 10-Jan. 31
South Zone	Jan. 7-Feb. 28
Maryland	
* * * * *	
Ducks	Oct. 1-Oct. 4 & Jan. 26-Mar. 8
Brant	Jan. 26-Mar. 9
Massachusetts	
Ducks, mergansers, and coots:	
Western Zone	Oct. 5-Oct. 14 & Dec. 11-Jan. 20
Central Zone	Oct. 5-Oct. 14 & Dec. 2-Dec. 20 & Jan. 13-Jan. 20
Coastal Zone	Oct. 5-Oct. 14 & Oct. 28-Nov. 22 & Jan. 20
New Hampshire	
Ducks, mergansers, and coots:	
Inland Zone	Nov. 6-Nov. 26 & Dec. 22-Jan. 14
Coastal Zone	Jan. 25-Mar. 10
New Jersey	
Woodcock:	
North Zone	Oct. 1-Oct. 16 & Nov. 11-Jan. 15

	Extended Falconry Dates
New Jersey (cont.)	
South Zone	Oct. 1-Nov. 15 & Dec. 1-Dec. 22 & Jan. 1-Jan. 15
Ducks:	
North Zone	Oct. 1-Oct. 11 & Nov. 4-Nov. 15 & Jan. 3-Jan. 31
South Zone	Oct. 1-Oct. 18 & Dec. 2-Dec. 12 & Jan. 9-Jan. 31
Coastal Zone	Oct. 1-Nov. 1 & Nov. 13-Nov. 27 & Jan. 27-Jan. 31
New York	
Ducks, mergansers and coots:	
Long Island Zone	Nov. 1-Nov. 21 & Dec. 2-Dec. 7 & Jan. 27-Jan. 31
Northeastern Zone	Oct. 1-Oct. 4 & Nov. 18-Nov. 22 & Dec. 9-Dec. 31
Southeastern Zone	Oct. 1-Oct. 11 & Oct. 21-Nov. 8 & Dec. 30-Dec. 31
Western Zone	Oct. 1-Oct. 18 & Dec. 6-Dec. 26
Pennsylvania	
Mourning doves	Oct. 7-Nov. 1 & Dec. 2-Dec.17
Ducks:	
North Zone	Oct. 21-Nov. 9 & Jan. 6-Jan. 15 & Feb. 17-Mar. 10
South Zone	Oct. 14-Nov. 13 & Feb. 17-Mar. 10
Northwest Zone	Oct. 21-Nov. 8 & Jan. 3-Jan. 14 & Feb. 17-Mar. 10
Lake Erie Zone	Nov. 18-Nov. 23 & Jan. 13-Jan. 14 & Jan. 25-Mar. 10
Canada Geese:	
SJBP Zone	Mar. 3-Mar. 10
Pymatuning Zone	Jan. 15-Mar. 10
AP Zone	Mar. 3-Mar. 10
RP Zone	Feb. 25-Mar. 10

	Extended Falconry Dates
South Carolina	
Ducks, mergansers, and coots	Oct. 21-Nov. 26 & Dec. 1-Dec. 11
Virginia	
* * * * *	
Ducks, mergansers, coots, moorhens, and gallinules	Dec. 8-Dec. 13& Jan. 26-Feb. 28
Canada Geese	Dec. 1-Dec. 13 & Feb. 16-Feb. 22
Brant	Nov. 6-Nov. 15 & Dec. 9 only & Jan. 27-Mar. 10
MISSISSIPPI FLYWAY	
Arkansas	
Ducks, mergansers, and coots	Dec. 9-Dec. 13 & Jan. 27-Feb. 28
Illinois	
* * * * *	
Ducks, mergansers, and coots	Feb. 3-Mar. 10
Indiana	
* * * * *	
Ducks, mergansers, and coots:	
North Zone	Sept. 28-Oct. 5 & Feb. 11-Mar. 10
South Zone	Oct. 6-Oct. 13 & Feb. 11-Mar. 10
Ohio River Zone	Oct. 6-Oct. 13 & Feb. 11-Mar. 10
Iowa	
Ducks, mergansers, and coots	Dec. 15-Jan. 28
Dark Geese:	
North Zone	Dec. 7-Jan. 12
South Zone	Oct. 21-Nov. 8 & Dec. 26-Jan. 12

	Extended Falconry Dates
Kentucky	
Ducks, mergansers, and coots	Nov. 5-Nov. 27 & Jan. 27-Feb. 2
Canada Geese:	
Western Goose Zone	
Fulton County	Nov. 6-Dec. 6
Rest of Zone	Nov. 5-Dec. 6
Pennyroyal/Coalfield Zone	Nov. 5-Dec. 12
Rest of State	Nov. 5-Dec. 12
White-fronted geese and brant	Nov. 5-Nov. 27
Light geese	Nov. 5-Nov. 27
Michigan	
* * * * *	
Ducks, mergansers, coots, and moorhens:	
North Zone	Sept. 7-Sept. 27 & Nov. 25-Nov. 29 & Mar. 1-Mar. 10
Middle Zone	Sept. 7-Oct. 11 & Dec. 9-Dec. 10 & Mar. 1-Mar. 10
South Zone	Sept. 7-Oct. 11 & Dec. 9-Dec. 10 & Mar. 1-Mar. 10
Minnesota	
* * * * *	
Ducks, mergansers, coots, moorhens, and gallinules	Nov. 27-Jan. 11
Mississippi	
Mourning Doves	Nov. 30-Dec. 22 & Jan. 12-Feb. 4
Ducks, mergansers and coots	Feb. 3-Mar. 10
Missouri	
* * * * *	
Ducks, mergansers, and coots:	
North Zone	Sept. 14-Oct. 25 & Dec. 25-Dec. 29
Middle Zone	Sept. 14-Sept. 22 & Sept. 25-Nov. 1
South Zone	Sept. 14-Sept. 22 & Oct. 16-Nov. 1

	Extended Falconry Dates
Ohio	
Ducks, mergansers, and coots	Sept. 7-Sept. 15 & Oct. 12-Oct. 13 & Jan. 20-Feb. 24
Tennessee	
* * * * *	
Ducks, mergansers, and coots	Sept. 19-Oct. 28
Wisconsin	
Rails, snipe, moorhens, and gallinules	
North Duck Zone	Sept. 1-Sept. 27 & Nov. 27-Dec. 16
South Duck Zone	Sept. 1-Oct. 4 & Oct. 14-Oct. 18 & Dec. 9-Dec. 16
Woodcock	Sept. 1-Sept. 20 & Nov. 5-Dec. 16
Ducks, mergansers, and coots	Sept. 21-Sept. 22 & Jan. 25-Mar. 10
CENTRAL FLYWAY	
Kansas	
Ducks, mergansers, and coots:	
Low Plains:	
Early Zone	Feb. 16-Mar. 9
Late Zone	Feb. 16-Mar. 9
Montana (2)	
Ducks, mergansers, and coots:	
Zone 1	Sept. 18-Sept. 27
Zone 2	Sept. 18-Sept. 27
* * * * *	
Oklahoma	
Ducks, mergansers, and coots:	
Low Plains:	
Zone 1	Dec. 9-Dec. 13 & Jan. 13-Jan. 29
Zone 2	Dec. 9-Dec. 13 & Jan. 27-Feb. 12

	Extended Falconry Dates
South Dakota	
Ducks, mergansers, and coots:	
Low Plains:	
North Zone	Sept. 4-Sept. 13 & Sept. 16-Sept.20 & Dec. 4-Dec. 19
Middle Zone	Sept. 4-Sept. 13 & Sept. 16-Sept. 27 & Dec. 11-Dec. 19
South Zone	Sept. 4-Sept. 13 & Sept. 16-Oct. 6 &
High Plains	Sept. 4-Sept. 11
Texas	
* * * * *	
Ducks, mergansers, and coots:	
Low Plains North Zone	Jan. 27-Feb. 17
Low Plains South Zone	Jan. 20-Feb. 10
* * * * *	
PACIFIC FLYWAY	
Arizona	
* * * * *	
Ducks and mergansers:	
North Zone	Oct. 13-Oct. 17
South Zone	Jan. 27-Jan. 31
California	
Ducks, mergansers, and coots:	
Northeastern Zone	Jan. 6-Jan. 24
Colorado River Zone	Jan. 27-Jan. 31
Southern Zone	Oct. 19-Nov. 1 & Jan. 27-Jan. 3
Balance-of-State Zone	Nov. 18-Nov. 29 & Jan. 27-Feb. 9
Southern San Joaquin Zone	Nov. 11-Nov. 22 & Jan. 27-Jan. 31
Canada Geese:	
Northeastern Zone	Jan. 20-Jan. 24
Southern Zone	Jan. 27-Jan. 31
Balance-of-State Zone (5)	Oct. 26-Nov. 1 & Jan 27-Feb. 9
Southern San Joaquin Zone	Oct. 19-Nov. 1 & Jan. 27-Jan. 31

	Extended Falconry Dates
California (cont.)	
White-fronted Geese:	
Northeastern Zone	Jan. 20-Jan. 24
Southern Zone	Jan. 27-Jan. 31
Balance-of-State Zone	Oct. 26-Nov. 1 & Jan. 27-Feb. 9
Southern San Joaquin Zone	Oct. 19-Nov. 1 & Jan. 27-Jan. 31
Brant	
Northeastern Zone	Oct. 12-Nov. 9 & Dec. 10-Jan 24
Southern Zone	Nov. 2-Nov. 9 & Dec. 10-Jan. 31
Balance-of-State Zone	Oct. 26-Nov. 9 & Dec. 10-Feb. 9
Southern San Joaquin Zone	Oct. 19-Nov. 9 & Dec. 10-Jan. 31
Light Geese:	
Northeastern Zone	Jan. 20-Jan. 24
Southern Zone	Jan. 27-Jan. 31
Balance-of-State Zone	Oct 26-Nov. 1 & Jan. 27-Feb. 9
* * * * *	
New Mexico	
* * * * *	
Rails	Dec. 14-Jan. 19
Dark Geese:	
North Zone	Nov. 4-Nov. 10
South Zone	Oct. 5-Oct. 11
Light Geese:	
North Zone	Nov. 4-Nov. 10
South Zone	Oct. 5-Oct. 11
* * * * *	

(2) In Montana, the bag limit is 2 and the possession limit is 6.

* * * * *

(4) In Maine, the daily bag and possession limits for black ducks are 1 and 2, respectively.
(5) In California, the falconry season for Canada geese is closed in the Del Norte and Humbolt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.
(6) In Florida, light geese may only be taken north and west of the Suwannee River.

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Federal Register

Monday,
November 4, 2002

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 9

Federal Acquisition Regulation; Debarment and Suspension–Order Placement and Option Exercise; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 9

[FAR Case 2002–010]

RIN: 9000–AJ48

Federal Acquisition Regulation; Debarment and Suspension—Order Placement and Option Exercise

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) are proposing to amend the Federal Acquisition Regulation (FAR) to address the placement of orders against existing contracts with contractors that have been debarred, suspended, or proposed for debarment.

DATES: Interested parties should submit comments in writing on or before January 3, 2003, to be considered in the formulation of a final rule.

ADDRESSES: Submit written comments to—General Services Administration, FAR Secretariat (MVA), 1800 F Street, NW, Room 4035, ATTN: Laurie Duarte, Washington, DC 20405.

Submit electronic comments via the Internet to—*farcase.2002–010@gsa.gov.*

Please submit comments only and cite FAR case 2002–010 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC, 20405, at (202) 501–4755 for information pertaining to status or publication schedules. For clarification of content, contact Mr. Ralph De Stefano, Procurement Analyst, at (202)

501–1758. Please cite FAR case 2002–010.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule revises FAR 9.405–1(b) to require that discretionary actions on the part of the agency meet the same standards as agencies would have to meet in awarding new contracts. Therefore, for contractors debarred, suspended, or proposed for debarment, unless the agency head makes a written determination of the compelling reasons for doing so, ordering activities shall not place orders exceeding the guaranteed minimum under indefinite-quantity contracts; place orders against optional use Federal Supply Schedule contracts; or add new work, exercise options, or otherwise extend the duration of current contracts or orders.

In addition, minor editorial corrections are made in sections 9.405, 9.405–1, and 9.405–2. The various deletions of ''or a designee'' from the phrase ''agency head or designee'' does not signify a change in policy, but implements the FAR convention at FAR 1.108(b) that each authority is delegable unless specifically stated otherwise.

This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

B. Regulatory Flexibility Act

The Councils do not expect this proposed rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because it only affects orders placed by civilian agencies against existing indefinite quantity contracts with contractors debarred, suspended, or proposed for debarment. The Defense FAR Supplement already prohibits the placement of such orders. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. We invite comments from small businesses and other interested parties. The Councils will consider comments from small entities concerning the affected FAR Part in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 2002–010), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 9

Government procurement.

Dated: October 18, 2002.

Al Matera,

Director, Acquisition Policy Division.

Therefore, DoD, GSA, and NASA propose amending 48 CFR part 9 as set forth below:

PART 9—CONTRACTOR QUALIFICATIONS

1. The authority citation for 48 CFR part 9 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Amend section 9.405 by revising paragraph (a); and removing from paragraphs (d)(2) and (d)(3) the words ''or a designee''. The revised text reads as follows:

9.405 Effect of listing.

(a) Contractors debarred, suspended, or proposed for debarment are excluded from receiving contracts, and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors, unless the agency head determines that there is a compelling reason for such action (see 9.405–1(b), 9.405–2, 9.406–1(c), 9.407–1(d), and 23.506(e)). Contractors debarred, suspended, or proposed for debarment are also excluded from conducting business with the Government as agents or representatives of other contractors.

* * * * *

3. Amend section 9.405–1 by removing from the first sentence of paragraph (a) the words ''or a designee''; revising paragraph (b); and removing paragraph (c). The revised text reads as follows:

9.405–1 Continuation of current contracts.

* * * * *

(b) For contractors debarred, suspended, or proposed for debarment, unless the agency head makes a written determination of the compelling reasons for doing so, ordering activities shall not—

(1) Place orders exceeding the guaranteed minimum under indefinite-quantity contracts;

(2) Place orders against optional use Federal Supply Schedule contracts; or

(3) Add new work, exercise options, or otherwise extend the duration of current contracts or orders.

9.405–2 [Amended]

4. Amend section 9.405–2 by removing from the first sentence of paragraph (a) the words ''or a designee''.

[FR Doc. 02–27268 Filed 11–1–02; 8:45 am]

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Reader Aids

Federal Register

Vol. 67, No. 213

Monday, November 4, 2002

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

66527–67088 1
67089–67282 4

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7615 67087

5 CFR

8301 67089

7 CFR

905 66527
945 66529
980 66529
Proposed Rules:
54 66576
956 66578

8 CFR

100 66532
103 66532
236 66532
245a 66532
274a 66532
299 66532

9 CFR

53 67089
94 66533

10 CFR

Proposed Rules:
1 67096
2 67096
7 67096
9 67096
19 67096
20 67096
26 67096
30 67096
31 67096
33 67096
39 67096
50 ..... 66578, 66588, 67096
51 67096
52 67096
54 67096
55 67096
71 67096
75 67096
100 67096
110 67096

12 CFR

722 67102
1750 66533

13 CFR

121 ..... 67102, 67253

14 CFR

39 ..... 66540, 66541, 66544, 66547, 66548, 67104
71 67253
97 67106
Proposed Rules:
39 67131
71 66592

16 CFR

1700 66550

21 CFR

Proposed Rules:
314 66593

22 CFR

41 67108

26 CFR

Proposed Rules:
1 67132
301 67132

33 CFR

117 ..... 66552, 66553, 67108
165 67110
401 67112
Proposed Rules:
165 66595

34 CFR

2600 67048
2668 67048
2673 67048
2674 67048
2675 67048
2682 67048
2685 67048
2690 67048
2694 67048

38 CFR

217 66554

40 CFR

52 ..... 66555, 67113
81 66555
180 66561
Proposed Rules:
52 66598
81 66598

42 CFR

405 66718
419 66718

44 CFR

64 67117
65 ..... 67119, 67123
67 ..... 67125, 67126, 67128
Proposed Rules:
67 ..... 67132, 67133, 67135

48 CFR

Proposed Rules:
9 67282

49 CFR

172.....66571
174.....66571
175.....66571
176.....66571
177.....66571

Proposed Rules:

171.....66598

50 CFR

20.....67256
679.....66575

Proposed Rules:

17.....66599
300.....67139
600.....67140

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT NOVEMBER 4, 2002

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Gulf of Mexico stone crab; published 10-3-02

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:

Louisiana; published 10-8-02

Radio stations; table of assignments:

Colorado; published 10-21-02

Michigan; published 10-16-02

North Carolina; published 10-21-02

HEALTH AND HUMAN SERVICES DEPARTMENT

Centers for Medicare & Medicaid Services

Medicare and Medicaid:

Medicare-Endorsed Prescription Drug Card Assistance Initiative; published 9-4-02

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Truckee barberry; published 9-3-02

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:

Technical amendments; published 11-4-02

NUCLEAR REGULATORY COMMISSION

Organization, functions, and authority delegations:

Public document room address change and corrections to information collection provisions; published 11-4-02

SECURITIES AND EXCHANGE COMMISSION

Electronic Data Gathering, Analysis, and Retrieval System (EDGAR):

Mandated EDGAR filing for foreign issuers; published 5-24-02

STATE DEPARTMENT

Visas; nonimmigrant documentation:

Witnesses and informants; published 11-4-02

TRANSPORTATION DEPARTMENT

Seaway regulations and rules:

Civil monetary penalties; inflation adjustment; published 11-4-02

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Standard instrument approach procedures; published 11-4-02

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Hazardous materials transportation; driving and parking rules:

Motor carriers transporting hazardous materials; periodic tire check requirement; published 10-4-02

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

Lodi, Sacramento and San Joaquin Counties, CA; published 9-4-02

Alcoholic beverages:

Wine; labeling and advertising—

American wines; Tannat; addition to list of prime grape variety names; published 9-4-02

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Commodity Credit Corporation

Loan and purchase programs:

Crop insurance fraud; disqualification for benefits; comments due by 11-12-02; published 9-12-02 [FR 02-23234]

Technical Assistance for Specialty Crops program; implementation; comments due by 11-12-02; published 9-10-02 [FR 02-23056]

AGRICULTURE DEPARTMENT

Federal Crop Insurance Corporation

Crop insurance regulations:

General administrative regulations, group risk plan of insurance regulations for 2003 and succeeding crop years, and common crop insurance regulations; comments due by 11-12-02; published 10-28-02 [FR 02-27367]

COMMERCE DEPARTMENT

Economic Analysis Bureau

International services surveys:

Foreign direct investments in U.S.—

BE-12; benchmark survey of foreign direct investment in U.S.; comments due by 11-12-02; published 9-12-02 [FR 02-23099]

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Western Alaska Community Development Quota Program; halibut; comments due by 11-14-02; published 10-15-02 [FR 02-26136]

Magnuson-Stevens Act provisions—

Domestic fisheries; exempted fishing permit applications; comments due by 11-13-02; published 10-29-02 [FR 02-27511]

West Coast States and Western Pacific fisheries—

West Coast salmon; comments due by 11-12-02; published 10-28-02 [FR 02-27362]

West Coast salmon; comments due by 11-12-02; published 10-28-02 [FR 02-27361]

West Coast Salmon; comments due by 11-12-02; published 10-28-02 [FR 02-27359]

CONSUMER PRODUCT SAFETY COMMISSION

Flammable Fabrics Act:

Clothing textiles; flammability standard; risk of injury; comments due by 11-12-02; published 9-12-02 [FR 02-23273]

ENERGY DEPARTMENT

Federal Energy Regulatory Commission

Electric utilities (Federal Power Act):

Undue discrimination; remedying through open access transmission service and standard electricity market design

Conferences and comment period extended; comments due by 11-15-02; published 10-11-02 [FR 02-25736]

Technical conferences; comments due by 11-15-02; published 9-18-02 [FR 02-23694]

Practice and procedure:

Critical energy infrastructure information; public availability restriction; comments due by 11-14-02; published 10-22-02 [FR 02-26489]

ENVIRONMENTAL PROTECTION AGENCY

Air quality implementation plans; approval and promulgation; various States:

Arizona; comments due by 11-12-02; published 10-11-02 [FR 02-25856]

Indiana; comments due by 11-12-02; published 10-11-02 [FR 02-25854]

Massachusetts; comments due by 11-14-02; published 10-15-02 [FR 02-26173]

West Virginia; comments due by 11-12-02; published 10-11-02 [FR 02-25852]

Solid wastes:

National Environmental Performance Track Program—

Hazardous waste generator facilities; reporting requirements; comments due by 11-12-02; published 8-13-02 [FR 02-20347]

FEDERAL COMMUNICATIONS COMMISSION

Digital television stations; table of assignments:

Georgia; comments due by 11-14-02; published 10-1-02 [FR 02-24898]

North Dakota; comments due by 11-14-02; published 10-1-02 [FR 02-24897]

Radio stations; table of assignments:

Various States; comments due by 11-12-02; published 10-16-02 [FR 02-26234]

Television stations; table of assignments:

Texas; comments due by 11-12-02; published 9-25-02 [FR 02-24355]

FEDERAL RESERVE SYSTEM

Credit by brokers and dealers (Regulation T):

Treatment of stock futures held by customers at security futures intermediary; comments due by 11-15-02; published 10-4-02 [FR 02-25227]

GENERAL ACCOUNTING OFFICE

Administrative practice and procedure:

Bid protest regulations; revision; comments due by 11-12-02; published 10-1-02 [FR 02-24803]

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Medical devices:

Dental devices—

Dental sonography and jaw tracking devices; classification; comments due by 11-12-02; published 8-14-02 [FR 02-20499]

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:

Visa waiver pilot program—

Passenger data elements; comments due by 11-12-02; published 10-11-02 [FR 02-26027]

LEGAL SERVICES CORPORATION

Outside practice of law by full-time legal services attorneys; comments due by 11-12-02; published 9-11-02 [FR 02-23089]

NUCLEAR REGULATORY COMMISSION

Source material; domestic licensing:

Transfers approval; comments due by 11-12-02; published 8-28-02 [FR 02-21887]

POSTAL SERVICE

Domestic Mail Manual:

Refunds of unused meter stamps and returned business reply mail mailpieces with postage affixed; administrative charges; comments due by 11-14-02; published 10-15-02 [FR 02-26161]

SMALL BUSINESS ADMINISTRATION

Freedom of Information Act; implementation; comments due by 11-12-02; published 9-11-02 [FR 02-22932]

TRANSPORTATION DEPARTMENT

Coast Guard

Drawbridge operations:

New Jersey; comments due by 11-12-02; published 9-12-02 [FR 02-23115]

Ports and waterways safety:

Lower Mississippi River, Greenville, MS; regulated navigation area; comments due by 11-12-02; published 9-13-02 [FR 02-23404]

Practice and procedure:

Territorial seas, navigable waters, and jurisdiction; definitions; comments due by 11-12-02; published 8-14-02 [FR 02-20481]

Correction; comments due by 11-12-02; published 9-18-02 [FR 02-23754]

TRANSPORTATION DEPARTMENT

Workplace drug and alcohol testing programs:

Drug and alcohol management information system reporting forms; comments due by 11-14-02; published 9-30-02 [FR 02-24718]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:

Boeing; comments due by 11-12-02; published 9-25-02 [FR 02-24281]

McDonnell Douglas; comments due by 11-15-02; published 10-1-02 [FR 02-24689]

Pratt & Whitney; comments due by 11-12-02; published 9-13-02 [FR 02-23290]

Raytheon; comments due by 11-12-02; published 9-25-02 [FR 02-24308]

Robinson Helicopter Co.; comments due by 11-12-02; published 9-10-02 [FR 02-22898]

Airworthiness standards:

Special conditions—

Boeing Model 777-200 series airplanes; comments due by 11-12-02; published 10-11-02 [FR 02-25929]

Class E airspace; comments due by 11-12-02; published 9-27-02 [FR 02-24452]

Class E5 airspace; comments due by 11-15-02; published 10-16-02 [FR 02-26277]

TRANSPORTATION DEPARTMENT

Federal Motor Carrier Safety Administration

Hazardous materials:

Hazardous materials transportation—

Motor carriers transporting hazardous materials; security requirements; comments due by 11-15-02; published 10-8-02 [FR 02-25463]

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials:

Hazardous materials transportation—

Motor carriers transporting hazardous materials; security requirements; comments due by 11-15-02; published 10-8-02 [FR 02-25463]

TREASURY DEPARTMENT

Internal Revenue Service

Income taxes:

Deposit interest paid to nonresident aliens; reporting guidance; comments due by 11-14-02; published 8-2-02 [FR 02-19348]

VETERANS AFFAIRS DEPARTMENT

Vocational rehabilitation and education:

Montgomery GI Bill-Active Duty program; accelerated payments; comments due by 11-12-02; published 9-11-02 [FR 02-22439]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

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H.R. 2486/P.L. 107–253

Inland Flood Forecasting and Warning System Act of 2002 (Oct. 29, 2002; 116 Stat. 1731; 2 pages)

H.R. 5647/P.L. 107–254

To authorize the duration of the base contract of the Navy-Marine Corps Intranet contract to be more than five years but not more than seven years. (Oct. 29, 2002; 116 Stat. 1733; 1 page)

H.J. Res. 113/P.L. 107–255

Recognizing the contributions of Patsy Takemoto Mink. (Oct. 29, 2002; 116 Stat. 1734; 1 page)

S. 1227/P.L. 107–256

Niagara Falls National Heritage Area Study Act (Oct. 29, 2002; 116 Stat. 1735; 2 pages)

S. 1270/P.L. 107–257

To designate the United States courthouse to be constructed at 8th Avenue and Mill Street in Eugene, Oregon, as the ''Wayne Lyman Morse United States Courthouse''. (Oct. 29, 2002; 116 Stat. 1737; 1 page)

S. 1339/P.L. 107–258

Persian Gulf War POW/MIA Accountability Act of 2002 (Oct. 29, 2002; 116 Stat. 1738; 3 pages)

S. 1646/P.L. 107–259

To identify certain routes in the States of Texas, Oklahoma, Colorado, and New Mexico as part of the Ports-to-Plains Corridor, a high priority corridor on the National Highway System. (Oct. 29, 2002; 116 Stat. 1741; 2 pages)

S. 2558/P.L. 107–260

Benign Brain Tumor Cancer Registries Amendment Act (Oct. 29, 2002; 116 Stat. 1743; 2 pages)

H.R. 669/P.L. 107–261

To designate the facility of the United States Postal Service located at 127 Social Street in Woonsocket, Rhode Island, as the ''Alphonse F. Auclair Post Office Building''. (Oct. 30, 2002; 116 Stat. 1745; 1 page)

H.R. 670/P.L. 107–262

To designate the facility of the United States Postal Service located at 7 Commercial Street in Newport, Rhode Island, as the ''Bruce F. Cotta Post Office Building''. (Oct. 30, 2002; 116 Stat. 1746; 1 page)

H.R. 3034/P.L. 107–263
To redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the ''Frank Sinatra Post Office Building''. (Oct. 30, 2002; 116 Stat. 1747; 1 page)

H.R. 3738/P.L. 107–2
4 To designate the facility of the United States Postal Service located at 1299 North 7th Street in Philadelphia, Pennsylvania, as the ''Herbert Arlene Post Office Building''. (Oct. 30, 2002; 116 Stat. 1748; 1 page)

H.R. 3739/P.L. 107–265
To designate the facility of the United States Postal Service located at 6150 North Broad Street in Philadelphia, Pennsylvania, as the ''Rev. Leon Sullivan Post Office Building''. (Oct. 30, 2002; 116 Stat. 1749; 1 page)

H.R. 3740/P.L. 107–266
To designate the facility of the United States Postal Service located at 925 Dickinson Street in Philadelphia, Pennsylvania, as the ''William A. Cibotti Post Office Building''. (Oct. 30, 2002; 116 Stat. 1750; 1 page)

H.R. 4102/P.L. 107–267
To designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the ''Rollan D. Melton Post Office Building''. (Oct. 30, 2002; 116 Stat. 1751; 1 page)

H.R. 4717/P.L. 107–268
To designate the facility of the United States Postal Service located at 1199 Pasadena Boulevard in Pasadena, Texas, as the ''Jim Fonteno Post Office Building''. (Oct. 30, 2002; 116 Stat. 1752; 1 page)

H.R. 4755/P.L. 107–269
To designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building''. (Oct. 30, 2002; 116 Stat. 1753; 1 page)

H.R. 4794/P.L. 107–270
To designate the facility of the United States Postal Service located at 1895 Avenida Del Oro in Oceanside, California, as the ''Ronald C. Packard Post Office Building''. (Oct. 30, 2002; 116 Stat. 1754; 1 page)

H.R. 4797/P.L. 107–271
To redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the ''Nat King Cole Post Office''. (Oct. 30, 2002; 116 Stat. 1755; 2 pages)

H.R. 4851/P.L. 107–272
To redesignate the facility of the United States Postal Service located at 6910 South Yorktown Avenue in Tulsa, Oklahoma, as the ''Robert Wayne Jenkins Station''. (Oct. 30, 2002; 116 Stat. 1757; 1 page)

Last List October 31, 2002

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–048–00001–1)	9.00	Jan. 1, 2002
3 (1997 Compilation and Parts 100 and 101)	(869–048–00002–0)	59.00	[1] Jan. 1, 2002
4	(869–048–00003–8)	9.00	[4] Jan. 1, 2002
5 Parts:			
1–699	(869–048–00004–6)	57.00	Jan. 1, 2002
700–1199	(869–048–00005–4)	47.00	Jan. 1, 2002
1200–End, 6 (6 Reserved)	(869–048–00006–2)	58.00	Jan. 1, 2002
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	(869–048–00078–0)	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	(869–048–00083–6)	44.00	[6] Apr. 1, 2002
§§ 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	(869–048–00094–1)	12.00	[5] Apr. 1, 2002
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	(869–048–00098–4)	58.00	July 1, 2002
43-end	(869-048-00099-2)	55.00	July 1, 2002
29 Parts:			
0–99	(869–048–00100–0)	45.00	[8]July 1, 2002
100–499	(869–048–00101–8)	21.00	July 1, 2002
500–899	(869–048–00102–6)	58.00	July 1, 2002
900–1899	(869–048–00103–4)	35.00	July 1, 2002
1900–1910 (§§ 1900 to 1910.999)	(869–048–00104–2)	58.00	July 1, 2002
1910 (§§ 1910.1000 to end)	(869–048–00105–1)	42.00	[8]July 1, 2002
1911–1925	(869–048–00106–9)	29.00	July 1, 2002
1926	(869–048–00107–7)	47.00	July 1, 2002
1927–End	(869–044–00108–0)	55.00	July 1, 2001
30 Parts:			
1–199	(869–048–00109–3)	56.00	July 1, 2002
200–699	(869–044–00110–1)	45.00	July 1, 2001
700–End	(869–048–00111–5)	56.00	July 1, 2002
31 Parts:			
0–199	(869–048–00112–3)	35.00	July 1, 2002
*200–End	(869–048–00113–1)	60.00	July 1, 2002
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	(869–048–00114–0)	56.00	July 1, 2002
*191–399	(869–048–00115–8)	60.00	July 1, 2002
400–629	(869–048–00116–6)	47.00	July 1, 2002
630–699	(869–048–00117–4)	37.00	July 1, 2002
700–799	(869–048–00118–2)	44.00	July 1, 2002
800–End	(869–048–00119–1)	46.00	July 1, 2002
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	(869–048–00122–1)	47.00	July 1, 2002
34 Parts:			
1–299	(869–048–00123–9)	45.00	July 1, 2002
*300–399	(869–048–00124–7)	43.00	July 1, 2002
400–End	(869–048–00125–5)	59.00	July 1, 2002
35	(869–048–00126–3)	10.00	[7]July 1, 2002
36 Parts			
1–199	(869–048–00127–1)	36.00	July 1, 2002
200–299	(869–048–00128–0)	35.00	July 1, 2002
300–End	(869–044–00129–2)	55.00	July 1, 2001
37	(869–048–00130–1)	47.00	July 1, 2002
38 Parts:			
0–17	(869–044–00131–4)	53.00	July 1, 2001
18–End	(869–048–00132–8)	58.00	July 1, 2002
39	(869–048–00133–6)	40.00	July 1, 2002
40 Parts:			
1–49	(869–048–00134–4)	57.00	July 1, 2002
50–51	(869–048–00135–2)	40.00	July 1, 2002
52 (52.01–52.1018)	(869–048–00136–1)	55.00	July 1, 2002
52 (52.1019–End)	(869–048–00137–9)	58.00	July 1, 2002
53–59	(869–048–00138–7)	29.00	July 1, 2002
60 (60.1–End)	(869–048–00139–5)	56.00	July 1, 2002
60 (Apps)	(869–048–00140–9)	51.00	[8]July 1, 2002
61–62	(869–048–00141–7)	38.00	July 1, 2002
*63 (63.1–63.599)	(869–048–00142–5)	56.00	July 1, 2002
*63 (63.600–63.1199)	(869–048–00143–3)	46.00	July 1, 2002
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	(869–048–00146–8)	59.00	July 1, 2002
81–85	(869–048–00147–6)	47.00	July 1, 2002
86 (86.1–86.599–99)	(869–048–00148–4)	52.00	[8]July 1, 2002
*86 (86.600–1–End)	(869–048–00149–2)	47.00	July 1, 2002
*87–99	(869–048–00150–6)	57.00	July 1, 2002
100–135	(869–048–00151–4)	42.00	July 1, 2002
136–149	(869–048–00152–2)	58.00	July 1, 2002
150–189	(869–044–00153–5)	52.00	July 1, 2001
190–259	(869–048–00154–9)	37.00	July 1, 2002
260–265	(869–048–00155–7)	47.00	July 1, 2002
266–299	(869–048–00156–5)	47.00	July 1, 2002
300–399	(869–048–00157–3)	43.00	July 1, 2002
400–424	(869–048–00158–1)	54.00	July 1, 2002
*425–699	(869–048–00159–0)	59.00	July 1, 2002
700–789	(869–048–00160–3)	58.00	July 1, 2002
790–End	(869–048–00161–1)	45.00	July 1, 2002
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	(869–048–00162–0)	23.00	July 1, 2002
101	(869–048–00163–8)	43.00	July 1, 2002
*102–200	(869–048–00164–6)	41.00	July 1, 2002
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	(869–048–00047–0)	59.00	Jan. 1, 2002
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 April 1, 2001, through April 1, 2002. The CFR volume issued as of April 1, 2001 should be retained.

[7] 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.

[8] No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2002. The CFR volume issued as of July 1, 2001 should be retained.