

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.

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 Keep the auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn.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.

41. 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.

#### IV. Conclusion

42. Comments are due on or before February 19, 2002, and reply comments are due on or before February 26, 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: [auction45@fcc.gov](mailto:auction45@fcc.gov). The electronic mail containing the comments or reply comments must include a subject or caption referring to Auction No. 45 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.

43. 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.

44. 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. 02-4743 Filed 2-26-02; 8:45 am]

**BILLING CODE 6712-01-P**

### FEDERAL COMMUNICATIONS COMMISSION

[DA 02-361]

#### Current and Future Spectrum Use by the Energy, Water, and Railroad Industries

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document the FCC seeks comment on the findings of the National Telecommunications and Information Administration Report, released January 30, 2002, titled "Current and Future Spectrum Use by the Energy, Water, and Railroad Industries". Congress requires the FCC to submit a report to Congress addressing any needs identified from NTIA's Report. Comments received on NTIA's report will aid the Commission in preparing its report to Congress.

**DATES:** Written comments are due on or before March 6, 2002 and reply comments are due on or before March 18, 2002.

**ADDRESSES:** Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, SW., TW-325, Washington, DC 20054.

**FOR FURTHER INFORMATION CONTACT:** . John J. Schauble, Esq., Chief, Policy and Rules Branch, Public Safety and private Wireless Division, Wireless Telecommunications Bureau, at (202)

418-0680, or via e-mail to [jschaubl@fcc.gov](mailto:jschaubl@fcc.gov).

**SUPPLEMENTARY INFORMATION:** The full text of the NTIA Report, comments and reply comments will be available for public inspection and duplication during regular business hours at the FCC Reference Information Center (RIC) of the Consumer Information Bureau (CIB), Federal Communications Commission, 445 Twelfth Street, SW., Room CY-A257, Washington, DC, 20554. The full text of the NTIA Report is also available at NTIA's Web site at <http://www.ntia.doc.gov/osmhome/reports.html>. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, DC 20036, telephone (202) 863-2393; facsimile (202) 863-2898, or via e-mail [qualexint@aol.com](mailto:qualexint@aol.com). For further information regarding the public reference file for the Report contact Maria Ringold, Chief, Wireless Branch, RIC, (202) 418-1355.

1. On January 30, 2002, the U.S. Department of Commerce, National Telecommunications and Information Administration (NTIA) released a Report entitled "Current and Future Spectrum Use by the Energy, Water, and Railroad Industries" (NTIA Report). This report was mandated by Public Law Number (PL No.) 106-533. Under this legislation, NTIA was directed to submit to the U.S. Congress a study of current and future spectrum use by providers of energy, water, and railroad services to protect and maintain the nation's critical infrastructure. The statute also requires the Federal Communications Commission (FCC) to submit a subsequent report to Congress addressing any needs identified in NTIA's study.

2. The NTIA Report contains a compilation of the responses received to its "Request for Comments" from members of the utilities industry and various trade organizations. In its "Request for Comments," NTIA sought information on any issue of fact, law or policy that might inform the agency about spectrum requirements of the industry taking into account growth, new technology, and future applications. NTIA also received information from federal governmental departments and agencies that exercise oversight of energy, water and railroad industries, as well as from industry certified frequency coordinators. The Report also reflects the information received from members of the Interdepartment Radio Advisory Committee (IRAC). Information also was

obtained from the Public Safety Wireless Network (PSWN).

3. In the NTIA Report, NTIA found that energy, water and railroad services are primary components of the nation's critical infrastructure and that the continued use of spectrum is essential to the current and future operations of these industries. The NTIA Report submits that without adequate radio spectrum, providers of energy, water and railroad services would be unable to address major service interruptions due to natural disaster, equipment malfunctions or in some cases, terrorist activities. According to NTIA, these industries believe that additional spectrum is needed—specifically for exclusive use—because of existing congestion problems. Commenters stated that commercial wireless services do not adequately service these industries' needs due to issues of compatibility, reliability, and cost-effectiveness. The NTIA Report also finds a lack of consensus among the commenters as to where new spectrum can be reallocated or obtained. NTIA received limited response on the issue of whether these industries use spectrum-efficient technology. NTIA concludes that it is unable to validate the specific spectrum requirements of the energy, water and railroad industries. It suggests, however, that the industries' needs may be addressed by use of advanced communications technology or newly allocated frequency bands.

4. All Parties should reference the NTIA report including the DA number of this *Public Notice*, a copy of each filing should be sent to (1) Qualex International, Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, DC 20036, telephone (202) 863-2393; (2) John J. Schauble, Esq., Federal Communications Commission, Wireless Telecommunications Bureau, Public Safety and Private Wireless Division, Policy and Rules Branch, 445 Twelfth Street, SW., Room 4-C336, Washington, DC 20554; and (3) Maria Ringold, Federal Communications Commission, Consumer Information Bureau, Reference Information Center, 445 Twelfth Street, SW., Room CY-B529, Washington, DC 20554.

Federal Communications Commission.

**William F. Caton,**

*Acting Secretary.*

[FR Doc. 02-4798 Filed 2-26-02; 8:45 am]

**BILLING CODE 6712-01-P**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10 a.m. on Friday, March 1, 2002, to consider the following matters:

#### Summary Agenda

No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Summary reports, status reports, and reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Part 369—Proposal to Amend Rule Concerning Prohibition Against Using Interstate Branches Primarily for Deposit Production.

#### Discussion Agenda

Memorandum re: Notice of Proposed Rulemaking for BIF Assessment Rates for the Second Semiannual Period of 2002.

The meeting will be held in the Board-room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416-2089 (Voice); (202) 416-2007 (TTY), to make necessary arrangements. Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: February 22, 2002.  
Federal Deposit Insurance Corporation.

**Robert E. Feldman,**

*Executive Secretary.*

[FR Doc. 02-4742 Filed 2-25-02; 9:41 am]

**BILLING CODE 6714-01-M**

## FEDERAL ELECTION COMMISSION

### Sunshine Act; Meeting

**AGENCY:** Federal Election Commission

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**DATE & TIME:** *Thursday, February 28, 2002 at 10 a.m.*

**PLACE:** 999 E Street, NW., Washington, DC (Ninth Floor).

**STATUS:** This meeting will be open to the public.

The following items have been added to the agenda:

Draft Advisory Opinion 2002-01: Harry Kresky on behalf of Lenora B. Fulani and James Mangia

Draft Advisory Opinion 2002-02: Eric Gally

Revised Campaign Guide for Nonconnected Political Committees

**FOR FURTHER INFORMATION CONTACT:** Mr. Ron Harris, Press Officer, Telephone: (202) 694-1220.

**Mary W. Dove,**

*Secretary of the Commission.*

[FR Doc. 02-4864 Filed 2-25-02; 3:14 pm]

**BILLING CODE 6715-01-M**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011637-006.

*Title:* AMPAC Cooperative Working Agreement.

*Parties:* TMM Lines Limited, LLC, Hamburg-Süd, Maruba S.C.A.

*Synopsis:* The proposed amendment revises the number of vessels to be provided by each party and extends the minimum duration of the agreement.

*Agreement No.:* 011733-003.

*Title:* Common Ocean Carrier Platform Agreement.

*Parties:* A.P. Moller-Maersk Sealand, Alianca Navegacao e Logistica Ltda., CMA CGM, S.A., Hapag-Lloyd Container Linie, GmbH, Hamburg-Süd, Mediterranean Shipping Company, S.A., P&O Nedlloyd Limited, Safmarine Container Lines N.V., United Arab Shipping Company (S.A.G.).

*Synopsis:* The proposed amendment adds United Arab Shipping Company as a shareholding member of the agreement.

*Agreement No.:* 011746-002.

*Title:* COSCO/KL/YMUK Asia/U.S. Pacific Coast Slot, Allocation Agreement.