

released within the time specified in § 142.23, or within the quota period, whichever expires first. \* \* \*

\* \* \* \* \*

(g) *Split shipments.* Merchandise subject to § 141.57(d)(2) of this chapter, which is purchased and invoiced as a single shipment, but which is shipped by the carrier in separate portions to the same port of arrival due to the carrier's inability to accommodate the merchandise on a single conveyance, may be released incrementally under a special permit.

(h) *Entities shipped unassembled or disassembled on multiple conveyances.* Merchandise subject to § 141.58(d)(2) of this chapter, which is purchased, invoiced, and classified as a single entity under the Harmonized Tariff Schedule of the United States (HTSUS), and which is shipped in separate portions because its size or nature prevents accommodating the entity on a single conveyance, may be released incrementally under a special permit.

(i) *When authorized by Headquarters.* Headquarters may authorize the release of merchandise under the immediate delivery procedure in circumstances other than those described in paragraphs (a), (b), (c), (d), (e), (f), (g), and (h) of this section provided a bond on Customs Form 301 containing the bond conditions set forth in § 113.62 of this chapter is on file.

3. It is proposed to amend § 142.22 by removing the first sentence of paragraph (a) and adding in its place the following two sentences to read as follows:

**§ 142.22 Application for special permit for immediate delivery.**

(a) *Form.* An application for a special permit for immediate delivery will be made on Customs Form 3461, supported by the documentation provided for in § 142.3. A commercial invoice will not be required, except for merchandise released under the provisions of 19 U.S.C. 1484(j). \* \* \*

\* \* \* \* \*

4. It is proposed to amend § 142.23 by adding a sentence to read as follows:

**§ 142.23 Time limit for filing documentation after release.**

\* \* \* The time for filing entry summary documentation may be extended as set forth in § 141.58(g)(1) and (g)(2) of this chapter, under the authority of § 141.58(b)(4) of this chapter.

Approved: April 1, 2002.

**Robert C. Bonner,**

*Commissioner of Customs.*

**Timothy E. Skud,**

*Acting Deputy Assistant Secretary of the Treasury.*

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**DEPARTMENT OF LABOR**

**Employment Standards Administration; Wage and Hour Division**

**29 CFR Part 552**

**RIN 1215-AA82**

**Application of the Fair Labor Standards Act to Domestic Service**

**AGENCY:** Wage and Hour Division, Employment Standards Administration, Labor.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** The Department of Labor is withdrawing an earlier proposed rule, published in the **Federal Register** on January 19, 2001 (66 FR 5481), pertaining to the Fair Labor Standards Act (FLSA) exemption for individuals who provide companionship services. For the reasons discussed below, the Department has decided to terminate this rulemaking proceeding.

**DATES:** This withdrawal is made on April 18, 2002.

**FOR FURTHER INFORMATION CONTACT:** Richard M. Brennan, Deputy Director, Office of Enforcement Policy, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, D.C. 20210; telephone (202) 693-0745. This is not a toll free number.

**SUPPLEMENTARY INFORMATION:** The Department is withdrawing the proposed rule pertaining to the FLSA exemption for individuals who provide companionship services, and terminating the rulemaking proceeding. The proposed rule, published on January 19, 2001 (66 FR 5481), proposed revisions to the regulations defining and interpreting the minimum wage and overtime exemption under section 13(a)(15) of the FLSA for employees in domestic service employment who provide "companionship services" to individuals unable to care for themselves because of age or infirmity. The Department proposed to amend the regulations to make the companionship exemption inapplicable if the worker was employed by someone other than a

member of the family in whose home he or she worked. The Department also proposed to modify the scope of the permissible duties of a companion. In the proposed rule, the Department had concluded that there would be little economic impact on affected entities if such workers were not exempt from the FLSA's minimum wage and overtime pay requirements. However, numerous commenters on the proposed rule, including multiple government agencies such as the Small Business Administration and the Department of Health and Human Services, seriously called into question the Department's conclusion that there would be little economic impact. Based on its review of the rulemaking record as a whole, the Department has decided to withdraw the proposed rule and terminate the rulemaking action.

**Document Preparation**

This document was prepared under the direction and control of Tammy D. McCutchen, Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

Signed at Washington, DC, on this 29th day of March, 2002.

**Tammy D. McCutchen,**

*Administrator, Wage and Hour Division.*

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**DEPARTMENT OF TRANSPORTATION**

**Coast Guard**

**33 CFR Part 165**

**[PAC AREA-02-001]**

**RIN 2115-AG33**

**Protection of Naval Vessels**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking; correction.

**SUMMARY:** This document corrects a notice of proposed rulemaking published in the **Federal Register** on March 20, 2002, concerning a proposed final rule for the Pacific Area Naval Vessel Protection Zone. That document contained an inaccurate regulation identifier number (RIN). The correct RIN appears in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** LT P. Springer, PACAREA (pm), Coast Guard Island, Alameda (510) 437-2951.

**SUPPLEMENTARY INFORMATION:**