

terminate the auction within a reasonable time." For Auction No. 46, the Bureau proposes to employ a simultaneous stopping rule approach. A simultaneous stopping rule means that all licenses remain open until bidding closes simultaneously on all licenses.

46. Bidding will close simultaneously on all licenses after the first round in which no new acceptable bids, proactive waivers, or withdrawals are received. Thus, unless circumstances dictate otherwise, bidding will remain open on all licenses until bidding stops on every license.

47. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 46:

i. Utilize a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver, withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any time or only in stage three of the auction.

ii. Keep the auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

iii. Declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) only for licenses on which the high bid increased in at least one of a specified preceding number of rounds.

48. The Bureau proposes to exercise these options only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the

minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. The Bureau seeks comment on these proposals.

## II. Conclusion

49. Comments are due on or before June 6, 2002, and reply comments are due on or before June 13, 2002. Because of the disruption of regular mail and other deliveries in Washington, DC, the Bureau requires that all comments and reply comments be filed electronically. Comments and reply comments must be sent by electronic mail to the following address: [auction46@fcc.gov](mailto:auction46@fcc.gov). The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 46 Comments. The Bureau requests that parties format any attachments to electronic mail as Adobe® Acrobat® (pdf) or Microsoft® Word documents. Copies of comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room, Room CY-A257, 445 12th Street, SW, Washington, DC 20554. In addition, the Bureau requests that commenters fax a courtesy copy of their comments and reply comments to the attention of Kathryn Garland at (717) 338-2850.

50. This proceeding has been designated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

**Margaret Wiener,**

Chief, Auctions and Industry Analysis Division, WTB.

[FR Doc. 02-16095 Filed 6-25-02; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 02-61; FCC 02-187]

**Application by Verizon New England Inc., Bell Atlantic Communications, Inc. (d/b/a Verizon Long Distance), NYNEX Long Distance Company (d/b/a Verizon Enterprise Solutions), Verizon Global Networks Inc., and Verizon Select Services Inc., Pursuant to Section 271 of the Telecommunications Act of 1996, For Authorization To Provide In-Region, InterLATA Service in the State of Maine**

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Commission grants the section 271 application of Verizon New England Inc., *et al.* (Verizon) for authority to enter the interLATA telecommunications market in the state of Maine. The Commission grants Verizon's application based on its conclusion that Verizon has satisfied all of the statutory requirements for entry, and opened its local exchange markets to full competition.

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

**FOR FURTHER INFORMATION CONTACT:** Christine Newcomb, Attorney, Wireline Competition Bureau (WCB), at (202) 418-1573 or via the Internet at [cnewcomb@fcc.gov](mailto:cnewcomb@fcc.gov). The complete text of this MO&O is available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. Further information may also be obtained by calling the Wireline Competition Bureau's TTY number: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Memorandum Opinion and Order (MO&O) in CC Docket No. 02-61, FCC 02-187, adopted June 18, 2002, and released June 19, 2002. This full text may be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). It is also available on the Commission's website at [http://www.fcc.gov/Bureaus/Common\\_Carrier/in-region\\_applications/verizon\\_vt/welcome.html](http://www.fcc.gov/Bureaus/Common_Carrier/in-region_applications/verizon_vt/welcome.html).

## Synopsis of the Order

1. *History of the Application.* On March 21, 2002, Verizon filed an application (Maine Application), pursuant to section 271 of the Telecommunications Act of 1996, with the Commission to provide in-region, interLATA service in the state of Maine.

2. *The Maine Commission's Evaluation.* The Maine Public Utilities Commission (Maine Commission) conducted a comprehensive evaluation of Verizon's compliance with section 271, which included two days of evidentiary hearings. The Maine Commission concluded that Verizon met the checklist requirements of section 271(c) and has taken the appropriate steps to open the local exchange and exchange access markets in Maine in accordance with standards set forth in the Act. Consequently, the Maine Commission recommended that the Commission approve Verizon's in-region, interLATA entry in its (April 10, 2002) evaluation of the Maine Application.

3. *The Department of Justice's Evaluation.* The Department of Justice filed its evaluation of Verizon's Maine Application on April 25, 2002, and recommended approval of the Maine Application.

### Primary Issue in Dispute

4. *Checklist Item 2—Unbundled Network Elements—Pricing.* Checklist Item 2—Unbundled Network Elements—Pricing. Based on the record, we find that Verizon's Maine UNE rates are just, reasonable, and nondiscriminatory as required by section 251(c)(3), and are based on cost plus a reasonable profit as required by section 252(d)(1). Thus, Verizon's Maine UNE rates satisfy checklist item 2. The Commission has previously held that it will not conduct a *de novo* review of a state's pricing determinations and will reject an application only if either "basic TELRIC principles are violated or the state commission make clear errors in the actual findings on matters so substantial that the end result falls outside the range that a reasonable application of TELRIC principles would produce." The Maine Commission concluded that Verizon's UNE rates satisfied the requirement of checklist item 2. While we have not conducted a *de novo* review of the Maine Commission's pricing determinations, we did receive comments concerning two aspects of Verizon's Maine UNE pricing: unbundled local switching rates and the Daily Usage File (DUF) rate.

5. After carefully reviewing these comments, we conclude that, with

respect to switching rates, the Maine Commission followed basic TELRIC principles and that the record does not support a finding that the Maine Commission committed clear error in adopting switching rates using the default cost allocation contained in the Synthesis Model. We also conclude that claims concerning Verizon's DUF rate are without merit or premature, and that a DUF rate of zero is an appropriate interim rate. For other rates, because the Maine Commission did not conduct a TELRIC analysis in all circumstances, we compared Verizon's Maine loop and non-loop rates to recently adopted New York rates and find that these rates satisfy our benchmark analysis. Thus, we conclude that Verizon's Maine UNE rates satisfy the requirements of checklist item 2.

6. The Commission also concludes that Verizon meets its obligation to provide access to its operations support systems (OSS)—the systems, databases, and personnel necessary to support the network elements or services. Nondiscriminatory access to OSS ensures that new entrants have the ability to order service for their customers and communicate effectively with Verizon regarding basic activities such as placing orders and providing maintenance and repair services for customers. The Commission finds that, for each of the primary OSS functions (pre-ordering, ordering, provisioning, maintenance and repair, and billing, as well as change management and technical assistance), Verizon provides access that enables competing carriers to perform the functions in substantially the same time and manner as Verizon or, if there is not an appropriate retail analogue in Verizon's systems, in a manner that permits an efficient competitor a meaningful opportunity to compete.

7. Pursuant to this checklist item, Verizon must also provide nondiscriminatory access to network elements in a manner that allows other carriers to combine such elements. Based on the evidence in the record, and upon Verizon's legal obligations under interconnection agreements, Verizon demonstrates that it provides to competitors combinations of already-combined network element as well as nondiscriminatory access to unbundled network elements in a manner that allows competing carriers to combine those elements themselves.

### Other Checklist Items

8. *Checklist Item 4—Unbundled Local Loops.* Verizon has adequately demonstrated that it provides unbundled local loops as required by

section 271. More specifically, Verizon establishes that it provides access to stand alone xDSL-capable loops and high-capacity loops. Also, Verizon provides voice grade loops, both as new loops and through hot-cut conversions, in a nondiscriminatory manner. Finally, Verizon has demonstrated that it has a line-sharing and line-splitting provisioning process that affords competitors nondiscriminatory access to these facilities.

9. In the Commission's overview of Verizon's performance data, it relies primarily on Maine performance data (supplemented with Massachusetts data) collected and submitted by Verizon under the state-adopted carrier-to-carrier standards. Verizon provides evidence and performance data establishing that it can efficiently furnish unbundled loops, for the provision of both traditional voice services and various advanced services, to other carriers in a nondiscriminatory manner.

10. *Checklist Items 1, 3, 5–14.* An applicant under section 271 must demonstrate that it complies with checklist item 1 (interconnection), item 3 (poles, ducts, conduits, and rights of way), item 5 (transport), item 6 (unbundled local switching), item 7 (911/E911 access and directory assistance/operator services), item 8 (white page directory listings), item 9 (numbering administration), item 10 (databases and associated signaling), item 11 (number portability), item 12 (local dialing parity), item 13 (reciprocal compensation), and item 14 (resale). Based on the evidence in the record, and in accordance with Commission rules and orders concerning compliance with section 271 of the Act, the Commission concludes that Verizon demonstrates that it is in compliance with these checklist items in Maine. The Maine Commission also concluded that Verizon complies with the requirements of each of these checklist items.

### Other Statutory Requirements

11. *Compliance with Section 271(c)(1)(A).* The Commission concludes that Verizon demonstrates that it satisfies the requirements of section 271(c)(1)(A) based on the interconnection agreements it has implemented with competing carriers in Maine. The record demonstrates that competitive LECs serve some business and residential customers using predominantly their own facilities.

12. *Section 272 Compliance.* Verizon has demonstrated that it complies with the requirements of section 272. Significantly, Verizon provides evidence that it maintains the same

structural separation and nondiscrimination safeguards in Maine as it does in Pennsylvania, New York, Connecticut, and Massachusetts—states in which Verizon has already received section 271 authority.

13. *Public Interest Analysis.* The Commission concludes that approval of this application is consistent with the public interest. The Commission views the public interest requirement as an opportunity to review the circumstances presented by the application to ensure that no other relevant factors exist that would frustrate the congressional intent that markets be open, as required by the competitive checklist, and that the applicant's entry into the in-region, interLATA market will therefore serve the public interest as Congress expected. While no one factor is dispositive in this analysis, the Commission's overriding goal is to ensure that nothing undermines its conclusion that markets are open to competition.

14. The Commission finds that, consistent with its extensive review of the competitive checklist, barriers to competitive entry in the local market have been removed and the local exchange market today is open to competition. The Commission also finds that the record confirms its view that a BOC's entry into the long distance market will benefit consumers and competition if the relevant local exchange market is open to competition consistent with the competitive checklist. The Commission also finds that the performance monitoring and enforcement mechanisms developed in Maine, in combination with other factors, provide meaningful assurance that Verizon will continue to satisfy the requirements of section 271 after entering the long distance market.

15. *Section 271(d)(6) Enforcement Authority.* Working with the Maine Commission, the Commission intends to monitor closely post-entry compliance and to enforce the provisions of section 271 using the various enforcement tools Congress provided in the Communications Act.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 02-16094 Filed 6-25-02; 8:45 am]

**BILLING CODE 6712-01-P**

## GENERAL SERVICES ADMINISTRATION

### President's Homeland Security Advisory Council

**AGENCY:** Office of Governmentwide Policy, General Services Administration.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The President's Homeland Security Advisory Council (PHSAC or Council) will meet in closed session on Tuesday, July 2, 2002, in Washington, DC. The PHSAC will meet to receive law enforcement and intelligence briefings by senior government officials related to homeland security, and to review and discuss the draft national strategy for homeland security. Due to critical mission and schedule requirements, there is insufficient time to provide the full 15 calendar days notice in the **Federal Register** prior to this meeting, pursuant to the final rule on Federal Advisory Committee Management codified at 41 CFR 102-3.150.

#### Objectives

The President's Homeland Security Advisory Council was established by Executive Order 13260 (67 FR 13241, March 21, 2002). The objectives of the PHSAC are to provide advice and recommendations to the President of the United States through the Assistant to the President for Homeland Security on matters relating to homeland security.

#### Basis for Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. App.), it has been determined that this PHSAC meeting concerns matters sensitive to homeland security within the meaning of 5 U.S.C. 552b(c)(7) and (9)(B) and that, accordingly, the meeting will be closed to the public.

#### Public Comments

Members of the public who wish to file a written statement with the PHSAC may do so by mail to Mr. Fred Butterfield at the following address: President's Homeland Security Advisory Council, U.S. General Services Administration (GSA/MC, Room G230), 1800 F St., NW., Washington, DC 20405. Comments may also be sent to Fred Butterfield by e-mail at [fred.butterfield@gsa.gov](mailto:fred.butterfield@gsa.gov), or by facsimile (FAX) to (202) 273-3559.

Dated: June 24, 2002.

**James L. Dean,**

*Director, Committee Management Secretariat, Office of Governmentwide Policy, General Services Administration.*

[FR Doc. 02-16289 Filed 6-25-02; 8:45 am]

**BILLING CODE 6820-34-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

[Program Announcement 02166]

### Environmental Exposure to Diisocyanate; Notice of the Availability of Funds

#### A. Purpose

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program for Environmental Exposure to Diisocyanate. This program addresses the "Healthy People 2010" priority area of Environmental Health.

The purpose of the program is to conduct exposure assessment(s), biomonitoring, and evaluations of respiratory effects in communities at risk for environmental diisocyanate exposure.

Measurable outcomes of the program will be in alignment with the following performance goals for ATSDR: (1) Develop and provide reliable, understandable information for people in affected communities and tribes and for stakeholders and (2) Build and enhance effective partnerships.

#### B. Authority and Catalog of Federal Domestic Number

This program is authorized under section 104 (i)(7), (9) and (15) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980 as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (42 U.S.C. 9604 (i)(7), (9) and (15)). The Catalog of Federal Domestic Assistance number is 93.206.

#### C. Eligible Applicants

Assistance will be provided to the health departments of States or their bona fide agents or instrumentalities. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian Tribal governments.