

Environmental Impact Statement (EIS) for the resource study of the Washington-Rochambeau Revolutionary Route, as authorized by Pub. L. 106-473. The historic route stretched from Newport, Rhode Island to Yorktown, Virginia, passing through Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and what is now Washington D.C. A segment of the return route extended from Providence, Rhode Island to Boston, Massachusetts. The purpose of the EIS/study is to determine if the route is eligible to become a National Historic Trail. If the National Park Service determines that the route is nationally and historically significant, retains integrity and has potential for public recreation, Congress could designate the route a National Historic Trail. The study will identify alternative management options to preserve and interpret the route. The alternatives will describe the: Proposed route; current land ownership and use; areas adjacent to the trails to be used for developmental purposes; estimated cost of acquisition of lands or interest in lands, if any; cost of developing and maintaining the trail; the proposed Federal administering agency; participation of State and local governments and private and public organizations; anticipated levels of public use; economic and social benefits of public use; and the potential impacts of recreational use to trail resources.

The NPS will hold three public scoping meetings beginning in March 2002, that will provide opportunities for all interested parties to express concerns, make suggestions and raise issues concerning the future direction and development of the Washington-Rochambeau Revolutionary Route study. The first public meeting will be held in Hartford, Connecticut on Thursday March 14, from 1:30-3:30 p.m. in the Stanley Room of the South Congregational Church, 277 South Main Street. The second meeting will be held in Yorktown, Virginia on Saturday, March 16, from 1:30-3:30 p.m. in Theater 2 of the Yorktown Visitor Center, Colonial National Historical Park, located at the intersection of Route 238 and Colonial Parkway. A third meeting is being scheduled in Trenton, New Jersey. Additional information about the meetings and the EIS/study will be available on the National Park Service website, www.nps.gov/revwar/.

Those persons who wish to comment orally or in writing, or who require further information, are invited to contact Brian Aviles, Project Manager, at the National Park Service Boston Support Office, 15 State Street, Boston, Massachusetts 02109-3572, (617) 223-

5319, -5164 fax, or via email at Brian_Aviles@nps.gov.

The Draft EIS/study report is expected to be completed and available for public review in mid 2004. After public and interagency review of the draft document, comments will be considered and a final EIS/study report, followed by a Record of Decision, will be prepared.

Dated: January 29, 2002.

Lawrence Gall,

Acting Superintendent, Boston Support Office.

[FR Doc. 02-5234 Filed 3-4-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Commission for the Review of FBI Security Programs

ACTION: Notice of closed meeting.

Date: March 25, 2002.

Place: Department of Justice, 950 Pennsylvania Avenue, NW., Washington, DC 20530.

Status: This meeting will be closed to the public.

Matters to be Considered: The purpose of the Commission for the Review of FBI Security Programs is to provide advice and recommendations on policy and procedural issues as they relate to the security programs of the Federal Bureau of Investigation. The Attorney General of the United States Department of Justice (DOJ) has determined that the meetings of the Commission will be closed to the public in accordance with the United States Code, Title 5, Section 552b, due to the likelihood that sensitive national security information regarding intelligence and counter-intelligence investigative techniques and procedures will be reviewed and discussed in an open forum. The potential release of this information could seriously jeopardize the integrity of our internal security programs; ongoing intelligence and counter-intelligence investigations, and could also endanger the lives and safety of FBI Special Agents, other intelligence community personnel, and individuals supporting our intelligence personnel.

FOR FURTHER INFORMATION CONTACT:

George Ellard, Deputy Chief Investigative Counsel, (202) 616-1327.

Richard M. Rogers,

Deputy Chief Investigative Counsel, Commission for the Review of FBI Security Programs, Department of Justice.

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DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Microsoft Corporation; Notice of Availability of Public Comments

Notice is hereby given that the United States will publish the Tunney Act public comments that it received relating to the Revised Proposed Final Judgment in *United States v. Microsoft Corporation*, Civil Action No. 98-1232, pending in the United States District Court for the District of Columbia, by following the procedures described in this notice.

On February 15, 2002, the United States made electronic copies of 47 detailed comments, which were provided to the Court on February 14, 2002, available on the Department of Justice's website at www.usdoj.gov/atr/cases/ms-major.htm. The United States will make available electronic copies of all comments on the Department of Justice's website at www.usdoj.gov/atr/cases/ms-comments.htm, and the Department's website will also provide a means for interested persons to download a compressed version, *i.e.*, a "Zip" file, of the full text of all comments. The comments should be available on the website beginning March 4, 2002. Also beginning March 4, 2002, interested persons may request a copy of the one or more CD-ROMs containing the full text of the comments, at no cost (one copy to each individual and five copies to each library or other institution that submits a request), by contacting the Department of Justice in Washington, DC at Antitrust Documents Group, 325 7th Street NW., Ste. 215 North, Washington, DC 20530, Telephone: (202) 514-2481, Fax: (202) 514-3763. The United States will file the comments on CD-ROM with the Clerk of the United States District Court for the District of Columbia. Furthermore, the United States will, as soon as possible, publish in the **Federal Register** a complete list of the names of all individuals or entities submitting comments, the number of pages of each comment, a unique tracking number assigned to each comment so that each comment may be located on the Department's website, an index to the comments organized by six categories based primarily on the level of detail of the comment, and the United States' response to the comments. Separately, the United States will submit to the

Federal Register the full text of the public comments for publication.

Constance K. Robinson,

Director of Operations.

[FR Doc. 02-5147 Filed 3-4-02; 8:45 am]

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DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CHM Wholesale Co.; Denial of Application

On or about April 11, 2001, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause (OTSC) by certified mail to CHM Wholesale Company (CHM), located in Chicago, Illinois, notifying it of an opportunity to show cause as to why the DEA should not deny its application, dated June 8, 2000, for a DEA Certificate of Registration as a distributor of the List I chemicals ephedrine and pseudoephedrine, pursuant to 21 U.S.C. 823(h), as being inconsistent with the public interest. The order also notified CHM that, should no request for hearing be filed within 30 days, the right to a hearing would be waived.

The OTSC was returned, marked "Return to Sender—Moved, Left No Address." The OTSC subsequently was sent by certified mail to the residential address of CHM's owner, Hyun Jin Kim (Kim), where it was received, June 4, 2001, as indicated by the signed postal return receipt. Since that time, no further response has been received from the applicant nor any person purporting to represent the applicant. Therefore, the Administrator of the DEA, finding that (1) thirty days having passed since receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that CHM is deemed to have waived its right to a hearing. After considering relevant material from the investigative file in this matter, the Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Administrator finds that on or about June 8, 2000, an application was received by the DEA Chemical Operations Registration section on behalf of CHM for DEA registration as a distributor of the two above-mentioned List I chemicals. The DEA pre-registration inspection on September 7, 2000, revealed that Kim and CHM had no prior experience in distributing List I chemical products. Kim further stated that he had lived in Chicago only three

months. He stated he previously had lived in Houston, Texas, where he had operated a number of different retail businesses.

CHM provided a supplier list in response to DEA's request. The DEA investigation revealed both of CHM's proposed suppliers were the recipients of 15 Warning Letters between them. These letters notified the recipients that List I chemicals distributed by them were being diverted and were being discovered in various illicit settings consistent with the clandestine manufacture of methamphetamine. CHM was unable to provide a list of proposed customers.

Pursuant to 21 U.S.C. 823(h), the Administrator may deny an application for a DEA Certificate of Registration if he determines that granting the registration would be inconsistent with the public interest. Section 823(h) requires the following factors be considered:

- (1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;
- (2) Compliance by the applicant with applicable Federal, State, and local law;
- (3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;
- (4) Any past experience of the applicant in the manufacture and distribution of chemicals; and
- (5) Such other factors as are relevant to and consistent with the public health and safety.

Like the public interest analysis for practitioners and pharmacies pursuant to subsection (f) of section 823, these factors are to be considered in the disjunctive; the Administrator may rely on any one or combination of factors and may give each factor the weight he deems appropriate in determining whether a registration should be revoked or an application for registration be denied. *See, e.g. Energy Outlet*, 64 FR 14,269 (1999). *See also Henry J. Schwartz, Jr., M.D.*, 54 FR 16,422 (1989).

The Administrator finds factors one, four, and five relevant to this application.

Regarding factor one, the maintenance of effective controls against the diversion of listed chemicals, the DEA pre-registration inspection documented inadequate security arrangements, in that there was no separate secure enclosure at the proposed business location wherein the List I chemical products would be stored. The inspection also revealed inadequate

recordkeeping arrangements, in that CHM failed to provide information regarding planned controls to prevent diversion.

Also relevant to this factor, Kim stated to DEA investigators that he planned to relocate CHM's business premises. No further information has been received by DEA regarding the relocation, however, and therefore DEA has been unable to inspect the new proposed business location.

Regarding factor four, the applicant's past experience in the distribution of chemicals, the DEA investigation revealed that Kim could provide no verifiable evidence of previous experience related to handling or distributing listed chemicals.

Regarding factor five, other factors relevant to and consistent with the public safety, the Administrator finds that both of CHM's proposed suppliers were the recipients of 15 Warning Letters between them; one of the proposed suppliers was the subject of a current DEA investigation regarding the diversion of listed chemicals. CHM could not provide a customer list, so DEA investigators could not verify a legitimate customer base for the distribution of List I chemical products. The investigation further showed CHM had inadequate security and no apparent recordkeeping arrangements for listed chemical products. The Administrator concludes that CHM is not prepared to be entrusted with the responsibilities of a DEA registration.

Therefore, for the above-stated reasons, the Administrator concludes that it would be inconsistent with the public interest to grant the application of CHM.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b) and 0.104, hereby orders that the application for a DEA Certificate of Registration submitted by CHM Wholesale Company be denied. This order is effective April 4, 2002.

Dated: February 22, 2002.

Asa Hutchinson,
Administrator.

Certificate of Service

This is to certify that the undersigned, on February 25, 2002, placed a copy of the Final Order referenced in the enclosed letter in the interoffice mail addressed to Robert Walker, Esq., Office of Chief Counsel, Drug Enforcement Administration, Washington, DC 20537; and caused a copy to be mailed, postage prepaid registered return receipt to Mr. Hyun Jin Kim, CHM Wholesale