

your comments, please include a self-addressed, stamped postcard or include a copy of the acknowledgement page that appears after you submit comments electronically.

FOR FURTHER INFORMATION CONTACT: For information about the exemption in this notice, Ms. Teresa Doggett, Office of Bus and Truck Standards and Operations, (202) 366-2990; for information about legal issues related to this notice, Mr. Joseph Solomey, Office of the Chief Counsel, (202) 366-1374, FMCSA, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Title 49 of the United States Code (U.S.C.) sections 31315 and 31136, requires the FMCSA to publish a notice in the **Federal Register** for each exemption requested, explaining that the request has been filed; providing the public with an opportunity to inspect the safety analysis and any other relevant information known to the agency; and commenting on the request (49 U.S.C. 31315(b)(4)(A)). Prior to granting a request for an exemption, the agency must publish in the **Federal Register** the name of the person granted the exemption, the provisions from which the person will be exempt, the effective period, and all terms and conditions of the exemption (49 U.S.C. 31315 (b)(4)(B)). The terms and conditions established by FMCSA must ensure that the exemption will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption (49 U.S.C. 31315(b)(6)).

The regulations at 49 CFR part 381 establish the procedures to be followed to request waivers and to apply for exemptions from the FMCSRs, and the procedures used to process them.

FMCSA is responsible for the administration and enforcement of the Federal Motor Carrier Safety Regulations (FMCSRs), including the physical qualifications of CMV drivers. Section 391.41(b)(1) of the FMCSRs states that a person is physically qualified to drive a CMV if he or she has, among other things, "no loss of a foot, a leg, a hand or an arm, or has been granted a skill performance evaluation (SPE) certificate [previously called a 'waiver'] pursuant to section 391.49." The alternative physical qualification standards for the loss or impairment of limbs, at 49 CFR 391.49(d)(3)(i)(B), include a requirement that applicants

for SPE certificates include with their applications a medical evaluation summary that, among other things, establishes that "*-*-*the applicant is capable of demonstrating precision prehension (e.g., manipulating knobs and switches) and power grasp prehension (e.g., holding and maneuvering the steering wheel) *with each upper limb separately*" [emphasis added].

Kevin Howell's Application for an Exemption

Mr. Kevin Howell is a commercial motor vehicle (CMV) driver whose right arm was amputated at the shoulder. He is an owner-operator motor carrier and his principal place of business is located in Hooper, Utah. On November 3, 2001, Mr. Howell applied for a SPE certification by filing an application with the FMCSA's Utah State Director. By letter dated November 19, 2001, Mr. Howell's SPE application was deferred until he obtained a prosthetic or orthotic device and could demonstrate the power grasp and precision prehension required under the alternative physical qualification standards of 49 CFR 391.49. On November 21, 2001, Mr. Howell applied for an exemption from the Federal alternative physical qualification standards for the loss or impairment of limbs and the use of a prosthetic device when operating CMVs in interstate commerce (49 CFR 391.41(b)(1) and 49 CFR 391.49). A copy of the application is in the docket.

Mr. Howell indicated in his application that he was granted a limb waiver in 1973 that allows him to operate without a prosthetic device when driving CMVs in interstate commerce. The agency has no record of the waiver. If a waiver had been issued, Mr. Howell would have been required to renew the waiver every 2 years in accordance with conditions applicable to waivers at the time. The FMCSA has records for other drivers who were granted limb waivers in the 1970's and who have renewed their waivers every 2 years, however, we find no record that Mr. Howell sought a renewal in the years following 1973.

Mr. Howell stated in his application for exemption that he has had his Class A CDL for 27 years, with no restrictions other than corrective lenses. He owns and operates a CMV with manual transmission on the right side of the steering column. He indicated that he transports cargo for various other motor carrier companies and that he will be the only driver affected if the FMCSA grants the exemption requested here. Mr. Howell stated that he does not anticipate any adverse safety impacts

created by this exemption. As support for his contention, he cited his current motor vehicle driving record, with no current deficiencies, including no speeding tickets or accidents. Mr. Howell stated that he has driven over 1,000,000 miles and has never had an accident, injury or caused property damage as a result of driving without a right arm. He maintains that this clearly shows a very high level of safety and awareness, as well as excellent driving skills, ability and judgment.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA is requesting public comment from all interested persons on whether the exemption application from Mr. Kevin Howell should be granted. All comments received before the closing date will be considered and will be available for examination in the docket at the location listed under the address section of this notice.

Issued on: March 8, 2002.

Julie Anna Cirillo,

Assistant Administrator.

[FR Doc. 02-6047 Filed 3-12-02; 8:45 am]

BILLING CODE 4910-EX-P

DEPARTMENT OF THE TREASURY

Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of meeting.

SUMMARY: This notice announces the date, time, and location for the quarterly meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service (COAC), and the provisional meeting agenda.

DATES: The next meeting of the Treasury Advisory Committee on Commercial Operations of the U.S. Customs Service will be held on Friday, March 22, 2002, starting at 9:00 a.m., at the Port of New Orleans Office Building, Main Auditorium, 1350 Port of New Orleans Place, New Orleans, LA 70130. The duration of the meeting will be approximately four hours.

FOR FURTHER INFORMATION, CONTACT: Gordana S. Earp, Deputy Director, Tariff and Trade Affairs (Enforcement), Office of the Under Secretary (Enforcement), Telephone: (202) 622-0336.

At this meeting, the Advisory Committee is expected to pursue the following agenda. The agenda may be modified prior to the meeting.

Agenda

(1) Update on the COAC Report on Improving U.S. Border and Supply Chain Security, including report on the work of the Technology Technical Advisory Team

(2) Report of the Office of Rulings & Regulations

(3) Compliance Assessment Programs (Focused Assessment, ICMP)

(4) Issues Relating to Uniformity

(5) Other COAC Priorities

(6) Next Meetings

SUPPLEMENTARY INFORMATION: The meeting is open to the public; however, participation in the Committee's deliberations is limited to Committee members, Customs and Treasury Department staff, and persons invited to attend the meeting for special presentations. A person other than an Advisory Committee member who wishes to attend the meeting should contact Theresa Manning at (202) 622-0220 or Helen Belt at (202) 622-0230.

Dated: March 7, 2002.

Timothy E. Skud,

*Acting Deputy Assistant Secretary,
Regulatory, Tariff, and Trade (Enforcement).*
[FR Doc. 02-5964 Filed 3-12-02; 8:45 am]

BILLING CODE 4810-25-P

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms**

[Docket No. 940; ATF O 1130.12]

Delegation of the Director's Authorities in 27 CFR Part 251, Importation of Distilled Spirits, Wines, and Beer

To: All Bureau Supervisors

1. Purpose

This order delegates certain authorities of the Director to subordinate ATF officials and prescribes the subordinate ATF officials with whom persons file documents which are not ATF forms.

2. Background

Under current regulations, the Director has authority to take final action on matters relating to procedure and administration. The Bureau has determined that certain of these authorities should, in the interest of efficiency, be delegated to a lower organizational level.

3. Cancellation

ATF O 1100.86A, Delegation Order—Delegation to the Associate Director (Compliance Operations) of Authorities

of the Director in 27 CFR part 251, Importation of Liquors, dated 4/12/84, is canceled.

4. Delegations

Under the authority vested in the Director, Bureau of Alcohol, Tobacco and Firearms, by Treasury Department Order No. 120-01 (formerly 221), dated June 6, 1972, and by 26 CFR 301.7701-9, this ATF order delegates certain authorities to take final action prescribed in 27 CFR part 251 to subordinate officials. Also, this ATF order prescribes the subordinate officials with whom applications, notices, and reports required by 27 CFR part 251, which are not ATF forms, are filed. The attached table identifies the regulatory sections, authorities and documents to be filed, and the authorized ATF officials. The authorities in the table may not be redelegated.

5. Questions

If you have questions about this order, contact the Regulations Division (202-927-8210).

Bradley A. Buckles,

Director.

Regulatory section	Officer(s) authorized to act or receive document
§ 251.2(a)	Chief, Regulations Division.
§ 251.11—Liquor bottle definition	Specialist, Alcohol Labeling and Formulation Division (ALFD).
§ 251.77(d)	Section Chief, National Revenue Center (NRC).
§ 251.136(a)	Area Supervisor to approve alternate location. Inspector, Specialist, Auditor or Special Agent to examine documents.
§ 251.137	Inspector, Specialist, Auditor or Special Agent to examine and copy records. Director of Industry Operations to require additional retention.
§ 251.172	Unit Supervisor, NRC.
§ 251.181(a)	Unit Supervisor, NRC.
§ 251.182(b)(1) and (d)	Unit Supervisor, NRC.
§ 251.204	Specialist, ALFD.
§ 251.206	Specialist, ALFD.
§ 251.208	Area Supervisor.
§ 251.209	Unit Supervisor, NRC.
§ 251.221	Chief, Regulations Division to approve. If the alternate method or procedure does not affect an ATF approved formula, or import or export recordkeeping, Chief, National Revenue Center (NRC) may act upon the same alternate method that has been approved by the Chief, Regulations Division. Chief, Regulations Division, Chief, National Revenue Center or Area Supervisor to withdraw.

BILLING CODE 4810-31-P