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Thursday

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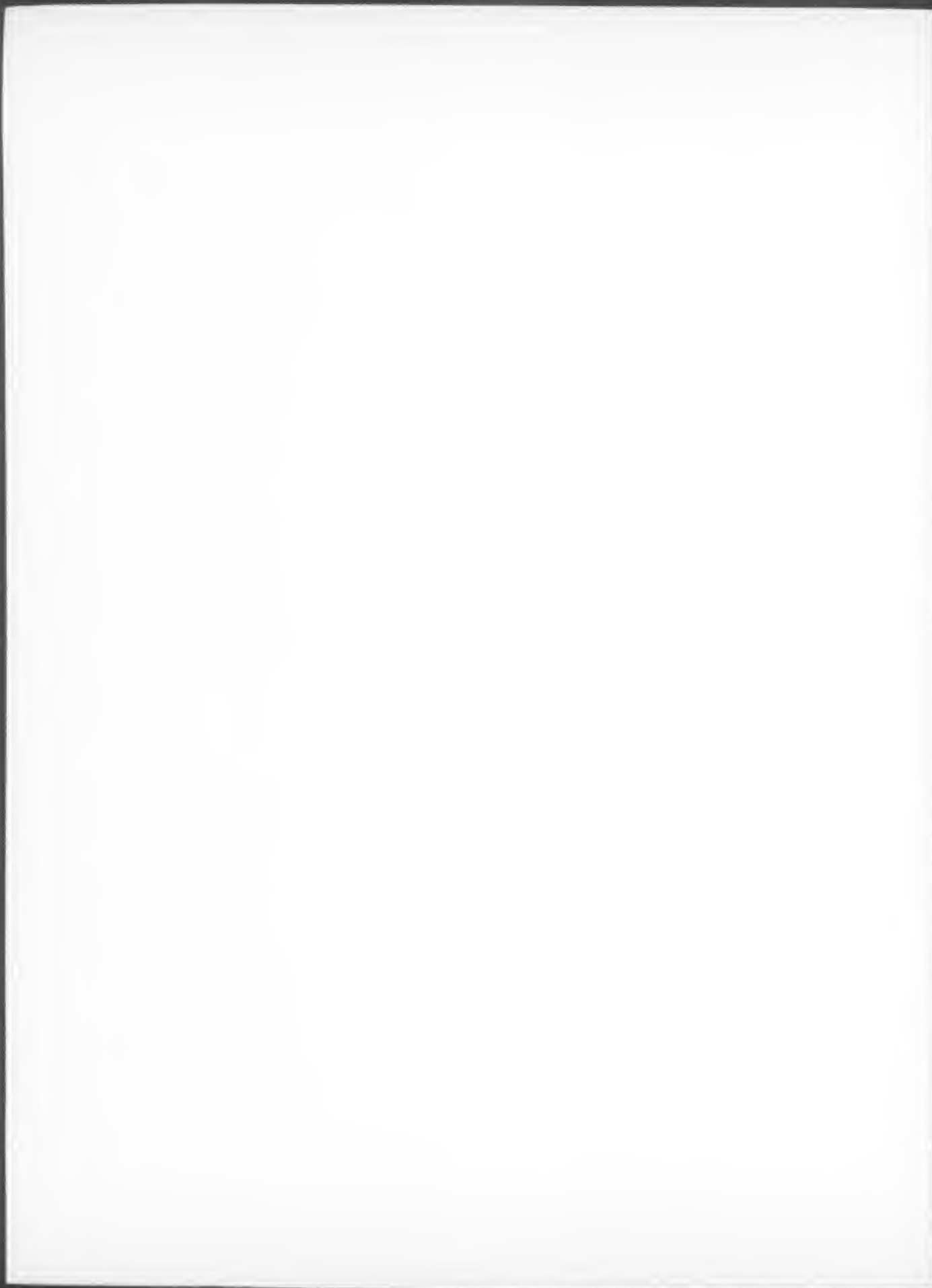
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# Federal Register

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- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
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- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** Tuesday, April 17, 2001 at 9:00 a.m.
- WHERE:** Office of the Federal Register  
Conference Room  
800 North Capitol Street, NW.  
Washington, DC  
(3 blocks north of Union Station Metro)

**RESERVATIONS:** 202-523-4538

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 phone numbers, online resources, finding aids, reminders,  
 and notice of recently enacted public laws.

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# Rules and Regulations

Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 2000-ASW-20]

#### Establishment of Class D Airspace; Shreveport Downtown Airport, Shreveport, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This action establishes Class D airspace extending upward from the surface to but not including 1,600 feet mean sea level (MSL), within a 4.4-mile radius of the Shreveport Downtown Airport, Shreveport, LA. An air traffic control tower will provide air traffic control services for pilots operating at Shreveport Downtown Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft operating in the vicinity of Shreveport Downtown Airport, Shreveport, LA.

**EFFECTIVE DATE:** 0901 UTC, May 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193-0520, telephone: 817-222-5593.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 26, 2000, a proposal to amend 14 CFR part 71 to establish Class D airspace at Shreveport Downtown Airport, Shreveport, LA, was published in the *Federal Register* (65 FR 81452). The proposal was to establish Class D airspace extending upward from the surface to but not including 1,600 feet MSL, within a 4.4-mile radius of the Shreveport Downtown Airport,

Shreveport, LA. This action is prompted by the commissioning of an air traffic control tower that provides air traffic control services for pilots operating at Shreveport Downtown Airport. The intended effect of this proposal is to provide adequate controlled airspace for aircraft operating in the vicinity of Shreveport Downtown Airport, Shreveport, LA.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed, with the exception of minor editorial changes.

The coordinates for this airspace docket are based on North American Datum 83. Designated Class D airspace areas are published in paragraph 5000 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 15 CFR 71.1. The Class D airspace designations listed in this document will be published subsequently in the order.

##### The Rule

This amendment to 14 CFR part 71 establishes Class D airspace, at Shreveport Downtown Airport, Shreveport, LA, extending upward from the surface to and including 1,600 feet MSL, within a 4.4-mile radius of the Shreveport Downtown Airport, excluding that airspace within the Barksdale AFB, LA and Shreveport Regional Airport, LA Class C Airspace areas.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various level of government. Therefore, it is determined that this final rule will not have federalism implications under Executive Order 13132.

Further, the FAA has determined that this regulation only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3)

does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, E.O. 10854; 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 5000 Class D airspace areas.*

\* \* \* \* \*

#### ASW LA D Shreveport Downtown Airport, LA [New]

Shreveport Downtown Airport, LA; (Lat. 32°32' 25"N., long. 93°44' 42"W.); Shreveport, Barksdale AFB, LA; (Lat. 32°30' 07"N., long. 93°39' 46"W.); Shreveport Regional Airport, LA; (Lat. 32°26' 48"N., long. 93°49' 32"W.).

That airspace extending upward from the surface to but not including 1,600 feet MSL within a 4.4-mile radius of Shreveport Downtown Airport, excluding that airspace within the Barksdale AFB, LA and Shreveport Regional Airport, LA Class C Airspace areas. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport Facility Directory.

\* \* \* \* \*

Issued in Fort Worth, TX on March 13, 2001.

A.L. Viselli,

Acting Manager, Air Traffic Division,  
Southwest Region.

[FR Doc. 01-7063 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 03237; Amdt. No. 2041]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:**

Donald P. Pate, Flight Procedure Standards Branch (MCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405)954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types of effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to art 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight

safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAP, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on March 16, 2001.

L. Nicholas Lacey,

Director, Flight Standards Service.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* Effective April 19, 2001

Watertown, NY, Watertown Intl, VOR RWY 7, Amdt 13B

\* \* \* Effective May 17, 2001

Greenville, AL, Greenville Muni, NDB RWY 32, Amdt 4, CANCELLED  
 Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Y RWY 1L, Orig  
 Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Z RWY 1L, Orig  
 Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Y RWY 19R, Orig  
 Fairbanks, AK, Fairbanks Intl, RNAV (GPS) Z RWY 19R, Orig  
 Fairbanks, AK, Fairbanks Intl, GPS RWY 1L, Amdt 1 (CANCELLED)  
 Fairbanks, AK, Fairbanks Intl, GPS RWY 19R, Orig (CANCELLED)  
 Chandler, AZ, Chandler Muni, VOR RWY 4R, Orig  
 Chandler, AZ, Chandler Muni, VOR RWY 4L, Amdt 6, CANCELLED  
 Chandler, AZ, Chandler Muni, RNAV (GPS) RWY 4R, Orig  
 Chandler, AZ, Chandler Muni, GPS RWY 4L, Orig, CANCELLED  
 Prescott, AZ, Ernest A. Love Field, RNAV (GPS) RWY 21L, Orig  
 Prescott, AZ, Ernest A. Love Field, GPS RWY 21L, Orig CANCELLED  
 Pensacola, FL, Pensacola Regional, RNAV (GPS) RWY 8, Orig  
 Pensacola, FL, Pensacola Regional, RNAV (GPS) RWY 17, Orig  
 Pensacola, FL, Pensacola Regional, RNAV (GPS) RWY 26, Orig  
 Pensacola, FL, Pensacola Regional, RNAV (GPS) RWY 35, Orig  
 Adel, GA, Cook County, VOR/DME OR GPS-A, Orig, CANCELLED  
 St. Marys, GA, St Marys, RADAR-1, Amdt 1  
 Thomaston, GA, Thomaston-Upson County, LOC RWY 30, Orig-A, CANCELLED  
 Thomaston, GA, Thomaston-Upson County, NDB OR GPS RWY 30, Amdt 1  
 Thomaston, GA, Thomaston-Upson County, ILS RWY 30, Orig  
 Ottumwa, IA, Ottumwa Industrial, LOC/DME BC RWY 13, Amdt 3  
 Spencer, IA, Spencer Muni, VOR RWY 30, Amdt 3  
 Spencer, IA, Spencer Muni, NDB RWY 30, Amdt 9  
 Rantoul, IL, Rantoul Natl Avn Cntr-Frank Elliott Fld, VOR RWY 27, Amdt 1  
 Rantoul, IL, Rantoul Natl Avn Cntr-Frank Elliott Fld, RNAV (GPS) RWY 9, Orig

Rantoul, IL, Rantoul Natl Avn Cntr-Frank Elliott Fld, RNAV (GPS) RWY 18, Orig  
 Rantoul, IL, Rantoul Natl Avn Cntr-Frank Elliott Fld, RNAV (GPS) RWY 27, Orig  
 Rantoul, IL, Rantoul Natl Avn Cntr-Frank Elliott Fld, RNAV (GPS) RWY 36, Orig  
 Phillipsburg, KS, Phillipsburg Muni, RNAV (GPS) RWY 13, Orig  
 Phillipsburg, KS, Phillipsburg Muni, RNAV (GPS) RWY 31, Orig  
 Phillipsburg, KS, Phillipsburg Muni, NDB-A, Orig  
 Phillipsburg, KS, Phillipsburg Muni, NDB OR GPS RWY 31, Amdt 6A (CANCELLED)  
 Bowling Green, KY, Bowling Green-Warren County Regional, NDB RWY 3, Amdt 1  
 Alexandria, LA, Alexandria Intl, VOR RWY 14, Amdt 1 (CANCELLED)  
 Alexandria, LA, Alexandria Intl, VOR/DME RWY 14, Orig  
 Alexandria, LA, Alexandria Intl, VOR OR GPS RWY 32, Amdt 1 (CANCELLED)  
 Alexandria, LA, Alexandria Intl, VOR/DME RWY 32, Orig  
 Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 7, Orig  
 Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 10L, Orig  
 Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 25, Orig  
 Billings, MT, Billings Logan Intl, RNAV (GPS) RWY 28R, Orig  
 Billings, MT, Billings Logan Intl, GPS RWY 10L, Orig (CANCELLED)  
 Billings, MT, Billings Logan Intl, GPS RWY 28R, Orig (CANCELLED)  
 Lebanon, NH, Lebanon Muni, VOR RWY 7, Amdt 1  
 Lebanon, NH, Lebanon Muni, VOR RWY 25, Amdt 1  
 Lebanon, NH, Lebanon Muni, ILS RWY 18, Amdt 5  
 Lebanon, NH, Lebanon Muni, NDB-B, Amdt 4  
 Atlantic City, NJ, Atlantic City Intl, VOR RWY 4, Amdt 15  
 Atlantic City, NJ, Atlantic City Intl, VOR RWY 13, Amdt 4  
 Atlantic City, NJ, Atlantic City Intl, VOR/DME RWY 22, Amdt 6  
 Atlantic City, NJ, Atlantic City Intl, VOR/DME RWY 31, Orig  
 Atlantic City, NJ, Atlantic City Intl, VOR OR GPS RWY 31, Amdt 15B, CANCELLED  
 Atlantic City, NJ, Atlantic City Intl, ILS RWY 13, Amdt 6  
 Atlantic City, NJ, Atlantic City Intl, COPTER ILS RWY 13, Orig  
 Atlantic City, NJ, Atlantic City Intl, RADAR-1, Amdt 14  
 Atlantic City, NJ, Atlantic City Intl, RNAV (GPS) RWY 4, Orig  
 Atlantic City, NJ, Atlantic City Intl, RNAV (GPS) RWY 13, Amdt 1  
 Atlantic City, NJ, Atlantic City Intl, RNAV (GPS) RWY 31, Orig  
 Atlantic City, NJ, Atlantic City Intl, RNAV (GPS) RWY 22, Amdt 1  
 Elmira, NY, Elmira/Corning Regional, NDB RWY 24, Amdt 15  
 Elmira, NY, Elmira/Corning Regional, ILS RWY 6, Amdt 4  
 Elmira, NY, Elmira/Corning Regional, ILS RWY 24, Amdt 18  
 Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 6, Orig

Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 10, Orig  
 Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 24, Orig  
 Elmira, NY, Elmira/Corning Regional, RNAV (GPS) RWY 28, Orig  
 Elmira, NY, Elmira/Corning Regional, GPS RWY 24, Orig, (CANCELLED)  
 Sanford, NC, Sanford-Lee County Regional, RNAV (GPS) RWY 3, Orig  
 Sanford, NC, Sanford-Lee County Regional, RNAV (GPS) RWY 21, Orig  
 Poteau, OK, Robert S. Kerr, VOR/DME-A, Orig  
 Poteau, OK, Robert S. Kerr, VOR/DME RWY 36, Amdt 4 (CANCELLED)  
 Prineville, OR, Prineville, RNAV (GPS) RWY 10, Orig  
 Prineville, OR, Prineville, RNAV (GPS) RWY 28, Orig  
 Greer, SC, Greenville-Spartanburg Intl, RNAV (GPS) RWY 4, Orig  
 Greer, SC, Greenville-Spartanburg Intl, RNAV (GPS) RWY 422 Orig  
 Greer, SC, Greenville-Spartanburg Intl, GPS RWY 4, Amdt 1 CANCELLED  
 Greer, SC, Greenville-Spartanburg Intl, GPS RWY 22, Amdt 2 CANCELLED  
 Dyersburg, TN, Dyersburg Muni, RNAV (GPS) RWY 4, Orig  
 Memphis, TN, Memphis Intl, ILS RWY 36C, Amdt 2  
 Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 8, Orig  
 Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 17, Orig  
 Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 26, Orig  
 Mosinee, WI, Central Wisconsin, RNAV (GPS) RWY 35, Orig

[FR Doc. 01-7059 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30238; Amdt. No. 2042]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.  
 ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight

operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:**

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA from documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable,

that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 97**

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on March 16, 2001.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs,

FDC date	State	City	Airport	FDC number	Subject
02/20/01	TN	Bristol-Johnson-Kingsport	Tri-Cities Regional	1/1797	Correction . . . ILS Rwy 5, Amdt 2
02/27/01	SD	Sturgis	Sturgis Muni Tallahassee	1/2083	GPS Rwy 29, Orig
02/27/01	FL	(Havana)	Commercial	1/2138	VOR or GPS-A, Amdt 5
02/27/01	SC	Myrtle Beach	Myrtle Beach Intl	1/2148	Orig-A
02/27/01	SC	Myrtle Beach	Myrtle Beach Intl	1/2150	RADAR-1, Orig-A
02/27/01	SC	Myrtle Beach	Myrtle Beach Intl	1/2151	ILS Rwy 17, Amdt 1A
02/27/01	SD	Mitchell	Mitchell Muni	1/2156	VOR or GPS Rwy 12, Amdt 10
02/27/01	SD	Mitchell	Mitchell Muni	1/2157	VOR or GPS Rwy 30, Amdt 4
02/28/01	GA	Atlanta	Fulton County Airport-Brown Field	1/2210	ILS Rwy 8, Amdt 15E
03/01/01	AL	Huntsville	Huntsville Intl, Carl T. Jones Field	1/2231	ILS Rwy 36R, Orig
03/01/01	MD	Baltimore	Baltimore-Washington Intl	1/2233	This Replaces FDC 1/1764 in TL01-07
03/01/01	IA	Cedar Rapids	The Eastern Iowa	1/2245	GPS Rwy 31, Orig-C
03/02/01	TN	Chattanooga	Lovell Field	1/2266	ILS Rwy 2, Amdt 6A
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2269	NDB Rwy 2, Amdt 4A
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2270	GPS Rwy 2, Orig
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2271	GPS Rwy 33, Orig
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2272	VOR Rwy 33, Amdt 9A
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2273	VOR/DME-A, Amdt 1A
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2274	GPS Rwy 28, Orig-B
03/02/01	NM	Santa Fe	Santa Fe Muni	1/2277	ILS Rwy 2, Amdt 5B
03/02/01	IA	Grinnell	Grinnell Regional	1/2293	VOR/DME Rwy 31, Amdt 2
03/02/01	IA	Grinnell	Grinnell Regional	1/2294	GPS Rwy 13, Orig
03/02/01	IA	Grinnell	Grinnell Regional	1/2295	GPS Rwy 31, Orig
03/02/01	IA	Grinnell	Grinnell Regional	1/2296	NDB Rwy 13, Amdt 2
03/05/01	PA	Pittsburgh	Pittsburgh Intl	1/2314	ILS Rwy 28R Amdt 7A
03/05/01	LA	Monroe	Monroe Regional	1/2323	RADAR-1, Amdt 5
03/07/01	MN	Duluth	Duluth Intl	1/2345	COPTER ILS Rwy 9, Orig
03/07/01	MN	Fairmont	Fairmont Muni	1/2346	COPTER ILS Rwy 31, Orig
03/07/01	MN	International Falls	Falls Intl	1/2347	COPTER ILS Rwy 31, Orig
03/07/01	MN	Mankato	Mankato Regional	1/2348	COPTER ILS Rwy 33, Orig
03/07/01	MN	Minneapolis	Flying Cloud	1/2350	COPTER ILS Rwy 9R, Orig
03/07/01	MN	Rochester	Rochester Intl	1/2351	COPTER ILS Rwy 31, Orig
03/07/01	OK	Oklahoma City	Will Rodgers World	1/2387	ILS Rwy 17R, Amdt 9C
03/08/01	AK	Yakutat	Yakutat	1/2394	LOC/DME BC Rwy 29, Amdt 2
03/12/01	NC	Fayetteville	Fayetteville Regional/Grannis Field	1/2508	VOR Rwy 4, Amdt 15B
03/12/01	NC	Fayetteville	Fayetteville Regional/Grannis Field	1/2509	ILS Rwy 4, Amdt 14B
03/13/01	RI	Providence	Theodore Francis Green State	1/2514	VOR or GPS Rwy 34, Amdt 4
03/13/01	RI	Providence	Theodore Francis Green State	1/2515	VOR/DME Rwy 34, Amdt 5A
03/13/01	RI	Providence	Theodore Francis Green State	1/2516	ILS/DME Rwy 34, Amdt 9
03/13/01	FL	Miami	Opa Locka	1/2527	GPS Rwy 27R, Orig
03/13/01	FL	Miami	Opa Locka	1/2529	GPS Rwy 9L, Orig

[FR Doc. 01-7060 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30239; Amdt. No. 2043]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new

or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reappraised as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800

Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase—*Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—*Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420),



Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and/or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include "or GPS or FMS" in the title without otherwise reviewing or modifying the procedure. (Once a stand

alone GPS or FMS procedure is developed, the procedure title will be altered to remove "or GPS or FMS" from these non-localizer, non-precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as "RNAV" will be redesignated as "VOR/DME RNAV" without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are, impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on March 16, 2001.

**L. Nicholas Lacey,**  
*Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113-40114, 40120, 44502, 44514, 44701, 44719, 44721-44722.

#### § 97.23, 97.27, 97.33, 97.35 [Amended]

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

\* \* \* Effective May 17, 2001

Pensacola, FL, Pensacola Regional, VOR or GPS RWY 8, Amdt 3A, CANCELLED  
Pensacola, FL, Pensacola Regional, VOR RWY 8, Amdt 3A  
Pensacola, FL, Pensacola Regional, NDB or GPS RWY 17, Orig-B, CANCELLED  
Pensacola, FL, Pensacola Regional, NDB RWY 17, Orig-B  
Pensacola, FL, Pensacola Regional, NDB or GPS RWY 35, Amdt 16A, CANCELLED  
Pensacola, FL, Pensacola Regional, NDB RWY 35, Amdt 16A  
Holland, MI, Tulip City, VOR/DME RNAV or GPS RWY 26, Amdt 5A, CANCELLED  
Holland, MI, Tulip City, VOR/DME RNAV RWY 26, Amdt 5A  
Sanford, NC, Sanford-Lee County, NDB or GPS RWY 3, Orig-B, CANCELLED  
Sanford, NC, Sanford-Lee County, NDB RWY 3, Orig-B  
Watertown, NY, VOR or GPS RWY 7, Amdt 13A, CANCELLED  
Watertown, NY, VOR RWY 7, Amdt 13A  
Columbus, OH, Port Columbus Intl, NDB or GPS RWY 10L, Amdt 8A, CANCELLED  
Columbus, OH, Port Columbus Intl, NDB RWY 10L, Amdt 8A  
Columbus, OH, Port Columbus Intl, NDB or GPS RWY 10R, Amdt 7A, CANCELLED  
Columbus, OH, Port Columbus Intl, NDB RWY 10R, Amdt 7A  
Columbus, OH, Port Columbus Intl, NDB or GPS RWY 28L, Amdt 13A, CANCELLED  
Columbus, OH, Port Columbus Intl, NDB RWY 28L, Amdt 13A  
Dyersburg, TN, Dyersburg Muni, VOR/DME or GPS RWY 4, Amdt 2, CANCELLED  
Dyersburg, TN, Dyersburg Muni, VOR/DME RWY 4, Amdt 2  
Salt Lake City, UT, Salt Lake City Intl, VOR/DME or TACAN or GPS RWY 34R, Amdt 7A, CANCELLED  
Salt Lake City, UT, Salt Lake City Intl, VOR/DME or TACAN RWY 34R, Amdt 7A  
Spokane WA, Spokane Intl, VOR/DME RNAV or GPS RWY 21, Orig-A, CANCELLED  
Spokane WA, Spokane Intl, VOR/DME RNAV RWY 21, Orig-A

[FR Doc. 01-7061 Filed 3-21-01; 8:45 am]

**BILLING CODE 4910-13-M**

#### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR Part 1500

#### Dive Sticks Final Rule; Correction

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an error in the final rule banning certain hazardous dive sticks published in the

Federal Register of March 7, 2001. That document provided an incorrect paragraph designation for the banning rule. The correct citation for the dive stick rule is 16 CFR 1500.18(a)(19).

**DATES:** Effective on April 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Renae Rauchschtalbe, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504-0608, ext. 1362.

#### Correction

In final rule FR Doc. 01-5478, beginning on page 13645 in the issue of March 7, 2001, make the following correction. On page 13650, correct the amendatory instruction to read as follows:

"2. Section 1500.18 is amended to add a new paragraph (a)(19) to read as follows:"

Dated: March 15, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01-7040 Filed 3-21-01; 8:45 am]

BILLING CODE 6355-01-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 165

[CGD01-00-221]

RIN 2115-AA97

#### Safety Zone: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing ten permanent safety zones for fireworks displays located in the Port of New York/New Jersey, expanding the size of one current safety zone, and modifying effective times and notice requirements of existing permanent safety zones. This action is necessary to provide for the safety of life on navigable waters during the events. This action establishes permanent exclusion areas that are only active prior to the start of the fireworks display until shortly after the fireworks display is completed, and is intended to restrict vessel traffic in the affected waterways, expand the effective times of the zones to allow for earlier displays during daylight savings time, and to require one sign that may be used for displays from a barge or onshore.

**DATES:** This rule is effective April 23, 2001.

**ADDRESSES:** Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-00-221) and are available for inspection or copying at Waterways Oversight Branch Coast Guard Activities New York, 212 Coast Guard Drive, room 204, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York, (718) 354-4012.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

On December 13, 2000, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks in the *Federal Register* (65 FR 77839). We received no letters commenting on the proposed rule. No public hearing was requested and none was held.

##### Background and Purpose

The Coast Guard is establishing ten permanent safety zones that will be activated for fireworks displays occurring throughout the year that are not held on an annual basis but are normally held in one of these ten locations. The ten locations are south of Ellis Island, Rockaway Beach, and Rockaway Inlet in New York Harbor, Larchmont Harbor in western Long Island Sound, Pier 16 and Newtown Creek on the East River, Pier 54 and Pier 84, Manhattan, Peekskill Bay, and Jersey City on the Hudson River. The Coast Guard is also expanding the diameter of the current safety zone west of Pier 90, on the Hudson River, to 360 yards from the current 300 yards. The Coast Guard received 17 applications for fireworks displays in these new areas from 1999 to 2000. In 1997, the Coast Guard received four applications for fireworks displays in these locations. In the past, temporary safety zones were established with limited notice for preparation by the U.S. Coast Guard and limited opportunity for public comment. Establishing permanent safety zones by notice and comment rulemaking at least gave the public the opportunity to comment on the zone locations, size, and length of time the zones will be active. The Coast Guard has promulgated safety zones for fireworks displays at all 11 areas in the past and we have not received notice of any impact to waterway traffic resulting from the zones' enactment. Marine traffic will still be able to transit around the

safety zones because all of the zones prohibit vessels from entering only the zones themselves. Additionally, vessels will not be precluded from mooring at or getting underway from commercial or recreational piers in the vicinity of the safety zones. This rule will also move the zone effective time back two hours so that zones are enacted beginning at 6 p.m. versus 8 p.m. The safety zone termination time remains the same. Finally, the rule will only require one sign reading "FIREWORKS—STAY AWAY." The current regulations require a sign that reads "FIREWORKS BARGE" for displays from barges, and a separate sign that reads "FIREWORKS SITE" for displays from shore. The sign dimensions and letter requirements remain the same.

This rule revises 33 CFR 165.168 by adding ten permanent safety zones to the 24 existing ones, expanding the diameter of the safety zone west of Pier 90, on the Hudson River, to 360 yards from the current 300 yards, expanding the effective time of the zones to allow for earlier displays during Daylight Savings Time, and simplifying the requirements for signs used as on-scene notification.

The sizes of these safety zones were determined using National Fire Protection Association and New York City Fire Department standards for 6 to 12 inch mortars fired from a barge, combined with the Coast Guard's knowledge of tide and current conditions in these areas. Barge locations and mortar sizes were adjusted to try and ensure the safety zone locations will not interfere with any known marinas or piers. The earlier effective time for the zones will allow for earlier fireworks displays during Daylight Savings Time. The new sign requirements are to make it easier for the fireworks companies to make on-scene notifications. The 11 safety zones are:

##### New York Harbor

The first safety zone includes all waters of Upper New York Bay within a 240-yard radius of the fireworks barge in approximate position 40°41'39.9" N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island. The safety zone prevents vessels from transiting a portion of Upper New York Bay and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through Anchorage Channel as it is unaffected by this zone. Additionally, vessels will still be able to anchor in Federal Anchorage No. 20-B, to the north, and 20-C, to the south of the

safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The second safety zone includes all waters of the Atlantic Ocean within a 360-yard radius of the fireworks barge in approximate position 40°34'28.2" N 073°50'00.0" W (NAD 1983), off Beach 116th Street. The safety zone prevents vessels from transiting a portion of the Atlantic Ocean and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the Atlantic Ocean near Rockaway Beach. Additionally, vessels will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone and there are no commercial facilities in the vicinity of the zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The third safety zone includes all waters of Rockaway Inlet within a 360-yard radius of the fireworks barge in approximate position 40°34'19.1" N 073°54'43.5" W (NAD 1983), about 1,200 yards south of Point Breeze. The safety zone prevents vessels from transiting a portion of Rockaway Inlet and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through Rockaway Inlet. Additionally, vessels will not be precluded from mooring at or getting underway from recreational piers in the vicinity of the zone and there are no commercial facilities in the vicinity of the zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

#### Western Long Island Sound

The safety zone includes all waters of Larchmont Harbor within a 240-yard radius of the fireworks barge in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), about 540 yards north of Umbrella Rock. The safety zone prevents vessels from transiting a portion of Larchmont Harbor and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational traffic will still be able to transit through the western 100 yards and eastern 40 yards of the 620-yard wide Larchmont Harbor. There are currently no commercial facilities in Larchmont Harbor. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the Port does not anticipate

any negative impact on vessel traffic due to this safety zone.

#### East River

The first safety zone includes all waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'12.5" N 074°00'02.0" W (NAD 1983), about 200 yards east of Pier 16. The safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Vessel traffic will be able to transit through the eastern 140 yards of the 490-yard wide East River during the event. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone.

The second safety zone includes all waters of the East River within a 360-yard radius of the fireworks barge in approximate position 40°44'24.0" N 073°58'00.0" W (NAD 1983), about 785 yards south of Belmont Island. The safety zone prevents vessels from transiting a portion of the East River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and non-deep draft commercial vessel traffic will be able to transit through the western 160 yards of the 910-yard wide East River during the event. This safety zone will close this portion of the East River for vessels that must use the Poorhouse Flats Range. This range marks the area where the 35-foot deep main channel crosses from the west side of the river to the east side of the river. The Poorhouse Flats Range marks the best water in this crossover. But the Coast Guard will minimize any negative impact from this safety zone by ensuring that this zone is not effective during slack tide, which is typically when vessels that must use the Poorhouse Flats Range to transit this portion of the East River. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone.

#### Hudson River

The first safety zone includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 380 yards west of Pier 54. The safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area.

Marine traffic will still be able to transit through the western 170 yards of the 885-yard wide Hudson River during the event. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The second safety zone includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), about 380 yards west of Pier 84. The safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 165 yards of the 875-yard wide Hudson River during the event. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The third safety zone includes all waters of Peekskill Bay within a 360-yard radius of the fireworks barge in approximate position 41°17'16" N 073°56'18" W (NAD 1983), about 670 yards north of Travis Point. The safety zone prevents vessels from transiting a portion of Peekskill Bay and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through Peekskill Bay Channel during the event. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The fourth safety zone includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), about 420 yards east of Morris Canal Little Basin. The safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the eastern 535 yards of the 1,215-yard wide Hudson River during the event. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the



Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The fifth safety zone includes all waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°46'11.8" N 074°00'14.8" W (NAD 1983), about 375 yards west of Pier 90, Manhattan. The safety zone prevents vessels from transiting a portion of the Hudson River and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit through the western 160 yards of the 895-yard wide Hudson River during the event. This will expand the diameter of the current safety zone (§ 165.168(d)(4)) from 300 yards to 360 yards. This expanded safety zone will only be authorized when it will not interfere with vessel traffic at the New York Passenger Ship Terminal. Normally, this safety zone is established in conjunction with a passenger ship arrival or departure from Pier 88, 90, or 92. Additionally, vessels will not be precluded from mooring at or getting underway from any piers in the vicinity of the safety zone. The Captain of the Port does not anticipate any negative impact on vessel traffic due to this safety zone.

The Coast Guard does not know the actual dates that these safety zones will be activated at this time. Coast Guard Activities New York will give notice of the activation of each safety zone by all appropriate means to provide the widest publicity among the affected segments of the public. This will include publication in the Local Notice to Mariners. Marine information and facsimile broadcasts may also be made for these events, beginning 24 to 48 hours before the event is scheduled to begin, to notify the public. The Coast Guard expects that the notice of the activation of each permanent safety zone in this rulemaking will normally be made between thirty and fourteen days before the zone is actually activated. Fireworks barges used in the locations stated in this rulemaking will also have a sign on the port and starboard side of the barge labeled "FIREWORKS—STAY AWAY". This will provide on-scene notice that the safety zone the fireworks barge is located in is or will be activated on that day. This sign will consist of 10" high by 1.5" wide red lettering on a white background. Displays launched from shore sites will have a sign labeled "FIREWORKS—STAY AWAY" with the same size requirements. There will also be a Coast Guard patrol vessel on scene 30 minutes before the display is

scheduled to start until 15 minutes after its completion to enforce each safety zone.

The effective period for each safety zone is from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.). This is two hours earlier than the current regulations and is to allow for earlier fireworks displays during Daylight Savings Time. However, vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York, or designated Coast Guard patrol personnel on scene, as provided for in 33 CFR 165.23. Generally, blanket permission to enter, remain in, or transit through these safety zones will be given except for the 45-minute period that a Coast Guard patrol vessel is present.

#### Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. No changes were made to this rulemaking.

#### Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This finding is based on the minimal time that vessels will be restricted from the zones, and all of the zones are in areas where the Coast Guard expects insignificant adverse impact on all mariners from the zones' activation. Vessels may also still transit through New York Harbor, western Long Island Sound, the East River, and Hudson River during these events. Vessels will not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the safety zones. Advance notifications will also be made to the local maritime community by the Local Notice to Mariners. Marine information and facsimile broadcasts may also be made to notify the public. Additionally, the Coast Guard anticipates that there will only be 18 total activations of these safety zones per year.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in a portion of New York Harbor, western Long Island Sound, the East River, and Hudson River, during the times these zones are activated.

These safety zones will not have a significant economic impact on a substantial number of small entities for the following reasons: Vessel traffic may transit around all 11 safety zones. Vessels will not be precluded from getting underway, or mooring at, any piers or marinas currently located in the vicinity of the safety zones. Before the effective period, we will issue maritime advisories widely available to users of the Port of New York/New Jersey by local notice to mariners. Marine information and facsimile broadcasts may also be made.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. However, we received no requests for assistance from small entities.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

### Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

### Federalism

We have analyzed this rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes 11 safety zones. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, 160.5; 49 CFR 1.46.

2. Section 165.168 is amended as follows:

- a. Revise the section heading;
- b. Revise paragraph (a) introductory text and add paragraphs (a)(7) through (a)(9);
- c. Revise paragraph (b) introductory text and add paragraph (b)(10);
- d. Revise paragraph (c) introductory text and add paragraphs (c)(3) through (c)(4);
- e. Revise paragraph (d) introductory text and (d)(4) and add paragraphs (d)(8) through (d)(11);
- f. Revise paragraphs (e) and (f); and
- g. Revise Figures (1) through (4).

The additions and revisions read as follows:

#### § 165.168 Safety Zones: New York Harbor, Western Long Island Sound, East River, and Hudson River Fireworks.

(a) *New York Harbor*. Figure 1 of this section displays the safety zone areas in paragraphs (a)(1) through (a)(9).

\* \* \* \* \*

(7) *South Ellis Island Safety Zone*: All waters of Upper New York Bay within a 240-yard radius of the fireworks barge in approximate position 40°41'39.9" N 074°02'33.7" W (NAD 1983), about 260 yards south of Ellis Island.

(8) *Rockaway Beach Safety Zone*: All waters of the Atlantic Ocean within a 360 yard radius of the fireworks barge in approximate position 40°34'28.2" N 073°50'00.0" W (NAD 1983), off Beach 116th Street.

(9) *Rockaway Inlet Safety Zone*: All waters of Rockaway Inlet within a 360 yard radius of the fireworks barge in approximate position 40°34'19.1" N 073°54'43.5" W (NAD 1983), about 1,200 yards south of Point Breeze.

(b) *Western Long Island Sound*. Figure 2 of this section displays the safety zone areas in paragraphs (b)(1) through (b)(10).

(10) *Larchmont Harbor, Western Long Island Sound Safety Zone*: All waters of western Long Island Sound within a 240-yard radius of the fireworks barge in approximate position 40°55'21.8" N 073°44'21.7" W (NAD 1983), about 540 yards north of Umbrella Rock.

(c) *East River*. Figure 3 of this section displays the safety zone areas in paragraphs (c)(1) through (c)(4).

\* \* \* \* \*

(3) *Pier 16, East River Safety Zone*: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°42'12.5" N 074°00'02.0" W (NAD 1983), about 200 yards east of Pier 16.

(4) *Newtown Creek, East River Safety Zone*: All waters of the East River within a 360-yard radius of the fireworks barge in approximate position 40°44'24.0" N 073°58'00.0" W (NAD 1983), about 785 yards south of Belmont Island.

(d) *Hudson River*. Figure 4 of this section displays the safety zone areas in paragraphs (d)(1) through (d)(11).

\* \* \* \* \*

(4) *Pier 90, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°46'11.8" N 074°00'14.8" W (NAD 1983), about 375 yards west of Pier 90, Manhattan.

\* \* \* \* \*

(8) *Pier 54, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°44'31" N 074°01'00" W (NAD 1983), about 380 yards west of Pier 54, Manhattan.

(9) *Pier 84, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°45'56.9" N 074°00'25.4" W (NAD 1983), about 380 yards west of Pier 84, Manhattan.

(10) *Peekskill Bay, Hudson River Safety Zone*: All waters of Peekskill Bay within a 360-yard radius of the fireworks barge in approximate position 41°17'16" N 073°56'18" W (NAD 1983), about 670 yards north of Travis Point.

(11) *Jersey City, Hudson River Safety Zone*: All waters of the Hudson River within a 360-yard radius of the fireworks barge in approximate position 40°42'37.3" N 074°01'41.6" W (NAD 1983), about 420 yards east of Morris Canal Little Basin.

(e) *Notification*. Coast Guard Activities New York will cause notice of the activation of these safety zones to be made by all appropriate means to effect the widest publicity among the affected segments of the public, including publication in the local notice to mariners, marine information broadcasts, and facsimile. Fireworks barges used in these locations will also have a sign on their port and starboard side labeled "FIREWORKS—STAY AWAY". This sign will consist of 10" high by 1.5" wide red lettering on a white background. Shore sites used in

these locations will display a sign labeled "FIREWORKS—STAY AWAY" with the same dimensions.

(f) *Effective Period.* This section is effective from 6 p.m. (e.s.t.) to 1 a.m. (e.s.t.) each day a barge with a "FIREWORKS—STAY AWAY" sign on the port and starboard side is on-scene or a "FIREWORKS—STAY AWAY" sign

is posted in a location listed in paragraphs (a) through (d) of this section. Vessels may enter, remain in, or transit through these safety zones during this time frame if authorized by the Captain of the Port New York or

designated Coast Guard patrol personnel on scene.

\* \* \* \* \*

Dated: March 12, 2001.

R.E. Bennis,  
Rear Admiral, U.S. Coast Guard, Captain of  
the Port, New York.

BILLING CODE 4910-15-P

Figure 1  
§ 165.168(a) New York  
Harbor Fireworks Safety  
Zones drawn to scale.

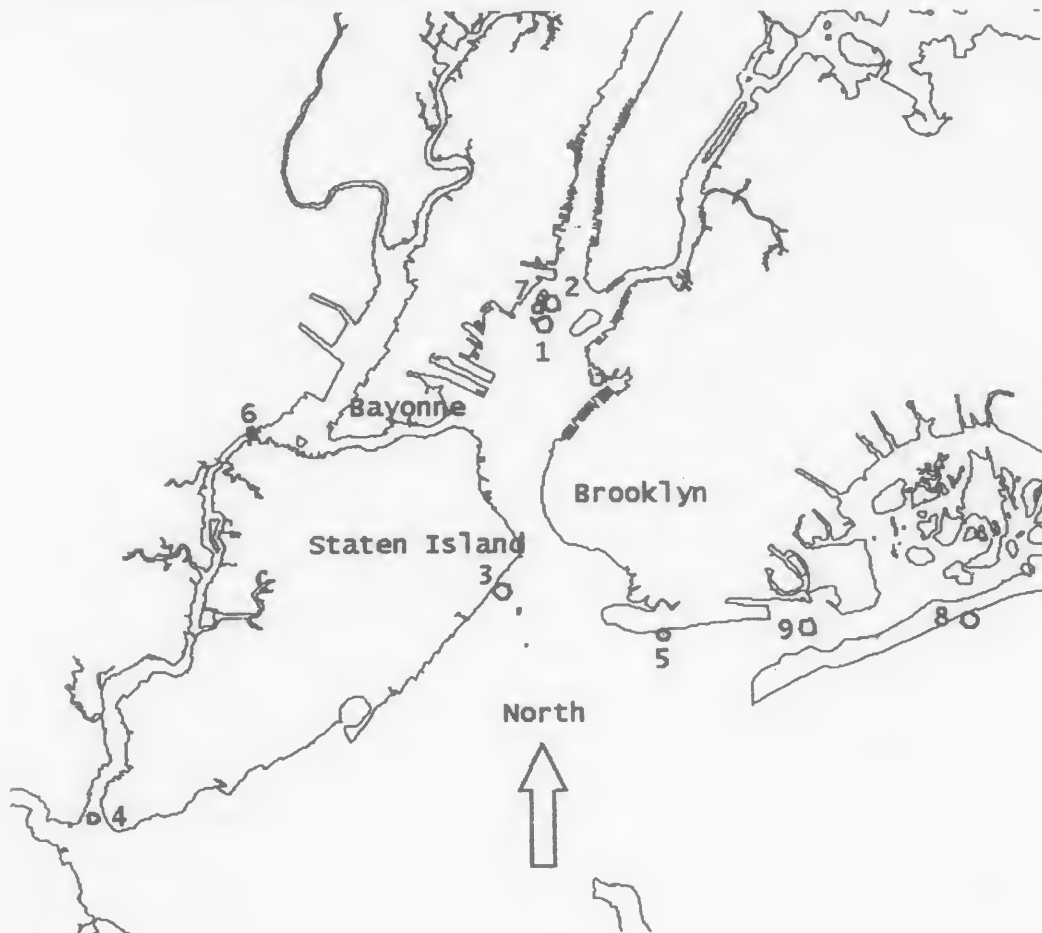


Figure 2  
§ 165.168(b) Western Long  
Island Sound Fireworks Safety  
Zones drawn to scale.

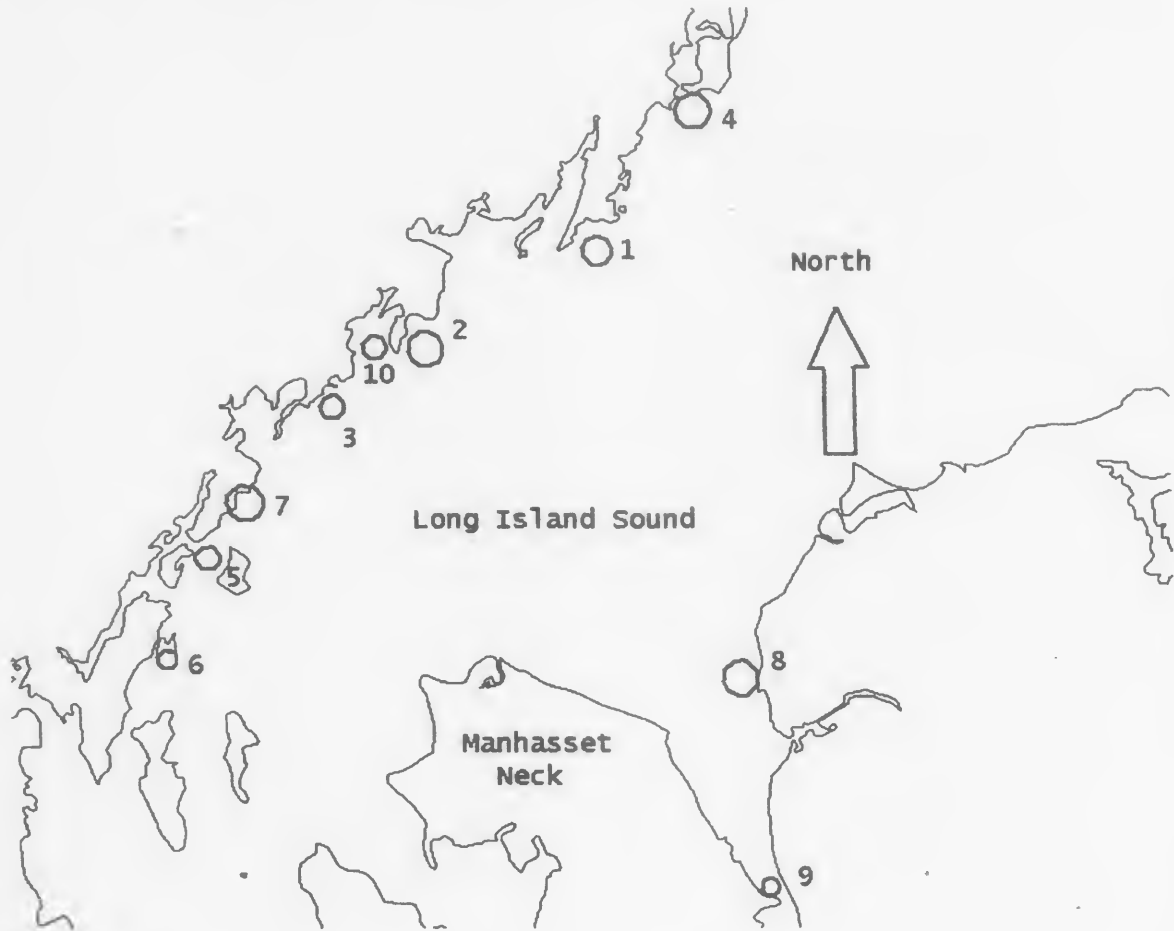
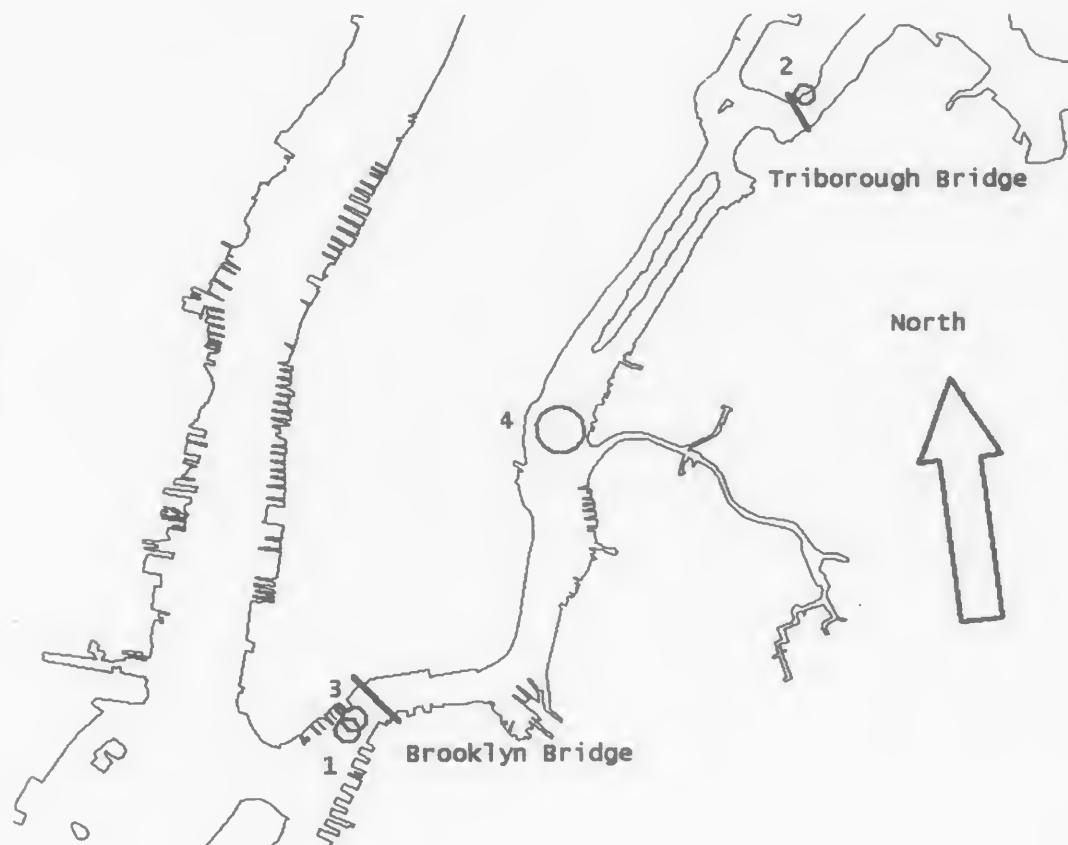
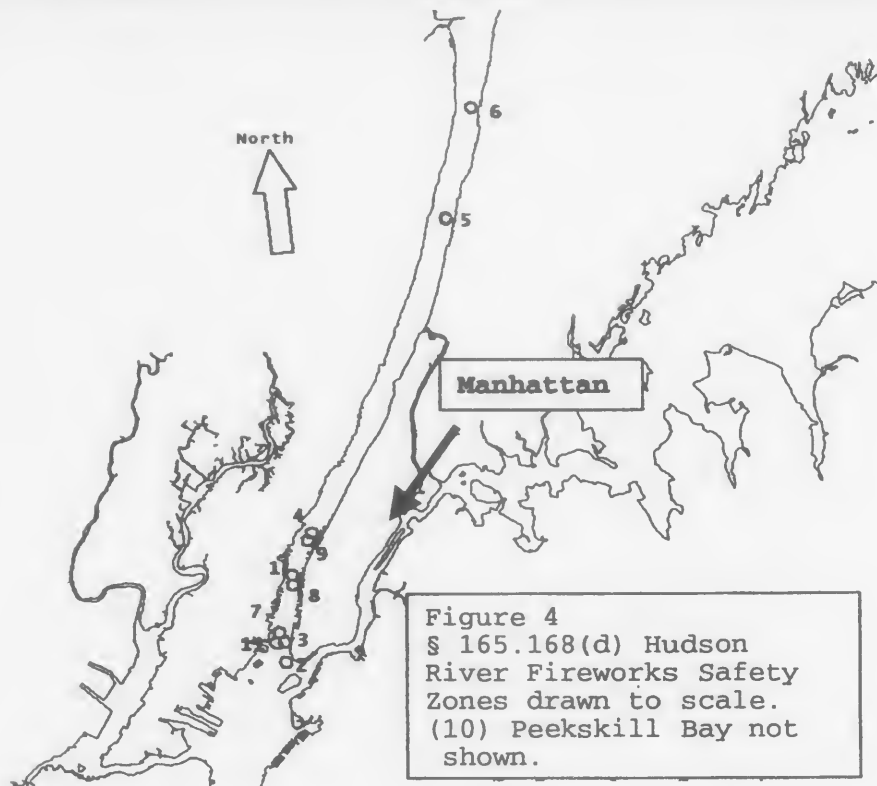


Figure 3  
§ 165.168(c) East River  
Fireworks Safety Zones  
drawn to scale.





[FR Doc. 01-7077 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-15-C

## DEPARTMENT OF COMMERCE

### United States Patent and Trademark Office

#### 37 CFR Part 1

[Docket Number 010202029-1029-01]

RIN 0651-AB35

#### Revision of Patent Cooperation Treaty Application Procedure

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (Office) is amending its rules of practice relating to applications filed under the Patent Cooperation Treaty (PCT). These changes conform the United States rules of practice to the Regulations under the PCT which became effective March 1, 2001. The result will be more streamlined procedures for filing and prosecuting international applications under the PCT.

**DATES:** *Effective Date:* March 1, 2001.

**Applicability Date:** The changes to §§ 1.434, 1.451, 1.471, and 1.484 apply to all international applications filed before, on, or after March 1, 2001. The changes to §§ 1.494, 1.495, and 1.497 apply to international applications entering the national phase on or after March 1, 2001 (irrespective of their filing date).

**FOR FURTHER INFORMATION CONTACT:** Charles Pearson, Director, Office of PCT Legal Administration, by telephone at (703) 306-4145; or by mail addressed to: Box PCT, Commissioner for Patents, Washington, DC 20231; or by facsimile to (703) 308-6459, marked to the attention of Charles Pearson.

**SUPPLEMENTARY INFORMATION:** During a March 2000 meeting of the Governing Bodies of the World Intellectual Property Organization (WIPO), the PCT Assembly adopted amendments to the PCT Regulations, which took effect on March 1, 2001. The amended PCT Regulations were published in PCT Gazette 42/2000, Section IV, October 19, 2000. The resulting changes to PCT practice improve filing and processing procedures for applicants filing international applications. This final rule amends the rules of practice in title 37 of the Code of Federal Regulations to

conform them to corresponding changes made to the PCT Regulations that took effect on March 1, 2001.

#### Discussion of Specific Rules

Title 37 of the Code of Federal Regulations, Part 1, is amended as follows:

Section 1.434(d) is amended to reflect that newly added PCT Rule 4.17(iv) allows applicants for the United States to file a declaration of inventorship as part of the PCT Request (Form PCT/RO/101).

Section 1.451(b) is amended to reflect a change in PCT Rule 4.1(c)(ii), which clarifies that a request for the receiving Office to prepare and transmit copies of priority documents, in which the priority documents were filed with the United States Patent and Trademark Office, may appear in the Request.

Section 1.471(c) is added to reflect that applicants may correct or add to the Request any declaration referred to in new PCT Rule 4.17 by a notice submitted to the International Bureau in accordance with new PCT Rule 26ter. Pursuant to PCT Rule 26ter, applicant may make such a correction or addition within a time limit of 16 months from the priority date or if the notice is received by the International Bureau

after the time limit, the notice will be considered to have been received on the last day of the time limit if it reaches the International Bureau before technical preparations for international publication have been completed.

Section 1.484(g) is added to reflect a change to PCT Rule 66.7(b). PCT Rule 66.7 allows an International Preliminary Examining Authority to ask for a translation of the priority document where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1). Section 1.484 allows the United States International Preliminary Examining Authority, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), to invite the applicant to furnish an English translation of the priority document within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if such priority had not been claimed.

Sections 1.494(c)(2), 1.495(c)(2) and 1.497(a) are amended to reflect new PCT Rules 4.17(iv), 26ter.1 and 51bis.2(b)(iii). Newly added PCT Rule 4.17(iv) allows applicants for the United States to file a declaration either as part of the originally filed Request or within the time limit set forth in new PCT Rule 26ter.1. A declaration in accordance with PCT Rule 4.17(iv) is equivalent to the declaration required under § 1.63. If the declaration is not in accordance with PCT Rule 4.17(iv), but it is in compliance with § 1.497, the declaration will be accepted for the purposes of entry into the national stage in the United States. However, in such an instance, a supplemental oath or declaration complying with § 1.63 may still be required. In addition, § 1.497(a)(2) is also amended to conform to the current language of § 1.63(b)(1). See *Changes to Implement the Patent Business Goals*, 65 FR 54603, 54667 (Sept. 8, 2000), 1238 *Off. Gaz. Pat. Office* 77, 133 (Sept. 19, 2000) (Final Rule).

Sections 1.494(c) and (d) are amended and § 1.497(f) is added to indicate that applicants will be required to file a new oath or declaration, where applicants for the United States executed a declaration in accordance with PCT Rule 4.17(iv), and subsequently made changes to: (1) The application under PCT Rule 20.2; or (2) the inventorship under PCT Rule 92bis. In addition, where the inventorship has been changed under PCT Rule 92bis after the execution of any declaration under PCT Rule 4.17(iv), applicant must provide the following: (1) A statement from each

person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in 37 CFR 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b)).

Section 1.494(g) is added to indicate that applicants will be required to file a new oath, declaration, or application data sheet where applicants for the United States filed a declaration in accordance with PCT Rule 4.17(iv), but made changes to the priority claim under PCT Rule 26bis after execution of the declaration under PCT Rule 4.17(iv).

#### Classification

##### *Administrative Procedure Act*

The United States rules of practice contained in title 37 CFR must conform to the PCT Articles and the Regulations annexed to the PCT. See PCT Article 27(1). This final rule merely implements corresponding changes required to conform United States rules for international applications to the amendments to the PCT Regulations which became effective on March 1, 2001. Accordingly, this final rule is covered by the foreign affairs function exception of 5 U.S.C. 553(a)(1), and may be adopted without prior notice and opportunity for public comment under 5 U.S.C. 553(b) and (c), or thirty-day advance publication under 5 U.S.C. 553(d). See *International Brotherhood of Teamsters v. Pena*, 17 F.3d 1478, 1486 (D.C. Cir. 1994).

##### *Regulatory Flexibility Act*

As prior notice and an opportunity for public comment are not required pursuant to 5 U.S.C. 553 (or any other law), the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

##### *Executive Order 13132*

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

##### *Executive Order 12866*

This final rule has been determined to be not significant for purposes of Executive Order 12866 (September 30, 1993).

##### *Paperwork Reduction Act*

This final rule involves information collection requirements which are subject to review by the Office of

Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The collection of information involved in this final rule has been reviewed and previously approved by OMB under the following control number 0651-0021.

The title, description and respondent description of this information collection is shown below with an estimate of the annual reporting burdens. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. The principal impact of this final rule is to conform the United States rules of practice relating to applications filed under the PCT to the corresponding amendments made to the Regulations under the PCT.

OMB Number: 0651-0021.

Title: Patent Cooperation Treaty.

Form Numbers: PCT/RO/101, ANNEX/134/144, PTO-1382, PCT/IPEA/401, PCT/IB/328.

Type of Review: Approved through December of 2003.

Affected Public: Individuals or Households, Business or Other For-Profit, Federal Agencies or Employees, Not-for-Profit Institutions, Small Businesses or Organizations.

Estimated Number of Respondents: 439,554.

Estimated Time Per Response: 0.25 to 4.0 hrs.

Estimated Total Annual Burden Hours: 595,060 hours.

Needs and Uses: The information collected is required by the Patent Cooperation Treaty. The general purpose of the PCT is to simplify the filing of patent applications on the same invention in different countries. It provides for a centralized filing procedure and a standardized application format.

Comments are invited on: (1) Whether the collection of information is necessary for proper performance of the functions of the agency; (2) the accuracy of the agency's estimate of the burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information to respondents.

Interested persons are requested to send comments regarding these information collections, including suggestions for reducing this burden, to Charles Pearson, Director, Office of PCT Legal Administration, United States Patent and Trademark Office, Washington, DC 20231, or to the Office of Information and Regulatory Affairs of OMB, New Executive Office Building,



725 17th Street, NW., Room 10235, Washington, DC 20503, Attention: Desk Officer for the United States Patent and Trademark Office.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB control number.

#### List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Courts, Freedom of Information, Inventions and patents, Reporting and record keeping requirements, Small Businesses.

For the reasons set forth in the preamble, 37 CFR Part 1 is amended as follows:

#### PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR Part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2(b)(2).

2. Section 1.434 is amended by revising paragraph (d) to read as follows:

#### § 1.434 The request.

(d) International applications which designate the United States of America:

(1) Shall include the name, address and signature of the inventor, except as provided by §§ 1.421(d), 1.422, 1.423 and 1.425;

(2) Shall include a reference to any copending national application or international application designating the United States of America, if the benefit of the filing date for the prior copending application is to be claimed; and

(3) May include in the Request a declaration of the inventors as provided for in PCT Rule 4.17(iv).

3. Section 1.451 is amended by revising paragraph (b) to read as follows:

#### § 1.451 The priority claim and the priority document in an international application.

(b) Whenever the priority of an earlier United States national application or international application filed with the United States Receiving Office is claimed in an international application, the applicant may request in the Request or in a letter of transmittal accompanying the international application upon filing with the United States Receiving Office or in a separate letter filed in the United States

Receiving Office not later than 16 months after the priority date, that the United States Patent and Trademark Office prepare a certified copy of the prior application for transmittal to the International Bureau (PCT Article 8 and PCT Rule 17). The fee for preparing a certified copy is set forth in § 1.19(b)(1).

4. Section 1.471 is amended by adding paragraph (c) to read as follows:

#### § 1.471 Corrections and amendments during international processing.

(c) Corrections or additions to the Request of any declarations under PCT Rule 4.17 should be submitted to the International Bureau as prescribed by PCT Rule 26ter.

5. Section 1.484 is amended by adding paragraph (g) to read as follows:

#### § 1.484 Conduct of international preliminary examination

(g) If the application whose priority is claimed in the international application is in a language other than English, the United States International Preliminary Examining Authority may, where the validity of the priority claim is relevant for the formulation of the opinion referred to in Article 33(1), invite the applicant to furnish an English translation of the priority document within two months from the date of the invitation. If the translation is not furnished within that time limit, the international preliminary examination report may be established as if the priority had not been claimed.

6. Section 1.494 is amended by revising paragraph (c)(2) to read as follows:

#### § 1.494 Entering the national stage in the United States of America as a designated office.

(2) The oath or declaration of the inventor (35 U.S.C. 371(c)(4); see § 1.497), and a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the translation and/or oath or declaration in order to prevent abandonment of the application.

7. Section 1.495 is amended by revising paragraph (c)(2) to read as follows:

#### § 1.495 Entering the national stage in the United States of America as an elected office.

(2) The oath or declaration of the inventor (35 U.S.C. 371(c)(4); see § 1.497), and a declaration of inventorship in compliance with § 1.497 has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, applicant will be so notified and given a period of time within which to file the translation and/or oath or declaration in order to prevent abandonment of the application.

8. Section 1.497 is amended by revising paragraphs (a), (c) and (d), and adding paragraphs (f) and (g) to read as follows:

#### § 1.497 Oath or declaration under 35 U.S.C. 371(c)(4).

(a) When an applicant of an international application desires to enter the national stage under 35 U.S.C. 371 pursuant to §§ 1.494 or 1.495, and a declaration in compliance with this section has not been previously submitted in the international application under PCT Rule 4.17(iv) within the time limits provided for in PCT Rule 26ter.1, he or she must file an oath or declaration that:

- (1) Is executed in accordance with either 1.66 or 1.68;
- (2) Identifies the application to which it is directed;
- (3) Identifies each inventor and the country of citizenship of each inventor; and
- (4) States that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

(c) Subject to paragraph (f) of this section, if the oath or declaration meets the requirements of paragraphs (a) and (b) of this section, the oath or declaration will be accepted as complying with 35 U.S.C. 371(c)(4) and §§ 1.494(c) or 1.495(c). However, if the oath or declaration does not also meet the requirements of § 1.63, a supplemental oath or declaration in compliance with § 1.63 or an application data sheet will be required in accordance with § 1.67.

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set



forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92*bis* subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

(1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

\* \* \* \* \*

(f) A new oath or declaration in accordance with this section must be filed to satisfy 35 U.S.C. 371(c)(4) if the declaration was filed under PCT Rule 4.17(iv), and:

(1) There was a change in the international filing date pursuant to PCT Rule 20.2 after the declaration was executed; or

(2) A change in the inventive entity was effected under PCT Rule 92*bis* after the declaration was executed.

(g) If a priority claim has been corrected or added pursuant to PCT Rule 26*bis* during the international stage after the declaration of inventorship was executed in the international application under PCT Rule 4.17(iv), applicant will be required to submit either a new oath or declaration or an application data sheet as set forth in § 1.76 correctly identifying the application upon which priority is claimed.

Dated: March 16, 2001.

Nicholas P. Godici,

Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the United States Patent and Trademark Office.

[FR Doc. 01-7132 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-16-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL-6955-8]

RIN 2060-AF29

### National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule; amendments.

**SUMMARY:** We are taking direct final action to amend the national emission standards for hazardous air pollutants (NESHAP) for Ferroalloys Production: Ferromanganese and Silicomanganese. The amendments are being made in response to a petition for reconsideration submitted to the EPA following promulgation of the rule and a petition for review filed in the U.S. Court of Appeals for the District of Columbia Circuit. The amendments establish new emission limitations for ferromanganese and silicomanganese production in open submerged arc furnaces. We are establishing four subcategories within this category of furnaces and specifying numerical emission limitations for particulate matter (PM) for each to account for differences in emission potential and control, furnace size, operating conditions, and alloy type. We are making these amendments as a direct final rule because we view the amendments as noncontroversial and anticipate no adverse comments.

In accordance with our general practice, we are also proposing these amendments in the "Proposed Rules" section of this **Federal Register**. If no adverse comments are received in response to this direct final rule, no further action is contemplated with respect to the proposal. If we receive adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. If adverse comment is received only on a discrete portion of the rule, we will consider withdrawing only that portion of the rule. We will not institute a second comment period on the proposal. Any parties interested in commenting on the amendments should do so at this time.

**DATES:** This rule is effective on May 21, 2001 without further notice, unless EPA receives adverse comment by April 23, 2001. If we receive such comment, we will publish a timely withdrawal in the

**Federal Register** informing the public that this rule will not take effect.

**Judicial Review.** Under Clean Air Act (CAA) section 307(b), judicial review of this nationally applicable final action is available only by filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit by May 21, 2001. Under section 307(b)(2), the regulations that are the subject of this action may not be challenged later in civil or criminal proceedings brought by EPA in reliance on them.

**ADDRESSES: Docket.** All information we considered in developing these amendments is located in Docket No. A-92-59 at the Air and Radiation Docket and Information Center (6102), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The docket is located at the above address in Room M-1500, Waterside Mall (ground floor), and may be inspected from 8:00 a.m. to 5:30 p.m., Monday through Friday. Materials related to these amendments are available upon request from the Air and Radiation Docket and Information Center by calling (202) 260-7548 or 7549. A reasonable fee may be charged for copying docket materials.

**Comments.** By U.S. Postal Service, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-59, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-59, U.S. EPA, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below.

**FOR FURTHER INFORMATION CONTACT:** Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-1512; facsimile (919) 541-5600, electronic mail address: chin.conrad@epamail.epa.gov.

#### SUPPLEMENTARY INFORMATION:

**Regulated Entities.** This action regulates entities that are industrial facilities producing ferromanganese or silicomanganese. Regulated categories and entities include those sources listed in the Primary Standard Industrial Classification Code 3313, Electrometallurgical Products, Except Steel.

At this time, we are aware of only one facility, the Eramet Marietta Inc. (Eramet) plant in Marietta, Ohio, that is subject to the NESHAP. Questions regarding the applicability of this action to a particular entity should be directed to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section or the relevant permitting authority.

**World Wide Web (WWW).** In addition to being available in the docket, an electronic copy of this action will also be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of the action will be placed on the TTN's policy and guidance page for newly proposed or promulgated rules at <http://www.epa.gov/ttn/oarpg>. The TTN provides information and technology exchange in various areas of air pollution control. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541-5384.

#### Outline

The information presented in this preamble is organized as follows:

- I. Overview of the May 20, 1999 Final Rule and Today's Amendments
- II. Eramet's Petition for Reconsideration
- III. Summary of Comments and Changes to the Final Rule
- IV. Associated Benefits and Costs

- V. Administrative Requirements
  - A. Executive Order 12866: Regulatory Planning and Review
  - B. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  - C. Executive Order 13132: Federalism
  - D. Unfunded Mandates Reform Act
  - E. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. et seq.
  - F. Paperwork Reduction Act
  - G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks
  - H. National Technology Transfer and Advancement Act
  - I. Congressional Review Act

#### I. Overview of the May 20, 1999 Final Rule and Today's Amendments

The rule as promulgated in 1999 applies to new and existing ferroalloy production facilities that manufacture ferromanganese and silicomanganese and are major sources of hazardous air pollutants (HAP) emissions or are co-located at major sources of HAP emissions.

Section 112 of the CAA requires us to establish technology-based regulations for all categories and subcategories of major and area sources that are listed pursuant to section 112(c), and that emit one or more of the HAP listed in section

112(b). Major sources are those that emit or have the potential to emit 10 tons per year (tpy) or more of any single HAP or 25 tpy or more of any combination of HAP. Additional standards may be developed later under section 112(f) to address residual risk that may remain even after application of the technology-based controls.

The following HAP emission sources at a ferroalloy production facility are affected by the final rule:

- Submerged arc furnaces.
- Metal oxygen refining (MOR) process.
- Crushing and screening operations.
- Fugitive dust sources.

The final rule contains emission standards that limit PM emissions, as a surrogate for HAP, from existing and new or reconstructed emission sources. The limits for the submerged arc furnaces differ depending on the alloy produced (ferromanganese or silicomanganese) and furnace design (open or semi-sealed). The final rule also sets limits for the air pollution control devices associated with the MOR process and crushing and screening operations. The following table summarizes the emission standards, by process, as reflected in the final rule prior to today's amendments.

#### EMISSION STANDARDS

New or reconstructed or existing source	Affected source	Applicable PM emission standards
New or reconstructed .....	Submerged arc furnace (primary and tapping)	0.23 kilograms per hour per megawatt (kg/hr/MW) (0.51 pounds per hour per megawatt (lb/hr/MW)), or 35 milligrams per dry standard cubic meter (mg/dscm) (0.015 grains per dry standard cubic foot (gr/dscf))
Existing .....	Open submerged arc furnace (primary and tapping).	16.3 kg/hr (35.9 lb/hr) when producing silicomanganese, or 6.4 kg/hr (14.0 lb/hr) when producing ferromanganese
Existing .....	Semi-sealed submerged arc furnace (primary, tapping, and vent stacks).	11.2 kg/hr (24.7 lb/hr) when producing ferromanganese
New, reconstructed, or existing	MOR process .....	69 mg/dscm (0.03 gr/dscf)
New or reconstructed .....	Individual equipment associated with the crushing and screening operation.	50 mg/dscm (0.022 gr/dscf)
Existing .....	Individual equipment associated with the crushing and screening operation.	69 mg/dscm (0.03 gr/dscf)

The final rule also establishes an opacity limit on shop buildings that house one or more of the submerged arc furnaces to limit process fugitive emissions and imposes a duty on the owner or operator to prepare and operate according to a fugitive dust control plan that describes the measures put in place to control fugitive dust sources.

Owners and operators are required to perform monthly inspections of the equipment that is important to the performance of the furnace capture systems, as well as operation and

maintenance requirements applicable to all air pollution control devices employed to meet the standards.

The final rule also contains detailed compliance provisions including compliance dates, as well as provisions for performance testing, monitoring, recordkeeping, and reporting.

The rule amendments will apply to the same HAP emission sources as the May 20, 1999 rule. Whereas the 1999 rule, in §§ 63.1650(b) and 63.1652(b), sets emission limits for existing open submerged arc furnaces according to alloy produced (ferromanganese or

silicomanganese), the amended rule will take furnace size into consideration and couple emissions with furnace power input. Specifically, the amended rule establishes furnace and alloy specific particulate matter emissions standards for existing open submerged arc furnaces.

Accordingly, applicability of the rule, § 63.1650(b) as amended, for the submerged arc furnaces is expanded from three to five affected sources:

- (1) Open submerged arc furnaces with a furnace power input of 22 MW or less when producing ferromanganese.

(2) Open submerged arc furnaces with a furnace power input greater than 22 MW when producing ferromanganese.

(3) Open submerged arc furnaces with a furnace power input greater than 25 MW when producing silicomanganese.

(4) Open submerged arc furnaces with a furnace power input of 25 MW or less when producing silicomanganese.

(5) Semi-sealed submerged arc furnaces when producing ferromanganese.

The emission standards for existing open submerged arc furnaces under § 63.1653(b), are amended as follows to add new furnace and alloy specific emissions standards:

(1) 9.8 kg/hr (21.7 lb/hr) when producing ferromanganese in an open furnace operating at a furnace power input ("power input") of 22 MW or less; or

(2) 13.5 kg/hr (29.8 lb/hr) when producing ferromanganese in an open furnace operating at a power input greater than 22 MW; or

(3) 16.3 kg/hr (35.9 lb/hr) when producing silicomanganese in an open furnace operating at a power input greater than 25 MW; or

(4) 12.3 kg/hr (27.2 lb/hr) when producing silicomanganese in an open furnace operating at a power input of 25 MW or less.

Other components of the final rule, including the emission limit for semi-closed furnaces, MOR processes, crushing and screening operations, remain unchanged. Emission standards for new and reconstructed submerged arc furnaces as promulgated under § 63.1652(a) are not affected by the amendments. There are also no changes to the opacity limit, fugitive dust control plan, maintenance and operating requirements, or monitoring, recordkeeping, and reporting requirements.

Lastly, to provide sufficient time for compliance with the revisions, we are extending the compliance date under § 63.1650(e)(1) for each owner and operator of an existing affected source from May 21, 2001 to November 21, 2001.

## II. Eramet's Petition for Reconsideration

After promulgation of the standards (64 FR 27450, May 20, 1999), Eramet filed a petition for reconsideration on July 16, 1999. In the petition Eramet argued that in the final rule we relied on information that was not available to the public during the public comment period. In addition, Eramet objected to certain specific changes made between proposal and promulgation that resulted in emission limitations that are more

stringent than those proposed and which were not based on any comments in the public record.

In response to the petition, we considered and analyzed information provided by the petitioner and determined that some of the arguments presented warranted changes to the rule. Specific arguments stated that we did not provide an opportunity for comment on the final numerical emission limit (14.0 lb/hr) for ferromanganese production, which was more stringent than the proposed numerical emission limit; and the final rule did not account for differences in emissions resulting from processing different alloy types in Eramet's two open submerged arc furnaces.

After review of Eramet's petition and submitted data, we have amended the final rule in response to some issues raised. The amended rule will establish separate emission limits for PM as a surrogate for HAP, applicable to open submerged arc furnaces that account for differences in emissions potential and control due to dissimilarities in furnace size, operating conditions, and alloy type.

## III. Summary of Comments and Changes to the Final Rule

Eramet objected to the 14.0 lb/hr PM emission limit for furnaces producing ferromanganese. Specifically, Eramet objected to our dismissal of one of the 21 test runs available for Eramet's furnace #12 when producing ferromanganese as an outlier. In addition, Eramet objected to our use of the highest compliance test result, which is a three-run average, rather than an approach based on all individual runs.

The test run in question is one of three runs conducted by the company in November of 1992 as part of a routine annual performance test. The result, 21.7 lb/hr, appeared unusually high when compared with the results of six other performance tests and 20 other individual test runs obtained on furnace #12 when producing ferromanganese over the 7-year period. We applied a standard statistical test for outlier assessment, the Dixon Criteria, and concluded that the test run should be rejected as an outlier.

We have, in response to Eramet's petition, closely reexamined our previous assessment and have determined that we made a computation error in our earlier outlier determination. As a result, we are reinstating this data point to the body of data to be used for standard setting.

We have 21 individual test runs from seven performance tests on which to

base the standard. Selecting the standard based on the highest individual run would produce a maximum achievable control technology (MACT) standard of 21.7 lb/hr, while basing the standards on the highest three-run average (highest single performance test) would result in a standard of 14.0 lb/hr. Both values were obtained from the November 1992 performance test.

In selecting the appropriate level for the performance standard, consideration must be given to the full range of process and control device operating conditions, which can reasonably be foreseen, under which the standard is to be achieved. This is especially important where the control device applied operates as a constant efficiency device, such as venturi scrubber, in which outlet loading and mass rate will vary depending on inlet loading.

Eramet has provided us a range of operational variables which significantly affect emissions from ferromanganese production in an open furnace. Some of the variables listed, such as moisture content in the raw material, weather, electrode length, and non-optimized tapping interval, are considered by us to be trivial, since a compliance test is a well-planned event, and should be performed under optimized operating conditions. One variable that Eramet listed, raw material changes, is worth consideration.

Eramet has no captive source of ore, reducing agent, or other raw materials in ferromanganese production. Raw materials are purchased on the open market based on price, suitability, and availability. This can lead to wide variations in material sizing and chemistry. Furnace operating conditions are particularly susceptible to changes in ore sizing and lime content. Fine sized ore and high lime content in the charge can lead to unstable furnace conditions and increases in emissions.

Based on the above considerations, we believe that the performance of the venturi scrubber under a reasonable worst case circumstance is best represented by the single highest individual run, and that selecting this highest value ensures that the standard will be met under all foreseeable acceptable operating conditions. As a result, we have selected 21.7 lb/hr PM as the standard for existing open submerged arc furnaces when producing ferromanganese in furnace #12.

Our next amendment to the final rule establishes furnace and alloy specific PM emission limits for Eramet's two open submerged arc furnaces. Based on comments contained in the petition for reconsideration and subsequent

discussions with the petitioner, we are establishing new emission limits for the two open furnaces to account for the difference in emission potential and control due to differences in furnace size, operating conditions, and alloy type. As noted previously, we acknowledge that the two open submerged arc furnaces were not differentiated in establishing emission limits for the two alloys in the final rule. We did not anticipate that either furnace would be used to produce alloy different from what they were producing at promulgation. Consequently, we are amending the rule by taking into consideration the physical and operational differences between the two furnaces to establish furnace and alloy specific PM emission limits.

As highlighted in the Eramet petition, furnaces #1 and #12 are different in several respects that can affect emissions materially, including size, electrode configuration, and electrical power input applied. Physically, furnace #1 is larger than furnace #12. Furnace #1 measures 38 feet in diameter and has an effective furnace depth of 18 feet. Furnace #12 is oval in shape and measures 37.4 feet by 35.7 feet; its furnace depth is 19 feet. Relative to electrode configuration, furnace #1 uses larger diameter electrodes (65 inches) and greater electrode spacing (12.5 feet) than furnace #12, which has 60 inch diameter electrodes and electrode spacing of 11.5 feet. Operationally, furnace #1 operates at higher power input than furnace #12 for the same alloy type. When producing silicomanganese, furnace #1 operates at a power input of 30 MW. In contrast, furnace #12 is projected to operate at a power input of 25 MW when producing silicomanganese. When producing ferromanganese, furnace #12 operates at a power input of 20 to 22 MW, while furnace #1 is expected to operate at 25 MW.

There are no historical emissions data on which to establish furnace specific emission limits for furnace #1 when producing ferromanganese or furnace #12 when producing silicomanganese. Although furnace #1 is permitted for ferromanganese production by the State of Ohio, ferromanganese has not been produced in the furnace since 1993, which predates any requirements by the State of Ohio for performance testing. To our knowledge, furnace #12 has never produced silicomanganese, nor is it presently permitted to do so. Although there are no actual emissions data from which to establish standards, we believe that suitable and defensible standards can be developed on the basis

of engineering judgement and extrapolation.

According to the petitioner, furnace emissions are directly proportional to the power input, with higher input generating greater emissions as a result of higher furnace temperatures and throughput. In addition, the differences in furnace depth should also be considered. A deeper furnace increases the amount of mix above the reaction zone and, thus, increases the trapping and containment of fume within the furnace, reducing emissions discharged from the furnace. As noted above, furnace #1 has a furnace depth of 18 feet, and furnace #12 has a depth of 19 feet. The petitioner estimates that this 1-foot difference in furnace depth results in about a 10 percent difference in potential emissions, with the shallower furnace (#1) being the higher emitter.

In formulating appropriate limits for furnace #1 when producing ferromanganese and furnace #12 when producing silicomanganese, we included the two considerations advanced by the petitioner: that emissions are directly proportional to power input and that emissions differ by 10 percent due to furnace depth. In establishing the emission limit for furnace #1 when producing ferromanganese, we multiplied the ferromanganese emission limit from furnace #12 (21.7 lb/hr) by 25 MW, the projected power input for furnace #1 when producing ferromanganese; divided by 20 MW, the power input for furnace #12 when producing ferromanganese; and multiplied the product by 1.1 to account for the fact that furnace #1 is shallower and thus higher emitting. The resulting emission limit is 29.8 lb/hr.

Similarly, in establishing the emission limit for furnace #12 when producing silicomanganese, we multiplied the silicomanganese emission limit from furnace #1 (35.9 lb/hr) by 25 MW, the projected power input for furnace #12 when producing silicomanganese; divided by 30 MW, the power input for furnace #1 when producing silicomanganese; and multiplied the product by 0.9 to account for the fact that furnace #12 is deeper and thus lower emitting. The resulting emission limit is 27.2 lb/hr.

In setting the emission standards for open submerged arc furnaces with a furnace power input greater than 22 MW producing ferromanganese and with a power input of 25 MW or less producing silicomanganese, EPA relied on engineering analysis. This was necessary because there are currently no furnaces operating that meet the above description and, as a result, EPA has no

representative emissions data on which to base the emission standards. However, we believe that the limits developed on the basis of engineering analysis are reasonable and achievable for these types of furnaces.

If, at some time in the future, either of these emissions limits becomes applicable to an existing furnace and the furnace operator has reason to conclude that the limits cannot be achieved, we will review any supporting data the operator submits and evaluate whether the standards should be revised to account for new information.

The compliance date for existing sources is also being amended. The May 1999 rule set a compliance date of May 21, 2001—2 years from promulgation. Section 112(i) of the CAA requires that we set a compliance date which is as expeditious as practicable, but no more than 3 years from promulgation. Given the timing of today's amendments, we believe that it is necessary and appropriate to provide an additional 6 months for compliance to be achieved. This amended compliance date is 2 years and 6 months from promulgation of the original final rule, and therefore the amendment is within EPA's discretion.

Other components of the final rule, including the emission limit for semi-closed furnaces, MOR processes, crushing, and screening operations, remain unchanged. Emission standards for new and reconstructed submerged arc furnaces as promulgated under § 63.1652(a) are not affected by the amendments. There are also no changes to the opacity limit, fugitive dust control plan, maintenance and operating requirements, or monitoring, recordkeeping and reporting requirements.

#### IV. Associated Benefits and Costs

The amendments are expected to apply to only one facility, the Eramet Marietta plant in Marietta, Ohio. The following discussion of environmental, energy, and economic impacts is limited to this facility. We don't anticipate any new facilities being built now or in the foreseeable future.

We believe that the amendments will have the primary effect of codifying existing control equipment and practices. Therefore, no additional emission control equipment would be required to comply with the amended standards, and no significant emissions reductions or other environmental impacts are anticipated to result from these amendments.

Costs and economic impacts are expected to be minimal. The only costs associated with the amendments are



those required to perform compliance assurance activities such as performance testing, monitoring, reporting, and recordkeeping. However, these costs are minor compared to costs already incurred by the facility in meeting its permit obligations for criteria pollutants.

## V. Administrative Requirements

### A. Executive Order 12866: Regulatory Planning and Review

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the EPA must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines a "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, it has been determined that this regulatory action is not a "significant regulatory action" because none of the listed criteria apply to this action. Consequently, this action was not submitted to OMB for review under Executive Order 12866.

### B. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

Executive Order 13175, entitled "Consultation and Coordination with Indian Governments" (65 FR 67249, November 6, 2000) requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on

the distribution of power and responsibilities between the Federal government and Indian tribes."

This final rule does not have tribal implications. It will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175.

Today's amendments do not significantly or uniquely affect the communities of Indian tribal governments. No tribal governments own or operate an affected source. Thus, Executive Order 13175 does not apply to this rule.

### C. Executive Order 13132: Federalism

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the EPA consults with State and local officials early in the process of developing the proposed regulation.

If EPA complies by consulting, Executive Order 13132 requires EPA to provide to OMB, in a separately identified section of the preamble to the rule, a federalism summary impact statement (FSIS). The FSIS must include a description of the extent of EPA's prior consultation with State and local officials, a summary of the nature of their concerns and the Agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met. Also, when EPA transmits a draft final rule

with federalism implications to OMB for review pursuant to Executive Order 12866, EPA must include a certification from the Agency's Federalism Official stating that EPA met the requirements of Executive Order 13132 in a meaningful and timely manner.

These amendments do not have federalism implications. They will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. None of the affected facilities are owned or operated by State governments, and the amended rule requirements will not supercede State regulations that are more stringent. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

### D. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, the EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any 1 year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires the EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least-burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows the EPA to adopt an alternative other than the least-costly, most cost-effective, or least-burdensome alternative if the Administrator publishes with the final rule an explanation why that alternative was not adopted. Before the EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory

proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

The EPA has determined that these amendments do not contain a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector in any 1 year. The maximum total annual cost of the amendment for any year has been estimated to be less than \$19 million. Thus, today's action is not subject to sections 202 and 205 of the UMRA. In addition, the EPA has determined that these amendments contain no regulatory requirements that might significantly or uniquely affect small governments because it contains no requirements that apply to such governments or impose obligations upon them. Therefore, today's action is not subject to the requirements of section 203 of the UMRA.

*E. Regulatory Flexibility Act (RFA) as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. et seq.*

The RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

For purposes of assessing the impacts of the amended rule on small entities, small entity is defined as: (1) a small business ranging from 500 to 1,000 employees; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

Based on the above definition of small entities, the Agency has determined that Eramet is not a small business. Therefore, because this amended rule will not impose any requirements on small entities, this action will not have a significant economic impact on a substantial number of small entities.

*F. Paperwork Reduction Act*

Today's amendments to the rule do not affect the information collection burden estimates made previously.

Consequently, the ICR has not been revised for these amendments to the rule.

*G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks*

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns the environmental health or safety risk that the EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety aspects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the EPA.

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis under section 5-501 of the Executive Order has the potential to influence the regulation. This amended final rule is not subject to Executive Order 13045 because it is not an economically significant regulatory action as defined by Executive Order 12866, and it is based on technology performance and not on health or safety risks.

*H. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) directs all Federal agencies to use voluntary consensus standards instead of government-unique standards in their regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (such as material specifications, test methods, sampling and analytical procedures, and business practices) developed or adopted by one or more voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, with explanations when an agency does not use available and applicable voluntary consensus standards. This action does not involve the promulgation of any new technical standards.

*I. Congressional Review Act*

The Congressional Review Act, 5 U.S.C. section 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provided that before a rule

may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this direct final rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication in the **Federal Register**. This direct final rule is not a "major rule" as defined by 5 U.S.C. section 804(2).

**List of Subjects in 40 CFR Part 63**

Environmental protection, Air pollution control, Ferromanganese and silicomanganese production, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 15, 2001.  
Christine Todd Whitman,  
Administrator.

For reasons stated in the preamble, Title 40, Chapter I, part 63 of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

1. The authority citation for part 63 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

**Subpart XXX—[Amended]**

2. Section 63.1650 is amended by revising paragraphs (b) and (e)(1) to read as follows:

**§ 63.1650 Applicability and compliance dates.**

\* \* \* \* \*

(b) The following sources at a ferromanganese and silicomanganese production facility are subject to this subpart:

- (1) Open submerged arc furnaces with a furnace power input of 22 MW or less when producing ferromanganese.
- (2) Open submerged arc furnaces with a furnace power input greater than 22 MW when producing ferromanganese.
- (3) Open submerged arc furnaces with a furnace power input greater than 25 MW when producing silicomanganese.
- (4) Open submerged arc furnaces with a furnace power input of 25 MW or less when producing silicomanganese.
- (5) Semi-sealed submerged arc furnaces when producing ferromanganese.
- (6) Metal oxygen refining (MOR) process.
- (7) Crushing and screening operations.

(8) Fugitive dust sources.

\* \* \* \* \*

(e) *Compliance dates.* (1) Each owner or operator of an existing affected source must comply with the requirements of this subpart no later than November 21, 2001.

\* \* \* \* \*

3. Section 63.1652 is amended by revising paragraph (b) to read as follows:

**§ 63.1652 Emission standards.**

\* \* \* \* \*

(b) *Existing open submerged arc furnaces.* No owner or operator shall cause to be discharged into the atmosphere from any existing open submerged arc furnace exhaust gases (including primary and tapping) containing particulate matter in excess of one of the following:

- (1) 9.8 kilograms per hour (kg/hr) (21.7 pounds per hour (lb/hr)) when producing ferromanganese in an open furnace operating at a furnace power input of 22 MW or less; or
- (2) 13.5 kg/hr (29.8 lb/hr) when producing ferromanganese in an open furnace operating at a furnace power input greater than 22 MW; or
- (3) 16.3 kg/hr (35.9 lb/hr) when producing silicomanganese in an open furnace operating at a furnace power input greater than 25 MW; or
- (4) 12.3 kg/hr (27.2 lb/hr) when producing silicomanganese in an open

furnace operating at a furnace power input of 25 MW or less.

\* \* \* \* \*

[FR Doc. 01-7028 Filed 3-21-01; 8:45 am]

BILLING CODE 6560-50-P

**LEGAL SERVICES CORPORATION**

**45 CFR Part 1611**

**Eligibility: Income Level for Individuals Eligible for Assistance**

**AGENCY:** Legal Services Corporation.  
**ACTION:** Final rule.

**SUMMARY:** The Legal Services Corporation ("Corporation") is required by law to establish maximum income levels for individuals eligible for legal assistance. This document updates the specified income levels to reflect the annual amendments to the Federal Poverty Guidelines as issued by the Department of Health and Human Services.

**EFFECTIVE DATE:** This rule is effective as of March 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mattie C. Condray, Senior Assistant General Counsel, Legal Services Corporation, 750 First Street NE., Washington, DC 20002-4250; (202) 336-8817; mcondray@lsc.gov.

**SUPPLEMENTARY INFORMATION:** Section 1007(a)(2) of the Legal Services

Corporation Act ("Act"), 42 U.S.C. 2996f(a)(2), requires the Corporation to establish maximum income levels for individuals eligible for legal assistance, and the Act provides that other specified factors shall be taken into account along with income.

Section 1611.3(b) of the Corporation's Regulations establishes a maximum income level equivalent to one hundred and twenty-five percent (125%) of the Federal Poverty Guidelines. Since 1982, the Department of Health and Human Services has been responsible for updating and issuing the Poverty Guidelines. The revised figures for 2001 set out below are equivalent to 125% of the current Poverty Guidelines as published on February 16, 2001 (66 FR 10695).

**List of Subjects in 45 CFR Part 1611**

Legal services.

For reasons set forth above, 45 CFR part 1611 is amended as follows:

**PART 1611—ELIGIBILITY**

1. The authority citation for Part 1611 continues to read as follows:

**Authority:** Secs. 1006(b)(1), 1007(a)(1) Legal Services Corporation Act of 1974, 42 U.S.C. 2996e(b)(1), 2996f(a)(1), 2996f(a)(2).

2. Appendix A of Part 1611 is revised to read as follows:

**APPENDIX A OF PART 1611—LEGAL SERVICES CORPORATION 2001 POVERTY GUIDELINES<sup>1</sup>**

Size of family unit	48 contiguous states and the District of Columbia <sup>2</sup>	Alaska <sup>3</sup>	Hawaii <sup>4</sup>
1	\$11,188	\$13,413	\$12,363
2	14,513	18,138	16,700
3	18,288	22,863	21,038
4	22,063	27,588	25,375
5	25,838	32,313	29,713
6	29,613	37,038	34,050
7	33,388	41,763	38,388
8	37,163	46,488	42,725

<sup>1</sup> The figures in this table represent 125% of the poverty guidelines by family size as determined by the Department of Health and Human Services.

<sup>2</sup> For family units with more than eight members, add \$3,775 for each additional member in a family.

<sup>3</sup> For family units with more than eight members, add \$4,725 for each additional member in a family.

<sup>4</sup> For family units with more than eight members, add \$4,338 for each additional member in a family.

Victor M. Fortuno,

*Vice President for Legal Affairs, General Counsel & Corporate Secretary.*

[FR Doc. 01-7090 Filed 3-21-01; 8:45 am]

BILLING CODE 7050-01-P

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 679**

[Docket No. 000629198-1038-02; I.D. 051500D]

RIN 0648-AM72

**Fisheries of the Exclusive Economic Zone Off Alaska; Western Alaska Community Development Quota Program; Correction**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Final rule; correction.

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**SUMMARY:** This document corrects a paragraph designation in the regulatory text of the final rule implementing Amendment 66 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP).

**DATES:** Effective April 6, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Sally Bibb, 907-586-7389, [sally.bibb@noaa.gov](mailto:sally.bibb@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

A final rule was published in the *Federal Register* on March 7, 2001 (66 FR 13672), implementing Amendment 66. This amendment removes the allocation of squid to the Western Alaska Community Development Quota Program to prevent the catch of squid from limiting the catch of pollock CDQ. Also, Amendment 66 implements a regulatory amendment defining directed fishing for pollock CDQ.

**Need for Correction**

As published, the final rule added a new paragraph to the definition for

"directed fishing," which was incorrectly designated.

**Correction**

In the final rule to implement Amendment 66 to the FMP published at 66 FR 13672, March 7, 2001, FR Doc. 01-5558, the following corrections are made:

1. On page 13677, column 3, instruction 2 is corrected to read:

"2. In § 679.2, in the definition for "Directed fishing", a new paragraph (5) is added to read as follows:"

**§ 679.2 [Corrected]**

2. On page 13677, column 3, in § 679.2, in the definition for "Directed fishing", paragraph (4) is correctly redesignated as paragraph (5).

Dated: March 16, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-7152 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-22-S



## Proposed Rules

Federal Register

Vol. 66, No. 56

Thursday, March 22, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### 7 CFR Part 201

[Docket No. LS-00-05-610 Review]

#### Federal Seed Act Regulations; Section 610 Review

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule; final review.

**SUMMARY:** This document summarizes the results of an Agricultural Marketing Service (AMS) review of the Federal Seed Act (FSA) Regulations, under the criteria contained in section 610 of the Regulatory Flexibility Act (RFA).

**ADDRESSES:** Interested persons may obtain a copy of the review. Requests for copies should be sent to Richard C. Payne, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Program, AMS, Room 209, Building 306, BARC-E., Beltsville, Maryland 20705-2325; Telephone (301) 504-9430; Fax (301) 504-8098; or E-mail Richard.Payne2@usda.gov. All requests should reference the docket number and date and page number of this issue of the Federal Register.

#### FOR FURTHER INFORMATION CONTACT:

Richard C. Payne, Chief, Seed Regulatory and Testing Branch, Livestock and Seed Program, AMS, USDA, Room 209, Building 306, BARC-East, Beltsville, Maryland 20725-2325; telephone: (301) 504-9237; Fax: (301) 504-8098; E-mail: Richard.Payne2@usda.gov.

**SUPPLEMENTARY INFORMATION:** The Federal Seed Act Regulations (7 CFR Part 201) regulate the labeling of agricultural and vegetable seed in interstate commerce. The regulations are effective under the Federal Seed Act of 1939 (FSA), as amended (7 U.S.C. 1551 *et seq.*). The regulations were last amended by a final rule published in the Federal Register on January 11, 2000 (64 FR 1704).

AMS published in the Federal Register (63 FR 8014; February 18, 1999), its plan to review certain regulations, including the FSA Regulations, under criteria contained in section 610 of the Regulatory Flexibility Act (RFA; 5 U.S.C. 601-612). Accordingly, AMS published a notice of review and request for written comments on the FSA Regulations in the March 10, 2000, issue of the Federal Register (65 FR 12952). No written comments were received.

The review was undertaken to determine whether the FSA Regulations should be continued without change, amended, or rescinded (consistent with the objectives of the FSA) to minimize the impacts on small entities. In conducting this review, AMS considered the following factors: (1) The continued need for the regulations; (2) the nature of complaints or comments received from the public concerning the regulations; (3) the complexity of the regulations; (4) the extent to which the regulations overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the regulations have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations.

Approximately 2,800 companies ship seed in interstate commerce. AMS estimates that about ninety percent of these companies would be considered small businesses under criteria established by the Small Business Administration (13 CFR 121.601). Both large and small seed companies have to comply with the same FSA Regulations.

AMS has determined that the FSA Regulations should be continued without change. The FSA was established in 1939 to regulate agricultural and vegetable planting seed in interstate commerce. Agricultural and vegetable seeds shipped in interstate commerce and must be labeled with certain quality information. The labeling and any advertisements pertaining to the seed must be truthful. Also, the FSA prohibits the shipment of agricultural seeds containing noxious-weed seeds that are not labeled according to, or exceed the allowable rate established by state law.

The FSA Regulations are used by seed regulatory officials for the enforcement

of the FSA and by interstate shippers of seed for guidance in complying with the record keeping, testing, and labeling requirements of the FSA. The FSA and FSA Regulations promote fair competition among seed companies by encouraging interstate shippers to correctly label their seed.

The FSA and regulations are similar to State seed laws and regulations and often serve as models for States to follow when revising their seed laws and regulations. This results in State seed laws and regulations being relatively uniform.

No complaints or comments were received from the public concerning the FSA Regulations which do not appear to be excessively complex. The regulations do not conflict with or duplicate other Federal rules. They also serve to assist State seed control programs. The regulations were recently amended and these amendments included suggestions from seed companies, seed trade organizations, seed certifying agencies, another government agency, and State control programs.

The attached supplement is an AMS review of the FSA Regulations.

Dated: March 16, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

#### Section 610 Review of the Federal Seed Act Regulations

##### Introduction and Background

This review is being conducted under section 610 of the Regulatory Flexibility Act (RFA). AMS published in the Federal Register (63 FR 8014; February 18, 1999), its plan to review certain regulations, including the Federal Seed Act (FSA) Regulations, under criteria contained in section 610 of the RFA (RFA 5 U.S.C. 601-612). Because many AMS regulations impact small entities, AMS decided, as a matter of policy, to review certain regulations which, although they may not meet the threshold requirement under section 610 of the RFA, warrant review. The February 18 notice stated that AMS would list the regulations to be reviewed in AMS' regulatory agenda which was published in the Federal Register as part of the Unified Agenda. However, after further consideration, AMS decided to announce the reviews in the Federal Register separate from the Unified Agenda. Accordingly, the

notice and request for comments was made for the FSA Regulations in the **Federal Register** on March 10, 2000 (65 FR 12952).

The purpose of the review is to determine whether the FSA Regulations should be continued without change, amended, or rescinded (consistent with the objectives of the FSA) to minimize the impacts on small entities. In conducting this review, AMS will consider the following factors: (1) The continued need for the regulations; (2) the nature of complaints or comments received from the public concerning the regulations; (3) the complexity of the regulations; (4) the extent to which the regulations overlap, duplicate, or conflict with other Federal rules, and, to the extent feasible, with State and local governmental rules; and (5) the length of time since the regulations have been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulations.

The FSA Regulations (7 CFR Part 201) regulate the labeling of agricultural and vegetable seed in interstate commerce. The regulations are effective under the FSA of 1939, as amended (7 U.S.C. 1551 *et seq.*). The regulations were last amended by a final rule published in the **Federal Register** on January 11, 2000 (64 FR 1704). The Administrator, AMS, certified that those amendments would not have a significant impact on a substantial number of small entities as defined in the RFA. Approximately 2,800 companies ship seed in interstate commerce. We estimate that about ninety percent of these companies would be considered small businesses under criteria established by the Small Business Administration (13 CFR 121.601). However, all shippers including small entities, usually package and label seed to comply with both the FSA and State seed laws. The testing and labeling requirements of the State laws are similar to those of the FSA. Therefore, a single test can provide information for labeling that will comply with both State seed laws and the FSA.

#### *The Continued Need for the Regulations*

The FSA Regulations are used by seed regulatory officials for the enforcement of the FSA and by interstate shippers of seed for guidance in complying with the record keeping and labeling requirements of the FSA. Many of these interstate shippers are small businesses. There is no effect on the competitive position of these small seed companies in relation to larger seed companies since both have to comply with the same FSA Regulations.

Complaints of FSA violations received from State seed control programs increased by fourteen percent during FY 2000 compared to the average of the three previous years. The percentage of these complaints determined to be serious violations of the FSA resulting in charge sheets being issued to interstate shippers increased from an average of twenty percent in the previous three years to thirty percent in FY 2000. In addition, seed control programs have been reduced in a number of states for budgetary reasons. Seed control officials in these states have increased their reliance on FSA enforcement activities as a means to deter mislabeled seed from being shipped into their states. These developments demonstrate the need for continued enforcement of the FSA and the FSA Regulations.

The FSA Regulations are similar to State seed law regulations and often serve as a model for States to follow when revising their State seed law regulations. This results in State seed laws and regulations being relatively uniform. Without the influence of the FSA Regulations, State seed law regulations could differ dramatically. These differences could cause difficulty and added expense for seed companies because seed would have to be labeled differently, depending on the State into which the seed was being shipped.

Sections 201.67–201.78 of the FSA Regulations contain minimum standards for the production of certified seed that must be met by State seed certifying agencies. The presence of these minimum standards in the FSA Regulations results in State seed certification standards that are uniform throughout the United States.

#### *The Nature of Complaints or Comments Received From the Public Concerning the Regulations*

No complaints or comments were received from the public as the result of the notice of the Section 610 review and request for comments published in the **Federal Register** on March 10, 2000 (65 FR 12952). The FSA regulations were recently amended by a final rule published in the **Federal Register** on January 11, 2000 (64 FR 1704).

Suggestions for the proposed amendments to the FSA Regulations were received from seed companies, State seed control programs, the Association of Official Seed Certifying Agencies the **Federal Register** on January 11, 2000 (64 FR 1704).

Suggestions for the proposed amendments to the FSA Regulations were received from seed companies, State seed control programs, the

Association of Official Seed Certifying Agencies (AOSCA), and the Animal and Plant Health Inspection Service (APHIS), AMS. These suggestions were included as amendments to the FSA Regulations in a notice of proposed rulemaking published in the **Federal Register** (63 FR 55964) on October 20, 1998. Interested persons were invited to submit comments until December 21, 1998. A hearing on the proposed rule was held in Washington, DC on December 2, 1998. At that time interested parties were given an opportunity to present views concerning the proposal. No one commented at the hearing. At the request of the American Seed Trade Association (ASTA), a document extending the comment period for the proposed rule was published in the **Federal Register** on December 24, 1998. Comments were received until February 4, 1999.

The interests of small seed companies, along with those of large seed companies, are represented by ASTA, a national seed trade association and/or by regional or State seed trade associations.

Written comments about the proposed rule were received from ASTA, a State seed trade association and four State Departments of Agriculture. The comments were evaluated and where they had merit, revisions to the amendments based on these comments were made to the proposed rule. For instance, as a result of comments received, *Cuscuta* species were removed from the list of noxious weeds proposed in an amendment so conflicts with State seed laws would not occur. Also, as the result of a comment, the effective date of an amendment was delayed one year so that seed already packaged and labeled under a previous regulation could be distributed. A suggestion from two commenters was rejected because the concern expressed was already regulated by APHIS through a system of permits.

#### *The Complexity of the Regulations*

The FSA Regulations are similar in complexity to State seed law regulations and appear to be easily understood by interstate shippers of seed. Only on rare instances are we asked to clarify a section of the regulations by an interstate shipper. In these cases, the regulation in question is discussed with the interstate shipper and the intent and content of the particular section is explained.

Presentations about FSA and FSA Regulation policies that pertain to emerging seed issues are made at regional and national seed testing, regulatory and industry association

meetings. In addition, developing seed related issues are also addressed from the perspective of the FSA and FSA Regulations in the "Items of Interest in Seed Control," published quarterly. This publication is available to both State seed control programs and seed companies.

*The Extent to Which the Regulations Overlap, Duplicate, or Conflict With Other Federal Rules and to the Extent Feasible With State and Local Government Rules*

We are unaware of any FSA Regulations that duplicate or are in conflict with other Federal rules. Sections of the FSA Regulations serve to complement those of several other Federal agencies such as the Food and Drug Administration (FDA), the Environmental Protection Agency (EPA), and APHIS.

For instance, the FDA regards any interstate shipment of seed that could be used for food as adulterated if it has been treated with a chemical considered a poison, unless the seed has been colored to prevent its subsequent inadvertent use as human food or feed for animals (21 CFR 2.25). The EPA requires in 40 CFR 153.55, that pesticides used in treating seed must contain an EPA-approved dye to impart an unnatural color to the seed. Section 201.31a of the FSA Regulations prescribes how treated seed must be labeled when shipped in interstate commerce. The regulations of all three agencies work together to ensure that treated seed is stained and correctly labeled when shipped in interstate commerce.

APHIS enforces the Plant Protection Act (PPA) by prohibiting the importation and interstate movement of seeds containing noxious weeds listed at 7 CFR part 360. Potential imports and interstate movements of seed of these species are regulated by APHIS by permit. Section 201.16 of the FSA Regulations designates seeds of species listed in 7 CFR part 360, except for *Cuscuta* species, as noxious and prohibits the interstate shipment of agricultural and vegetable seeds containing them. This section of the FSA Regulations provides a mechanism to control any of these destructive noxious weeds should they become established.

The FSA and its regulations serve to complement State seed laws and regulations. State seed control programs take action against mislabeled seed sold in their States by issuing stop sale orders against the seed. The seed can not be sold until it is correctly relabeled. States are usually unable to take

regulatory action against the interstate supplier of seed for a number of reasons. The FSA Regulations allow AMS to assist States by taking regulatory action against the interstate shippers of the seed. This cooperative regulatory effort with the States is reflected in Federal/State cooperative agreements between AMS and the Departments of Agriculture in each State.

*The Length of Time Since the Regulations Have Been Evaluated or the Degree to Which Technology, Economic Conditions, or Other Factors Have Changed in the Area Affected by the Regulations*

The FSA Regulations were recently amended. The final rule was published in the **Federal Register** on January 11, 2000. The amendments to the FSA became effective, February 10, 2000, except for the section making seeds of species listed in the FNWA noxious which becomes effective January 11, 2001.

Some of the amendments updated the seed testing regulations to incorporate the latest in seed testing knowledge so they are the same as the Association of Official Seed Analysts Rules for Testing Seeds, followed by most States for seed law enforcement. This action prevents potential conflicts with State regulations.

Other amendments updated the certified seed regulations in the FSA to make them consistent with State seed certification regulations. These amendments reflect current seed certification practices, and provide minimum certification standards for new crops, such as chemically assisted hybrid cotton.

[FR Doc. 01-7084 Filed 3-21-01; 8:45 am]  
BILLING CODE 3410-02-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-NE-49-AD]

RIN 2120-AA64

#### **Airworthiness Directives; Pratt & Whitney PW4000 Series Turbofan Engines**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** The Federal Aviation Administration (FAA) proposes to adopt a new airworthiness directive (AD) that

is applicable to certain models of Pratt & Whitney (PW) PW4000 series turbofan engines. This proposal would require operators to perform initial and repetitive inspections for cracking of high pressure compressor (HPC) front drum rotors based on cycle usage. This proposal would also require the removal from service of any cracked HPC front drum rotors. This proposal is prompted by reports that seven HPC drum rotors have been found cracked on the spacer surface between the 6th and 7th stage disks. The actions specified by the proposed AD are intended to detect premature cracking of the HPC drum rotor that could result in an uncontained engine failure and damage to the airplane.

**DATES:** Comments must be received by May 21, 2001.

**ADDRESSES:** Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-NE-49-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Pratt & Whitney, 400 Main Street, East Hartford, CT 06108. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Tara Goodman, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington MA 01803-5299; telephone: 781-238-7130, fax: 781-238-7199.

#### **SUPPLEMENTARY INFORMATION:**

##### **Comments Invited**

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NE-49-AD." The postcard will be date stamped and returned to the commenter.

#### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-NE-49-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

#### Discussion

This proposal is prompted by reports that seven HPC front drum rotors have been found cracked in the axial direction on the spacer surface between the 6th and 7th stage disks. These axial cracks may propagate into the disk and lead to compressor disk fracture, which could result in an uncontained engine failure. The manufacturer is investigating the cause of the cracking. There is currently no terminating action to the repetitive inspection requirements of the proposed AD. This proposed rule may be revised based on the results of the manufacturer's investigation.

#### Manufacturer's Service Information

The FAA has reviewed and approved the technical contents of PW Alert Service Bulletin (ASB) No. PW4ENG A72-722, dated September 29, 2000. That ASB provides procedures for operators to perform on-wing and off-wing initial and repetitive HPC drum rotor borescope inspections.

#### Differences Between Manufacturer's Service Information and this AD

Although ASB No. PW4ENG A72-722, dated September 29, 2000, exempts PW4158 engine serial numbers P728534 through P728546, from the inspection requirements, this AD includes those engines in the initial and repetitive inspections and requires replacing any drum rotor that is cracked. The FAA has

determined that there is insufficient data to permit the exception of these particular engines from the proposed inspection requirements.

Also, although ASB No. PW4ENG A72-722, dated September 29, 2000, provides procedures for operators to perform off-wing initial and repetitive HPC drum rotor inspections, the off-wing requirements are not mandated by the proposed rule. The FAA has evaluated a 20-year cumulative risk assessment and has determined that an acceptable level of safety will be met by requiring the on-wing inspections at the cyclic intervals detailed in the ASB.

ASB No. PW4ENG A72-722, dated September 29, 2000, states in item 12 of the Accomplishment Instructions for the on-wing inspection that an eddy current nondestructive inspection must be done within five engine cycles of finding a crack indication. The FAA has determined that if confirmation of cracking is necessary, an eddy current inspection must be conducted prior to further flight.

#### Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other PW4000 series turbofan engines of this same type design, the proposed AD would require operators to perform initial borescope inspections on HPC drum rotors before accumulating 1,500 cycles-since-new (CSN) on the effective date of this AD. This proposed AD would also require thereafter, inspections within 2,200 cycles-since-last-inspection, and the removal from service of any cracked HPC front drum rotor. The compliance intervals were established by analysis of service data and evaluation of a risk analysis. The actions would be required to be accomplished in accordance with the ASB described previously.

#### Economic Analysis

The FAA estimates that there are 1,970 engines of the affected design in the worldwide fleet, and that 538 engines installed on aircraft of U.S. registry would be affected by this proposed AD. The FAA also estimates that it would take approximately 2.5 work hours per engine to accomplish the proposed on-wing inspection, and that the average labor rate is \$60 per work hour. It is estimated that three engines would be found with cracked HPC front drum rotors in the time frame of one year. Approximately 269 engines will be inspected on average per year. The cost of removal and reinstallation of an engine is approximately \$10,000, and the cost of replacing the HPC front drum rotor is approximately \$750,000.

Required replacement parts would cost \$356,130 per engine. Based on these figures, the total cost impact per year of the proposed AD for accomplishing initial inspections and replacing HPC front drum rotors, on U.S. operators is estimated to be \$3,388,730.

#### Regulatory Impact

This proposal does not have federalism implications, as defined in Executive Order 13132, because it would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Pratt & Whitney: Docket No. 2000-NE-49-AD.

Applicability: This airworthiness directive (AD) applies to Pratt & Whitney (PW) models

PW4052, PW4056, PW4060, PW4062, PW4152, PW4156A, PW4158, PW4460, and PW4462 turbofan engines. These engines are installed on but not limited to Boeing 747, 767, McDonnell Douglas MD-11, Airbus Industrie A300, and A310 series airplanes.

**Note 1:** This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

#### Compliance

Required as indicated, unless accomplished previously.

To detect premature cracking of the high pressure compressor (HPC) front drum rotor, that could result in an uncontained engine failure and damage to the airplane, accomplish the following:

#### Initial Inspection

(a) Perform an initial inspection in accordance with the Accomplishment Instructions, On-Wing paragraphs 1 through 13, of PW Alert Service Bulletin (ASB) No. PW4ENG A72-722, dated September 29, 2000, as follows:

(1) Perform an initial inspection of HPC front drum rotors before accumulating 1,500 cycles-since-new.

(2) If the presence of a crack needs to be confirmed, perform an eddy current inspection (ECI) before further flight.

(3) If the presence of a crack is confirmed, remove and replace with a serviceable HPC front drum rotor before further flight.

#### Repetitive Inspections

(b) Thereafter, perform inspections within 2,200 cycles-since-last-inspection, in accordance with the Accomplishment Instructions, On-Wing paragraphs 1 through 13, of PW ASB No. PW4ENG A72-722, dated September 29, 2000.

(1) If the presence of a crack needs to be confirmed, perform an ECI before further flight.

(2) If the presence of a crack is confirmed, remove and replace with a serviceable HPC front drum rotor before further flight.

#### Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that

provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office (ECO). Operators shall submit their request through an appropriate Federal Aviation Administration (FAA) Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

#### Special Flight Permits

(d) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Burlington, Massachusetts, on March 14, 2001.

**Mark Liptak,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*

[FR Doc. 01-7081 Filed 3-21-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-126100-00]

RIN 1545-AY62

#### Guidance on Reporting of Deposit Interest Paid to Nonresident Aliens; Hearing

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Change of date of public hearing; reopening period to submit outlines of oral comments; reopening public comment period.

**SUMMARY:** This document changes the date of the public hearing on the proposed regulations under section 6049 that provide guidance on the reporting requirements for interest on deposits maintained at the U.S. office of certain financial institutions and paid to nonresident alien individuals. It also reopens the period to submit public comments and outlines of oral comments.

**DATES:** The public hearing will be held June 21, 2001, beginning at 10 a.m.

Additional public comments and outlines of oral comments must be received by May 31, 2001.

**ADDRESSES:** The public hearing will be held in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: Regulations Unit CC (REG-126100-00), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: Regulations Unit CC (REG-126100-00), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC. Alternatively, taxpayers may submit outlines of oral comments electronically directly to the IRS Internet site at [http://www.irs.gov/tax\\_regs/reglist.html](http://www.irs.gov/tax_regs/reglist.html).

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Kate Hwa, (202) 622-3840; concerning submission, LaNita Van Dyke, (202) 622-7190 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3925), announced that a public hearing on the proposed regulations under section 6049, providing guidance on the reporting requirements for interest on deposits maintained at the U.S. office of certain financial institutions and paid to nonresident alien individuals would be held on March 21, 2001, in Room 4718, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to June 21, 2001, at 10 a.m. in the Auditorium. Public comments and outlines of oral comments must be received by May 31, 2001.

**Cynthia Grigsby,**

*Chief, Regulations Unit, Office of Special Counsel, (Modernization & Strategic Planning).*

[FR Doc. 01-7162 Filed 3-19-01; 2:49 pm]

**BILLING CODE 4830-01-P**



**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 165**

[CGD09-01-005]

RIN 2115-AE84

**Cleveland Harborfest: Regulated Navigation Area and Moving Safety Zones, Cuyahoga River and Cleveland Harbor, Cleveland, OH****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to establish a temporary Regulated Navigation Area (RNA) during the Cleveland Harborfest event in the Port of Cleveland, Ohio, from 4 p.m. on Wednesday, July 11, 2001 until the event's conclusion at 4 p.m. on Monday, July 16, 2001. The Coast Guard will also establish a Moving Safety Zone in conjunction with the parade of ships ("Parade of Sails") as they transit Cleveland Harbor from 1 p.m. until 7 p.m. on Wednesday, July 11, 2001. These regulations are necessary to ensure the safe navigation of vessels and the safety of life and property during periods of heavy vessel traffic.

**DATES:** Comments must reach the Coast Guard on or before May 21, 2001.

**ADDRESSES:** You may mail comments and related material to Coast Guard Marine Safety Office (MSO) Cleveland (CGD09-01-005), 1055 East Ninth Street, Cleveland, Ohio, 44114. Coast Guard MSO Cleveland maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and available for inspection or copying at Coast Guard MSO Cleveland between 7 a.m. and 3:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant John Natale, Chief Port Operations Department, Coast Guard MSO Cleveland (216) 937-0111.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD09-01-005), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments

and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please include a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to Coast Guard MSO Cleveland at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

During Cleveland Harborfest, tall ships will moor at the Cleveland Port Authority in Cleveland Harbor. The portion of the Cuyahoga River between the Norfolk & Southern Number One Lift Bridge and Nautica Stage is the proposed area to be designated as a RNA. The RNA is necessary in this area of the Cuyahoga River due to the narrow channel and the need to manage the transits of large commercial freighters and the expected congestion from recreational vessel traffic. The proposed RNA will enhance vessel safety on the river by restricting vessel movement and setting mooring restrictions along the riverbanks.

A Moving Safety Zone will include the areas around and between all the vessels participating in the Parade of Sails during their transit in Cleveland Harbor and vicinity on Wednesday, July 11, 2001. The Moving Safety Zone will include the area within and bounded by an imaginary boundary extending a distance of 100 yards ahead of the line of vessels in the parade, 50 yards abeam each vessel and the line formed by the parade of vessels, and 50 yards astern of the last vessel in the parade. The Moving Safety Zones will ensure that spectator craft do not impede the path of any of the parade vessels.

The vessel congestion due to the large number of participating and spectator vessels poses a significant threat to the safety of life. This proposed rulemaking is necessary to ensure the safety of life on the navigable waters of the United States.

**Discussion of Proposed Rule**

During this event, tall ships will moor at the Cleveland Port Authority in Cleveland Harbor. The portion of the Cuyahoga River between the Norfolk & Southern Number One Lift Bridge and

Nautica Stage is the proposed area to be designated as a RNA, since this very narrow area of the river is expected to contain heavy recreational vessel traffic and commercial freighter traffic. All recreational vessels shall remain on the west bank of the river channel during southbound transits and on the east bank during northbound transits. Recreational vessels will be required to proceed at no-wake speed; maintain headway if conditions permit; and will not be allowed to cross the center of the channel except at the northern and southern ends of the RNA. The provision restricting recreational vessels from crossing the channel centerline does not apply to vessels getting underway from a berth within the RNA, or to vessels outbound from the Old River. The permanent Safety Zones currently in effect on the Cuyahoga River (33 CFR 165.903) remain unchanged. However, in addition to those permanent Safety Zones, recreational vessels will not be allowed to moor more than six vessels abeam anywhere in the RNA, including in the safety zones within the RNA, and must depart the area when directed. Recreational vessels docking in the RNA may maneuver to do so, but shall not linger awaiting availability of a mooring. Permission to deviate from the above rules must be obtained from the Coast Guard Captain of the Port or his representative at (216)-937-0111 any time before July 11, 2001, and during the event (Jul 11-16) by contacting "Coast Guard Cleveland Harbor Traffic" by VHF/FM radio Channel 6 or by telephone at (216) 695-9794. Commercial vessels will be allowed to transit the center of the channel and may be escorted by a Coast Guard vessel. All commercial vessels must contact "Coast Guard Cleveland Harbor Traffic" on VHF/FM radio Channel 6 at least 30 minutes before entering the RNA.

In order to ensure vessel safety, a Moving Safety Zone is proposed for the vessels participating in the Tall Ships Parade of Sails, which will be held upon their arrival in Cleveland on Wednesday, July 11, 2001. The Moving Safety Zone will be in effect around the vessels participating in the parade. The Moving Safety Zone will begin at 3 p.m. on Wednesday, July 11, 2001 at mustering point 41°31'30" N, 081°45'00" W, in Lake Erie approximately two miles northwest of the Cleveland Harbor West Pierhead light. The parade will begin at 3 p.m. on Wednesday, July 11, 2001 at the mustering point. The parade will proceed eastward to position 41°31'30" N, 081°43'54" W, then

proceed southeastward to position 41°30'21" N, 081°42'45" W inside the Cleveland breakwall. The parade will continue northeastward on the inside of the breakwall to position 41°32'36" N, 081°38'45" W. The parade will then proceed northwestward into Lake Erie to position 41°34'39" N, 081°39'42" W, then northeastward to position 41°35'18" N, 081°38'39" W, and then southward back to the breakwall at position 41°32'39" N, 081°38'39" W. The parade will continue southwestward inside of the breakwall to position 41°30'49" N, 081°42'00" W, and the parade vessels will then moor in the vicinity of Cleveland Port Authority Dock Number 32. The Moving Safety Zone will terminate at Cleveland Port Authority Dock Number 32 at 7 p.m. on Wednesday, July 11, 2001.

#### Regulatory Evaluation

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. The RNA and Moving Safety Zones will be in effect for a limited time, and extensive advance notice will be made to the maritime community via Local Notice to Mariners, facsimile, and marine safety information broadcasts. These temporary regulations are tailored to impose a minimal impact on maritime interests without compromising safety. Compensating for any adverse impacts are the favorable economic impacts that these events will have on commercial activity in the area as a whole from the boaters and tourists these events are expected to attract.

#### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would affect the following entities, some of which might be small entities: the owners of businesses along the regulated portion of Cuyahoga River, and the owners or operators of vessels intending to transit in the regulated portion of the Cuyahoga River or Cleveland Harbor from 3 p.m. on Wednesday, July 11, 2001 through 4 p.m. on Monday, July 16, 2001. The proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons: The rule will be in effect for a short time, and though it would apply to the entire width of the river or harbor channel, commercial traffic would be allowed to pass through with the permission of the Coast Guard Patrol Commander. Before the effective period, we will issue an extensive advance notice of the event to the maritime community via Local Notice to Mariners, facsimile, marine safety information broadcasts, and through the local Harbor Safety Committee.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see ADDRESSES) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

#### Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Coast Guard MSO Cleveland at the address listed under ADDRESSES.

#### Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520).

#### Federalism

We have analyzed this proposed rule under Executive Order 13132 and have determined that this rule does not have implications for federalism under that Order.

#### Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. The proposed rule would not impose an unfunded mandate.

#### Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

#### Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

#### Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribe, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

#### Environment

We considered the environmental impact of this proposed rule and concluded that under figure 2-1, paragraph 34(g) and (h), and paragraph 35(a) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This rule will not cause significant impacts on the environment; significantly change existing environmental conditions; have more than a minimal impact on protected properties; or provide

inconsistencies with State, local or Federal laws. A "Categorical Exclusion Determination" is available in the docket where indicated under ADDRESSES.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR Part 165 as follows:

#### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

1. The authority citation for Part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5; 49 CFR 1.46.

2. Add temporary § 165.T09-005 to read as follows:

#### § 165.T09-005 Regulated Navigation Area: Cleveland Harborfest, Cuyahoga River, Cleveland, Ohio.

(a) *Location:* The following area is a Regulated Navigation Area (RNA): All

waters on the Cuyahoga River between the Norfolk and Southern Number One lift bridge, river mile 0.76, and Nautica Stage, Cleveland, Ohio as shown in Figure 165.T09-005(d).

(b) *Effective Date:* These regulations are in effect from 4 p.m. on Wednesday, July 11, 2001 through 4 p.m. on Monday, July 16, 2001.

#### (c) Regulations:

(1) Recreational vessels within the RNA shall remain on the west bank of the river channel during southbound transits and on the east bank during northbound transits.

(2) Recreational vessels shall proceed at no-wake speed; maintain headway if conditions permit; and will not cross the center of the channel except at the northern and southern ends of the RNA. The provision restricting recreational vessels from crossing the channel centerline does not apply to vessels getting underway from a berth within the RNA, or to vessels outbound from the Old River.

(3) The permanent Safety Zones currently in effect on the Cuyahoga River (33 CFR 165.903) remain unchanged. In addition, recreational

vessels may not moor more than six vessels abeam anywhere in the RNA, and must depart the area when directed. These additional mooring and departure requirements apply to all vessels within the RNA, including those moored under pre-existing waivers granted under 33 CFR 165.903(b)(3). Recreational vessels docking in the RNA may maneuver to do so, but shall not linger awaiting availability of a mooring. Permission to deviate from the above rules must be obtained from the Coast Guard Captain of the Port or his representative at (216) 937-0111 any time before July 11, 2001, and during the event (Jul 11-16) by contacting "Coast Guard Cleveland Harbor Traffic" by VHF/FM radio Channel 6 or by telephone at (216) 695-9794.

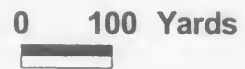
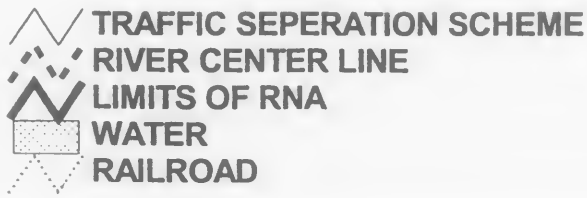
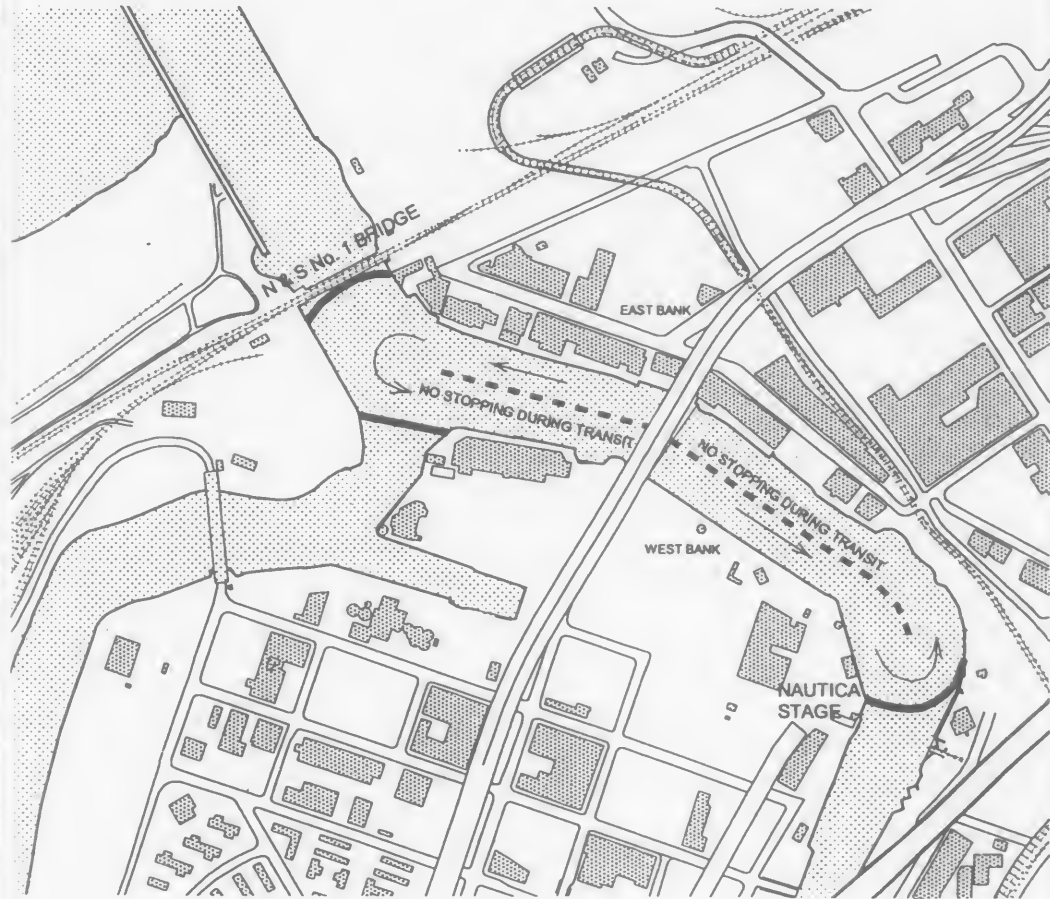
(4) Commercial vessels will be allowed to transit the center of the channel and may be escorted by a Coast Guard vessel. All commercial vessels must contact "Coast Guard Cleveland Harbor Traffic" on VHF/FM radio Channel 6 at least 30 minutes before entering the RNA.

BILLING CODE 4910-15-P



165.T09-005(d)

# CLEVELAND HARBORFEST 2001 CUYAHOGA RIVER REGULATED NAVIGATION AREA



3. Add temporary § 165.T09-006 to read as follows:

**§ 165.T09-006 Moving Safety Zones: Cleveland Harborfest, Cleveland Harbor and Lake Erie, Cleveland, Ohio.**

(a) *Location:* The waters of Cleveland Harbor and Lake Erie, Cleveland, Ohio.

(b) *Effective Date:* These regulations are in effect from 1 p.m. until 7 p.m. on Wednesday, July 11, 2001.

(c) *Regulations:*

(1) The following areas are designated as Moving Safety Zones: All waters within and bounded by an imaginary boundary extending a distance of 100 yards ahead of the line of vessels in the parade, 50 yards abeam each vessel and the line formed by the parade of vessels, and 50 yards astern of the last vessel in the parade. The Moving Safety Zone will be in effect around the vessels participating in the parade. The Moving Safety Zone will begin at 3 p.m. on Wednesday, July 11, 2001 at mustering point 41°31'30" N, 081°45'00" W, in Lake Erie approximately two miles northwest of the Cleveland Harbor West Pierhead light. The parade will begin at 3 p.m. on Wednesday, July 11, 2001 at the mustering point. The parade will proceed eastward to position 41°31'30" N, 081°43'54" W, then proceed southeastward to position 41°30'21" N, 081°42'45" W inside the Cleveland breakwall. The parade will continue northeastward on the inside of the breakwall to position 41°32'36" N, 081°38'45" W. The parade will then proceed northwestward into Lake Erie to position 41°34' 39" N, 081°39'42" W, then northeastward to position 41°35'18" N, 081°38'39" W, and then southward back to the breakwall at position 41°32'39" N, 081°38'39" W. The parade will continue southwestward inside of the breakwall to position 41°30'49" N, 081°42' 00" W, and the parade vessels will then moor in the vicinity of Cleveland Port Authority Dock Number 32. The Moving Safety Zone will terminate at Cleveland Port Authority Dock Number 32 at 7 p.m. on Wednesday, July 11, 2001.

(2) All vessel operators shall comply with the instructions of the U.S. Coast Guard Captain of the Port Cleveland, Ohio, or the designated on-scene U.S. Coast Guard patrol personnel including commissioned, warrant, and petty officers. Permission to deviate from the above rules must be obtained from the Captain of the Port or his representative by VHF/FM radio, Channel 6 or by telephone at (216) 701-8389.

Dated: March 13, 2001.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander,  
Ninth Coast Guard District, Cleveland, Ohio.

[FR Doc. 01-7078 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-15-p

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 63**

[AD-FRL-6955-9]

RIN 2060-AF29

**National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; amendments.

**SUMMARY:** We are proposing to amend the national emission standards for hazardous air pollutants (NESHAP) for Ferroalloys Production: Ferromanganese and Silicomanganese (40 CFR Part 63, Subpart XXX). Changes are being made in response to a petition for reconsideration submitted to the EPA following promulgation of the final rule, and a petition for review filed in the U.S. Court of Appeals for the District of Columbia Circuit. The revisions establish new emission limitations for ferromanganese and silicomanganese production in open submerged arc furnaces. We are establishing four subcategories within this category of furnaces and specifying numerical emission limitations for particulate matter (PM) for each, in order to account for differences in emission potential and control due to differences in furnace size, operating conditions, and alloy type.

In the Rules and Regulations section of this **Federal Register**, we are making this amendment in a direct final rule because we view these amendments as noncontroversial and we anticipate no adverse comments. We have explained our reasons for this amendment in the preamble to the direct final rule.

**DATES:** *Comments.* Submit comments on or before April 23, 2001.

*Public Hearing.* If anyone contacts us requesting to speak at a public hearing by April 11, 2001, we will hold a public hearing on April 23, 2001.

**ADDRESSES:** By U.S. Postal Service, send comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-59, U.S. Environmental Protection Agency, 1200

Pennsylvania Avenue, NW, Washington, DC 20460. In person or by courier, deliver comments (in duplicate if possible) to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-92-59, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The EPA requests that a separate copy of each public comment be sent to the contact person listed below.

*Public Hearing.* If a public hearing is held, it will be held at 10:00 a.m. in our Office of Administration Auditorium, Research Triangle Park, North Carolina, or at an alternate site nearby.

*Docket.* Docket No. A-92-59 contains supporting information used in developing the standards and guidelines. The docket is located at the U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460 in room M-1500, Waterside Mall (ground floor), and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Conrad Chin, Metals Group, Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone (919) 541-1512; facsimile (919) 541-5600; electronic mail address: chin.conrad@epamail.epa.gov.

**SUPPLEMENTARY INFORMATION:** A direct final rule identical to this proposal is published in the Rules and Regulations section of this **Federal Register**. If adverse comments are received on this proposal, the direct final rule will be withdrawn and the comments will be addressed in a subsequent final rule. If adverse comments are received only on a discrete portion of the rule, we will consider withdrawing only that portion of the rule. If no significant adverse comments are received, no further action will be taken on this proposal and the direct final rule will become effective on May 21, 2001.

The regulatory text for this proposal is identical to that for the direct final rule published in the Rules and Regulations section of this **Federal Register**. For further supplementary information, see the direct final rule published in the **Federal Register**.

**What Are the Administrative Requirements for This Action?**

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is, therefore, not subject to review by the Office of Management and Budget. In addition, since this action establishes no

new requirements, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to section 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This action also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, January 1, 2001).

This action will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255,

August 10, 1999). This action also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This action also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In taking this action, we have taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). We have complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of this action in

accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the Executive Order. This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### List of Subjects in 40 CFR Part 63

Environmental protection, Air pollution control, Ferromanganese and silicomanganese production, Hazardous substances, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: March 15, 2001.

Christine Todd Whitman,  
Administrator.

[FR Doc. 01-7027 Filed 3-21-01; 8:45 am]

BILLING CODE 6560-50-P

## Notices

Federal Register

Vol. 66, No. 56

Thursday, March 22, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

[Docket No. 01-014-1]

#### Notice of Request for Extension of a Currently Approved Information Collection

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Extension of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request an extension of a currently approved information collection in support of credit account approval for reimbursable services.

**DATES:** We invite you to comment on this docket. We will consider all comments that we receive by May 21, 2001.

**ADDRESSES:** Please send four copies of your comment (an original and three copies) to: Docket No. 01-014-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 01-014-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the Federal Register, and related information, including the names of

organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** For information regarding credit account approval for reimbursable services, contact Ms. Donna J. Ford, User Fees Section Head, FSSB, APHIS, 4700 River Road Unit 54, Riverdale, MD 20737-1232; (301) 734-5752. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS, Information Collection Coordinator, at (301) 734-7477.

#### SUPPLEMENTARY INFORMATION:

*Title:* Credit Account Approval for Reimbursable Services.

*OMB Number:* 0579-0055.

*Expiration Date of Approval:* April 30, 2001.

*Type of Request:* Extension of a currently approved information collection.

*Abstract:* The services of an Animal and Plant Health Inspection Service (APHIS) inspector to clear imported and exported commodities requiring release by APHIS personnel are covered by user fees during regular working hours. If an importer wishes to have a shipment of cargo cleared at other hours, such services will usually be provided on a reimbursable overtime basis, unless already covered by a user fee. Exporters wishing cargo to be certified during nonworking hours may also utilize this procedure.

Requestors of our services are usually repeat customers who request that we bill them for our services. We need to collect certain information in order for our Field Servicing Office to conduct a credit check on prospective applicants to ensure creditworthiness prior to extending credit services, and to prepare billings for such services performed.

Also, the Debt Collection Improvement Act of 1996 requires that agencies collect tax identification numbers from all persons doing business with the Government for purposes of collecting delinquent debts. This is one field on the APHIS Form 192, and it must be completed before credit is extended.

We are asking the Office of Management and Budget (OMB) to extend its approval of our use of this

information collection activity for an additional 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning this information collection activity. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 0.25 hours per response.

*Respondents:* Importers/exporters who wish to set up an account for billing of inspection services provided for shipments of cargo or animals cleared during nonworking hours.

*Estimated annual number of respondents:* 360.

*Estimated annual number of responses per respondent:* 1.

*Estimated annual number of responses:* 360.

*Estimated total annual burden on respondents:* 90 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 16th day of March 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7109 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-34-P

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. 01-005-1]

**Notice of Request for Reinstatement of an Expired Information Collection****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Reinstatement of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a reinstatement of an expired information collection in support of regulations allowing papayas to be imported into the continental United States, Alaska, Puerto Rico, and the U.S. Virgin Islands from certain regions of Brazil and Costa Rica.

**DATES:** We invite you to comment on this docket. We will consider all comments that we receive by May 21, 2001.

**ADDRESSES:** Please send four copies (an original and three copies) of your comment to: Docket No. 01-005-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-005-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the *Federal Register*, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** For information on foreign quarantine regulations, contact Donna L. West, Import Specialist, Phytosanitary Issues Management Team, Plant Protection and Quarantine, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737-1236; (301) 734-6799. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles,

APHIS' Information Collection Coordinator, at (301) 734-7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Importation of Fruits and Vegetables.

*OMB Number:* 0579-0128.

*Expiration Date of Approval:* January 31, 2001.

*Type of Request:* Reinstatement of an expired information collection.

*Abstract:* The United States Department of Agriculture (USDA) is responsible for preventing plant pests from entering the United States and controlling and eradicating plant pests in the United States. The Plant Protection Act authorizes the Department to carry out this mission. The Plant Protection and Quarantine (PPQ) program of USDA's Animal and Plant Health Inspection Service is responsible for implementing the regulations that carry out the intent of this Act. The regulations in "Subpart—Fruits and Vegetables" (7 CFR 319.56 through 319.56-8) prohibit or restrict the importation of fruits and vegetables into the United States from certain parts of the world to prevent the introduction and dissemination of plant pests, including fruit flies, that are new to or not widely distributed within the United States.

The regulations in § 319.56-2w allow papayas to be imported into the continental United States, Alaska, Puerto Rico, and the U.S. Virgin Islands from certain regions of Brazil and Costa Rica under specified conditions. Allowing papayas to be imported necessitates the use of certain information collection activities, including completing phytosanitary inspection certificates, maintaining fruit fly monitoring records, and marking the cartons.

We are asking the Office of Management and Budget (OMB) to approve our use of these information collection activities for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

(1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 1 hour per response.

*Respondents:* Growers of papayas in Brazil and Costa Rica and full-time, salaried plant health officials of Brazil and Costa Rica.

*Estimated annual number of responses:* 50.

*Estimated annual number of responses per respondent:* 10.

*Estimated annual number of responses:* 500.

*Estimated total annual burden on respondents:* 500 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 16th day of March 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7110 Filed 3-21-01; 8:45 am]

**BILLING CODE 3410-34-P**

**DEPARTMENT OF AGRICULTURE****Animal and Plant Health Inspection Service**

[Docket No. 01-007-1]

**Notice of Request for Reinstatement of an Expired Information Collection****AGENCY:** Animal and Plant Health Inspection Service, USDA.**ACTION:** Reinstatement of approval of an information collection; comment request.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Animal and Plant Health Inspection Service's intention to request a reinstatement of an expired information collection in support of regulations that prevent plant diseases and pests from spreading from infested areas of the United States to noninfested areas.

**DATES:** We invite you to comment on this docket. We will consider all comments that we receive by May 21, 2001.

**ADDRESSES:** Please send four copies (an original and three copies) of your comment to: Docket No. 01-007-1,



Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 01-007-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** For information on domestic quarantine regulations, contact Mr. Robert G. Spaide, Assistant Director, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8247. For copies of more detailed information on the information collection, contact Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734-7477.

**SUPPLEMENTARY INFORMATION:**

*Title:* Domestic Quarantines.

*OMB Number:* 0579-0088.

*Expiration Date of Approval:* August 31, 2000.

*Type of Request:* Reinstatement of an expired information collection.

*Abstract:* The United States Department of Agriculture (USDA) is responsible for, among other things, the control and eradication of plant pests. The Plant Protection Act authorizes the Department to carry out this mission.

The Plant Protection and Quarantine (PPQ) program of USDA's Animal and Plant Health Inspection Service (APHIS) is responsible for implementing the provisions of the Act and does so through the enforcement of its domestic quarantine regulations in 7 CFR part 301 and its Hawaiian and territorial quarantine regulations in 7 CFR part 318.

Those regulations prohibit or restrict the movement of certain articles from infested areas to noninfested areas. For example, if an area of the United States has been placed under quarantine due to witchweed, then certain plants, plant products, or soil that may present a risk of spreading witchweed (regulated articles) can be moved from the

quarantined area only under certain conditions (i.e., after having been treated and inspected). In this way, we prevent witchweed from spreading from quarantined areas to noninfested areas of the United States.

Implementing our various domestic quarantines often requires us to collect information from a variety of individuals who are involved in growing, packing, handling, transporting, and exporting plants and plant products. The information we collect serves as the supporting documentation required for the issuance of PPQ forms and documents that authorize the movement of regulated articles and is vital to helping us ensure that injurious plant diseases and insect pests do not spread within the United States.

Collecting this information requires us to use a number of forms and documents, including certificates, limited permits, transit permits, and outdoor household article documents.

We are asking the Office of Management and Budget (OMB) to approve these forms for 3 years.

The purpose of this notice is to solicit comments from the public (as well as affected agencies) concerning our information collection. These comments will help us:

- (1) Evaluate whether the collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the information collection on those who are to respond, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

*Estimate of burden:* The public reporting burden for this collection of information is estimated to average 3 minutes per response.

*Respondents:* State plant health protection authorities, State cooperators, and individuals involved in growing, packing, handling, transporting, and exporting plants and plant products.

*Estimated annual number of respondents:* 180,000.

*Estimated annual number of responses per respondent:* 10.

*Estimated annual number of responses:* 1,800,000.

*Estimated total annual burden on respondents:* 90,000 hours.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Done in Washington, DC, this 16th day of March 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7111 Filed 3-21-01; 8:45 am]

**BILLING CODE 3410-34-P**

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 01-013-1]

#### Protection of Sunflowers From Red-Winged Blackbirds in North Dakota, South Dakota, and Minnesota; Request for Public Involvement

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** The Animal and Plant Health Inspection Service's Wildlife Services program is soliciting public involvement in the development of issues necessary to complete an analysis of the environmental impacts of reducing red-winged blackbird damage to ripening sunflowers in North Dakota, South Dakota, and Minnesota. The information received in response to this notice will be considered during the development of an environmental assessment that will be prepared in accordance with the National Environmental Policy Act.

**DATES:** We invite you to comment on this notice. We will consider all comments that we receive by April 23, 2001.

**ADDRESSES:** Please send four copies of your comment (an original and three copies) to: Docket No. 01-013-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 01-013-1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Mastrangelo, State Director, Wildlife Services, APHIS, USDA, 2110 Mariam Circle, Suite A, Bismarck, ND 58501-2502; phone: (701) 250-4405.

**SUPPLEMENTARY INFORMATION:** Wildlife Services (WS) of the Animal and Plant Health Inspection Service (APHIS) provides technical and operational assistance to growers who request assistance in managing blackbird damage to sunflower crops. WS loans damage abatement equipment (e.g., propane cannons, pyrotechnics) to growers, conducts training workshops, provides informational leaflets on bird damage management and sources of damage abatement tools, and conducts roost management programs to control blackbird populations near sunflower producing areas.

WS previously proposed a blackbird damage management research project for the protection of sunflowers. The environmental assessment was reviewed and several private organizations and State and Federal agencies opposed various aspects of the project, including referring to the project as a research project instead of an operational project. Comments in opposition to the project generally focused on the lack of scientific basis, its potential effect on endangered species, and the likelihood that program would be ineffective in reducing damage caused by blackbirds.

Approximately 80 percent of sunflower production in the United States occurs in North Dakota, South Dakota, and Minnesota. Sunflower production in these States has increased from 1 million kg in the early 1960's to about 1.5 billion kg, valued at \$315 million, in 1999. However, increased production of sunflowers has been hampered by blackbird damage. Wildlife biologists have been unable to adequately reduce blackbird damage to economically acceptable levels for certain growers.

Sunflower seeds are an ideal food for birds because the seeds contain proteins and fats necessary for growth, molt, fat storage, and weight maintenance. Sunflowers ripen in the fall after the birds' breeding season and provide a source of high-energy food needed for molt and fat storage before the birds' fall migration. Esophageal contents of red-winged blackbirds collected in late

summer and fall reveal that 93 percent of the males and 86 percent of the females had eaten sunflower seeds, which comprised 69 percent and 57 percent of the male and female diets, respectively.

Blackbirds damage unharvested sunflowers from early maturation to harvest, but damage is greatest within 18 days of anthesis (i.e., the flowers' blooming period). Damage surveys of sunflower producing areas in North Dakota, South Dakota, and Minnesota indicate that overall loss is generally 1 to 2 percent of the crop. If all producers received less than 2 percent damage, there would be little concern for damage caused by blackbirds. However, damage is not equally distributed, can be severe for some producers, and is fairly consistent from year-to-year within a locality. Research has been conducted throughout the northern Great Plains to estimate the amount of damage birds have caused to ripening sunflower crops. Sunflower damage assessments for North Dakota, South Dakota, and Minnesota showed an estimated loss of \$5.1 million in 1979 and \$7.9 million in 1980. More recent quantitative bird damage surveys were conducted from 1996 to 1998 in Stutsman and Pierce Counties in North Dakota and Brown and Clark Counties in South Dakota. Assuming damage in these four counties is representative of the damage in all the primary sunflower growing areas in North Dakota, South Dakota, and Minnesota, sunflower producers in these States lost about \$8.26 million annually to blackbirds.

Sunflower growers and Government agencies have used both lethal and nonlethal techniques to reduce red-winged blackbird damage to ripening sunflowers. The goal of nonlethal methods is to decrease the availability or attractiveness of the crop to blackbirds or to disperse the birds so that damage is not concentrated in any given area. Examples of nonlethal methods include altering farming practices, using audio and visual frightening devices, growing bird-resistant sunflowers, increasing weed control in fields, and growing decoy crops. Additionally, research has shown that managing dense cattail stands, which are traditional roost sites for blackbirds, aids in dispersing blackbirds from nearby sunflower crops. To date, nonlethal blackbird damage management initiatives have been somewhat effective in reducing blackbird damage to unharvested sunflowers, but have not alleviated the problem in certain areas.

### Proposed Program

WS is proposing to use Federal funds authorized by Congress to implement an integrated red-winged blackbird damage management program on private lands when requested by resource owners/managers in North Dakota, South Dakota, or Minnesota. The integrated approach would employ the use of nonlethal and lethal techniques to reduce red-winged blackbird damage to sunflowers.

### Nonlethal Techniques

Under the proposed program, WS would continue to employ the use of nonlethal control methods described earlier in this document. WS would also continue to conduct roost management programs to control red-winged blackbird populations near sunflower producing areas. Roost management activities involve the treatment of cattail stands larger than 10 acres with glyphosate herbicide. Effective management of such cattail stands can eliminate a traditional roosting site for blackbirds that is often in close proximity to sunflower crops.

### Lethal Techniques

Sources estimate that 39 million red-winged blackbirds migrate through North Dakota and South Dakota annually. Studies indicate that 86 percent of male red-winged blackbirds using spring roosts in the central United States migrate in a northwesterly direction and are likely to breed in the northern Great Plains sunflower growing areas.

Given the apparently successful use in the past of the avicide DRC-1339 for reducing red-winged blackbird damage to rice, a two-pronged research strategy was implemented using DRC-1339 to reduce red-winged blackbird damage to sunflowers. One strategy was to bait spring-migrating red-winged blackbirds as they migrate north to nesting areas. A second strategy was to bait red-winged blackbirds in and around ripening sunflower fields as they migrate south in late summer. Research results showed that late-summer baiting with DRC-1339 was ineffective in reducing red-winged blackbird damage to unharvested sunflowers, likely because of the availability of other food sources, especially sunflower seeds, at that time of the year. The spring baiting strategy was effective for precisely the opposite reason: Due to the lack of other food sources available to blackbirds in the spring, the birds took the bait.

Under the proposed program, WS would employ the use of 2 percent DRC-1339-treated brown rice at red-



winged blackbird staging areas in the spring to reduce breeding populations and subsequent damage to ripening sunflowers in the fall. DRC-1339 baiting would occur on not more than 50 acres in harvested fields near red-winged blackbird staging areas in east-central South Dakota and target not more than 2 million red-winged blackbirds annually. The baiting areas would be determined based on the most current red-winged blackbird roost site distribution and the areas where red-winged blackbirds stage. A baiting dilution rate of one treated rice grain to 25 untreated grains proved to be the most efficient in reducing red-winged blackbird populations in Louisiana. The same ratio would be used to protect sunflowers and reduce the risks to nontarget granivorous birds. Baiting areas and sites would be determined through field observations by trained personnel, and DRC-1339-treated bait would not be distributed until risks to nontarget species were evaluated and red-winged blackbirds readily accept the untreated rice.

#### Nontarget Effects of DRC-1339

Scientists from North Dakota State University, South Dakota State University, and the National Wildlife Research Center's Great Plains Field Station carried out a baiting strategies research program designed to evaluate nontarget effects associated with the use of DRC-1339 treated rice baits.

DRC-1339 was selected for reducing red-winged blackbird damage because of its high toxicity to blackbirds and low toxicity to most mammals, sparrows, finches, and other nontarget species. Red-winged blackbirds likely die as a result of uremic poisoning. The LD<sub>50</sub> values for European starlings, other blackbirds, and black-billed magpies range from 1 to 5 mg/kg. DRC-1339 is toxic to doves, pigeons, quails, chickens, ducks, and geese at  $\geq 5.6$  mg/kg. In cage trials, 2 percent DRC-1339-treated rice baits did not kill savannah sparrows. Gallinaceous birds and waterfowl may be more resistant to DRC-1339 than blackbirds, and their large size may reduce the chances of ingesting a lethal dose of toxicant.

Whooping cranes (*Grus americana*) are the only endangered granivorous birds in the northern Great Plains that could potentially be affected by the consumption of DRC-1339 rice baits; however, they feed in large open areas. If whooping cranes are detected in treatment areas, the baiting program would be stopped with minimal risk to the birds. The U.S. Fish and Wildlife Service (FWS), located in Pierre, SD, has reviewed environmental assessments

related to the use of DRC-1339 rice baits to reduce red-winged blackbird damage in South Dakota. Although two FWS biological opinions on research projects stated the DRC-1339-treated rice baits were not likely to jeopardize endangered species in South Dakota, a new opinion will be sought.

The potential effects of DRC-1339-treated rice baits on ring-necked pheasants is of special concern for wildlife managers. Thus, in 1994 through 1997, the behavior of pheasants in relation to bait sites was studied in South Dakota. The data suggested that pheasants did not favor plots treated with rice over reference (untreated) plots. However, pheasants were observed feeding through the rice-baited plots on a number of occasions. In addition to field studies, scientists of South Dakota State University conducted independent laboratory studies that showed DRC-1339 did not significantly affect normal pheasant egg-laying, egg hatching, chick survival, or adult survivorship until the bird was near death. In early 1995, small cage and large enclosure studies were conducted to determine female pheasant's preference for brown rice. These studies indicated that some female pheasants prefer cracked corn and sorghum over rice.

DRC-1339 is rapidly metabolized and excreted by birds that ingest treated baits, and it does not bioaccumulate, which probably accounts for its low secondary hazard profile. For example, cats, owls, and magpies would be at risk only after exclusively eating DRC-1339-poisoned starlings for 30 continuous days. Studies using the American kestrel as a surrogate species show that secondary hazards to raptors are minimal, and these birds are not put at risk by DRC-1339 baiting. DRC-1339 also degrades rapidly by ultraviolet light and heat and has a half-life of less than 2 days.

#### Prior EPA-Authorized Use of DRC-1339

The avian toxicant DRC-1339 (3-Chloro-p-toluidine hydrochloride) has been used to reduce blackbird populations causing agricultural damage in Louisiana, North Dakota, South Dakota, and Texas under section 24C of the Federal Insecticide, Fungicide, and Rodenticide Act. In February 1995, the Environmental Protection Agency (EPA) granted a section 3 label for "Compound DRC-1339 Concentrate-Staging Areas" for bird control in noncrop staging areas associated with red-winged blackbird roosts. The section 24C label for "Compound DRC-1339 Concentrate—ND and SD" is still in effect for North Dakota because this label allows a

broader use pattern, including baiting within ripening sunflower fields during late summer.

#### Public Involvement

We are encouraging members of the public and interested agencies and organizations to assist in the planning of this program and the development of an environmental assessment by answering the following questions:

- What issues or concerns about the proposed sunflower protection program should we analyze?
- What alternatives to the proposed action should we analyze?
- Do you have additional information (i.e., scientific data or studies) that we should consider in the analysis?

Information received will be considered in an environmental assessment (EA) prepared in accordance with the National Environmental Policy Act to determine if an environmental impact statement is necessary. Several issues have already been identified as areas of concern for consideration in the EA:

- Cumulative effects of the proposed damage management program on red-winged blackbird populations.
- Safety concerns regarding the potential effects of the proposed damage management program on the public, domestic pets, and nontarget species, including threatened and endangered species.
- Efficacy of DRC-1339 spring baiting in reducing damage to unharvested sunflowers.
- Public concern about WS' use of chemicals.
- DRC-1339 spring baiting effects on biodiversity.

Other issues may also be included in the analysis and will be identified based on comments submitted by the public and other agencies.

Several alternatives that have been identified for consideration are:

- No involvement by WS in sunflower protection.
- Continue the current WS blackbird damage management program.
- Continue the current WS blackbird damage management program, plus implement a DRC-1339 baiting program of spring-migrating red-winged blackbirds in eastern South Dakota (proposed action).

Other alternatives may also be included in the analysis and will be identified based on comments submitted by the public and other agencies.

Done in Washington, DC, this 16th day of March 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7108 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 98-085-4]

#### Aquaculture; Public Meeting

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** We are issuing this notice to inform the aquaculture industries, interested parties, and the general public that a public meeting will be held to discuss how and to what extent the Animal and Plant Health Inspection Service should regulate aquatic species and to discuss any other issues concerning possible regulation of aquaculture by the Agency.

**DATES:** The public meeting will be held on Thursday, April 5, 2001, from 5 p.m. to 8:30 p.m.

**ADDRESSES:** The public meeting will be held at the University of Maine at Machias, Kimbal Hall, Science Room 102, 9 O'Brien Avenue, Machias, ME, in conjunction with the 9th Annual New England Farmed Fish Health Management Workshop.

**FOR FURTHER INFORMATION CONTACT:** For information about the APHIS public meeting, contact Dr. Otis Miller, Jr., National Aquaculture Coordinator, Center for Planning, Certification, and Monitoring, VS, APHIS, 4700 River Road Unit 46, Riverdale, MD 20737-1231, (301) 734-6188.

For information regarding the 9th Annual New England Farmed Fish Health Management Workshop, contact Ms. Susan MacDonald or Dr. Mike Optiz, 5735 Hitchner Hall, Room 332, Orono, ME 04469-5735; phone (207) 581-2788 or fax (207) 581-4430. Information is also available online at [http://www.umaine.edu/livestock/NE%20Fish/findex\\_Machias.htm](http://www.umaine.edu/livestock/NE%20Fish/findex_Machias.htm).

**SUPPLEMENTARY INFORMATION:** On May 4, 1999, the Animal and Plant Health Inspection Service (APHIS) published an advance notice of proposed rulemaking (ANPR) titled "Aquaculture: Farm-Raised Fin Fish" in the **Federal Register** (64 FR 23795-23796, Docket No. 98-085-1). We published this

ANPR after receiving petitions<sup>1</sup> asking us to regulate aquaculture in various ways. Many petitioners asked us to define farmed aquatic animals as livestock. In general, the petitioners seemed to be interested in receiving the same services that domestic producers of livestock receive for animals moving in interstate and foreign commerce. However, based on the petitions alone, it was difficult for us to determine what segments of the industry want services and exactly what services they want. It was also difficult to determine the objectives sought by the petitioners who were requesting Federal regulation. We published the ANPR in an attempt to clarify the industry's needs, the nature of the services sought, and the concerns the petitioners had with regard to such regulations.

We received 55 comments<sup>2</sup> in response to the ANPR. A majority of the commenters supported the idea of APHIS regulation of cultured fin fish. Unfortunately, the commenters generally did not clearly distinguish between fin fish raised for food and ornamental fin fish. Commenters who wanted regulation were, however, very clear that they want programs to prevent and control disease and to support increased commerce, both domestic and export.

The commenters also suggested that any rulemaking initiated by APHIS be a negotiated rulemaking. In negotiated rulemaking, industry representatives and other interested persons meet with APHIS officials and draft proposed regulations together. The proposed regulations are then published for public comment. Negotiated rulemaking is designed to ensure that all interested persons are involved together from the start in the development of regulations.

Unfortunately, negotiated rulemaking is not suitable for all situations. It works well when there is a small number of interested parties and the parties are easy to identify. This is not the case

with aquaculture. Because the aquaculture industry is large and diverse, we would have difficulty identifying everyone who should be represented in a negotiated rulemaking. In addition, many parties outside of aquaculture would have a substantial interest in such a rulemaking. In our view, the number of people who would need to participate in a negotiated rulemaking would be too large and would suggest that negotiated rulemaking is not appropriate. Furthermore, a negotiated rulemaking would be expensive, and APHIS does not have adequate funds. Therefore, we have concluded that it would not be appropriate to pursue an aquaculture negotiated rulemaking.

However, we have not decided whether to pursue aquaculture rulemaking by other means. Before we make that decision, we want to have as much information as possible from all interested persons, and we want to provide you with as much opportunity as possible to discuss with us and inform us regarding the relevant issues.

Therefore, we are holding a series of public meetings. Public meetings allow all interested parties—industry representatives, producers, consumers, and others—to present their views and to exchange information among themselves and with APHIS.

There are no set agendas for the meetings. Any issues and concerns related to aquaculture and possible APHIS regulatory action can be discussed. However, we would like more information on three specific issues. These are issues that the people and organizations who commented on our ANPR either did not address or were unclear about. Specifically, if APHIS does propose regulations: (1) Should our program be mandatory or voluntary; (2) should we cover shell fish; and (3) should we cover ornamental fin fish?

Information elicited at the meetings could result in a new APHIS regulatory program or in changes to aquaculture-related services currently provided by APHIS.

We have scheduled this public meeting, the third meeting in our series, for Thursday, April 5, 2001, at the University of Maine at Machias, ME. If you wish to speak at the meeting, please register in advance by calling the Regulatory Analysis and Development voice mail at (301) 734-8139. Leave a message with your name, telephone number, organization, if any, and an estimate of the time you need to speak. You may also register at the meeting. Please register at the meeting room between 9 a.m. and 9:30 a.m., 12 noon

<sup>1</sup> All the petitions and comments we received are a part of the rulemaking record for Docket No. 98-085-1. You may read the petitions and comments in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

<sup>2</sup> All the petitions and comments we received are a part of the rulemaking record for Docket No. 98-085-1. You may read the petitions and comments in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690-2817 before coming.

and 12:30 p.m., and 4:30 p.m. and 5 p.m., before the meeting officially begins. Starting with the advance registrants, we will call speakers in the order in which they registered.

The meeting will begin at 5 p.m. and is scheduled to end at 8:30 p.m. We may end the meeting early if all the registered speakers have had a chance to speak and if no one else wants to speak. We may also extend the meeting or limit the time allowed for each speaker, if necessary, so all interested persons have an opportunity to participate.

An APHIS representative will preside at the meeting. The meeting will be recorded. We encourage speakers to present written statements, though it is not required. If you choose to present a written statement, please provide the chairperson with a copy. The complete record, including the transcript and all written comments, will be available to the public.

This meeting is the third in our series of public meetings. The first public meeting was held on January 25, 2001, in Lake Buena Vista, FL. The second public meeting was held on February 16, 2001, in Hebron, KY. We plan to hold additional meetings in Idaho (June 2001, in conjunction with the Idaho Aquaculture Association Annual Meeting), Washington (September 2001, in conjunction with the Pacific Coast Shellfish Growers Association Annual Conference), Pennsylvania (October 2001, in conjunction with the Pennsylvania Aquaculture Advisory Committee and Pennsylvania Aquaculture Association Annual Meeting), Mississippi (October 2001, in conjunction with a meeting of the Catfish Farmers of America), and Arkansas (October 2001, in conjunction with a meeting of the Catfish Farmers of Arkansas). We will publish a notice or notices in the **Federal Register** announcing the dates, times, and locations of the meetings.

Done in Washington, DC, this 19th day of March 2001.

**Bobby R. Acord,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7163 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-34-P

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

[Docket No. 00-113-2]

#### Public Meeting; Veterinary Biologics

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice of public meeting.

**SUMMARY:** This is the second notice to producers of veterinary biological products, product users, and other interested persons that we are holding our tenth public meeting to discuss regulatory and policy issues related to the manufacture, distribution, and use of veterinary biological products. This notice includes information on the agenda, as well as on the place, dates, and times of the meeting. It also indicates a contact person for obtaining registration forms, lodging information, and copies of the agenda.

**DATES:** The public meeting will be held on Tuesday and Wednesday, April 10 and 11, 2001, from 8 a.m. to approximately 5 p.m. each day.

**ADDRESSES:** The public meeting will be held in the Scheman Building at the Iowa State Center, Iowa State University, Ames, IA.

**FOR FURTHER INFORMATION CONTACT:** For information concerning registration and agenda topics, contact Ms. Kathy Clark, Center for Veterinary Biologics, Veterinary Services, APHIS, 510 South 17th Street, Suite 104, Ames, IA 50010-8197; phone (515) 232-5785; fax (515) 232-7120; or e-mail Kathryn.K.Clark@usda.gov.

**SUPPLEMENTARY INFORMATION:** The Animal and Plant Health Inspection Service (APHIS) has previously announced that it is scheduling the tenth public meeting on veterinary biologics in Ames, IA, on April 10 and 11, 2001 (see 65 FR 69729, Docket No. 00-113-1). In that notice, APHIS requested that interested persons submit suggestions for agenda topics. Based on the submissions received and on other considerations, the agenda for the tenth public meeting includes, but is not limited to, the following:

- International harmonization;
- Labeling;
- Animal care;
- Target animal safety;
- Duration of immunity/efficacy; and
- Updates on current topics of interest.

In addition to the above topics, we will also hold a breakout session to discuss rabies vaccine testing. During the "open discussion" portion of the meeting, attendees will have the opportunity to present their views on any matter concerning the APHIS veterinary biologics program. Comments may be either impromptu or prepared. Persons wishing to make a prepared statement should indicate their intention to do so at the time of registration by indicating the subject of their remarks and the approximate

amount of time they would like to speak. APHIS welcomes and encourages the presentation of comments at the meeting.

Registration forms, lodging information, and copies of the agenda for the tenth public meeting maybe obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**. This information is also accessible on the world wide web at the following address: <http://www.aphis.usda.gov/vs/cvb>.

Done in Washington, DC, this 20th day of March 2001.

**Craig A. Reed,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 01-7263 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-34-U

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Southwestern Region, Arizona, Coconino County, Coconino National Forests

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Coconino National Forest is planning to prepare an environmental impact statement on a proposal to manage livestock grazing use on the Windmill Range Allotment during the next 10 years.

**DATES:** Comments in response to this Notice of Intent concerning the scope of the analysis should be received in writing by on or before April 23, 2001.

**ADDRESSES:** Send written comments to USDA Forest Service, Coconino National Forest, Peaks Ranger Station, 5075 N Hwy 89, Flagstaff, AZ 86004. Electronic mail may be sent to [mhannemann@fs.fed.us](mailto:mhannemann@fs.fed.us).

*Responsible Official:* The Forest Supervisor of the Coconino National Forest, Supervisor's Office 2323 Greenlaw Lane, Flagstaff, AZ 86004, will decide what actions are most appropriate for managing the Windmill Allotment.

**FOR FURTHER INFORMATION CONTACT:** Mike Hannemann, Interdisciplinary Team Leader, Peaks Ranger District, (520) 526-0866.

**SUPPLEMENTARY INFORMATION:** This proposal has a Forest Service permit of up to 1,097 cattle year-round on the 248,792 acres Windmill Allotment. This is the same number of cattle as currently permitted. An additional Arizona State Land Department permit of 160 head in

the summer and 155 head in the winter is also included. To meet objectives, approximately \$71,450 will be spent on structural improvements. The Forest Service will spend approximately \$31,565 primarily for materials and the permittee will spend approximately \$39,885 primarily for construction of the improvements. These improvements are designed to reduce cattle impacts in large pastures by improving cattle distribution, reducing graze periods and increasing rest periods. A reduction in pasture size will also improve overall management by reducing time needed to gather cattle from these large and rough pastures. Annual Operating Plans will adjust cattle numbers and/or grazing rotations so cattle use is consistent with current productivity (as in drought conditions) and so plant, soil and watershed conditions can be maintained or improved while range structures are built over time.

The Proposed Action was mailed to over 30 individuals, organizations and cooperating resource agencies for review and comment on July 5, 2000. From comments received, the Team will develop statements to capture the substantive issues and developed alternatives other than the proposed action. If you would like a copy of the proposed action please contact our office. Your comments will be included in our environmental analysis.

It is anticipated that environmental analysis and preparation of the draft and final environmental impact statements will take about four months. The Draft Environmental Impact Statement can be expected June of 2001 and the Final EIS in late summer. The comment period on the draft environmental impact statement extends 45 days from the date the Environmental Protection Agency publishes the notice of availability in the *Federal Register*.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court ruling related to public participation in the environmental review process. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an

agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC* 435 US 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon v. Hodel 9th Circuit*, 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council of Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: March 12, 2001.

**Jim Golden,**

*Forest Supervisor.*

[FR Doc. 01-7129 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Opal Creek Scenic Recreation Area (SRA) Advisory Council; Notice of Meeting.

**AGENCY:** Forest Service, USDA.  
**SUMMARY:** An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Stayton, Oregon on Monday, April 16, 2001. The meeting is scheduled to begin at 6:00 p.m., and will conclude at approximately 8:30 p.m. The meeting will be held in the South Room of the Stayton Community Center located on 400 West Virginia Street in Stayton, Oregon.

The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (P.L. 104-208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of

thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular basis on the management of the area. The tentative agenda will focus on describing the desired future condition of the SRA.

The public comment period is tentatively scheduled to begin at 8:00 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the April 16 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

**FOR FURTHER INFORMATION CONTACT:** For more information regarding this meeting, contact Designated Federal Official Stephanie Phillips; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854-3366.

Dated: March 15, 2001.

**Darrel Kenops,**

*Forest Supervisor.*

[FR Doc. 01-7092 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Opal Creek Scenic Recreation Area (SRA) Advisory Council; Notice of Meeting

**AGENCY:** Forest Service, USDA.  
**SUMMARY:** An Opal Creek Scenic Recreation Area Advisory Council meeting will convene in Salem, Oregon on Saturday, April 7, 2001. The meeting is scheduled to begin at 9:00 a.m., and will conclude at approximately 2:00 p.m. The meeting will be held at the Salem City Council Chamber, located on 555 Liberty Street SE in Salem, Oregon. The Opal Creek Wilderness and Opal Creek Scenic Recreation Area Act of 1996 (Opal Creek Act) (P.L. 104-208) directed the Secretary of Agriculture to establish the Opal Creek Scenic Recreation Area Advisory Council. The Advisory Council is comprised of



thirteen members representing state, county and city governments, and representatives of various organizations, which include mining industry, environmental organizations, inholders in Opal Creek Scenic Recreation Area, economic development, Indian tribes, adjacent landowners and recreation interests. The council provides advice to the Secretary of Agriculture on preparation of a comprehensive Opal Creek Management Plan for the SRA, and consults on a periodic and regular basis on the management of the area. The tentative agenda will focus on describing the desired future condition of the SRA.

The public comment period is tentatively scheduled to begin at 1:00 p.m. Time allotted for individual presentations will be limited to 3 minutes. Written comments are encouraged, particularly if the material cannot be presented within the time limits of the comment period. Written comments may be submitted prior to the March 3 meeting by sending them to Designated Federal Official Stephanie Phillips at the address given below.

**FOR FURTHER INFORMATION CONTACT:** For more information regarding this meeting, contact Designated Federal Official Stephanie Phillips; Willamette National Forest, Detroit Ranger District, HC 73 Box 320, Mill City, OR 97360; (503) 854-3366.

Dated: March 15, 2001.

**Darrel Kenops,**  
Forest Supervisor.

[FR Doc. 01-7093 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Southwest Oregon Province Interagency Executive Committee (PIEC) Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Southwest Oregon PIEC Advisory Committee will meet on April 10, 2001 at Oregon Department of Transportation, 3500 NW Stewart Parkway, Oregon. The meeting will begin at 9 a.m. and continue until 4:30 p.m. Agenda items to be covered include: (1) Umpqua National Forest Restoration Business Plan; (2) Southwest Oregon Province Advisory Committee Membership; (3) Umpqua Basin Land Exchange Project; (4) Public Comment; and (5) Current issues as perceived by Advisory Committee members.

#### FOR FURTHER INFORMATION CONTACT:

Direct questions regarding this meeting to Roger Evenson, Province Advisory Committee Coordinator, USDA, Forest Service, Umpqua National Forest, 2900 NW Stewart Parkway, Roseburg, Oregon 97470, phone (541) 957-3344.

Dated: March 16, 2001.

**Don Ostby,**

Designated Federal Official.

[FR Doc. 01-7094 Filed 3-21-01; 8:45 am]

BILLING CODE 3410-11-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Action Affecting Export Privileges; Mahmood Reza Hashemi

##### Order

In the Matter of: Mahmood Reza Hashemi  
193 Route 46 Budd Lake, New Jersey 0728,  
Respondent.

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Mahmood Reza Hashemi (Hashemi) of its intention to initiate an administrative proceeding against Hashemi pursuant to Section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. §§ 2401-2420 (1991, Supp. 2000 and Pub. L. No. 106-508)) (the Act),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR Parts 730-776 (2000)) (the Regulations),<sup>2</sup> based on allegations that, on or about May 5, 1998 and on or about August 10, 1998, Hashemi attempted to export U.S.-origin Gastesters from the United States through Germany to Iran without obtaining the authorization required by Section 746.7 of the Regulations, in violation of Section 764.2(a) of the Regulations; and

BXA and Hashemi having entered into a Settlement Agreement pursuant to Section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the

<sup>1</sup> During the time of the Act's lapse (August 20, 1994 through November 12, 2000), the President, through Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 Fed. Reg. 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. §§ 1701-1706 (1992 & Supp. 2000)).

<sup>2</sup> The Regulations governing the violations at issue are found in the 1998 version of the Code of Federal Regulations. Those Regulations are codified at 15 CFR parts 730-776 (1998) and, to the degree to which they pertain to this matter, are substantially the same as the 2000 version.

terms of the Settlement Agreement having been approved by me;

#### *It Is Therefore Ordered:*

First, Mahmood Reza Hashemi, 193 Route 46, Budd Lake, New Jersey, and all of his successors and assigns, officers, representatives, agents and employees, may not, for a period of 10 years from the date of this Order, participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling, delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

Second, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the

United States that is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Third*, that, after notice and opportunity for comment as provided in Section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

*Fourth*, that as authorized by Section 766.18(c) of the Regulations, the last five years of the denial period set forth in paragraph FIRST shall be suspended for a period of five years beginning five years from the date of the entry of this Order and shall thereafter be waived, provided that during the period of suspension, Hashemi has committed no violation of the Act or any regulation, order or license issued thereunder.

*Fifth*, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Entered this 12th day of March, 2001.

Lisa A. Prager,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 01-7130 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Action Affecting Export Privileges; Refinery Industries, Inc.

In the Matter of: Refinery Industries, Inc., 193 Route 46, Budd Lake, New Jersey 07828, Respondent.

#### Order

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (BXA), having notified Refinery Industries, Inc. (Refinery) of its intention to initiate an administrative proceeding against Refinery pursuant to section 13(c) of the Export Administration Act of 1979, as amended (50 U.S.C.A. app. 2401-2420 (1991,

Supp. 2000 and Pub. L. No. 106-508)) (the Act),<sup>1</sup> and the Export Administration Regulations (currently codified at 15 CFR parts 730-774 (2000)) (the Regulations),<sup>2</sup> based on allegations that, on or about May 5, 1998 and on or about August 10, 1998, Refinery attempted to export U.S.-origin Gastesters from the United States through Germany to Iran without obtaining the authorization required by section 746.7 of the Regulations, in violation of section 764.2(a) of the Regulations; and

BXA and Refinery having entered into a Settlement Agreement pursuant to section 766.18(a) of the Regulations whereby they agreed to settle this matter in accordance with the terms and conditions set forth therein, and the terms of the Settlement Agreement having been approved by me;

#### It is Therefore Ordered:

*First*, a civil penalty of \$22,000 is assessed against Refinery, which shall be paid to the U.S. Department of Commerce within 30 days of the date of this Order. Payment shall be made in the manner specified in the attached instructions.

*Second*, that, pursuant to the Debt Collection Act of 1982, as amended (31 U.S.C.A. §§ 3701-3720E (1983 and Supp. 2000)), the civil penalty owed under this Order accrues interest as more fully described in the attached Notice, and, if payment is not made by the due date specified herein, Refinery will be assessed, in addition to interest, a penalty charge and an administrative charge, as more fully described in the attached Notice.

*Third*, Refinery Industries, Inc., 193 Route 46, Budd Lake, New Jersey, and all of its successors and assigns, officers, representatives, agents and employees, may not, for a period of 10 years from the date of this Order, participate, directly or indirectly, in any way in any transaction involving any commodity, software or technology (hereinafter collectively referred to as item) exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations, including, but not limited to:

A. Applying for, obtaining, or using any license, License Exception, or export control document;

B. Carrying on negotiations concerning, or ordering, buying, receiving, using, selling,

delivering, storing, disposing of, forwarding, transporting, financing, or otherwise servicing in any way, any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations; or

C. Benefitting in any way from any transaction involving any item exported or to be exported from the United States that is subject to the Regulations, or in any other activity subject to the Regulations.

*Fourth*, that no person may, directly or indirectly, do any of the following:

A. Export or reexport to or on behalf of the denied person any item subject to the Regulations;

B. Take any action that facilitates the acquisition or attempted acquisition by a denied person of the ownership, possession, or control of any item subject to the Regulations that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby a denied person acquires or attempts to acquire such ownership, possession or control;

C. Take any action to acquire from or to facilitate the acquisition or attempted acquisition from the denied person of any item subject to the Regulations that has been exported from the United States;

D. Obtain from the denied person in the United States any item subject to the Regulations with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

E. Engage in any transaction to service any item subject to the Regulations that has been or will be exported from the United States that is owned, possessed or controlled by a denied person, or service any item, of whatever origin, that is owned, possessed or controlled by a denied person if such service involves the use of any item subject to the Regulations that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

*Fifth*, that, after notice and opportunity for comment as provided in section 766.23 of the Regulations, any person, firm, corporation, or business organization related to the denied person by affiliation, ownership, control, or position of responsibility in the conduct of trade or related services may also be made subject to the provisions of this Order.

*Sixth*, that as authorized by section 766.18(c) of the Regulations, the last five years of the denial period set forth in paragraph Third shall be suspended for a period of five years beginning five years from the date of the entry of this Order and shall thereafter be waived, provided that during the period of suspension, Refinery has committed no violation of the Act or any regulation, order or license issued thereunder.

*Seventh*, that the proposed Charging Letter, the Settlement Agreement, and this Order shall be made available to the public.

This Order, which constitutes the final agency action in this matter, is effective immediately.

<sup>1</sup> During the time of the Act's lapse (August 20, 1994 through November 12, 2000), the President, through Executive Order 12924 (3 CFR, 1994 Comp. 917 (1995)), which had been extended by successive Presidential Notices, the most recent being that of August 3, 2000 (65 FR 48347, August 8, 2000), continued the Regulations in effect under the International Emergency Economic Powers Act (50 U.S.C.A. 1701-1706 (1991 & Supp. 2000)).

<sup>2</sup> The Regulations governing the violations at issue are found in the 1998 version of the Code of Federal Regulations. Those Regulations are codified at 15 CFR parts 730-774 (1998) and, to the degree to which they pertain to this matter, are substantially the same as the 2000 version.



Entered this 12th day of March, 2001.

Lisa A. Prager,

Acting Assistant Secretary for Export Enforcement.

[FR Doc. 01-7131 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DT-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

[Docket No. 010315067-1067-01]

#### National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Increases in Stockpile Disposals of Vegetable Tannin (Quebracho) and Talc, and Sales of Sebacic Acid and Tungsten Metal Powder

**AGENCY:** Department of Commerce.

**ACTION:** Notice of request for public comments on the potential market impact of proposed increases in the disposal quantities of Vegetable Tannin (Quebracho), Talc, Sebacic Acid, and Tungsten Metal Powder from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

**SUMMARY:** This notice is to advise the public that the National Defense Stockpile Market Impact Committee (co-chaired by the Departments of Commerce and State) is seeking public comments on the potential market impact of proposed increases in the disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

**DATES:** Comments must be received by April 23, 2001.

**ADDRESSES:** Written comments should be sent to Richard V. Meyers, Co-Chair, Stockpile Market Impact Committee, Office of Strategic Industries and Economic Security, Room 3876, Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; FAX (202) 482-5650; E-Mail: rmeyers@bxa.doc.gov.

**FOR FURTHER INFORMATION CONTACT:** Richard V. Meyers, Office of Strategic Industries and Economic Security, Bureau of Export Administration, U.S. Department of Commerce, (202) 482-3634; or Terri L. Robl, Office of International Energy and Commodity

Policy, U.S. Department of State, (202) 647-3423; co-chairs of the National Defense Stockpile Market Impact Committee.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Strategic and Critical Materials Stock Piling Act of 1979, as amended, (50 U.S.C. 98 *et seq.*), the Department of Defense (DOD), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national defense. Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h-1) formally established a Market Impact Committee (the Committee) to "advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile \* \* \*." The Committee must also balance market impact concerns with the statutory requirement to protect the Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, Treasury, and the Federal Emergency Management Agency, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA directs the Committee to "consult from time to time with representatives of producers, processors and consumers of the types of materials stored in the stockpile."

The National Defense Stockpile Administrator has proposed revising both the current FY 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP (both AMPs previously approved by the Committee) to increase the disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder as set forth in Attachment 1 to this Notice. The proposed increases will allow for the burial of additional quantities of Vegetable Tannin and Talc; and will permit additional quantities of Sebacic Acid and Tungsten Metal Powder to be sold at high prices into a world market currently experiencing a shortage of these materials. The Committee is seeking public comments on the potential market impact of these proposed increases.

The quantities of Vegetable Tannin (Quebracho), Talc, Sebacic Acid, and Tungsten Metal Powder (including the proposed increases) listed in both the FY 2001 and proposed FY 2002 AMPs are not sales target disposal quantities.

They are only a statement of the proposed maximum quantities of these materials that may be disposed of or sold in a particular fiscal year. The quantities of materials that will actually be offered for sale will depend on the market for the materials at the time of their offering as well as on the quantities of the materials approved for disposal by Congress.

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the proposed increased disposal quantities of Vegetable Tannin (Quebracho) and Talc, and sales of Sebacic Acid and Tungsten Metal Powder. Although comments in response to this Notice must be received by April 23, 2001 to ensure full consideration by the Committee, interested parties are encouraged to submit comments and supporting information at any time thereafter to keep the Committee informed as to the market impact of the sales of these materials. Public comment is an important element of the Committee's market impact review process.

Public comments received will be made available at the Department of Commerce for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public file. The Committee will seek to protect such information to the extent permitted by law.

The public record concerning this notice will be maintained in the Bureau of Export Administration's Records Inspection Facility, Room 4525, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone (202) 482-5653. The records in this facility may be inspected and copied in accordance with the regulations published in part 4 of Title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

Information about the inspection and copying of records at the facility may be obtained from Ms. Dawnielle Battle, the Bureau of Export Administration's Freedom of Information Officer, at the above address and telephone number.

Dated: March 16, 2001.

**Matthew S. Borman,**

Deputy Assistant Secretary, Bureau of Export Administration.

## Attachment 1

## PROPOSED FY 2001 AND FY 2002 ANNUAL MATERIAL PLAN INCREASES IN MATERIAL DISPOSAL QUANTITIES

Material	Fiscal year—		
	Current 2001 quantity	Revised 2001 quantity	Proposed 2002 quantity
Vegetable Tannin (Quebracho) (LT) .....	10,000	50,000	50,000
Talc (ST) .....	1,000	2,000	2,000
Sebacic Acid (LB) .....	600,000	1,000,000	1,000,000
Tungsten Metal Powder (LB) .....	150,000	300,000	300,000

[FR Doc. 01-7079 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DR-P

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board**

[Docket 15-2001]

**Foreign-Trade Zone 47—Boone County, Kentucky Application for Expansion**

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board), by the Greater Cincinnati Foreign Trade Zone, Inc., grantee of FTZ 47, requesting authority to expand its zone to include an additional site in Boone County, Kentucky, within the Cincinnati Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on March 12, 2001.

FTZ 47 was approved on January 12, 1979 (Board Order 141, 44 FR 4003, 1/19/79) and expanded on December 23, 1993 (Board Order 674, 59 FR 1371, 1/10/94). The general-purpose zone project currently consists of the following site: *Site 1* (22 acres)—located at Dolwick and Interstate Drives, within the Northern Kentucky Business Center, Boone County, 3 miles from the Greater Cincinnati International Airport.

The applicant is now requesting authority to expand the general-purpose zone to include an additional site in Boone County, Kentucky: *Proposed Site 2* (185 acres)—Park West International Industrial Park, Exit #7 off I-275 at the northwest quadrant of the interchange, approximately three miles from the Greater Cincinnati International Airport. The site is owned by Industrial Developments International and PM Realty Advisors. No specific manufacturing requests are being made at this time. Such requests would be

made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is May 21, 2001. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to June 5, 2001).

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce,  
International Trade Administration,  
Export Assistance Center, Cincinnati,  
36 East 7th Street, Suite 2650,  
Cincinnati, OH 45202  
Office of the Executive Secretary,  
Foreign-Trade Zones Board, Room  
4008, U.S. Department of Commerce,  
14th & Pennsylvania Avenue, NW.,  
Washington, DC 20230

Dated: March 14, 2001.

Dennis Puccinelli,  
Executive Secretary.

[FR Doc. 01-7143 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DS-P

**DEPARTMENT OF COMMERCE****International Trade Administration****Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Initiation of Antidumping and Countervailing Duty

Administrative Reviews and Requests for Revocations in Part.

**SUMMARY:** The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews. The Department of Commerce also received a request to revoke two antidumping duty orders in part.

**EFFECTIVE DATE:** March 22, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482-4737.

**SUPPLEMENTARY INFORMATION:****Background**

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with February anniversary dates. The Department also received timely requests to revoke in part the antidumping duty orders on Heavy Forged Hand Tools (axes/adzes, bars/wedges, hammers/sledges, and picks/mattocks) from the People's Republic of China and Stainless Steel Bar from India.

**Initiation of Reviews**

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than February 28, 2002.

	Period to be reviewed
<b>Antidumping Duty Proceedings</b>	
India: Certain Preserved Mushrooms, A-533-813 .....	2/1/00-1/31/01
Agro Dutch Foods, Ltd.	
Alpine Biotech, Ltd.	
Mandeep Mushrooms, Ltd.	
Hindustan Lever Limited (formerly Ponds India, Ltd.)	
Saptarishi Agro Industries, Ltd.	
Techtran Agro Industries, Ltd.	
Transchem, Ltd.	
Premier Mushroom Farms	
Flex Foods, Ltd.	
Weikfield Agro Products, Ltd.	
Dinesh Agro Products, Ltd.	
Himalaya International, Ltd.	
Forged Stainless Steel Flanges, A-533-809 .....	2/1/00-1/31/01
Echjay Forgings Limited/Pushpaman Exports	
Isibars, Ltd.	
Panchmahal Steel, Ltd.	
Patheja Forgings and Auto Parts, Ltd.	
Viraj Forgings, Ltd.	
Stainless Steel Bar, A-533-810 .....	2/1/00-1/31/01
Isibars Limited	
Panchmahal Steel Limited	
Shaw Alloys and Ferro Alloys Corp., Ltd.	
Viraj Group Ltd.	
Indonesia: Certain Preserved Mushrooms, A-560-802 .....	2/1/00-1/31/01
PT Dieng Djaya	
PT Surya Jaya Abadi Perkasa	
PT Indo Evergreen Agro Business Corp.	
PT Zeta Agro Corporation	
Italy: Certain Cut-to-Length Carbon-Quality Steel Plate, A-475-826 .....	7/29/99-1/31/01
Palini & Bertoli S.p.A.	
Japan: Mechanical Transfer Presses, A-588-810 .....	2/1/00-1/31/01
Hitachi Zosen Corporation	
Komatsu, Ltd.	
Republic of Korea: Certain Cut-to-Length Carbon-Quality Steel Plate, A-580-836 .....	7/29/99-1/31/01
Dongkuk Steel Mill Co., Ltd.	
The People's Republic of China: Axes/adzes*, A-570-803 .....	2/1/00-1/31/01
Shandong Machinery Import & Export Corp.	
Fujian Machinery & Equipment Import & Export Corp.	
Tianjin Machinery Import & Export Corp.	
Liaoning Machinery Import & Export Corp.	
Shandong Huarong General Group Corp.	
Bars/wedges*, A-570-803 .....	2/1/00-1/31/01
Shandong Machinery Import & Export Corp.	
Fujian Machinery & Equipment Import & Export Corp.	
Tianjin Machinery Import & Export Corp.	
Liaoning Machinery Import & Export Corp.	
Shandong Huarong General Group Corp.	
Hammers/sledges*, A-570-803 .....	2/1/00-1/31/01
Shandong Machinery Import & Export Corp.	
Fujian Machinery & Equipment Import & Export Corp.	
Tianjin Machinery Import & Export Corp.	
Liaoning Machinery Import & Export Corp.	
Shandong Huarong General Group Corp.	
Shandong Jinma Industrial Group Co., Ltd.**	
Picks/matlocks*, A-570-803 .....	8/1/00-1/31/01
Shandong Machinery Import & Export Corp.	
Fujian Machinery & Equipment Import & Export Corp.	
Tianjin Machinery Import & Export Corp.	
Liaoning Machinery Import & Export Corp.	
Shandong Huarong General Group Corp.	
*If one of the above named companies does not qualify for a separate rate, all other exporters of certain heavy forged hand tools from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of a single PRC entity of which the named exporters are a part.	
Certain Preserved Mushrooms <sup>1</sup> , A-570-851 .....	2/1/00-1/31/01

	Period to be reviewed
China Processed Food Import & Export Co. Gerber Food (Yunnan) Co., Ltd. Mei Wei Food Industry Co., Ltd. Tak Fat Trading Co. Fujian Yu xing Fruits and Vegetables Foodstuffs Co., Ltd. Raoping Xingyu Foods, Co., Ltd. Raoping Yucan Canned Foods Factory. Green Fresh Foods (Zhangzhou) Co., Ltd.** ..... Zhang Zhou Longhai Lubao Food Co., Ltd.** ..... Citic Ningbo Import & Export Corp., Ltd. Shanghai Foodstuffs Import and Export Corp. Zhenjiang Cereals, Oils & Foodstuffs I/E Co., Ltd. China Ningbo Canned Food Factory Longhai Senox Limited Beiliu Canned Food Factory Fujian Cereals, Oils & Foodstuffs Import & Export (Group) Corp. Putian Cannery Fujian Province General Canned Food Factory of Zhangzhou Fijuan Province Jiangsu Cereals, Oils & Foodstuffs Import & Export Group Corp. Canned Goods Company of Raoping Shanghai Foodstuffs Import & Export Corp. Shenzhen Cofrey Cereals, Oils & Foodstuffs, Co., Ltd. Xiamen Gulong Import & Export Co., Ltd. Dongya Food Co. Ltd. Shaxian Fujian Xiamen Jiahua Import & Export Trading Co. Ltd. Zhejiang Cereals, Oils & Foodstuffs Import & Export Co. Shantou Hondga Industrial General Corporation Shenxian dongxing Foods Co., Ltd. Creatine Monohydrate <sup>2</sup> , A-570-852 ..... Blue Science International Trading (Shanghai) Co., Ltd. Courmarin <sup>3</sup> , A-570-830 ..... Jiangsu Native Produce Import & Export Corp. Manganese Metal <sup>4</sup> , A-570-840 ..... CEIEC-Hunan Company (Electronics) London & Scandinavia Metallurgical Co., Limited Minmetals Precious & Rare Minerals Import and Export Shieldalloy Metallurgical Corporation Natural Bristle Paint Brushes <sup>5</sup> , A-570-501 ..... Hunan Provincial Native Produce and Animal By-Products Import and Export Corporation Hebei Founder Import & Export Company	8/1/00-1/31/01 8/1/00-1/31/01
<b>Countervailing Duty Proceedings</b>	
Republic of Korea. Certain Cut-to-Length Carbon-Quality Steel Plate, C-580-837 ..... Dongkuk Steel Mill Co., Ltd.	7/26/99-12/31/00
<b>Suspension Agreements</b>	
- None.	2/1/00-7/31/00.
**These companies are currently undergoing new shipper reviews for the period.	

<sup>1</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of certain heavy forged hand tools from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of a single PRC entity of which the named exporters are a part.

<sup>2</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of creatine monohydrate from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of a single PRC entity of which the named exporters are a part.

<sup>3</sup> If the above named company does not qualify for a separate rate, all other exporters of courmarin from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of the single PRC entity of which the named exporters are a part.

<sup>4</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of manganese metal from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of a single PRC entity of which the named exporters are a part.

<sup>5</sup> If one of the above named companies does not qualify for a separate rate, all other exporters of bristle paintbrushes from the People's Republic of China who have not qualified for a separate rate are deemed to be covered by this review as part of a single PRC entity of which the named exporters are a part.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the

publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or

suspended investigation (after sunset

review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 USC 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: March 16, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary, Group II for Import Administration.*

[FR Doc. 01-7144 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-821, A-588-837]

#### Large Newspaper Printing Presses, and Components Thereof, from Germany and Japan; Notice of Extension of Time Limits for Antidumping Duty Administrative Reviews

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce is extending the time limits of the preliminary results of the antidumping duty administrative reviews on large newspaper printing presses, and components thereof, from Germany and Japan. Each review covers one producer/exporter of the subject merchandise to the United States. The period of review is September 1, 1999, through August 31, 2000. This period also covers certain sales deferred from prior review periods.

**EFFECTIVE DATE:** March 22, 2001.

**FOR FURTHER INFORMATION CONTACT:** Katherine Johnson at (202) 482-4929 for Germany, or Christopher Priddy at (202) 482-1130, for Japan, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** Because it is not practicable to complete these administrative reviews within the time limits mandated by section 751(a)(3)(A) of Tariff Act of 1930 (the Act), as amended by the Uruguay Round Agreements Act, the Department is extending the time limit for completion of the preliminary results. Each of these reviews involves complicated issues related to cost of production. In addition, we are required to verify the information submitted in the Japanese review in accordance with 19 CFR 351.307(iii) and (v). Because we need additional time to analyze the respondents' data, as well as to conduct verification, we have extended the deadline for the completion of the preliminary results until October 1, 2001.

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)) and 19 CFR 351.213(h)(2).

Dated: March 13, 2001.

**Richard W. Moreland,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 01-7142 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 031901B]

#### South Atlantic Snapper/Grouper and Coastal Pelagics Economic Data Collection

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 21, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Jim Waters, Department of Commerce, NOAA, National Marine Fisheries Service, 101 Pivers Island Road, Beaufort, NC 28516-9722, (252-728-8710).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The National Marine Fisheries Service (NMFS) proposes to collect information on fishing vessel expenses and earnings in the south Atlantic snapper/grouper fishery to conduct economic analyses that will improve fishery management in that fishery; satisfy NMFS' legal mandates under Executive Order 12866, the Magnuson-Steven Fishery Conservation and Management Act (U.S.C. 1801 *et seq.*), the Regulatory Flexibility Act, the Endangered Species Act, and the National Environmental Policy Act; and quantify achievement of the performances measures in the NMFS Strategic Operating Plans. Used in conjunction with catch and effort data already being collected in this fishery as part of its logbook program, this data will be used to assess how fishermen will be impacted by and respond to any regulation likely to be considered by fishery managers.

##### II. Method of Collection

Owners of selected vessels with Federal commercial permits in the south Atlantic snapper/grouper will be required to report information about trip costs, input usage, input prices, and dockside prices as part of the logbook reporting requirements in this fishery. In addition, these vessel owners will be required to complete and submit by mail a separate form about annual fixed cost information such as expenditures for repair and maintenance, gear purchase and repair, fishing licenses and permits, insurance, dock fees, repayment on boat and business loans, office expenses and so forth.

##### III. Data

**OMB Number:** 0648-0016

**Form Number:** None.

**Type of Review:** Regular submission.

**Affected Public:** Business or other for-profit organizations.

**Estimated Number of Respondents:** 1,700.

**Estimated Time Per Response:** 10 minutes for trip and earnings questions, 20 minutes for annual fixed cost survey.

**Estimated Total Annual Burden**

**Hours:** 6,232.

**Estimated Total Annual Cost to Public:** \$0.



**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 15, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-7153 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 031601C]

**South Pacific Tuna Fisheries**

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Proposed information collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 21, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should

be directed to Svein Fougner, Sustainable Fisheries Division, Southwest Region, NMFS, 501 W. Ocean Blvd., Suite 4200, Long Beach, California 90802, telephone 562-980-4040, (or via Internet at: svein.fougner@noaa.gov)

**SUPPLEMENTARY INFORMATION:****I. Abstract**

United States participation in the Inter-American Tropical Tuna Commission (IATTC) results in certain recordkeeping requirements for U.S. fishermen who fish in the IATTC's area of management responsibility. These fishermen must maintain a log of all operations conducted from the fishing vessel, including the date, noon position, and the tonnage of fish aboard the vessel, by species. The logbook form provided by the IATTC is universally used by U.S. fishermen to meet this recordkeeping requirement, as permitted by the regulations. Information in the logbooks includes areas of operation and catch and effort by area. Logbook data are used in stock assessments and other research concerning the fishery. If the data were not collected or if erroneous data were provided, the IATTC assessments would likely be incorrect and there would be an increased risk of overfishing or inadequate management of the fishery.

**II. Method of Collection**

Vessel operators maintain bridge logs on a daily basis, and the forms are collected by the IATTC at the completion of each trip. The data are processed by the IATTC.

**III. Data**

*OMB Number:* 0648-0148.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Individuals, business and other for-profit organizations.

*Estimated Number of Respondents:* 20.

*Estimated Time Per Response:* 10 minutes.

*Estimated Total Annual Burden*

*Hours:* 352.

*Estimated Total Annual Cost to Public:* \$0.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 15, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-7154 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-22-S

**DEPARTMENT OF COMMERCE****National Telecommunications and Information Administration**

[Docket No. 001215353-1057-02]

RIN 0660-ZA14

**Public Telecommunications Facilities Program: Closing Date**

**AGENCY:** National Telecommunications and Information Administration (NTIA), Commerce.

**ACTION:** Notice of availability of funds.

**SUMMARY:** The National Telecommunications and Information Administration (NTIA), U.S. Department of Commerce, announces the solicitation of applications for a grant for the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program. Applications for the PEACESAT Program grant will compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. Applicants should refer to the announcement regarding the submission of applications for the Public Telecommunications Facilities Program (PTFP) which is also funded from this account, and which was published in the **Federal Register** on December 21, 2000 (65 FR 80709).

Applicants for grants for the PEACESAT Program must file their applications on or before April 23, 2001. NTIA anticipates making the grant award by September 30, 2001. NTIA shall not be liable for any proposal preparation costs.

**DATES:** Applications for the PEACESAT Program grant must be received on or before 5:00 p.m. on April 23, 2001. Applicants sending applications by the United States Postal Service or



commercial delivery services must ensure that the carrier will be able to guarantee delivery of the application by the Closing Date and Time. NTIA will not accept mail delivery of applications posted on the Closing Date or later and received after the above deadline. However, if an application is received after the Closing Date due to (1) carrier error, when the carrier accepted the package with a guarantee for delivery by the Closing Date, or (2) significant weather delays or natural disasters, NTIA will, upon receipt of proper documentation, consider the application as having been received by the deadline. Applicants submitting applications by hand delivery are notified that, due to security procedures in the Department of Commerce, all packages must be cleared by the Department's security office. The security office is located in Room 1874, located at Entrance No. 10 on the 15th St. N.W. side of the building.

**ADDRESSES:** To submit completed applications, or send any other correspondence, write to: NTIA/PTFP, Room H-4625, U.S. Department of Commerce, 1401 Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** William Cooperman, Director, Public Broadcasting Division, telephone: (202) 482-5802; fax: (202) 482-2156.

**SUPPLEMENTARY INFORMATION:**

**I. Application Forms and Requirements**

Funding for the PEACESAT Program is provided pursuant to Public Law 106-553, the "Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2001" and Public Law 106-113, "The Consolidated Appropriations Act, Fiscal Year 2000." Public Law 106-113 provides "That, hereafter, notwithstanding any other provision of law, the Pan-Pacific Education and Communications Experiments by Satellite (PEACESAT) Program is eligible to compete for Public Broadcasting Facilities, Planning and Construction funds." The PEACESAT Program was authorized under P.L. 100-584 (102 Stat. 2970) and also P. L. 101-555 (104 Stat. 2758) to acquire satellite communications services to provide educational, medical, and cultural needs of Pacific Basin communities. The PEACESAT Program has been operational since 1971 and has received funding from NTIA for support of the project since 1988.

Public Law 106-553 appropriated \$43.5 million for this account to be awarded for Public Telecommunications Facilities Program (PTFP) grants and for

PEACESAT Program grants. The solicitation notice for the PTFP Program was published in the *Federal Register* on December 21, 2000 (65 FR 80709). Applications submitted in response to this solicitation for PEACESAT applications are not subject to the requirements of the December 21, 2000 Notice and are exempt from the PTFP regulations at 15 CFR part 2301. NTIA anticipates making a single award for approximately \$475,000 for the PEACESAT Program in FY2001.

NTIA requests that each applicant for a PEACESAT Program grant supply one (1) original signed application and five (5) copies, unless doing so would present a financial hardship, in which case the applicant may submit one (1) original and two (2) copies of the application. The application form consists of the Standard Form 424 Application for Federal Assistance; Standard Form 424A Budget Information—Non-Construction Programs; Standard Form 424 B, Assurances; Standard Form CD-511 Certification; and Standard Form LLL, Disclosure of Lobbying Activities (if applicable). These requirements are subject to the Paperwork Reduction Act and have been approved by the Office of Management and Budget under control numbers 0348-0043, 0348-0044, 0348-0040 and 0348-0046.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), unless that collection displays a currently valid Office of Management and Budget control number.

Eligible applicants will include any for-profit or non-profit organization, public or private entity, other than an agency or division of the Federal government. Individuals are not eligible to apply for the PEACESAT Program funds.

Grant recipients under this program will not be required to provide matching funds toward the total project cost.

The costs allowable under this Notice are not subject to the limitation on costs contained in the December 21, 2000 Notice regarding the PTFP Program.

**II. Administrative Requirements; Scope of Project and Eligible Costs; Evaluation and Selection Process**

Public Law 106-553 was enacted December 21, 2000. Public Law 106-553 appropriated funds to the Public Broadcasting, Facilities, Planning and Construction Funds account. Pursuant to Public Law 106-113 the Pan-Pacific

Education and Communications Experiments by Satellite (PEACESAT) Program can compete for funds from the Public Broadcasting, Facilities, Planning and Construction Funds account. Funds appropriated to the Public Broadcasting, Facilities, Planning and Construction Funds account do not carry fiscal year limitations. A notice published on March 16, 1999 set forth the scope of the project and eligible costs, and a description of the evaluation and selection process for applications for the PEACESAT Program. Since funds for the Public Broadcasting, Facilities, Planning and Construction Funds account are available without limitations, the administrative requirements; scope of project and eligible costs criteria; and evaluation and selection process criteria set forth in the March 16, 1999 notice apply to the 1999 PEACESAT program and to all subsequent years. A copy of the March 16, 1999 Notice is available to potential applicants from NTIA at the address listed in the **ADDRESSES** section and is also available on the INTERNET at [www.ntia.doc.gov/otiahome/peacesat/peacesat.html](http://www.ntia.doc.gov/otiahome/peacesat/peacesat.html). If, in the future, NTIA changes the administrative requirements; the scope of project and eligible costs criteria; or the evaluation and selection process criteria, a new notice will be published containing the new criteria and requirements.

**III. Project Period**

Any project awarded pursuant to this notice will be for a one-year period.

**Authority:** Pub. L. 106-553 the "Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 2001" and Pub. L. 106-113, "The Consolidated Appropriations Act, Fiscal Year 2000."

**Bernadette McGuire-Rivera,**  
*Associate Administrator, Office of Telecommunications and Information Applications.*

[FR Doc. 01-7074 Filed 3-21-01; 8:45 am]

BILLING CODE 3510-60-P

**DEPARTMENT OF DEFENSE**

**Department of the Air Force**

**HQ USAF Scientific Advisory Board Meeting**

The Joint Mission Architectures will meet in The Pentagon, Washington, D.C. on March 30, 2001 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance

with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697-8404.

Janet A. Long,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 01-7127 Filed 3-21-01; 8:45 am]

BILLING CODE 5001-05-P

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### HQ USAF Scientific Advisory Board Meeting

The C2 Advisory Group Meeting will meet at Langley AFB, VA on March 29-30, 2001 from 8:00 a.m. to 5:00 p.m.

The purpose of the meeting is to receive briefings and discuss the direction of the study. The meeting will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the HQ USAF Scientific Advisory Board Secretariat at (703) 697-8404.

Janet A. Long,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 01-7128 Filed 3-21-01; 8:45 am]

BILLING CODE 5001-05-P

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Army Educational Advisory Committee

AGENCY: U.S. Army War College.

ACTION: Notice of meeting.

**SUMMARY:** In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), announcement is made of the following Committee meeting:

**Name of Committee:** U.S. Army War College Subcommittee of the Army Education Advisory Committee.

**Dates of Meeting:** April 25, 26, 27, and 28, 2001.

**Place:** Root Hall, U.S. Army War College, Carlisle Barracks, Pennsylvania.

**Time:** 8:30 a.m.-5:00 p.m.

**Proposed Agenda:** Receive information briefings; conduct discussions with the Commandant and staff and faculty; table and examine online College issues; assess resident and distance education programs, self-study techniques, and plans for the Process for Accreditation of Joint Education (PAJE) 2000; assemble a

working group for the concentrated review of institutional policies and a working group to address committee membership and charter issues; propose strategies and recommendations that will continue the momentum of federal accreditation success and guarantee compliance with regional accreditation standards.

**FOR FURTHER INFORMATION CONTACT:** To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton, Box 524, U.S. Army War College, Carlisle Barracks, PA 17013 or telephone (717) 245-3396.

**SUPPLEMENTARY INFORMATION:** This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Committee after receiving advance approval for participation. To request advance approval or obtain further information, contact Lieutenant Colonel Cary A. Hilton at the above address or phone number.

Cary A. Hilton,

*Lieutenant Colonel, U.S. Army Designated Federal Official.*

[FR Doc. 01-7133 Filed 3-21-01; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF EDUCATION

[CFDA No. 84.116N]

#### Fund for the Improvement of Postsecondary Education—Special Focus Competition (Institutional Cooperation and Student Mobility In Postsecondary Education Among the United States, Canada and Mexico); Notice Inviting Application for New Awards for Fiscal Year (FY) 2001

**Purpose of Program:** To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

**Eligible Applicants:** Institutions of higher education or combinations of institutions and other public and private nonprofit institutions and agencies.

**Deadline for Transmittal of Applications:** May 14, 2001.

**Deadline for Intergovernmental Review:** July 13, 2001.

**Applications Available:** March 22, 2001.

**Available Funds:** \$300,000 for FY 2001.

**Estimated Range of Awards:** \$25,000–30,000 for FY 2001. \$200,000–\$215,000 for four year duration of grant.

**Estimated Average Size of Awards:** \$25,000 for FY 2001. \$200,000 for four year duration of grant.

**Estimated Number of Awards:** 10.

**Note:** The Department is not bound by any estimates in this notice.

**Project Period:** Up to 48 months.

**Page Limit:** The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit your narrative to the equivalent of no more than ten (10) single-spaced pages.

- A "page" is 8.5" x 11" on one side only, with 1" margins at the top, bottom, and both sides.

- Single space (no more than six lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.

- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the title page, the budget section, including the narrative budget justification, the assurances and certifications, the resumes, the bibliography, or the letters of support.

Our reviewers will not read any pages of your application narrative that exceed the page limit if you apply these standards; or exceed the equivalent of the page limit if you apply other standards.

**Applicable Regulations:** The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

**SUPPLEMENTARY INFORMATION:** This program is a Special Focus Competition to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American, Canadian and Mexican institutions to encourage cooperation in the coordination of curricula, the exchange of students and the opening of educational opportunities throughout North America. The invitational priority is issued in cooperation with Canada and Mexico. Canadian and Mexican institutions participating in any consortium proposal responding to the invitational priority may apply, respectively, to Human Resources Development Canada and the Mexican Department of Public Education for additional funding under separate Canadian and Mexican competitions.

**Priority***Invitational Priority*

The Secretary is particularly interested in applications that meet the following invitational priority. However, an application that meets this invitational priority does not receive competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

*Invitational Priority:* Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility among the United States, Canada, and Mexico.

**Methods for Applying Selection Criteria**

The Secretary gives equal weight to the listed criteria. Within each of the criteria, the Secretary gives equal weight to each of the factors.

*Selection Criteria*

In evaluating applications for grants under this program competition, the Secretary uses selection criteria chosen from those listed in 34 CFR 75.210 of EDGAR.

*For Applications or Information Contact:* Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 1990 K Street, NW., 8th Floor, Washington, DC 20006-8544. You may also request application forms by calling 732-544-2504 (fax on demand), or application guidelines by calling 202-358-3041 (voice mail) or submitting the name of the competition and your name and postal address to FIPSE@ED.GOV (e-mail).

Applications are also listed on the FIPSE Web Site: <http://www.ed.gov/FIPSE>; e-APPLICATIONS are available at: <http://e-grants.ed.gov>.

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339. For additional program information call the FIPSE office (202-502-7500) between the hours of 8 a.m. and 5 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact number listed under For Applications or Information Contact.

Individuals with disabilities also may obtain a copy of the application package in an alternative format by contacting that number. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

**Application Procedures**

**Note:** Some of the procedures in these instructions for transmitting electronic applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

*Pilot Project for Electronic Submission of Applications*

The U.S. Department of Education is expanding its pilot project of electronic submission of applications to include certain formula grant programs, as well as additional discretionary grant competitions. The Program for North American Mobility in Higher Education CFDA No. 84.116N is one of the programs included in the pilot project. If you are an applicant under the Program for North American Mobility in Higher Education, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Title Page, (substitutes for the ED Form 424), Budget Summary Form (substitutes for the ED Form 524), and all necessary assurances and certifications.
- Fax a signed copy of the Title Page after following these steps:

1. Print the Title Page from the e-APPLICATION system.
2. Make sure that the institution's Authorizing Representative signs this form.
3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).

4. Place the PR/Award number in the upper right hand corner of the Title Page.

5. Fax the Title Page to the Application Control Center within three working days of submitting your electronic application. We will indicate a fax number in e-APPLICATION at the time of your submission.

• We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the Program for North American Mobility in Higher Education at: <http://e-grants.ed.gov>.

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

*Electronic Access to This Document*

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites: <http://ocfo.ed.gov/fedreg.htm> <http://www.ed.gov/news.html>

To use PDF you must have Adobe Acrobat Reader Program which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free at 1-888-293-6498; or in the Washington DC, area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>

**Program Authority:** 20 U.S.C. 1138-1138d.

Dated: March 19, 2001.

**Maureen A. McLaughlin,**  
*Deputy Assistant Secretary for Policy,  
Planning and Innovation, Office of  
Postsecondary Education.*

[FR Doc. 01-7126 Filed 3-21-01; 8:45 am]

BILLING CODE 4001-01-U

**DEPARTMENT OF ENERGY**

[FE Docket No. PP-234]

**Application for Presidential Permit;  
Baja California Power, Inc.**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Baja California Power, Inc. (BCP) has applied for a Presidential

permit to construct, operate, maintain, and connect a double-circuit electric transmission line across the U.S. border with Mexico.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before April 23, 2001.

**ADDRESSES:** Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael T. Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On February 27, 2001, BCP, a special purpose company and wholly-owned subsidiary of InterGen Aztec Energy V, B.V., and an indirect subsidiary of InterGen N.V., a Dutch limited liability company, filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. BCP proposes to construct a double-circuit 230,000-volt (230-kV) across the U.S.-Mexico international border.

The BCP transmission line project will originate at a proposed powerplant to be owned by an affiliate, Energia de Baja California (EBC), an independent power producer. EBC will own and operate the powerplant adjacent to a larger, 750-megawatt (MW) powerplant being constructed by Energia Azteca X (EAX) (also an independent power producer and InterGen affiliate). The EBC and EAX powerplants are to be constructed approximately 10 miles west of the City of Mexicali, Baja California, Mexico. The proposed transmission line would head north from the associated Energia de Baja California powerplant switchyard and cross the Mexico/U.S. border west of Calexico, California, and continue to the SDG&E Imperial Valley Substation by paralleling, to the east, the existing SDG&E Imperial Valley to La Rosita transmission line. The length of the proposed transmission line would be approximately 6 miles in Mexico and an additional 5.4 miles in California. Initially, BCP proposes to install only one set of conductors, thus creating a

single electrical circuit. At a later date, the second set of conductors (second electrical circuit) could be added and the transmission facilities could also transmit electric energy generated at the EAX facility to the United States. The EBC generation facilities are expected to be placed in service in June 2002. The EAX generation facilities are expected to be placed in service in March 2003.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on BCP's proposed facilities.

**Procedural Matters:** Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Orlando Martinez, Manager, Development, InterGen, Two

Alhambra Plaza, Suite 1100, Coral Gables, Florida 33134-5202.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to NEPA. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity" from the options menu, and then "Pending Proceedings."

Issued in Washington, DC, on March 19, 2001.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Systems, Office of Coal & Power Im/Ex, Office of Fossil Energy.*  
[FR Doc. 01-7150 Filed 3-21-01; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

[FE Docket No. PP-235]

### Application for Presidential Permit Sempra Energy Resources

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** Sempra Energy Resources (SER) has applied for a Presidential permit to construct, operate, maintain, and connect a double-circuit electric transmission line across the U.S. border with Mexico.

**DATES:** Comments, protests, or requests to intervene must be submitted on or before April 23, 2001.

**ADDRESSES:** Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350.

**FOR FURTHER INFORMATION CONTACT:** Ellen Russell (Program Office) 202-586-9624 or Michael T. Skinker (Program Attorney) 202-586-2793.



**SUPPLEMENTARY INFORMATION:** The construction, operation, maintenance, and connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On March 7, 2001, SER, a non-regulated generating company, filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. SER proposes to construct a double-circuit 230,000 volt (230-kV) transmission line originating from San Diego Gas & Electric Company's (SDG&E) existing Imperial Valley Substation, located in Imperial County, California, and extending approximately six miles south to the United States border with Mexico. At the border, the SER facilities will interconnect with similar facilities owned by Termoeléctrica de Mexicali (TDM) and continue an additional three miles to a new 500-megawatt (MW) powerplant being developed by TDM west of the town of Mexicali, Baja California, Mexico.

In Mexico and in California, the transmission line proposed by SER will parallel SDG&E's existing Imperial Valley-La Rosita international transmission line (previously authorized by Presidential Permit PP-79), west of Calexico, California, and is proposed to be sited within land managed by the U.S. Bureau of Land Management.

In its application, SER proposes to transmit electricity from the TDM powerplant into the California electrical system. Transmission of electric energy from California to Mexico would occur only for purposes of providing "black start" capability to the powerplant.

Since restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy

Regulatory Commission Order No. 888 (Promotion Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities; FERC Stats. & Regs. ¶ 31,036 (1996)), as amended. In furtherance of this policy, on July 27, 1999, (64 FR 40586) DOE initiated a proceeding in which it noticed its intention to condition existing and future Presidential permits, appropriate for third party transmission, on compliance with a requirement to provide non-discriminatory open access transmission service. That proceeding is not yet complete. However, in this docket DOE specifically requests comment on the appropriateness of applying the open access requirement on SER's proposed facilities.

#### Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Additional copies of such petitions to intervene or protests also should be filed directly with: Alberto Abreu, Director, Permitting and Licensing, Sempra Energy Resources, 101 Ash Street, PO Box 1831, San Diego, CA 92112-4150.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed action (i.e., granting the Presidential permit, with any conditions and limitations, or denying the permit) pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity" from the options menu, and then "Pending Proceedings."

Issued in Washington, DC, on March 19, 2001.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Systems, Office of Coal & Power Im/Ex, Office of Fossil Energy.*  
[FR Doc. 01-7151 Filed 3-21-01; 8:45 am]

**BILLING CODE 6450-01-P**

#### DEPARTMENT OF ENERGY

##### Federal Energy Regulatory Commission

[Docket No. EL01-52-000]

##### **Barnet Hydro Company, et al. v. Central Vermont Public Service Corp., et al.; Notice of Complaint**

March 16, 2001.

Take notice that on March 15, 2001, Barnet Hydro Company, Comtu Falls, Dodge Falls Associates L.P., Emerson Falls Hydro, Inc., Hydro Energies Corporation, Killington Hydroelectric Company, Kingsbury Hydro, Martinsville Water Power, Moretown Energy Company, Missisquoi Associates, Nantanna Mill, Newbury Hydro, Ottauquechee Hydro Company, Inc., Ryegate Associates, Springfield Hydroelectric Company, Winooski Hydroelectric Company, Winooski One Partnership, Woodside Hydro, Worcester Hydro, and Vermont Marble Power Division of OMYA, Inc. (collectively, the Vermont QFs) filed a complaint against Central Vermont Public Service Corporation, Barton Village Incorporated Electric Department, Village of Enosburg Falls Electric Light Department, Village of Hyde Park Electric Department, Village of Jacksonville Electric Department, Village of Johnson Electric Light Department, Village of Ludlow Electric Light Department, Village of Lyndonville Electric Department, Village of Morrisville Water & Light Department, Northfield Electric Department, Village of Orleans Electric Department, Town of Readsboro Electric Department, Stowe Electric Department, and Village of Swanton Electric Department (collectively, the Vermont Utilities), requesting that the Commission issue an order preventing the Vermont Utilities from employing Order 888 to force the Vermont QFs, either directly or indirectly, to reserve transmission service and pay transmission charges in order to sell the electric power they generate to the Vermont Utilities under the regulations adopted in the State of Vermont to implement the Public Utility Regulatory Policies Act of 1978.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before April 4, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222) for assistance. Answers to the complaint shall also be due on or before April 4, 2001. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-7118 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 184-065 California]

#### El Dorado Irrigation District, Notice of Public Meeting

March 16, 2001.

The Federal Energy Regulatory Commission (Commission) is reviewing the application for a new license for the El Dorado Project (FERC No. 184), which was filed on February 22, 2000. The El Dorado Project, licensed to the El Dorado Irrigation District (EID), is located on the South Fork American River, in El Dorado, Alpine, and Amador counties, California. The project occupies lands of the Eldorado National Forest.

The EID has requested that the Commission provide facilitation services to assist the parties in arriving at a settlement of all issues relevant to this proceeding. The purpose of the meeting is to discuss alternatives for processing the application for relicensing of the El Dorado Project, including whether a consensus exists

for pursuing settlement options. We invite the participation of all interested governmental agencies, non-governmental organizations, and the general public in this meeting.

The meeting will be held on Tuesday, April 3, from 9:00 a.m. to 4:00 p.m., at the Sacramento County Superior Court Annex, Second Floor, 721 Ninth Street, Sacramento, California.

For further information, please contact Elizabeth Molloy at (202) 208-0771 or John Mudre at (202) 219-1208.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-7122 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP00-422-001]

#### El Paso Natural Gas Company; Notice of Amendment

March 16, 2001.

Take notice that on March 15, 2001, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP00-422-001 an amendment to its pending application filed in Docket No. CP00-422-000, to (1) issue an order by March 31, 2001, permitting El Paso to initiate the cleaning and modification of its Line 2000, (2) delete the portion of the application to abandon the six existing mainline compressor facilities comprising a total of 119,750 horsepower, and (3) authorize by April 15, 2001, the proposal to expand the design capacity of El Paso's interstate transmission system by approximately 230,000 Mcf per day, all as more fully set forth in the application to amend which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/htm> (call 202-208-2222 for assistance).

El Paso states that the requested authority will facilitate an in-service date of August 31, 2001, which will enable El Paso to place an expansion of its system into service in a time frame that would help this year to ameliorate the California energy crisis. El Paso also states that it will accept the full risk for the Line 2000 Project by agreeing to place the Line No. 2000 Project in service as a loop to the existing system and to continue to operate the existing South System compression without additional contracts to cover its operating and investment costs.

El Paso indicates that on July 31, 2000, it filed its Section 7 application in Docket No. CP00-422-000 for the Line 2000 Project, a project to acquire and convert a crude oil transportation pipeline to natural gas transportation service. El Paso states that the essence of the Line No. 2000 Project as originally filed was to replace old horsepower on its South System with pipeline, but with no increase in the existing transportation capacity of its transmission system.

El Paso now states that, since the time El Paso reformulated and prepared its original application, there has been a radical change in the dynamics of the natural gas market in California, with California experiencing greatly increased prices in both the gas and electricity markets, and consumers being subjected to power alerts and, on occasion, rolling blackouts. It is stated that electric power supplied by surrounding states has been inadequate to resolve the crisis that continues in California, which is expected by many to peak during the upcoming summer season. It is indicated that much of the power generated within California and the surrounding states depends on the availability of natural gas as fuel for the generation facilities.

El Paso states that on December 13, 2000, El Paso Corporation addressed publicly the dramatic changes in the energy use of the Western United States in a letter from Williams A. Wise, its President and Chairman, to the Commissioners of the FERC, and committed to pursue the addition of pipeline capacity into the California market over the next few years.

El Paso believes that the Commission has also been actively exploring ways in which it can assist in ameliorating the power crisis in California, pointing out, for example, a January 3, 2001, letter from the Office of Energy Projects sent to El Paso inquiring as to the feasibility of modifying the Line 2000 Project in manner that could assist the difficult situation now confronting the California gas market. El Paso indicates that it responded to the letter by stating that it would be willing to expand its system if there is sufficient support for such expansion.

El Paso submits that the energy crisis in California remains unabated, and the market has sent signals indicating a need for additional volumes of gas to serve growing electric generation needs in the Southwest. El Paso states that, against this backdrop, it has further evaluated the steps it can take today to improve the conditions for all parties operating in the California market. With the primary goal in mind of providing



market relief as quickly as possible, El Paso has developed a multi-part plan, listing as the heart of the plan the immediate conversion of the Line 2000 Project from a compression replacement project to an expansion project.

El Paso describes in plan as follows:

**Part One—Recontracting Existing Capacity**

El Paso states that it has approximately 1.22 Bcf per day of capacity under contracts to El Paso Merchant Energy Company (EPME) which expires on May 31, 2001, subject to EPME having right of first refusal on that capacity. El Paso indicates that, in recognition of the current California energy crisis, it held an open season for this capacity from January 12, through February 12, 2001. El Paso states that it received 148 bids for a total of 14.4 Bcf per day of capacity, but awarded 121 bids pending the February 22, 2001, deadline of EPME matching the bids. It is indicated that the 121 bids fully subscribed the 1.22 Bcf per day of capacity at the posting, at terms ranging from 17 months to 15 years and at the maximum California reservation rate. El Paso advised that EPME did not match any of the bids, and El Paso entered into the transportation service agreements for the total 1.22 Bcf per day of capacity.

**Part Two**

El Paso advises that the authorization requested in this amendment constitutes Part Two. El Paso advises that as soon as the Line 2000 Project is placed into service, including the 230,000 Mcf per day of incremental capacity in the daily scheduling of gas on the system. El Paso states that this increment of capacity will be utilized as system flexibility capacity and would serve to reduce daily allocations of capacity on the system in times of maintenance, outages, and force majeure events. El Paso also states that it would not require specific new firm transportation service agreements for such capacity but instead would use it as a cushion to meet the demands for gas in the California market in the markets east of California where natural gas is used to generate power that is exported to California. El Paso also submits that the additional capacity would offset the reduction in capacity that could otherwise be experienced as a result of the extraordinary maintenance activities planned for the coming summer months.

**Part Three**

El Paso has posted on its electronic bulletin board an open season for further system expansion projects timed to meet the needs of potential shippers. El Paso indicates that this open season, which closes on March 23, 2001, provides potential shippers an opportunity to express their non-binding interest in firm transportation service to support additional expansions of the El Paso system.

Any questions regarding the amendment should be directed to Robert T. Tomlinson at (915) 496-2600.

Any person desiring to be heard or to make any protest with reference to said application should on or before March

30, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved.

Any person wishing to become a party in any proceeding herein must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by every one of the intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order.

However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no

motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for El Paso to appear or to be represented at the hearing.

Also, comments, protest, or interventions may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,  
Acting Secretary.

[FR Doc. 01-7105 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Docket No. CP01-106-000]

**Kern River Gas Transmission Company; Notice of Application**

March 16, 2001.

Take notice that on March 15, 2001, Kern River Gas Transmission Company (Kern River), 295 Chipeta Way, Salt Lake City, Utah 84158, filed an application in Docket No. CP01-106-000 pursuant to Sections 7(c) and 7(b) of the Natural Gas Act (NGA) for temporary and permanent certificates of public convenience and necessity authorizing Kern River to construct and operate emergency facilities to provide up to 135,000 Mcf per day of limited-term, incremental transportation capacity from Wyoming to California to help meet the urgent need for additional energy in California, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.us/online/rimms.htm> (call 202-208-2222 for assistance).

Subject to receipt of all necessary permits and regulatory authorizations, Kern River anticipates an in-service date of approximately July 1, 2001 for this needed capacity.

In addition, Kern River requests pre-granted approval and permission to abandon certain proposed temporary

facilities upon replacement by permanent facilities in a superceding expansion project. Further, Kern River requests approval of incremental transportation rates for the proposed services; approval of pro forma FERC Gas Tariff sheets reflecting the incremental transportation rates and associated incremental compressor fuel reimbursement provisions; and approval of its proposed accounting treatment for certain facility costs.

Kern River states that the name, address, and telephone number of the person to whom correspondence and communication concerning this application should be addressed is: Gary Kotter, Manager, Certificates, Kern River Gas Transmission Company, P.O. Box 58900, Salt Lake City, Utah 84158, (801) 584-7117.

Kern River states that the emergency facilities include: (1) three new compressor stations—the Elberta Compressor Station in Utah County, Utah; the Veyo Compressor Station in Washington County, Utah; and the Daggett Compressor Station in San Bernardino County, California; (2) upgrades and restages for the compressor units at three existing compressor stations—the Muddy Creek Compressor Station in Lincoln County, Wyoming; Fillmore Compressor Station in Millard County, Utah; and the Goodsprings Compressor Station in Clark County, Nevada; and (3) an upgrade of the existing Wheeler Ridge Meter Station in Kern County, California.

Kern River states that approval of new compressor stations at these cities also is pending in Docket No. CP01-31-000 for Kern River's 2002 Expansion Project. However, due to the availability of suitable compressor units for immediate emergency installation, the compressor configurations proposed herein are different.

According to Kern River, the compressor unit proposed for the new Daggett Compressor Station is a temporary facility, which will subsequently be replaced with a permanent compressor unit as part of Kern River's 2002 Expansion Project. Kern River states that upon conclusion of the proposed California Emergency Action, the remainder of the proposed emergency facilities will be permanently incorporated into either the 2002 Expansion Project or Kern River's forthcoming 2003 Expansion Project.

Kern River requests pre-granted approval and permission to abandon the proposed temporary emergency compressor unit at the Daggett Compressor Station upon the in-service

date of the replacement permanent unit for the 2002 Expansion Project. It is stated that the in-service date for the replacement permanent compressor unit is May 1, 2003. Kern River states that the certificate application for the 2002 Expansion Project will be amended to reflect the delayed in-service date for the Daggett permanent compressor unit.

According to Kern River, the proposed compression facilities will add a total of 53,900 ISO-rates horsepower (15,000 of which is temporary) to the Kern River system and will create 135,000 Mcf per day (Mcf/d) of incremental transportation capacity, year-round, from Wyoming to California. It is estimated that the cost of the proposed facilities is approximately \$81 million, which includes \$10.5 million for temporary facilities and \$18.5 million of increased costs attributable to the significantly compressed and accelerated construction activities for the permanent facilities.

It is further stated that an open-season has resulted in binding commitments under Rate Schedule KRF-1 for all of the proposed incremental capacity. A total of 135,000 Mcf/d of firm service will be provided commencing with an anticipated in-service date of about July 1, 2001, with 114,000 Mcf/d of that capacity expiring April 30, 2002 and the remaining 21,000 Mcf/d expiring April 30, 2003. It is stated that the latter increment of capacity represents capacity provided by the proposed emergency facilities that will be in excess of the 124,500 Dth per day of long-term contract commitments for the 2002 Expansion Project.

Kern River further requests approval of incremental transportation rates for the proposed capacity, approval of a pro forma FERC Gas Tariff provision providing for incremental compressor fuel reimbursement and approval of its proposed accounting treatment for certain facility costs.

Kern River states that its proposed incremental transportation rate on a 100 percent load factor rate is \$0.8790 per Mcf, exclusive of surcharges. It is stated that of this base incremental rate, the reservation charge component is \$0.8190 per Mcf and the commodity charge component is \$0.06 per Mcf. Kern River avers that the incremental fuel reimbursement rates are proposed to be 4.2 percent for the period from July 1, 2001 through April 30, 2002; and 6.2 percent for the period from May 1, 2002 through April 30, 2003.

Pending issuance of a permanent certificate for its proposed emergency action, Kern River requests that the Commission issue it a temporary

certificate pursuant to Section 157.17 of its regulations. It is stated that the proposed emergency facilities must be completed as soon as possible to address the urgent need for deliveries of additional natural gas supplies to existing and new electric generation markets to help meet California's energy needs during the 2001 cooling season.

Any person desiring to be heard or to make protest with reference to said application should on or before March 30, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Commission's rules require that protestors provide copies of their protests to the party or parties directly involved. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's rules.

A person obtaining intervenor status will be placed on the service list maintained by the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any other filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will not be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the

Commission's final order to a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Kern River to appear or be represented at the hearing.

Also, comments, protest, or interventions may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,  
Acting Secretary.

[FR Doc. 01-7104 Filed 3-21-01; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP01-94-000 & CP01-96-000]

#### Nornew Energy Supply, Inc. and Norse Pipeline, L.L.C.; Notice of Applications

March 16, 2001.

Take notice that on March 1, 2001, Nornew Energy Supply, Inc. (Nornew), 19 Ivy Street, Jamestown, New York 14701 and Norse Pipeline, L.L.C. (Norse), 2500 Tanglewilde, Suite 250, Houston, Texas 77063, filed applications pursuant to section 7 of the Natural Gas Act (NGA). In Docket No. CP01-94-0000, Nornew seeks authorization: (1) To acquire from its affiliate, Norse, and to operate approximately 14.67 miles of twelve-inch pipeline and 4.33 miles of eight-inch pipeline; (2) to construct (nunc pro tunc) and operate approximately 7.63 of

eight-inch pipeline;<sup>1</sup> and, (3) to construct by rearrangement, and operate certain compression and measurement facilities in Mayville, NY, as well as check valves and regulators devices designed to prevent the flow of gas from Nornew into Norse's gathering facilities located in the Town of Ellery, NY and in Mayville, NY. Also in Docket No. CP01-94-000, Norse seeks authorization: (1) To abandon by sale to Nornew approximately 14.67 miles of twelve-inch pipeline and 4.33 miles of eight-inch pipeline and appurtenant facilities previously used by Norse to provide gathering service; and, (2) to abandon in place a 2000 foot line at the point where the Norse facilities connect to Nornew's 7.63 miles of eight-inch pipeline. In Docket No. CP01-96-000, Nornew requests a blanket certificate pursuant to Subpart F of Part 157 of the Commission's Regulations to perform certain routine activities and operations, all as more fully set forth in the applications which are on file with the Commission and open to public inspection. The filing may be viewed at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Norse and Nornew's request for certificates of public convenience and necessity are a result of the Commission's previous orders that ruled that interstate natural gas transportation service to the Jamestown BPU would require such authorization. Further the Commission also required Norse to provide evidence that the primary function of its facilities would be gathering exempt from the Commission's jurisdiction pursuant to section 1(b) of the NGA. In compliance with the Commission's orders, Nornew and Norse are proposing to rearrange their business activities to enable Norse, subject to Commission confirmation, to remain an exempt gatherer and for Nornew to provide interstate transportation to the Jamestown BPU.

Specifically, Nornew has agreed to acquire from Norse and Norse has agreed to sell to Nornew approximately 19 miles of twelve-inch and eight-inch pipeline and appurtenant facilities previously used by Norse in its gathering operations. The purchase price for the facilities is \$1,133,866. Nornew plans to lease two 360 hp compressors currently situated at the Norse compressor site at Mayville, NY.

<sup>1</sup> National Fuel Gas Distribution Corporation, 93 FERC ¶ 61,276 (2000), reh'g denied, 94 FERC ¶ 61,136 (2001). In its orders, the Commission, among other things, ruled that the 7.63 miles of eight-inch pipeline constructed by Nornew to serve the Jamestown Board of Public Utilities (Jamestown BPU) was a jurisdictional facility requiring an NGA section 7(c) certificate.

The 19 miles of pipeline will connect two delivery points from Norse's gathering facilities (in Mayville, NY and Ellery, NY) and a future delivery point from Tennessee Gas Pipeline Company (Tennessee) in Mayville, NY to Nornew's 7.63 mile, eight-inch pipeline, which will serve the Jamestown BPU's Samuel A. Carlson Generating Station (Carlson Generating Station) in Jamestown, NY. Additionally, Nornew will construct approximately 300 feet of six-inch pipeline leading from Tennessee's facilities to the two leased 360 hp compressors, as well as constructing approximately 200 feet of six-inch pipeline from the compressors to Nornew's mainline. Norse seeks abandonment authorization to the extent necessary to sell the facilities to Nornew and to abandon certain minor facilities in place. According to Norse the sale of the facilities will create a geographically separate segment of Norse's system from that of Nornew's system. Therefore, Norse believes that its remaining facilities will continue to operate as non-jurisdictional gathering facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Any questions regarding the application should be directed to Oivind Risberg, President, Nornew Energy Supply, Inc., 2500 Tanglewilde, Suite 250, Houston, Texas 77063, telephone (713) 975-1900.

Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by everyone of the intervenors. An intervenor can file for rehearing of any

Commission order and can petition for court review of any such order. However, an intervenor must submit copies of comments or any filing it makes with the Commission to every other intervenor in the proceeding, as well as 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered. A person, instead, may submit two copies of comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, commenters will not receive copies of all documents filed by other parties or issued by the Commission and will not have the right to seek rehearing or appeal the Commission's final order at a federal court.

The Commission will consider all comments and concerns equally, whether filed by commenters or those requesting intervenor status.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the proposal is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Norse and Nornew to appear or be represented at the hearing.

Linwood A. Watson, Jr.,  
Acting Secretary.  
[FR Doc. 01-7121 Filed 3-21-01; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP00-506-003]

#### Northwest Pipeline Corporation; Notice of Compliance Filing

March 16, 2001.

Take notice that on March 13, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to be effective February 25, 2001:

Substitute Eighth Revised Sheet No. 24  
Substitute Fifth Revised Sheet No. 259  
Substitute First Revised Sheet No. 278-C

Northwest states that the purpose of this filing is to comply with the Commission's Order on Compliance Filing dated February 23, 2001 in Docket No. RP00-506-002 directing Northwest to file revised tariff sheets (1) to remove the proposed requirement for pro rata reductions of maximum daily quantities (MDQs) and maximum daily delivery obligations (MDDOs) at individual receipt and delivery points in the event of a partial capacity turnback, and (2) to remove the terms "volumetric" and "geographic" from provisions pertaining to capacity release and the right of first refusal.

Northwest states that a copy of this filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web

site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,  
Acting Secretary.  
[FR Doc. 01-7116 Filed 3-21-01; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. EL00-95-018, EL00-98-017, ER01-1448-001, ER01-1449-001, ER01-1451-001, ER01-1453-001, ER01-1455-001, ER01-1456-001]

**San Diego Gas & Electric Company Complainant, v. Sellers of Energy and Ancillary Services, Respondents, Investigation of Practices of the California Independent System Operator and the California Power Exchange, Duke Energy Trading and Marketing, LLC, Dynegy Power Marketing, Inc., Portland General Electric Company, Reliant Energy Services, Inc., Mirant California, LLC, Mirant Deita, LLC and Mirant Potrero, LLC, Williams Energy Services Corporation; Notice of Proxy Price for February Wholesale Transactions in the California Wholesale Electric Market**

March 16, 2001.

On March 9, 2001, the Commission issued an order establishing a proxy market clearing price approach to estimate total potential refunds or offsets in the ISO and PX markets during January through April 2001.<sup>1</sup> The Commission directed the Director of the Office of Markets, Tariffs and Rates to issue a notice of the proxy market clearing price for the month of February. For the month of February, 2001, the proxy price is estimated to result in approximately \$55 million of total potential refunds or offsets by public utility sellers. These refunds are based on a proxy market clearing price of \$430/MWh.

Following the methodology established by the March 9 order, the proxy price for February is based on:

- (1) a combustion turbine with a heat rate of 18,073/Btu/kWh as reported in the three California investor-owned utilities' 1998 FERC Form No. 1;
- (2) the average reported midpoint natural gas price for "Southern California Gas Company large package" transactions as reported in Financial Times Energy's "Gas Daily" publication. This price increased 53 percent from January to February 2001 from \$12.50/mmBtu to \$19.11/mmBtu;

<sup>1</sup> 94 FERC ¶ 61,245 (The California PX suspended operations at the end of January 2001.)



(3) the average NO<sub>x</sub> allowance costs from the Southern California Air Quality Management District NO<sub>x</sub> Auction as reported by Cantor Fitzgerald Environmental Brokerage Services. This cost increased 85 percent from January to February 2001 from \$22.50/lb. to \$41.72/lb.;

(4) an average NO<sub>x</sub> emissions rate of 2 lbs./MWh as reported by public utility sellers; and

(5) variable O&M costs of \$2/MWh as reported by public utility sellers.

The Attachment contains a list of the parties having transactions with the California Independent System Operator during stage 3 hours to which the proxy price applies and the estimated potential refund obligation for each public utility seller. Any final resolution of the amount of refunds that may be due will be determined pursuant to the procedures established by the Commission's March 9, 2001 order in these dockets.

The identified public utility sellers should refer to the Commission's March 9, 2001 Order for a description of procedures and filing requirements.

**Daniel L. Larcamp,**

*Director, Office of Markets, Tariffs and Rates.*

#### **Attachment**

Transaction information filed by the California Independent System Operator (ISO) is used to identify transactions at prices in excess of the \$430/MWh proxy clearing price and to estimate potential refunds. The following is a list of the number of transactions reported by the ISO with a price greater than \$430/MWh made during hours in which the ISO called a Stage 3 Emergency and the potential refunds. Since the ISO reported energy transactions in 10 minute increments, sellers may find that the number of transactions listed below is significantly higher than the number of hourly transactions they reported to the Commission.

*Duke Energy Trading and Marketing, LLC*

[Docket No. ER01-1448-001]

ISO Energy: 20 transactions with a refund potential of \$2,107,289

*Dynegy Power Marketing Inc.*

[Docket No. ER01-1449-001]

ISO Ancillary Services: 328 transaction with a refund potential of \$3,235,208  
ISO Energy: 2,723 transactions with a refund potential of \$20,119,616

*Portland General Electric Company*

[Docket No. ER01-1451-001]

ISO Out-of-Market: 23 transactions with a refund potential of \$73,600

*Reliant Energy Services, Inc.*

[Docket No. ER01-1453-001]

ISO Energy: 770 transactions with a refund potential of \$7,440,999

*Mirant California, LLC, Mirant Delta, LLC and Mirant Potrero, LLC*

[Docket No. ER101-1455-001]

ISO Energy: 286 transactions with a refund potential of \$826,111

*Williams Energy Services Corporation*

[Docket No. ER01-1456-001]

ISO Energy: 7,054 transactions with a refund potential of \$21,564,636

Filings regarding the February transactions addressed by this notice should reference the company specific docket numbers listed above.

[FR Doc. 01-7103 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Docket No. CP01-102-000]

#### **Transcontinental Gas Pipe Line Corporation Southern Natural Gas Company; Notice of Application**

March 16, 2001.

Take notice that on March 9, 2001, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas, 77251, and Southern Natural Gas Company (Southern), 1900 Fifth Avenue North, Birmingham, Alabama, 35203, (collectively referred to as Applicants) filed in Docket No. CP01-102-000 an application pursuant to section 7(b) of the Natural Gas Act, as amended, and Subpart F of the Regulations of the Federal Energy Regulatory Commission's (Commission) thereunder, for permission and approval to abandon the transportation and exchange of natural gas provided under Southern's Rate Schedule X-66 and Transco's Rate Schedule X-250, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed at <http://www.ferc.fed.us/online/riims.htm> (call 202-208-2222 for assistance).

Applicants state that they have not transported or exchanged gas pursuant to these Rate Schedules since 1991. Applicants assert that they do not propose to abandon any facility pursuant to the authorization sought herein and that no service to any of their

customers will be affected by the abandonment authorization requested herein. Further, Applicants assert there is no outstanding imbalance due any party.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 6, 2001, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to the proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Any questions regarding this application for Transco should be directed to Mr. Randall R. Conklin, General Counsel, P.O. Box 1396, Houston, Texas 7725-1396 at (713) 215-2000, and the contact person regarding this application for Southern is Ms. Sandra W. Murvin, Senior Counsel, P.O. Box 2563, Birmingham, Alabama, 35202-2563 at (205) 325-3859.

Comments, protests, and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be



unnecessary for Applicants to appear or be represented at the hearing.

Linwood A. Watson, Jr.,  
Acting Secretary.

[FR Doc. 01-7120 Filed 3-21-01; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. GT01-13-000]

#### Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff and Filing of Non-Conforming Service Agreement

March 16, 2001.

Take notice that on March 13, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance a Rate Schedule TF-1 non-conforming service agreement. Northwest also tendered the following tariff sheets as part of its FERC Gas Tariff, Third Revised Volume No. 1, to be effective April 13, 2001:

Ninth Revised Sheet No. 364  
Third Revised Sheet No. 366

Northwest states that the service agreement contains a scheduling priority provision imposing subordinate primary corridor rights. Northwest states that the tariff sheets are submitted to add such agreement to the list of non-conforming service agreements contained in Northwest's tariff and to update that list to reflect other minor changes.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the

instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,  
Acting Secretary.

[FR Doc. 01-7117 Filed 3-21-01; 8:45 am]  
BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. ER01-1319-001, et al.]

#### Puget Sound Energy, Inc., et al.; Electric Rate and Corporate Regulation Filings

March 16, 2001.

Take notice that the following filings have been made with the Commission:

##### 1. Puget Sound Energy, Inc.

[Docket No. ER01-1319-001]

Take notice that on March 13, 2001, Puget Sound Energy, Inc., tendered for filing a Netting Agreement with California Department of Water Resources (CDWR).

A copy of the filing was served upon CDWR.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

##### 2. Southern Company Services, Inc.

[Docket No. ER01-1510-000]

Take notice that on March 13, 2001, Southern Company Services, Inc., acting on behalf of Alabama Power Company (APC), tendered for filing an Interconnection Agreement (IA) by and between Calpine Construction Finance Company, L.P. (Calpine) and APC. The IA allows Calpine to interconnect its generating facility to be located in Tallapoosa County, Alabama to APC's electric system.

An effective date of March 13, 2001 has been requested.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

##### 3. American Transmission Systems, Inc.

[Docket No. ER01-1511-000]

Take notice that on March 13, 2001, American Transmission Systems, Inc., tendered for filing a Service Agreement to provide Firm Point-to-Point Transmission Service for Axia Energy, LP, the Transmission Customer. Services are being provided under the American Transmission Systems, Inc., Open Access Transmission Tariff submitted for filing by the Federal

Energy Regulatory Commission in Docket No. ER99-2647-000.

The proposed effective date under the Service Agreement is March 9, 2001 for the above mentioned Service Agreement in this filing.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

##### 4. Idaho Power Company

[Docket No. ER01-1512-000]

Take notice that on March 13, 2001, Idaho Power Company tendered for filing a long-term service agreement date March 12, 2001, under its open access transmission tariff in the above-captioned proceeding.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

##### 5. American Transmission Systems, Inc.

[Docket No. ER01-1513-000]

Take notice that on March 13, 2001, American Transmission Systems, Inc., tendered for filing a Service Agreement to provide Non-Firm Point-to-Point Transmission Service for Axia Energy, LP, the Transmission Customer. Services are being provided under the American Transmission Systems, Inc., Open Access Transmission Tariff submitted for filing by the Federal Energy Regulatory Commission in Docket No. ER99-2647-000.

The proposed effective date under the Service Agreement is March 9, 2001 for the above mentioned Service Agreement in this filing.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

##### 6. Public Service Company of New Mexico

[Docket No. ER01-1514-000]

Take notice that on March 13, 2001, Public Service Company of New Mexico (PNM), tendered for filing two executed service agreements with Calpine Energy Services, L.P. (Calpine), under the terms of PNM's Open Access Transmission Tariff. One agreement is for short-term firm point-to-point transmission service and one is for non-firm point-to-point transmission service. Both agreements are dated March 8, 2001. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to Calpine and to the New Mexico Public Regulation Commission.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**7. Duke Energy Audrain, LLC**

[Docket No. ER01-1515-000]

Take notice that on March 13, 2001, Duke Energy Audrain, LLC (Duke Audrain), tendered for filing pursuant to Section 205 of the Federal Power Act its proposed FERC Electric Tariff No. 1 and Service Agreement No. 1 thereunder.

Duke Audrain seeks authority to sell energy and capacity, as well as ancillary services, at market-based rates, together with certain waivers and preapprovals. Duke Audrain also seeks authority to sell, assign, or transfer transmission rights that it may acquire in the course of its marketing activities.

Duke Audrain seeks an effective date of March 16, 2001, for its proposed rate schedule and Service Agreement No. 1 thereunder so that Duke Audrain can begin to sell test power on that date from the approximately 640 MW gas-fired electric generation facility that it is developing in Audrain County, Missouri.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**8. PacifiCorp**

[Docket No. ER01-1516-000]

Take notice that on March 13, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Umbrella Service Agreements for Non-Firm and Short-Term Firm Transmission Service with Cheyenne Light, Fuel and Power Company under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**9. Xcel Energy Services Inc.**

[Docket No. ER01-1518-000]

Take notice that on March 13, 2001, Xcel Energy Services Inc., (XES), on behalf of Northern States Power Companies (NSP), tendered for filing an Electric Service Agreement NSP and Public Service Company of Colorado.

XES requests that this Electric Service Agreement be made effective on March 12, 2001.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**10. Arizona Public Service Company**

[Docket No. ER01-1519-000]

Take notice that on March 13, 2001, Arizona Public Service Company (APS),

tendered for filing an unexecuted Interconnection and Operating Agreement with Reliant Energy, Inc., under APS' Open Access Transmission Tariff.

A copy of this filing has been served on Reliant Energy, Inc., and the Arizona Corporation Commission.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**11. New York Independent System Operator, Inc.**

[Docket No. ER01-1520-000]

Take notice that on March 13, 2001, the New York Independent System Operator, Inc., (NYISO), tendered for filing a new Attachment G to its Market Administration and Control Area Services Tariff (Services Tariff) in order to implement an Emergency Demand Response Program.

The NYISO has requested an effective date of May 1, 2001 for the filing and a waiver of the Commission's notice requirements.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**12. PJM Interconnection, L.L.C.**

[Docket No. ER01-1521-000]

Take notice that on March 13, 2001, PJM Interconnection, L.L.C. (PJM), tendered for a Notice of Termination of the Umbrella Service Agreement for Network Integration Service between PJM and Utilimax.com, Inc., (PJM Interconnection, L.L.C., Third Revised Rate Schedule FERC No. 1 Service Agreement No. 468).

PJM requested a waiver to permit an effective date of March 14, 2001 for the termination of the agreement.

Copies of this filing were served upon Utilimax.com, Inc., affected Electric Distribution Companies, and all state utility regulatory commissions in the PJM control area.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**13. California Independent System Operator Corporation**

[Docket No. ER01-1522-000]

Take notice that on March 13, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Aera Energy LLC (Aera) for acceptance by the Commission.

The ISO states that this filing has been served on Aera and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the

Meter Service Agreement for ISO Metered Entities to be made effective January 19, 2001.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**14. Metropolitan Edison Company**

[Docket No. ER01-1523-000]

Take notice that on March 13, 2001, Metropolitan Edison Company (Metropolitan Edison), tendered for filing an interconnection agreement (Agreement) between Metropolitan Edison and Reliant Energy Hunterstown (Reliant Energy). The Agreement sets forth the terms, conditions, and requirements for the interconnection of Reliant Energy's Hunterstown generation facility in Pennsylvania with the Metropolitan Edison transmission system.

Copies of the filing were served upon Reliant Energy, PJM and regulators in the Commonwealth of Pennsylvania.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**15. Duke Energy Corporation**

[Docket No. ER01-1524-000]

Take notice that on March 13, 2001, Duke Energy Corporation (Duke), tendered for filing a Service Agreement with Florida Power Corporation for Firm Transmission Service under Duke's Open Access Transmission Tariff.

Duke requests that the proposed Service Agreement be permitted to become effective on February 13, 2001.

Duke states that this filing is in accordance with Part 35 of the Commission's Regulations and a copy has been served on the North Carolina Utilities Commission.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**16. Xcel Energy Services Inc.**

[Docket No. ER01-1525-000]

Take notice that on March 13, 2001, Xcel Energy Services Inc., (XES), on behalf of Northern States Power Companies (NSP), tendered for filing an Electric Service Agreement between NSP and Southwestern Public Service.

XES requests that this Electric Service Agreement be made effective on March 12, 2001.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

**17. Newington Energy, L.L.C.**

[Docket No. ER01-1526-000]

Take notice that on March 13, 2001, Newington Energy, L.L.C. (Newington),

tendered for filing Newington Electric Rate Schedule No. 1 for the wholesale sale of electric energy, capacity and ancillary services at market-based rates.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

#### 18. Sierra Pacific Power Company

[Docket No. ER01-1527-000]

Take notice that on March 13, 2001, Sierra Pacific Power Company (SPPC) tendered for filing an application for an order accepting its FERC Electric Tariff No. 7, which will permit SPPC to make wholesale sales of electric power and certain ancillary services at market rates to eligible customers located outside of its two Nevada control areas, and requesting waiver certain of the Commission's Regulations.

A copy of this filing has been served on the Public Utilities Commission of Nevada and the California Public Utilities Commission.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

#### 19. Nevada Power Company

[Docket No. ER01-1529-000]

Take notice that on March 13, 2001, Nevada Power Company (NPC), tendered for filing an application for an order accepting its FERC Electric Tariff No. 11, which will permit NPC to make wholesale sales of electric power and certain ancillary services at market rates to eligible customers located outside of its control area and that of its Sierra Pacific Power Company affiliates, and requesting waiver certain of the Commission's Regulations.

A copy of this filing has been served on the Public Utilities Commission of Nevada and the California Public Utilities Commission.

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

#### 20. Entergy Services, Inc.

[Docket No. ER01-1530-000]

Take notice that on March 13, 2001, Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc. (EAI) (formerly Arkansas Power & Light Company), tendered for filing a 2001 Wholesale Formula Rate Update (Update) in accordance with the Power Coordination, Interchange and Transmission Service Agreements between EAI and the cities of Conway, West Memphis and Osceola, Arkansas (Arkansas Cities); the cities of Campbell and Thayer, Missouri (Missouri Cities), and the Arkansas Electric Cooperative Corporation (AECC); the Transmission

Service Agreement between EAI and the Louisiana Energy and Power Authority (LEPA); the Transmission Service Agreement between EAI and the City of Hope, Arkansas (Hope); the Hydroelectric Power Transmission and Distribution Service Agreement between EAI and the City of North Little Rock, Arkansas (North Little Rock); the Wholesale Power Service Agreement between EAI and the City of Prescott, Arkansas (Prescott) and the Wholesale Power Service Agreement between EAI and Farmers Electric Cooperative Corporation (Farmers). Entergy Services states that the Update redetermines the formula rate charges and Transmission Loss Factor in accordance with: (1) the above agreements, (2) the 1994 Joint Stipulation between EAI and AECC accepted by the Commission in Docket No. ER95-49-000, as revised by the 24th Amendment to the AECC Agreement accepted by the Commission on March 26, 1996 in Docket No. ER96-1116-000, (3) the formula rate revisions accepted by the Commission on February 21, 1995 in Docket No. ER95-363-000 as applicable to the Arkansas Cities, Missouri Cities, Hope and North Little Rock, (4) the formula rate revisions as applicable to LEPA accepted by the Commission on January 10, 1997 in Docket No. ER97-257-000, and (5) the Settlement Agreement accepted by the Commission on July 2, 1999 in Docket No. ER98-2028-000 (the 1998 Formula Rate Update proceeding).

*Comment date:* April 3, 2001, in accordance with Standard paragraph E at the end of this notice.

#### Standard Paragraph

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214): All such motions and protests should be filed on or before the Comment date. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-7115 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

March 16, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. *Type of Application:* Preliminary Permit.
  - b. *Project No.:* 11880-000.
  - c. *Date filed:* February 6, 2001.
  - d. *Applicant:* Colorado River Water Projects Enterprise of the Colorado River Water Conservation District.
  - e. *Name of Project:* Ritschard Dam Project.
  - f. *Location:* On Muddy Creek and Wolford Mountain Reservoir, in Grand County, Colorado. Project would utilize land administered by the Bureau of Land Management.
  - g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).
  - h. *Applicant Contact:* Mr. R. Eric Kuhn, General Manager, Colorado River Water Conservation District, 201 Centennial Street, Suite 200, Glenwood Springs, CO 81602, (970) 945-8522.
  - i. *FERC Contact:* Robert Bell, (202) 219-2806.
  - j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.
- All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Comments, recommendations, interventions, and protests, may be electronically filed via the internet in lieu of paper. See 18 CFR 2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>. The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the

Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) an existing 1,900-foot-long, 145-foot-high central impervious core earth-rock filled dam; (2) an existing reservoir having a surface area of 1,550 acres with a storage capacity of 65,985 acre-feet and a normal water surface elevation of 7,489 feet msl; (3) a proposed 800-foot-long, 96-inch-diameter steel penstock; (4) a proposed powerhouse containing one generating unit with an installed capacity of 840 kW; (5) a proposed 400-foot-long 115 kV Transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 4 GWh that would be sold to a local utility.

1. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, D.C. 20426, or by calling (202) 208-1371. The application may be viewed on <http://www.ferc.us/online/rims.htm> (call (202)208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

n. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

o. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

p. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

q. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comment. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-7119 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL01-47-000]

#### Removing Obstacles to Increased Electric Generation and Natural Gas Supply in the Western United States; Notice of Intent To Convene a Conference To Consult With State Commissioners and Other State Representatives From Western States

March 16, 2001.

Take notice that the Federal Energy Regulatory Commission (Commission) will meet with state commissioners and other state representatives from Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming for the purpose of discussing price volatility in the West, as well as other FERC-related issues recently identified by the Governors of these states.<sup>1</sup> The Commission invites two participants from each state listed above, and asks that at least one of the participants from each state be from the state's public utility commission.

The conference is scheduled for Friday, April 6, 2001 in Boise, Idaho. All interested parties are permitted to attend, although seating will be limited. An additional notice will issue at a later time providing information about participants, content, and logistics. For additional information, please contact Saida E. Shaalan at (202) 208-0278;

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-7102 Filed 3-21-01; 8:45 am]

BILLING CODE 6717-01-M

<sup>1</sup> See Western Governors' Association, "Suggested Action Plan to Meet the Western Electricity Crisis and Help Build the Foundation for National Energy Policy" (March 2001). A copy of this document was filed in this docket. See also Western Governors' Association website at <http://www.westgov.org/wieb/power/index.htm>.



## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission

March 15, 2001.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written comments should be submitted on or before April 23, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all comments to Judy Boley, Federal Communications Commission, Room 1-C804, 445 12th Street, SW, DC 20554 or via the Internet to [jboley@fcc.gov](mailto:jboley@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection(s), contact Judy Boley at 202-418-0214 or via the Internet at [jboley@fcc.gov](mailto:jboley@fcc.gov).

#### SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060-XXXX.

Title: Promotion of Competitive Networks in Local Telecommunications Markets Multiple Environments (47 CFR Parts 1, 64, and 68).

Form No.: N/A.

Type of Review: New collection.

Respondents: Individuals or households, businesses or other for-

profit, not-for-profit institutions, federal government, and state, local or tribal government.

Number of Respondents: 6,421.  
Estimated Time Per Response: .50-120 hours.

Frequency of Response: On occasion reporting requirement, third party disclosure requirement.

Total Annual Burden: 623,910 hours.  
Total Annual Cost: N/A.

Needs and Uses: The First Report and Order and Further Notice of Proposed Rulemaking in WT Docket 99-217, to foster competition in local communications markets by implementing measure to ensure that competing telecommunications providers are able to provide services to customers in multiple tenant environments ("MTE").

Specifically, the Order (1) prohibits carriers from entering into contracts that restrict or effectively restrict a property owner's ability to permit entry by competing carriers; (2) establishes procedures to facilitate moving the demarcation point to the minimum point of entry ("MPOE") at the building owner's request, and requires incumbent local exchange carriers ("LECs") to timely disclose the location of existing demarcation points where they are not located at the MPOE; (3) determines that, under section 224 of the Communications Act, utilities, including LECs, must afford telecommunications carriers and cable service providers reasonable and nondiscriminatory access to conduits and right-of-way located in customer buildings and campuses, to the extent such conduits and rights-of-way located are owned and controlled by the utility; and (4) extends to antennas that receive and transmit telecommunications and other fixed wireless signals of the existing prohibition of restrictions that impair the installation, maintenance or use of certain video antennas on property within the exclusive use or control of the antenna user, where the use has a direct or indirect ownership or leasehold interest in the property.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-7096 Filed 3-21-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval,

pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 16, 2001.

**A. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *First Okmulgee Corporation*, Okmulgee, Oklahoma; to acquire 8 percent of the voting shares of Missouri Bancorp, Inc., Richmond, Missouri, and thereby indirectly acquire voting shares of Community Bank of Missouri, Richmond, Missouri.

2. *Missouri Bancorp, Inc.*, Richmond, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of Community Bank of Missouri, Richmond, Missouri.

Board of Governors of the Federal Reserve System, March 16, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01-7086 Filed 3-21-01; 8:45 am]

BILLING CODE 6210-01-S



**FEDERAL RESERVE SYSTEM****Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities**

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 16, 2001.

**A. Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166-2034:

1. *Jefferson County Bancshares, Inc.*, Festus, Missouri; to acquire Perry County Financial Corporation, Perryville, Missouri, and thereby indirectly acquire voting shares of Perry County Savings Bank, FSB, Perryville, Missouri, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, March 16, 2001.

Robert deV. Frierson

*Associate Secretary of the Board.*

[FR Doc. 01-7087 Filed 3-21-01; 8:45 am]

BILLING CODE 6210-01-S

**FEDERAL RESERVE SYSTEM****Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities**

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 16, 2001.

**A. Federal Reserve Bank of Cleveland** (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *Charter One Financial, Inc.*, Cleveland, Ohio; to acquire Alliance Bancorp, Hinsdale, Illinois, and thereby indirectly acquire Liberty Federal Bank, Hinsdale, Illinois, and thereby engage in permissible savings association activities, pursuant to § 225.28(b)(4)(ii) of Regulation Y; Liberty Financial Services, Inc., Hinsdale, Illinois, and thereby engage in permissible financial advice and securities brokerage activities, pursuant to § 225.28(b)(7)(i) of Regulation Y; LFB Operations LLC, and LFB Compliance LLC, both of Hinsdale, Illinois, and thereby engage in holding mortgage loans and operating a real estate investment trust, pursuant to §§ 228.25(b)(1) and (4)(ii) of Regulation Y; Churchview Limited Partnership, and Kedzie Limited Partnership, both of Hinsdale, Illinois, and thereby engage in permissible community development

activities, pursuant to §§ 225.28(b)(4)(ii) and (b)(12) of Regulation Y.

Board of Governors of the Federal Reserve System, March 19, 2001.

Robert deV. Frierson

*Associate Secretary of the Board.*

[FR Doc. 01-7145 Filed 3-21-00; 8:45 am]

BILLING CODE 6210-01-S

**GENERAL SERVICES ADMINISTRATION****Travel and Transportation Policy; Request for Comments on Eliminating the Use of Standard Form (SF) 1169, U.S. Government Transportation Request (GTR)**

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

**ACTION:** Notice.

**SUMMARY:** The General Services Administration (GSA) is proposing to eliminate usage of SF 1169, U.S. Government Transportation Request (GTR). Federal transition to an alternative payment mechanism to involve use of the Government issued travel charge card and centrally billed accounts does, in part, support GTR elimination. An initial review by GSA, however, indicates that elimination of the GTR in its entirety may not be possible.

**DATES:** Send your written comments by April 23, 2001.

**ADDRESSES:** Send your written comments to Ms. Jane Groat, Office of Governmentwide Policy (MTT), General Services Administration, 1800 F Street, NW., Room G-219, Washington, DC 20405. Send e-mail comments to: [jane.groat@gsa.gov](mailto:jane.groat@gsa.gov).

**FOR FURTHER INFORMATION CONTACT:** Jane Groat, Program Analyst, Travel Management Division, Office of Governmentwide Policy, General Services Administration, at 202-501-4318, or Internet e-mail at [jane.groat@gsa.gov](mailto:jane.groat@gsa.gov).

**SUPPLEMENTARY INFORMATION:****A. Background**

GSA published GSA Bulletin FPMR G-202 dated June 22, 1999, Eliminating the Use of Standard Form (SF) 1169, U.S. Government Transportation Request (GTR), in the *Federal Register* on July 2, 1999 (64 FR 36018). The bulletin gave notification of the proposed elimination of SF 1169 with

final GSA action anticipated early in the calendar year 2001. GSA also cancelled, effective December 5, 2000, the constructions of the SF 1169 because low user demand (65 FR 75938, December 5, 2000). The 2-part set and 4-part set book are cancelled; only the 4-part single set version of the form is currently available.

Collectively, Federal agencies have supported the concept of GTR elimination; however, there may be some exceptions requiring its continued use in limited cases. GSA is asking Federal agencies to identify any circumstances that would require continued use of SF 1169. GSA is also exploring whether or not the standard form should be converted to an optional form.

#### B. Request for Comments

GSA is seeking additional information. Transportation service providers and other interested parties are urged to participate by returning comments. Federal agencies are asked to, at a minimum, identify the exceptions for essential use of SF 1169. Official address, contact, and due date are stated above.

Dated: January 25, 2001.

William T. Rivers,

Director, Travel Management Division.

[FR Doc. 01-7095 Filed 3-21-01; 8:45 am]

BILLING CODE 6820-34-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day-01-27]

#### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic

summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639-7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

#### Proposed Project

An Assessment of the Feasibility and Need for Support of Cervical Cancer Screening Services in Publicly Funded Sexually Transmitted Disease (STD) Clinics—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

The National Center for Chronic Disease Prevention and Health Promotion, Division of Cancer Prevention and Control (DCPC) in collaboration with the National Center for HIV, STD, and TB Prevention, Division of STD Prevention proposes to evaluate the need for and suitability of delivering cervical cancer screening services to women receiving health care in public STD clinics. STD clinics provide health services to a population of women considered to be at high risk for human papillomavirus (HPV) infection. Certain HPV types cause abnormal Pap smears and are etiologically linked to cervical cancer. Many women who seek medical attention from STD clinics have limited

access to other sources of health care. Moreover, there is limited published information about the cervical cancer screening behaviors or magnitude of cervical dysplasia in this at-risk population. CDC is conducting this project in response to a Congressional mandate encouraging the exploration of alternative strategies and methods to increase access to cervical cancer screening services among medically underserved women.

To determine if STD clinics are an appropriate venue to identify women in need of cervical cancer screening services, DCPC will recruit and enroll a projected sample of 22,680 women attendees of eight publicly funded clinics. Four of the participating clinics will offer cervical cancer screening services and four will not provide these services. To estimate the need for cervical cancer screening among STD clinic attendees, women who meet the project enrollment criteria at all participating clinics will be asked to participate in a brief interview regarding their recent cervical cancer screening history and their need for screening.

For women attending publicly funded STD clinics offering cervical cancer screening services, data will be collected on the results of the screening examination, results of the diagnostic assessments of abnormal screening tests, and the costs associated with cervical cancer screening and follow-up. For women attending clinics not offering cervical cancer screening, attendees determined to be in need of screening will be referred to local providers offering these services.

A sub-study, verifying attendees reports of recent cervical screening services will be conducted on a sample of clinic attendees. Official Pap smear reports will be collected for those women who indicate a Pap smear was performed during the preceding 12 months. Clinic staff and health care provider activities will involve interviewing attendees, determining attendees eligibility status, and verifying Pap test results. The total costs to respondents will be \$12,929.

Respondents	No. of respondents	No. of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs) <sup>1</sup>
STD clinic—study enrollees .....	18,144	1	10/60	3,024
STD clinic staff .....	12,600	1	5/60	1,050
Health Care Providers .....	7,742	1	10/60	1,290
Total .....				5,364

<sup>1</sup> Estimates are based on a 12-month data collection period.

Dated: March 15, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 01-7080 Filed 3-21-01; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### President's Committee on Mental Retardation; Notice of Meeting

*Agency Holding the Meeting:* President's Committee on Mental Retardation.

*Time and Date:* April 10, 2001—9:30 a.m.—5:30 p.m.; April 11, 2001—8:30 a.m.—1:00 p.m.

*Place:* Channel Inn, 650 Water Street, SW., Washington, DC 20024.

*Status:* Full Committee Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All meeting sites are barrier free.

*To Be Considered:* The Committee plans to discuss critical issues concerning Federal Research and Demonstration, State Policy Collaboration, Minority and Cultural Diversity and Mission and Public Awareness, relating to individuals with mental retardation.

The PCMR acts in an advisory capacity to the President and the Secretary of the U.S. Department of Health and Human Services on a broad range of topics relating to programs, services, and supports for persons with mental retardation. The Committee, by Executive Order, is responsible for evaluating the adequacy of current practices in programs and supports for persons with mental retardation, and for reviewing legislative proposals that impact the quality of life that is experienced by citizens with mental retardation and their families.

*Contact Person for More Information:* Reginald F. Wells, Ph.D., Room 701 Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 619-0634.

Dated: March 12, 2001.

Reginald F. Wells,

Acting Executive Director, PCMR.

[FR Doc. 01-7113 Filed 3-21-01; 8:45 am]

BILLING CODE 4184-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### State Median Income Estimates for Four-Person Families (FFY 2002); Notice of the Federal Fiscal Year (FFY) 2002 State Median Income Estimates for Use Under the Low Income Home Energy Assistance Program (LIHEAP) Administered by the Administration for Children and Families, Office of Community Services, Division of Energy Assistance

**AGENCY:** Office of Community Services, ACF, DHHS.

**ACTION:** Notice of estimated State median income for FFY 2002—Correction.

**SUMMARY:** This notice announces the estimated median income for four-person families in each State and the District of Columbia for FFY 2002 (October 1, 2001 to September 30, 2002). This notice corrects a notice published on Wednesday, March 7, 2001 (66 FR 13767) which erroneously contained estimated median incomes for FFY 2001. LIHEAP grantees may adopt the FFY 2002 State median income estimates beginning with the date of this publication of the estimates in the *Federal Register* or at a later date as discussed below. This means that LIHEAP grantees could choose to implement this notice during the period between the heating and cooling seasons. However, by October 1, 2001, or by the beginning of a grantee's fiscal year, whichever is later, LIHEAP grantees using State median income estimates must adjust their income eligibility criteria to be in accord with the FFY 2002 State median income estimates.

This listing of estimated State median incomes concerns maximum income levels for households to which LIHEAP grantees may make payments under LIHEAP.

**EFFECTIVE DATE:** The estimates are effective at any time between the date of this publication and October 1, 2001, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

**FOR FURTHER INFORMATION CONTACT:** Leon Litow, Administration for Children and Families, HHS, Office of Community Services, Division of Energy Assistance, 5th Floor West 370 L'Enfant Promenade, SW., Washington, D.C. 20447, Telephone: (202) 401-5304, E-Mail: llitow@acf.dhhs.gov.

**SUPPLEMENTARY INFORMATION:** Under the provisions of section 2603(7) of Title

XXVI of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35, as amended), we are announcing the estimated median income of a four-person family for each state, the District of Columbia, and the United States for FFY 2002 (the period of October 1, 2001, through September 30, 2002).

Section 2605(b)(2)(B)(ii) of the LIHEAP statute provides that 60 percent of the median income for each state, as annually established by the Secretary of the Department of Health and Human Services, is one of the income criteria that LIHEAP grantees may use in determining a household's eligibility for LIHEAP.

LIHEAP is currently authorized through the end of FFY 2004 by the Coats Human Services Reauthorization Act of 1998, Pub. L. 105-285, which was enacted on October 27, 1998.

Estimates of the median income of four-person families for each State and the District of Columbia for FFY 2002 have been developed by the Bureau of the Census of the U.S. Department of Commerce, using the most recently available income data. In developing the median income estimates for FFY 2002, the Bureau of the Census used the following three sources of data: (1) the March 2000 Current Population Survey; (2) the 1990 Decennial Census of Population; and (3) 1999 per capita personal income estimates, by state, from the Bureau of Economic Analysis (BEA) of the U.S. Department of Commerce.

Like the estimates for FFY 2001, the FFY 2002 estimates include income estimates from the March Current Population Survey that are based on population controls from the 1990 Decennial Census of Population. Income estimates prior to FFY 1996 from the March Current Population Survey had been based on population controls from the 1980 Decennial Census of Population. Generally, the use of 1990 population controls results in somewhat lower estimates of income.

In 1999, BEA revised its methodology in estimating per capita personal income estimates. BEA's revised methodology is reflected in the FFY 2002 state 4-person family median income estimates. Generally, the revised methodology decreased, on average, state median income estimates by about 0.04 percent. For further information on the estimating method and data sources, contact the Housing and Household Economic Statistics Division, at the Bureau of the Census (301-457-3243).

A state-by-state listing of median income, and 60 percent of median income, for a four-person family for FFY 2002 follows. The listing describes the

method for adjusting median income for families of different sizes as specified in regulations applicable to LIHEAP, at 45 CFR 96.85(b), which was published in the Federal Register on March 3, 1988 at 53 FR 6824.

Dated: March 16, 2001.

Robert Mott,

Acting Director, Office of Community Services.

**ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FEDERAL FISCAL YEAR 2002<sup>1</sup>**

States	Estimated state median income 4-person families <sup>2</sup>	60 Percent of estimated state median income 4-person families
Alabama .....	\$52,405	\$31,443
Alaska .....	70,294	42,176
Arizona .....	53,041	31,825
Arkansas .....	46,671	28,003
California .....	63,100	37,860
Colorado .....	62,860	37,716
Connecticut .....	75,505	45,303
Delaware .....	65,584	39,350
District of Col. ...	62,281	37,369
Florida .....	55,578	33,347
Georgia .....	57,795	34,677
Hawaii .....	66,402	39,841
Idaho .....	47,703	28,622
Illinois .....	66,356	39,814
Indiana .....	58,519	35,111
Iowa .....	58,075	34,845
Kansas .....	57,195	34,317
Kentucky .....	52,186	31,312
Louisiana .....	49,446	29,668
Maine .....	57,536	34,522
Maryland .....	74,806	44,884
Massachusetts ..	71,689	43,013
Michigan .....	65,467	39,280
Minnesota .....	66,677	40,006
Mississippi .....	47,915	28,749
Missouri .....	56,673	34,004
Montana .....	50,966	30,580
Nebraska .....	55,693	33,416
Nevada .....	59,479	35,687
New Hampshire ..	65,885	39,531
New Jersey .....	75,425	45,255
New Mexico .....	44,947	26,968
New York .....	59,755	35,853
North Carolina ..	56,115	33,669
North Dakota ...	51,002	30,601
Ohio .....	56,237	33,742
Oklahoma .....	52,261	31,357
Oregon .....	53,909	32,345
Pennsylvania ...	59,546	35,728
Rhode Island ...	64,614	38,768
South Carolina ...	55,978	33,587
South Dakota ...	52,246	31,348
Tennessee .....	51,999	31,199
Texas .....	53,291	31,975
Utah .....	57,251	34,351
Vermont .....	57,713	34,628
Virginia .....	64,352	38,611
Washington .....	62,618	37,571
West Virginia ...	45,202	27,121
Wisconsin .....	63,436	38,062

**ESTIMATED STATE MEDIAN INCOME FOR 4-PERSON FAMILIES, BY STATE, FEDERAL FISCAL YEAR 2002<sup>1</sup>—Continued**

States	Estimated state median income 4-person families <sup>2</sup>	60 Percent of estimated state median income 4-person families
Wyoming .....	55,624	33,374

NOTE—FFY 2002 covers the period of October 1, 2001 through September 30, 2002. The estimated median income for 4-person families living in the United States is \$59,981 for FFY 2002. The estimates are effective for the Low Income Home Energy Assistance Program (LIHEAP) at any time between the date of this publication and October 1, 2001, or by the beginning of a LIHEAP grantee's fiscal year, whichever is later.

<sup>1</sup>In accordance with 45 CFR 96.85, each State's estimated median income for a 4-person family is multiplied by the following percentages to adjust for family size: 52% for one person, 68% for two persons, 84% for three persons, 100% for four persons, 116% for five persons, and 132% for six persons. For family sizes greater than six persons, add 3% for each additional family member and multiply the new percentage by the State's estimated median income for a 4-person family.

<sup>2</sup>Prepared by the Bureau of the Census from the March 2000 Current Population Survey, 1990 Decennial Census of Population and Housing, and 1999 per capita personal income estimates, by state, from the Bureau of Economic Analysis (BEA). In 1999, BEA revised its methodology in estimating per capita personal income estimates. BEA's revised methodology is reflected in the FFY 2002 state 4-person family median income estimates. For further information, contact the Housing and Household Economic Statistics Division at the Bureau of the Census (301-457-3243).

[FR Doc. 01-7112 Filed 3-21-01; 8:45 am]

BILLING CODE 4184-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

[Document Identifier: HCFA-R-234]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Health Care Financing Administration, DHH.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any

of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**Type of Information Collection Request:** Extension of a currently approved collection;

**Title of Information Collection:** Subpart D—Private Contracts and Supporting Regulations in 42 CFR 405.410, 405.430, 405.435, 405.440, 405.445, 405.455, 410.61, 415.110, and 424.24;

**Form No.:** HCFA-R-234 (OMB# 0938-0730);

**Use:** Section 4507 of the BBA of 1997 amended section 1802 of the Social Security Act to permit certain physicians and practitioners to opt-out of Medicare and to provide through private contracts services that would otherwise be covered by Medicare. Under such contracts the mandatory claims submission and limiting charge rules of section 1848(g) of the Act would not apply. Subpart D and the Supporting Regulations contained in 42 CFR 405.410, 405.430, 405.435, 405.440, 405.445, and 405.455, counters the effect of certain provisions of Medicare law that, absent section 4507 of BBA 1997, preclude physicians and practitioners from contracting privately with Medicare beneficiaries to pay without regard to Medicare limits;

**Frequency:** Biennially;  
**Affected Public:** Business or other for-profit;

**Number of Respondents:** 26,820;  
**Total Annual Responses:** 26,820;  
**Total Annual Hours:** 7,197.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address:

HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards,

Attention: Dawn Willingham (HCFA-R-234) Room N2-14-26, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: March 13, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-7135 Filed 3-21-01; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-10003]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* New Collection;

*Title of Information Collection:* Medicare + Choice Beneficiary Appeal Notices, "Notice of Denial of Medical Services", "Notice of Denial of Request for Payment" and Supporting Regulations in 42 CFR 422.568;

*Form No.:* HCFA-10003 (OMB# 0938-NEW);

*Use:* This collection includes two Medicare + Choice appeal notices, Denial of Service and Denial of Payment. Pursuant to the Social Security Act Section 1852(g)(1)(B), M+C organizations are required to issue notices to Medicare managed care beneficiaries when a request for either medical service or payment is denied. Additionally, the notices inform

beneficiaries of their right to file an appeal.

All M+C organizations will be required to use these forms. Neither the Health Care Financing Administration (HCFA) nor the M+C organizations will use such notices to collect and analyze data on M+C beneficiary appeals. They are for information purposes only. These forms have been revised in accordance with public comments received during the 60-day comment period.;

*Frequency:* On occasion;

*Affected Public:* Business or other for-profit and Individuals or Households;

*Number of Respondents:* 29,892;

*Total Annual Responses:* 29,892;

*Total Annual Hours:* 2,994.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eyd, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 1, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-7134 Filed 3-21-01; 8:45 am]

BILLING CODE 4120-03-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-2540-96]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, DHHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send

comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Revision of a currently approved collection;

*Title of Information Collection:* Skilled Nursing Facility Cost Report and Supporting Regulations in 42 CFR 413.20 and 413.24; *Form No.:* HCFA-2540 (OMB 0938-0463); *Use:* Form HCFA-2540-96 is the form used by skilled nursing facilities participating in the Medicare program. This form reports the health care costs used to determine the amount of reimbursable costs for services rendered to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Businesses or other for-profit; Not-for-profit institutions; *Number of Respondents:* 15,700; *Total Annual Responses:* 15,700; *Total Annual Hours:* 2,943,354.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 7, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-7136 Filed 3-21-01; 8:45 am]

BILLING CODE 4120-03-P



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-2552-96]

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Health Care Financing Administration, DHH.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Hospital and Health Care Complex Cost Report and Supporting Regulations in 42 CFR 413.20 and 413.24; *Form No.:* HCFA-2552-96 (OMB 0938-0050); *Use:* Form HCFA-2552-96 is the form used by hospitals participating in the Medicare program. This form reports the health care costs used to determine the amount of reimbursable costs for services rendered to Medicare beneficiaries; *Frequency:* Annually; *Affected Public:* Businesses or other for-profit; Not-for-profit institutions; *Number of Respondents:* 6,057; *Total Annual Responses:* 6,057; *Total Annual Hours:* 4,011,669.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prduct95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 7, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-7137 Filed 3-21-01; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)-443-1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

#### Proposed Project: Ryan White CARE Act: Cross-Title Data Report Form (CTDR)—New

The HIV/AIDS Bureau (HAB) of the Health Resources Services Administration (HRSA), Cross Title Data Report (CTDR) form is designed to collect information from grantees, as well as their subcontracted service providers, funded under Titles I, II, III and IV of the Ryan White Comprehensive AIDS Emergency (CARE) Act of 1990, as amended by the Ryan White CARE Act Amendments of 1996 and 2000 (codified under Title XXVII of the Public Health Services Act). The purpose of the Ryan White CARE Act is to provide emergency assistance to localities that are disproportionately affected by the human immunodeficiency virus (HIV) epidemic and to make financial assistance available for the

development, organization, coordination, and operation of more effective and cost-efficient systems for the delivery of essential services to persons with HIV disease. The CARE Act also provides grants to States, eligible metropolitan areas, community-based programs, and early intervention programs for the delivery of services to individuals and families with HIV infection. All Titles of the CARE Act specify HRSA's responsibilities in the administration of grant funds, the allocation of funds, the evaluation of programs for the population served, and the improvement of the quantity and quality of care. Accurate records of the providers receiving CARE Act Funding, the services provided, and the clients served continue to be critical to the implementation of the legislation and thus are necessary for HRSA to fulfill its responsibilities.

Previously, grantees under each Ryan White CARE Act Title reported aggregate data on distinct Title-specific forms. The CTDR, an aggregate of these data collection forms, is designed to reduce the reporting burden for grantees with concurrent reporting responsibilities, and to eliminate title-specific reporting in order to reduce duplication among grantees and providers funded through multiple CARE Act Titles. The CTDR form collects data from grantees and their subcontracted service providers on six different areas: service provider information, client information, services provided/clients served, demographic information, AIDS Pharmaceutical Assistance and AIDS Drug Assistance Program, and the Health Insurance Program. Collected on an annual basis, the primary purposes of the CTDR are to: (1) Characterize the organizations from which clients receive services; (2) provide information on the number and characteristics of clients who receive CARE Act services; and (3) enable HAB to describe the type and amount of services a client receives. In addition to meeting the goal of accountability to Congress, clients, advocacy groups, and the general public, information collected on the CTDR is critical for HRSA, State and local grantees, and individual providers to assess the status of existing HIV-related service delivery systems.

The estimated response burden for CARE Act grantees is estimated as:

Title under which grantee is funded	Number of grantees respondents	Responses per grantee	Hours to coordinate receipt of data reports from providers	Total hour burden
Title I only .....	54	1	40	2,160
Title II only .....	50	1	40	2,000
Title III only .....	390	1	8	3,120
Title IV only .....	73	1	16	1,168
Total .....	567			8,448

The estimated response burden for service providers is estimated as:

Title under which provider is funded	Number of provider respondents	Responses per provider	Hours per response	Total hour burden
Title I only .....	1,011	1	24	24,264
Title II only .....	836	1	40	33,440
Title III only .....	138	1	40	5,520
Title IV only .....	34	1	40	1,360
Funded under multiple Titles .....	491	1	48	23,568
Total .....	2,019			88,152

	Number of respondents			Total hour burden
Total .....	2,586			96,600

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: John Morrall, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: March 15, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01-7089 Filed 3-21-01; 8:45 am]

BILLING CODE 4160-15-U

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Council on Graduate Medical Education; Notice of Meeting

#### Addendum

In Federal Register Document 01-5817 appearing on page 14159 in the issue for Friday, March 9, 2001, the following agenda item has been added for the Council meeting on April 12, 2001: Two invited speakers will address multi-disciplinary educational needs to assure quality health care in response to the Institute of Medicine's second report on patient safety.

Dated: March 15, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01-7088 Filed 3-21-01; 8:45 am]

BILLING CODE 4160-15-P

## DEPARTMENT OF THE INTERIOR

### Geological Survey

#### Prospective Grant of Exclusive Patent License

This is notice in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the U.S. Geological Survey (USGS), a bureau of the U.S. Department of the Interior (DOI), is contemplating the grant of an exclusive license in the United States to practice the invention embodied in U.S. Patent Application Serial Number 09/788,475, filed February 21, 2001, and entitled "Detecting Device for Fluorescent-Labeled Material," to Western Chemical Inc. of Ferndale, WA 98248. The cited invention is a property of the U.S. Fish & Wildlife Service, another DOI Bureau.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, USGS receives written evidence and argument which

establishes that the grant of a license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The present invention is a device for detecting visible fluorescence emitted from a fluorescent-labeled sample in which a fluorochrome-marked sample is excited with the proper wattage and wavelength of light using an exciter or bandpass filter and beamsplitting mirror device. This causes the sample to emit light of a slightly higher wavelength than that of excitation. A subsequent barrier filter of the proper configuration placed between the sample and the observer allows this longer wavelength to be observed as fluorescence. This technique is particularly useful for viewing large biological specimens such as fish.

The availability of the invention for licensing is announced herein and, previously, during several talks given by the inventor, Jerre W. Mohler.

A copy of the cited patent application is available for those with a licensing interest from the USGS Technology Enterprise Office, following completion of a standard non-disclosure agreement. The patent application and non-disclosure agreement may be requested by phone at (703) 648-4344 or by e-mail at [nmark@usgs.gov](mailto:nmark@usgs.gov).

Inquires, comments and other materials relating to the contemplated license must be submitted to Neil L. Mark, Technology Enterprise Office,

U.S. Geological Survey, 211 National Center, Reston, VA 20192 by regular mail, by fax at (703) 648-4408, or by email at [nmark@usgs.gov](mailto:nmark@usgs.gov).

Properly filed competing applications received by the USGS in response to this notice will be treated as objections to the grant of the contemplated license.

Julia M. Giller,

Program Manager, Technology Enterprise Office.

[FR Doc. 01-7099 Filed 3-21-01; 8:45 am]

BILLING CODE 4310-47-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 30-Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

**AGENCY:** National Park Service, National Capital Parks—Central, Interior.

**ACTION:** Notice and request for comments.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) invites public comments on a proposed collection of information. The NPS specifically request comments on: (1) The need for the information being collected, including whether the information has practical utility; (2) the validity and accuracy of the reporting burden estimate; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the information on respondents, including the use of automated collection techniques or other forms of information technology.

The NPS requests comments on an application form that allows the Park Programs Division of National Capital Parks—Central to process requests from individuals and organizations to hold public gatherings on NPS property and comments on the NPS regulations at 36 CFR 7.96(g) which govern the use of this form. These public gatherings consist of special events and demonstrations that the NPS is charged with regulating to insure protection of cultural and natural resources within NPS property. On April 3, 2000, the NPS published in the *Federal Register* (Vol. 65, No. 64, pages 17528-17529) a notice requesting public comments on this information collection. No comments were received. The NPS has now submitted a proposed collection of information package to OMB with a request that OMB approve the package and reinstate the OMB

control number for this information collection. You may obtain copies of the submission to OMB from the source listed below (see the "send comments to" section). You may obtain copies of the application from the source listed below (see the "send comments to" section).

**DATES:** Public comments on the proposed Information Collection Request (ICR) will be accepted on or before April 23, 2001.

**Send Comments To:** Attention: Desk officer for the U.S. Department of the Interior (#1024-0021), office of Information and Regulatory Affairs, office of Management and Budget, Washington D.C. 20503. Please also send a copy of your comments to Richard Merryman, National Capital Region, 1100 Ohio Dr., Rm. 128, SW, Washington, D.C. 20242. Phone: 202-619-7225, Fax: 202-401-2430. Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**To Request Printed Copies of the Documents Contact:** Richard Merryman, National Capital Region, 1100 Ohio Dr., Rm. 128, SW., Washington, D.C. 20242. Phone: 202-619-7225, Fax: 202-401-2430.

#### SUPPLEMENTARY INFORMATION:

**Title:** National Park Service, National Capital Region Application for a Permit to Conduct a Demonstration Special Event in Park Areas and a Waiver or Numerical Limitations on Demonstrations for White House Sidewalk and/or Lafayette Park.

**Department Form Number:** None.  
**OMB Number:** 1024-0021.

**Expiration Date:** To be requested.

**Type of Request:** Reinstatement without change.

**Description of Need:** The information collection responds to the statutory requirements that the NPS preserve park resources and regulate the use of units

of the National Park System. The information to be collected identifies: (1) Those individuals and/or organizations that wish to conduct a public gathering on NPS property in the National Capital Region, (2) the logistics of a proposed demonstration or special event that aid the NPS in regulating activities to insure that they are consistent with the NPS mission, (3) potential civil disobedience and traffic control issues for the assignment of United States Park Police personnel, (4) circumstances which may warrant a bond to be assigned to the event for purpose of covering potential cost to repair damage caused by the event.

**Description of Respondents:** Respondents are those individuals or organizations that wish to conduct a special event or demonstration on NPS property within the National Capital Region.

**Estimated average number of annual responses:** 4200.

**Estimated average of burden hours per response:** 30 minutes.

**Estimated annual reporting burden:** 2100 hours.

Dated: March 7, 2001.

Leonard E. Stowe,

Acting, Information Collection Clearance Officer.

[FR Doc. 01-7098 Filed 3-21-01; 8:45 am]

BILLING CODE 4310-70-M

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before March 10, 2001. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St., NW, NC400, Washington, DC 20240. Written comments should be submitted by April 6, 2001.

Carol D. Shull,

Keeper of the National Register of Historic Places.

#### ARKANSAS

##### Union County

Masonic Temple, 106-108 N. Washington, El Dorado, 01000349

**COLORADO****Larimer County**

Loveland State Amory, 201 S. Lincoln Ave.,  
Loveland, 01000350

**New London County**

Kinne Cemetery, Jarvis Rd., Griswold,  
01000351

**CONNECTICUT****Litchfield County**

Watertown Center Historic District, Roughly  
along Deforest, Main, Wood Ruff,  
Woodbury, North and Warren Sts.,  
Watertown, 01000352

**New Haven County**

Hamden Memorial Town Hall, 2372 Whitney  
Ave., Hamden, 01000355

Sheffield Street Bridge, Sheffield St. over  
Hancock Brook, Waterbury, 01000353

Washington Avenue Bridge, Washington  
Ave. over Mad River, Waterbury, 01000354

**Tolland County**

Bolton Green Historic District, Roughly the  
Green, 219,220,222,228,233,266 Bolton  
Center Rd. and 3 Hebron Rd., Bolton,  
01000357

**INDIANA****Floyd County**

Pike Inn, Old, 941 State St., New Albany,  
01000358

**Huntington County**

Young—Yentes—Mattern Farm, Jct. of 900  
W. Rd. and 400 N. Rd., Huntington,  
01000361

**Monroe County**

Legg House, 324 S. Henderson, Bloomington,  
01000359

**St. Joseph County**

Wertz—Bestle Farm, 51387 Portage Rd.,  
South Bend, 01000356

**Steuben County**

Fox Lake, 60–760 Lane 130, Angola,  
01000360

**KANSAS****Harvey County**

Hoag, E.H., House, 303 W. Broadway,  
Newton, 01000362

**KENTUCKY****Campbell County**

Newport and Cincinnati Bridge, Over Ohio  
River, Newport, 01000363

**LOUISIANA****Caddo Parish**

Highland Historic District, Roughly bounded  
by Stoner, Centenary, Kings Hwy, and Line  
Ave., Shreveport, 01000365

**Vernon Parish**

Downtown Leesville Historic District, Third  
St. bet. roughly Lula and Lee Sts.,  
Leesville, 01000366

**MAINE****Androscoggin County**

Androscoggin Mill Block, 269–271 Park St.,  
Lewiston, 01000367

**Cumberland County**

Scribner Homestead, 244 Scribner's Mill Rd.,  
Bolsters Mills, 01000368

**Kennebec County**

Riverview House, Rte. 201, 0.15 SE of jct.  
with Old Federal Rd., Vassalboro,  
01000369

**Washington County**

Calais Free Library, (Maine Public Libraries  
MPS) Union St., 0.05 mi. NW of jct. with  
US 1, Calais, 01000370

**York County**

Alfred Shaker Historic District, Both sides of  
Shaker Hill Rd., Alfred, 01000371

**MARYLAND****Anne Arundel County**

Mt. Tabor Methodist Episcopal Church, 1421  
St. Stephens Rd., Crownsville, 01000373  
Parkhurst, 1059 Cumberstone Rd., Harwood,  
01000372

**NORTH CAROLINA****Forsyth County**

Bahnsen, Agnew Hunter, House, Jct. of W.  
Fifth and Spring Sts., Winston-Salem,  
01000375

Wachovia Building, 301 N. Main St.,  
Winston-Salem, 01000376

**Guilford County**

World War Memorial Stadium, 510  
Yanceyville St., Greensboro, 01000377

**Mecklenburg County**

Carolina School Supply Company Building  
(Former), 1023 W. Morehead St., Charlotte,  
01000374

**OHIO****Franklin County**

Jeffrey Manufacturing Company Office  
Building, 224 E. First Ave., 883 and 895 N.  
Sixth St., Columbus, 01000379  
St. Clair Hospital, 338–344 and 346 St. Clair  
Ave., Columbus, 01000378

**Hamilton County**

Newport and Cincinnati Bridge, Spans Ohio  
River, Cincinnati, 01000364

**TENNESSEE****Bradley County**

Hardwick Woolen Mills, 445 Church St., SE,  
Cleveland, 01000380

**Hamilton County**

Bachman, Nathan L. School, 281 Anderson  
Pike, Walden, 01000381

**Washington County**

St. Paul AME Zion Church, 201 Welbourne  
St., Johnson City, 01000382

[FR Doc. 01–7097 Filed 3–21–01; 8:45 am]

**BILLING CODE 4310–70–P**

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. TA–204–5]

**Certain Circular Welded Carbon  
Quality Line Pipe: Monitoring  
Developments in the Domestic  
Industry**

**AGENCY:** United States International  
Trade Commission.

**ACTION:** Institution and scheduling of an  
investigation under section 204(a) of the  
Trade Act of 1974 (19 U.S.C. 2254(a))  
(the Act).

**SUMMARY:** The Commission instituted the  
investigation for the purpose of  
preparing the report to the President  
and the Congress required by section  
204(a)(2) of the Trade Act of 1974 on the  
results of its monitoring of  
developments with respect to the  
domestic certain circular welded carbon  
quality line pipe industry since the  
President imposed a tariff on imports of  
certain circular welded carbon quality  
line pipe<sup>1</sup> effective March 1, 2000.

For further information concerning  
the conduct of this investigation,  
hearing procedures, and rules of general  
application, consult the Commission's  
Rules of Practice and Procedure, part  
201, subparts A through E (19 CFR part  
201), and part 206, subparts A and F (19  
CFR part 206).

**EFFECTIVE DATE:** March 15, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Diane J. Mazur (202–205–3184), Office  
of Investigations, U.S. International  
Trade Commission, 500 E Street SW.,  
Washington, DC 20436. Hearing-  
impaired persons can obtain  
information on this matter by contacting  
the Commission's TDD terminal on 202–  
205–1810. Persons with mobility  
impairments who will need special  
assistance in gaining access to the  
Commission should contact the Office  
of the Secretary at 202–205–2000.  
General information concerning the  
Commission may also be obtained by  
accessing its internet server ([http://  
www.usitc.gov](http://www.usitc.gov)). The public record for  
this investigation may be viewed on the  
Commission's electronic docket (EDIS-  
ON-LINE) at [http://dockets.usitc.gov/  
eol/public](http://dockets.usitc.gov/eol/public).

<sup>1</sup> Includes welded carbon quality line pipe of  
circular cross section, of a kind used for oil and gas  
pipelines, whether or not stenciled, and not more  
than 16 inches (406.4 mm) in outside diameter.  
This investigation excludes goods commonly  
described in commercial usage as arctic grade line  
pipe. The products are classified in subheadings  
7306.10.10 and 7306.10.50 of the Harmonized Tariff  
Schedule of the United States. For a detailed  
description of the subject merchandise, see the  
annex to Presidential Proclamation 7274 (65 FR  
9195, February 23, 2000).

**SUPPLEMENTARY INFORMATION:**

**Background.**—Following receipt of a report from the Commission in December 1999 under section 202 of the Trade Act of 1974 (19 U.S.C. 2252) containing an affirmative determination and remedy recommendations, the President, on February 18, 2000, pursuant to section 203 of the Trade Act of 1974 (19 U.S.C. 2253), issued Proclamation 7274, imposing import relief in the form of a tariff on imports of circular welded carbon quality line pipe for a period of 3 years and 1 day, effective March 1, 2000. Section 204(a)(1) of the Trade Act of 1974 (19 U.S.C. 2254(a)(1)) requires that the Commission, so long as any action under section 203 of the Trade Act remains in effect, monitor developments with respect to the domestic industry, including the progress and specific efforts made by workers and firms in the domestic industry to make a positive adjustment to import competition. Section 204(a)(2) requires, whenever the initial period of an action under section 203 of the Trade Act exceeds 3 years, that the Commission submit a report on the results of the monitoring under section 204(a)(1) to the President and the Congress not later than the midpoint of the initial period of the relief, or by August 30, 2001, in this case. Section 204(a)(3) requires that the Commission hold a hearing in the course of preparing each such report.

**Participation in the investigation and service list.**—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, not later than 14 days after publication of this notice in the *Federal Register*. The Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance.

**Public hearing.**—As required by statute, the Commission has scheduled a hearing in connection with this investigation. The hearing will be held beginning at 9:30 a.m. on June 28, 2001, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before June 20, 2001. All persons desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on June 25, 2001, at the U.S. International Trade Commission Building. Oral testimony and written

materials to be submitted at the hearing are governed by sections 201.6(b)(2) and 201.13(f) of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 days prior to the date of the hearing.

**Written submissions.**—Each party is encouraged to submit a prehearing brief to the Commission. The deadline for filing prehearing briefs is June 22, 2001. Parties may also file posthearing briefs. The deadline for filing posthearing briefs is July 6, 2001. In addition, any person who has not entered an appearance as a party to the investigation may submit, on or before July 6, 2001, a written statement concerning the matters to be addressed in the Commission's report to the President. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain confidential business information must also conform with the requirements of section 201.6 of the Commission's rules. The Commission's rules do not authorize the filing of submissions with the Secretary by facsimile or electronic means.

In accordance with section 201.16(c) of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

**Authority:** This investigation is being conducted under the authority of section 204(a) of the Trade Act of 1974; this notice is published pursuant to section 206.3 of the Commission's rules.

Issued: March 16, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-7123 Filed 3-21-01; 8:45 am]

BILLING CODE 7020-02-P

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**DEPARTMENT OF JUSTICE**
**Office of Community Oriented Policing Services; Agency Information Collection Activities: Proposed Collection; Comments Requested; Partnering To Respond To Domestic Violence Survey**

**ACTION:** Notice of information collection under review; new collection.

The Department of Justice, Office of Community Oriented Policing, has submitted the following information collection request to the Office of

Management and Budget (OMB) for review and clearance in accordance with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by April 1, 2001. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Department of Justice Desk Officer (202) 395-3122, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Matthew Scheider, Office of Community Oriented Policing, 1110 Vermont Avenue NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

**Overview of This Collection**

(1) *Type of Information Collection:* New Collection.

(2) *Title of the Form/Collection:* Partnering to Respond to Domestic Violence Survey.

(3) *Agency Form Number, if any, the Applicable Component of the Department of Justice Sponsoring the Collection:* Form: COPS PPSE/05. Office of Community Oriented Policing Services, U.S. Department of Justice.



(4) *Affected Public who will be Asked or Required to Respond, as Well as a Brief Abstract:* The Partnering to Respond to Domestic Violence Survey will allow the collection of information regarding how law enforcement departments are applying the community policing philosophy and its practices to the problem of domestic violence. Specifically this collection will yield information regarding police/community partnerships to enhance domestic violence response options.

(5) *An estimate of the Total Number of Respondents and the Amount of Time Estimated for an Average Respondent to Respond:* Surveys will be administered by mail to approximately 75 law enforcement executives survey completion will take approximately .75 hours per respondent including all preparation time (there is no recordkeeping burden for this collection).

(6) *An Estimate of the Total of Public Burden (in hours) Associated with the Collection:* Approximately 56.25 annual burden hours associated with this collection.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, National Place, Suite 1220, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

Dated: March 16, 2001.

**Brenda E. Dyer,**

*Department Deputy Clearance Officer, United States Department of Justice.*

[FR Doc. 01-7083 Filed 3-21-01; 8:45 am]

BILLING CODE 4410-AT-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Senior Community Service Employment Program; Notice of Town Hall Meetings on the 2000 Amendment to the Older Americans Act

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice of Town Hall meetings.

**SUMMARY:** The Department of Labor is giving notice of the fourth in a series of Town Hall Meetings to provide interested individuals an opportunity to comment on the Department of Labor's approach to the implementation of changes to the Senior Community Service Employment Program (SCSEP), which were occasioned by the Older Americans Act (OAA) by the Older Americans Act Amendments of 2000

(Pub. L. 106-50) (Nov. 13, 2000). We are holding Town Hall Meetings in various locations throughout the country, in order to facilitate the participation of all interested individuals. Town Hall Meetings have been held in Atlanta, Georgia, 66 FR 6678-02 (January 22, 2001), Washington, DC, and New Orleans, Louisiana, 66 FR 10919-01 (February 20, 2001).

**DATES:** The Town Hall Meeting being announced in this Notice will be held on Wednesday, March 21, 2001, from 2 p.m. to 4 p.m. in Pasadena, California in conjunction with the U.S. Forest Service-Regional Senior Community Service Employment Workshop. The dates, locations and times for subsequent Town Hall Meetings will be announced in advance in the **Federal Register**.

**ADDRESSES:** The Town Hall Meeting will be held in the Justin East Room at the Sheraton Pasadena Hotel, 303 E. Cordova Street, Pasadena, California.

**FOR FURTHER INFORMATION CONTACT:** Mr. Erich W. ("Ric") Larisch, Division of Older Worker Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4644, Washington, DC 20210, Telephone: (202) 693-3742 (voice) TTY (202) 693-2871 (these are not toll-free numbers).

**SUPPLEMENTARY INFORMATION:** The purpose of the Town Hall Meetings is to provide each interested individual with an opportunity to comment on the Department of Labor's approach to the implementation of changes to the SCSEP occasioned by the revisions to title V of the Older Americans Act (OAA) by the Older American Act Amendments of 2000 (Pub. L. 106-501) (dated November 13, 2000). Each attendee is welcome to offer comments on a variety of subjects, including: (1) Issues and concerns that should be addressed in regulations; (2) issues and concerns that should be addressed in policy guidance; (3) suggestions and comments on the overall implementation plan, such as consultation strategies; (4) specific suggestions on the approach that should be taken in implementing any or all of the new title V provisions; and (5) suggestions on revisions that should be made to the existing title V regulations, which were published in the **Federal Register** on Wednesday, May 17, 1995 (20 CFR part 641).

**Public Participation:** All interested parties are invited to attend the Town Hall Meetings. Persons wishing to make statements or presentations at the Town Hall Meetings should limit oral statements to 5 minutes, but extended written statements may be submitted for

the record within 30 days after the Town Hall meeting date. Written statements may also be submitted without presenting oral statements. Individuals may submit written comments to the Employment and Training Administration, Division of Older Worker Programs, 200 Constitution Avenue, NW., Room N4644, Washington, DC 20210, Attention: Mr. Erich W. ("Ric") Larisch. Minutes of all Town Hall Meetings and summaries of other documents will be available to the public on the SCSEP website <http://www.wdsc.org/owprog>. Any written comments on the minutes should be directed to Mr. Erich W. ("Ric") Larisch, as shown above.

Individuals with disabilities who are planning to attend one of the Town Hall Meetings should contact Ms. Karen Davis of the Department of Labor, Employment and Training Administration, Division of Older Worker Programs at (202) 693-3761 (this is not a toll-free number), if special accommodations are needed.

Signed at Washington, DC, this 15th day of March, 2001.

**Raymond J. Uhalde,**

*Deputy Assistant Secretary of Labor.*

[FR Doc. 01-7148 Filed 3-21-01; 8:45 am]

BILLING CODE 4510-30-M

## DEPARTMENT OF LABOR

### Employment Standards Administration

#### Proposed Collection: Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of the following information collections: (1) Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11

Year Old Minors in Hand Harvesting of Short Season Crops—29 CFR Part 575; and (2) Survivor's Form for Benefits (CM-912).

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before May 21, 2001.

**ADDRESSES:** Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW., Room S-3201, Washington, DC 20210, telephone (202) 693-0339 (this is not a toll-free number), fax (202) 693-1451.

**SUPPLEMENTARY INFORMATION:**

**Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops—29 CFR Part 575**

*I. Background*

Section 13(c)(4) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 201 *et seq.*, authorizes the Secretary of Labor to grant a waiver of the child labor provisions of the FLSA for the agricultural employment of 10 and 11 year old minors in the hand harvesting of short season crops if specific requirements are met. The Act requires that employers who are granted such waivers keep on file a signed statement of the parent or person standing in the place of the parent of each 10 and 11 year old minor, consenting to their employment, along with a record of the name and address of the school in which the minor is enrolled.

*II. Review Focus*

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions*

The Department of Labor seeks the extension of approval for this information collection in order to determine whether the statutory requirements and conditions for granting a requested exemption have been met.

*Type of Review:* Extension.  
*Agency:* Employment Standards Administration.  
*Title:* Waiver of Child Labor Provisions for Agricultural Employment of 10 and 11 Year Old Minors in Hand Harvesting of Short Season Crops—29 CFR Part 575.

*OMB Number:* 1215-0120.  
*Affected Public:* Farms; Individuals or Households.

*Total Respondents:* 1.  
*Frequency:* On occasion.  
*Total Responses:* 1.  
*Average time per Response:* 4 hours.  
*Estimated Total Burden Hours:* 4.  
*Total Burden Cost (capital/startup):* \$0  
*Total Burden Cost (operating/maintenance):* \$0.

**Survivor's Form for Benefits (CM-912)**

*I. Background*

Survivors of Black Lung Act beneficiaries are entitled to be considered for benefits under Section 412 (30 USC 922) of the Federal Mine Safety and Health Act of 1977 and 20 CFR 725.212-225. The CM-912 is the form used by applicants to apply for benefits.

*II. Review Focus*

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*III. Current Actions*

The Department of Labor seeks the extension of approval of this information collection in order to gather information to determine eligibility for benefits of a survivor of a Black Lung Act beneficiary.

*Type of Review:* Extension.  
*Agency:* Employment Standards Administration.  
*Title:* Survivor's Form for Benefits.  
*OMB Number:* 1215-0069.  
*Agency Number:* CM-912.  
*Affected Public:* Individuals or households.

*Total Respondents:* 2,500.  
*Frequency:* One time.  
*Total Responses:* 2,500.  
*Average Time per Response:* 8 minutes.  
*Estimated Total Burden Hours:* 333.  
*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$740.  
Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 16, 2001.

**Margaret J. Sherrill,**  
*Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.*

[FR Doc. 01-7147 Filed 3-21-01; 8:45 am]

**BILLING CODE 4510-27-M**

**NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

**National Endowment for the Arts; Leadership Initiatives Advisory Panel**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), as amended, notice is hereby given that a meeting of the Leadership Initiatives Advisory Panel (Resources for Change: Technology section) to the National Council on the Arts will be held on May 2-3, 2001, in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC, 20506. A portion of this meeting, from 2:00-2:45 p.m. on May 3rd, will be for policy discussion and will be open to the public. The remaining portions of the meeting, from 9:00 a.m. to 5:30 p.m. on May 2nd and from 9:00 a.m. to 2:00 p.m. and 2:45 p.m. to 5:30 p.m. on May 3rd, will be closed.

The closed portions of these meetings are for the purpose of Panel review,

discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of May 12, 2000, these sessions will be closed to the public pursuant to (c)(4)(6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels that are open to the public, and, if time allows, may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of AccessAbility, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TDY-TDD 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Office of Guidelines & Panel Operations, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5691.

Dated: March 15, 2001.

**Kathy Plowitz-Worden,**

*Panel Coordinator, Panel Operations,  
National Endowment for the Arts.*

[FR Doc. 01-7082 Filed 3-21-01; 8:45 am]

BILLING CODE 7537-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 70-36]

### CE Nuclear Power LLC; Hematite Fuel Operations; Notice of Consideration of Request for Consent to Transfer of Facility License and Conforming Amendment and Opportunity for Hearing

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of consideration of request for consent to transfer of facility license and conforming amendment and opportunity for hearing.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a letter of consent and an amendment pursuant to part 70 to Title 10 of the Code of Federal Regulations approving the transfer of Materials License SNM-33 held by CE

Nuclear Power LLC ("CENP"), a wholly-owned subsidiary of Westinghouse Electric Company LLC ("Westinghouse") as the owner and responsible licensee. The facility is authorized to use Special Nuclear Material (SNM) for research, development, and the fabrication of nuclear fuel pellets and fuel assemblies and operates in Hematite, Missouri. The transfer would be from CENP to its parent, Westinghouse.

**FOR FURTHER INFORMATION CONTACT:** Mohammad W. Haque, Project Manager, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555; telephone: (301) 415-6640, e-mail: [mwh1@nrc.gov](mailto:mwh1@nrc.gov).

**SUPPLEMENTARY INFORMATION:** The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of a letter of consent and an amendment pursuant to part 70 to Title 10 of the Code of Federal Regulations approving the transfer of Materials License SNM-33 held by CE Nuclear Power LLC ("CENP"), a wholly-owned subsidiary of Westinghouse Electric Company LLC ("Westinghouse") as the owner and responsible licensee. The facility is authorized to use Special Nuclear Material (SNM) for research, development, and the fabrication of nuclear fuel pellets and fuel assemblies and operates in Hematite, Missouri. The transfer would be from CENP to its parent, Westinghouse.

The transfer is necessitated by the planned merger of CENP, including all of its assets and personnel, into its parent, Westinghouse, to be effective as of April 2, 2001. The Commission is also considering amending the license for administrative purposes to reflect the proposed transfer.

According to CENP's application dated February 16, 2001, all Commission licensed activities affected by the transfer of the Materials License will be the same before and after the transfer. All personnel having control of licensed activities under the Materials License, as amended and transferred to Westinghouse, will be the same personnel who currently have responsibilities under the Materials License, as held by CENP.

The proposed license amendment would replace references to CENP in the license with references to Westinghouse and make other changes for administrative purposes to reflect the proposed transfer.

Pursuant to 10 CFR 70.36, no license granted under the regulations in Part 70

and no right to possess or utilize special nuclear material granted by any license issued pursuant to the regulations in Part 70 shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person unless the Commission shall give its prior consent in writing. The Commission will approve an application for the transfer of a license if the Commission determines that the proposed transferee is qualified to hold the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

Before issuance of the proposed conforming license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The filing of requests for hearing and petitions for leave to intervene, and written comments with regard to the license transfer application, are discussed below.

By April 11, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and may petition for leave to intervene in a hearing proceeding on the Commission's action. Requests for a hearing and petitions for leave to intervene should be filed in accordance with the Commission's rules of practice set forth in subpart M, "Public Notification, Availability of Documents and Records, Hearing Requests and Procedures for Hearings on License Transfer Applications," of 10 CFR part 2. In particular, such requests and petitions must comply with the requirements set forth in 10 CFR 2.1306, and should address the considerations contained in 10 CFR 2.1308(a). Untimely requests and petitions may be denied, as provided in 10 CFR 2.1308(b), unless good cause for failure to file on time is established. In addition, an untimely request or petition should address the factors that the Commission will also consider, in reviewing untimely requests or petitions, set forth in 10 CFR 2.1308(b)(1)-(2).

Requests for a hearing and petitions for leave to intervene should be served upon: Mr. Robert S. Bell, Jr., Esq., Vice President, General Counsel and Secretary, CE Nuclear Power LLC; 2000 Day Hill Road; Windsor, CT 06095; the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: [OGCLT@NRC.gov](mailto:OGCLT@NRC.gov)); and the Secretary of

the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, in accordance with 10 CFR 2.1313.

The Commission will issue a notice or order granting or denying a hearing request or intervention petition, designating the issues for any hearing that will be held and designating the Presiding Officer. A Notice granting a hearing will be published in the **Federal Register** and served on the parties to the hearing.

As an alternative to requests for hearing and petitions to intervene, by April 23, 2001, persons may submit written comments regarding the license transfer application, as provided for in 10 CFR 2.1305. The Commission will consider and, if appropriate, respond to these comments, but such comments will not otherwise constitute part of the decisional record. Comments should be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, and should cite the publication date and page number of the **Federal Register** notice.

For further details with respect to this action, see the application dated February 16, 2001, available for public inspection at the Commission's Public Document Room at One White Flint North, 11555 Rockville Pike, Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland this 16th day of March, 2001.

For the Nuclear Regulatory Commission.

**Philip Ting,**

*Chief, Fuel Cycle Licensing Branch, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-7101 Filed 3-21-01; 8:45 am]

BILLING CODE 7509-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-298]

### Nebraska Public Power District; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Nebraska Public Power District (the licensee) to withdraw its March 17, 2000, application for the proposed amendment to Facility Operating License No. DPR-46 for the Cooper

Nuclear Station, located in Nemaha County, Nebraska.

The proposed amendment would have revised the Technical Specifications to permit the licensee to incorporate the requirements of Generic Letter 99-02 regarding laboratory testing of nuclear-grade activated charcoal.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on May 3, 2000 (65 FR 25766). However, by letter dated January 2, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 17, 2000, and the licensee's letter dated January 2, 2001, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 16th day of March, 2001.

For the Nuclear Regulatory Commission.

**Mohan C. Thadani,**

*Senior Project Manager, Section 1, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-7100 Filed 3-21-01; 8:45 am]

BILLING CODE 7590-01-P

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

### Comments Are Invited On

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of

automated collection techniques or other forms of information technology.

### Title and Purpose of Information Collection

Investigation of Claim for Possible Days of Employment.

Under Section 1(k) of the Railroad Unemployment Insurance Act (RUIA), unemployment and sickness benefits are not payable for any day with respect to which remuneration is payable or accrues to the claimant. Also Section 4(a-1) of the RUIA provides that unemployment or sickness benefits are not payable for any day the claimant receives the same benefits under any law other than the RUIA. Under Railroad Retirement Board (RRB) regulations, 20 CFR 322.4(a), a claimant's certification or statement on an RRB provided claim form that he or she did not work on any day claimed and did not receive income such as vacation pay or pay for time lost shall constitute sufficient evidence unless there is conflicting evidence. Further, under 20 CFR 322.4(b), when there is question raised as to whether or not remuneration is payable or has accrued to a claimant with respect to a claimed day or days, investigation shall be made with a view to obtaining information sufficient for a finding.

The RRB currently utilizes the following four forms, to obtain information from railroad employers, nonrailroad employers and claimants, that are needed to determine whether a claimed days or days of unemployment or sickness were improperly or fraudulently claimed: Form ID-51, Letter to Non-Railroad Employers on Employment and Earnings of a Claimant; Form ID-5R(SUP), Report of Employees Paid RUIA Benefits for Every Day in Month Reported as Month of Creditable Service; Form ID-49R, Letter to Railroad Employer for Payroll Information; and Form UI-48, Claimant's Statement Regarding Benefit Claim for Days of Employment. All of these forms are currently approved for use by the Office of Management and Budget (OMB 3220-0025).

The RRB proposes the use of a new Form ID-5S(SUP), Report of Cases for Which All Days Were Claimed During a Month Credited Per an Adjustment Report. Form ID-5S(SUP), Report of Case for Which All Days Were Claimed During a Month Credited Per an Adjustment Report, will be used to collect required information about compensation credited to an employee during a period when the employee claimed either unemployment or sickness benefits from a railroad employer. The request will be generated



as a result of a computer match which compares data that is maintained in the RRB's RUIA Benefit Payment file with data maintained in the RRB's records of service and compensation. Similar to RRB Form ID-5R(SUP), which is generated annually after the RRB's service and compensation records are updated with RRB Form BA-3a (Employer Report of Service and Compensation, OMB approved 3220-0008) information, the ID-5S(SUP) will be generated annually when the computer match indicates that an employee(s) of the railroad employer was paid unemployment or sickness benefits for every day in one or more months for which creditable compensation was adjusted due to the receipt of a report of creditable compensation adjustment (RRB FORM BA-4, OMB Approved 3220-0008) from their railroad employer.

The computer generated Form ID-5S(SUP) includes pertinent identifying information, the BA-4 adjustment process date and the claimed months in question. Space is provided on the report for the employer's use in supplying the information requested in the computer generated transmittal letter, Form ID-5S, which accompanies the report. To our knowledge no other agency uses forms similar to proposed form ID-5S(SUP). Completion is voluntary. One response is requested of each respondent.

#### Additional Information or Comments

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2902. Written comments should be received on or before May 21, 2001.

Chuck Mierzwa,  
Clearance Officer.

[FR Doc. 01-7140 Filed 3-21-01; 8:45 am]

BILLING CODE 7590-01-M

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement

Board (RRB) publishes periodic summaries of proposed data collections.

#### Comments Are Invited On

(a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

#### Title and Purpose of Information Collection

Employer Reporting; OMB 3220-0005.

Under Section 9 of the Railroad Retirement Act (RRA) and Section 6 of the Railroad Unemployment Insurance Act (RUIA), railroad employers are required to submit reports of employee service and compensation to the RRB as needed for administering the RRA and RUIA. To pay benefits due on a deceased employee's earnings records or determine entitlement to, and amount of annuity applied for, it is necessary at times to obtain from railroad employers current (lag) service and compensation not yet reported to the RRB through the annual reporting process. The reporting requirements are specified in 20 CFR 209.4 and 209.5.

The RRB currently utilizes Form G-88a.1, Notice of Retirement and Verification of Date Last Worked, Form G-88a.2, Notice of Retirement and Request for Service Needed for Eligibility, Form AA-12, Notice of Death and Compensation, to obtain the required lag service and related information from railroad employers. Form G-88a.1 is sent by the RRB to railroad employers and used for the specific purpose of verifying information previously provided to the RRB regarding the date last worked by an employee. If the information is correct, the employer need not reply. If the information is incorrect, the employer is asked to provide corrected information. Form G-88a.2 is used by the RRB to secure lag service and compensation information when it is needed to determine benefit eligibility. The RRB proposes to replace the current Form G-88a.1, with proposed Form G-88a.1, Notice of Retirement Verification of Date Last Worked. Proposed Form G-88a.1, is a computer generated listing

that will be generated monthly, sent to railroad employers, and used to verify information regarding the date last worked. If the information is incorrect, the employer is asked to provide corrected information. If the information is correct, the railroad employers will not have to respond. It is expected that the proposed new form will be easier for railroad employers to complete and result in fewer overall responses being required. No changes are proposed to Form G-88a.2 or Form AA-12.

In addition, 20 CFR 209.12(b) requires all railroad employers to annually furnish the RRB with the home addresses of all employees hired within the last year (new-hires). Form BA-6a, BA-6 Address Report, is used by the RRB to obtain home address information of employees from railroad employers that do not have the home address information computerized and who submit the information in a paper format. The form also serves as an instruction sheet to railroad employers who submit the information electronically by magnetic tape, cartridge, or PC diskette.

No changes are proposed to Form BA-6a. The completion time for the Proposed Form G-88a.1 is estimated at 5 to 20 minutes. Form G-88a.2 is estimated at 5 minutes per response. The estimated completion time for Form AA-12 is 6½ minutes per response. The estimated completion time for form BA-6 is 30 minutes if completed manually and 15 minutes if completed electronically. Completion is mandatory. The RRB estimates that approximately 800 Form AA-12's, 400 Form G-88a.1's, 1,200 Form G-88a.2's and 464 Form BA-6a's are completed annually.

#### Additional Information or Comments

To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2902. Written comments should be received on or before May 21, 2001.

Chuck Mierzwa,  
Clearance Officer.

[FR Doc. 01-7141 Filed 3-21-01; 8:45 am]

BILLING CODE 7590-01-M



**RAILROAD RETIREMENT BOARD****Determination of Quarterly Rate of Excise Tax for Railroad Retirement Supplemental Annuity Program**

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C., 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each work-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 2001, shall be at the rate of 26 cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning April 1, 2001, 38.6 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 61.4 percent of the taxes collected under such sections 3211(b) and 3221(c) plus 100 percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: March 12, 2001.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

[FR Doc. 01-7139 Filed 3-21-01; 8:45 am]

BILLING CODE 7905-01-M

**SECURITIES AND EXCHANGE COMMISSION****Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Digital Lava Inc., Common Stock, \$.001 Par Value) File No. 1-14831**

March 16, 2001.

Digital Lava Inc., a Delaware corporation ("Issuer"), has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 12d2-2(d) thereunder,<sup>2</sup> to withdraw its Common Stock, \$.001 par value ("Security"), from listing and registration on the American Stock Exchange ("Amex").

In its Current Report on Form 8-K with the Commission as of October 10,

2000, the Issuer announced that trading in the Security was scheduled to begin on the SmallCap Market of the Nasdaq Stock Market ("Nasdaq SmallCap"), and to cease concurrently on the Amex, at the opening of business on Thursday, October 12, 2000. The Issuer has stated that it hopes to increase its visibility to investors by having the Security quoted on the Nasdaq SmallCap and that its resultant alignment with other mainstream technology companies trading on the Nasdaq Stock Market may provide a superior base for capital formation.

The Issuer has stated in its application that it has complied with the rules of the Amex governing an issuer's voluntary withdrawal of a security from listing and registration. The Issuer's application relates solely to the Security's withdrawal from listing on the Amex and from registration under section 12(b) of the Act<sup>3</sup> and shall affect neither its approval for quotation on the Nasdaq SmallCap nor its obligation to be registered under section 12(g) of the Act.<sup>4</sup>

Any interested person may, on or before April 6, 2001, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>5</sup>

Jonathan G. Katz,

Secretary.

[FR Doc. 01-7072 Filed 3-21-01; 8:45 am]

BILLING CODE 8010-01-M

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 35-27356]

**Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

March 16, 2001.

Notice is hereby given that the following filing(s) has/have been made

<sup>1</sup> 15 U.S.C. 78(d).

<sup>4</sup> 15 U.S.C. 78(g).

<sup>5</sup> 17 CFR 200.30-3(a)(1).

with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 9, 2001, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 9, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

**Cinergy Corp. (70-9789)**

*Notice of Proposal To Amend Certificate of Incorporation To Issue Preferred Stock; Order Authorizing Solicitation of Proxies*

Cinergy Corp. ("Cinergy"), 139 East Fourth Street, Cincinnati, Ohio 45202, a registered holding company, has filed a declaration with the Commission, under sections 6(a)(2), 7(e), and 12(e) of the Act and rules 54, 62(d), and 65 under the Act.

By order dated June 23, 2000 (HCAR No. 27190) ("Prior Order"), the Commission authorized Cinergy to engage in various financing transactions over a five-year period commencing with the date of the Prior Order, including the issuance of preferred securities, subject to the terms and conditions of the Prior Order.

Cinergy is currently authorized, under its certificate of incorporation, to issue 600 million shares of common stock. Cinergy requests authorization to amend its certificate of incorporation to permit the company to issue preferred stock in addition to the common stock. Specifically, Cinergy intends to issue up to 10,000,000 shares of preferred stock in one or more series with the terms of each series to be determined by Cinergy's Board of Directors ("Proposed

Amendment"). Under the Delaware General Corporation Law, Cinergy may amend its certificate of incorporation to create new classes of stock upon appropriate action by the Board of Directors and shareholders duly adopting the proposed amendment. Cinergy's Board of Directors unanimously approved the Proposed Amendment. In order for the Proposed Amendment to be adopted, not less than a majority of the outstanding shares of common stock entitled to vote must be voted in favor of the Proposed Amendment.

Cinergy requests authorization for the solicitation of proxies from its shareholders for the purpose of obtaining the required shareholder approval of the Proposed Amendment at the shareholder meeting to be held on May 1, 2001. Cinergy requests authorization for the solicitation of proxies as soon as practicable under rule 62(d). It appears to the Commission that Cinergy's declaration regarding the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

For the purposes of compliance with rule 54, Cinergy states that it does not currently meet the conditions of rule 53(a). As of December 31, 2000, Cinergy's "aggregate investment," as defined in rule 53(a)(1), in exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs") was approximately \$1,371,200,000. This amount is equal to approximately 119% of Cinergy's average "consolidated retained earnings," also as defined in rule 53(a)(1), for the four quarters ending December 31, 2000, of approximately \$1,151,200,000. This amount exceeds the 50% "safe harbor" limitation contained in the rule. However, by order dated March 23, 1998 (HCAR No. 26848) ("1998 Order"), the Commission authorized Cinergy to increase its aggregate investment in EWGs and FUCOs to an amount equal to 100% of Cinergy's average "consolidated retained earnings" ("100% Cap"). By order dated June 23, 2000 (HCAR No. 27190) ("2000 Order"), the Commission granted Cinergy additional authorization to invest in EWGs and FUCOs beyond that granted in the 1998 Order. Specifically, the 2000 Order authorized investment of \$1,000,000,000 in addition to Cinergy's aggregate investment as of the date of the 2000 Order (approximately \$731,000,000). Therefore, although Cinergy's aggregate investment at December 31, 2000, exceeds the 50% "safe harbor" limitation and the 100% Cap, this investment is below the limitation authorized by the 2000 Order.

Cinergy states that none of the adverse conditions of rule 53(b) exist.

As of September 30, 1997, the most recent period for which financial statement information was evaluated in the 1998 Order, Cinergy's consolidated capitalization consisted of 44.1% equity and 55.9% debt. As of December 31, 2000, Cinergy's consolidated capitalization consisted of 41.3% equity and 58.7% debt.<sup>1</sup> Cinergy represents that the proposed transactions will have no impact on its consolidated capitalization; however the ultimate issuance of the preferred stock will increase the equity component of capitalization.

Fees and expenses in connection with the proposed transactions described in the declaration are estimated to be \$158,500. Cinergy further states that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

*It Is Ordered*, under rule 62 under the Act, that the declaration regarding the proposed solicitation of proxies become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 01-7107 Filed 3-21-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-24894; File No. 812-12192]

### First Variable Life Insurance Company, et al.; Notice of Application

March 16, 2001.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for an Order under Section 6(c) of the Investment Company Act of 1940, as amended (the "1940 Act" or "Act") granting exemptions from the provisions of Sections 2(a)(32) and 27(i)(2)(A) of the 1940 Act and Rule 22c-1 thereunder to permit the recapture of purchase payment credits applied to purchase payments made under certain deferred variable annuity contracts.

*Applicants:* First Variable Life Insurance Company, First Variable Annuity Fund E, and First Variable

<sup>1</sup> As of December 31, 2000, Cinergy's senior unsecured debt was rated "investment grade" by all the major rating agencies.

Capital Services, Inc. ("FVCS") (collectively, "Applicants").

*Summary of Application:* Applicants seek an order under Section 6(c) of the Act to the extent necessary to permit, under specified circumstances, the recapture of purchase payment credits applied to purchase payments made under (i) deferred variable annuity contracts that First Variable Life Insurance Company ("First Variable") will issue through First Variable Annuity Fund E ("Annuity Fund E") (the "Contracts"), and (ii) contracts that First Variable may issue in the future through Annuity Fund E or any other separate account established by First Variable in the future to support certain deferred variable annuity contracts issued by First Variable ("Future Accounts"), that are substantially similar in all material respects to the Contracts (the "Future Contracts"). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. ("NASD") member broker-dealer controlling or controlled by, or under common control with, First Variable, whether existing or created in the future, that serves as a distributor or principal underwriter for the Contracts or Future Contracts offered through Annuity Fund E or any Future Account ("First Variable Broker-Dealer(s)").

*Filing Date:* The application was filed on July 26, 2000, and amended and restated on March 9, 2001.

*Hearing or Notification of Hearing:* An order granting the Application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 9, 2001, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, Jeffrey K. Hoelzel, First Variable Life Insurance Company, 2122 York Road, Oak Brook, IL 60523.

**FOR FURTHER INFORMATION CONTACT:** Keith A. O'Connell, Senior Counsel, or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of

Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the Application. The complete Application is available for a fee from the SEC's Public Reference Branch, 450 Fifth St., NW., Washington, DC 20549-0102 (tel. (202) 942-8090).

#### Applicant's Representatives

1. First Variable is a stock life insurance company organized under the laws of the state of Arkansas in 1968. ILona Financial Group, Inc. ("ILona") owns all of First Variable's outstanding stock, and Irish Life & Permanent plc., in turn, owns all of ILona. First Variable serves as depositor for Annuity Fund E. First Variable may in the future establish one or more Future Accounts for which it will serve as depositor.

2. Annuity Fund E is a segregated asset account of First Variable. Annuity Fund E is registered with the Commission as a unit investment trust investment company under the Act. Annuity Fund E will fund the variable benefits available under the Contracts funded through it. Units of interest in Annuity Fund E under the Contracts they fund will be registered under the Securities Act of 1933 (the "1933 Act"). First Variable may in the future issue Future Contracts through Annuity Fund E or through Future Accounts. Applicants represent that Future Contracts funded by Annuity Fund E or any Future Accounts will be substantially similar in all material respects to the Contracts. That portion of the assets of Annuity Fund E that is equal to the reserves and other Contract liabilities with respect to Annuity Fund E is not chargeable with liabilities arising out of any other business of First Variable. Any income, gains or losses, realized or unrealized, from assets allocated to Annuity Fund E is, in accordance with Annuity Fund E's Contracts, credited to or charged against Annuity Fund E, without regard to other income, gains or losses of First Variable.

3. FVCS is a wholly-owned subsidiary of First Variable and will be the principal underwriter of Annuity Fund E and distributor of the Contracts funded through Annuity Fund E (the "Annuity Fund E Contracts"). FVCS is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act") and is a member of the NASD. The Annuity Fund E Contracts will be offered through unaffiliated broker-dealers who have entered into agreements with FVCS. All of such unaffiliated broker-dealers will be

registered broker-dealers under the 1934 Act and NASD members. FVCS, or any successor entity, may act as principal underwriter for any Future Accounts and distributor for any Future Contracts issued by First Variable in the future.

4. The Contract is a part of First Variable's line of annuity products. The Contract is an individual deferred variable annuity contract. The Contract may be issued under a qualified plan, specially sponsored program or an individual retirement annuity or as a non-qualified contract. The Contract is designed to provide for the accumulation of assets and for income through the investment. Purchase payments may be made at any time during the accumulation phase. The minimum initial purchase payment is \$10,000 for non-qualified contracts and \$5,000 for qualified plan contracts. Additional purchase payments of at least \$200 can be made.

5. The Contract permits purchase payments to be allocated to a fixed account of First Variable ("Fixed Account"). The Fixed Account is not registered with the Commission.

6. Annuity Fund E currently is divided into 24 sub-accounts, each of which will be available under the Annuity Fund E Contracts. The sub-accounts are referred to as "Investment Options." Each Investment Option will invest in shares of a corresponding portfolio of the following underlying investment companies ("Funds"): AIM Variable Insurance Funds, Inc.; American Century Variable Portfolios, Inc.; Deutsche Asset Management VIT Funds; Federated Insurance Series; Templeton Variable Products Series Fund; Lord Abbett Series Fund, Inc.; MFS Variable Insurance Trust; Seligman Portfolios, Inc.; Variable Insurance Products Funds I, II and III; and Variable Investors Series Trust. The Funds are registered under the Act as open-end management investment companies and the shares are registered under the 1933 Act.

7. The Contract also provides for transfer privileges among Investment Options, dollar cost averaging, rebalancing and other features. The following charge are assessed under the Contract: (i) annual asset-based charges as follows: 1.25% for mortality and expense risks, plus .15% for administration expenses, (ii) optional additional benefit charges, during the accumulation period and while the rider is in effect, which equal .15% of Contract value for the Best Anniversary Value Death Benefit; .20% of Contract value for Extra Protector Death Benefit Rider; and .25% of Contract value for the Guaranteed Minimum Income

Payment Rider; (iii) a withdrawal charge (assessed against each purchase payment withdrawn) which starts at 8.5% in the first year, and declines thereafter to 0% after 9 years<sup>1</sup> with a 15% free withdrawal option; (iv) a \$30 per year contract maintenance charge during the accumulation period; and (v) a transfer fee of \$10 for each transfer in excess of 12 in a Contract year. The Funds also incur management fees and operating expenses which vary depending upon which Portfolios are selected.

The withdrawal charge is: years since premium payment <sup>1</sup>	Charge (percent)
1 or less .....	8.5
2 .....	8.5
3 .....	8.5
4 .....	7.5
5 .....	6.5
6 .....	5.5
7 .....	4.5
8 .....	3
9 .....	2
10 or more .....	0

8. Each time a Contract Owner makes a purchase payment, First Variable will add an additional amount to the Contract ("Purchase Payment Credit"). The Purchase Payment Credit will equal: 4% of each purchase payment if the sum of all withdrawals is less than \$250,000 on the day First Variable receives the purchase payment, 4.5% of each payment if the sum of all purchase payments reduced by the sum of all withdrawals is equal to or greater than \$250,000 but less than \$2,000,000, and 5% of each purchase payment if the sum of all purchase payments reduced by the sum of all withdrawals is equal to or greater than \$2,000,000. First Variable will fund the Purchase Payment Credit from its general account assets. First Variable will allocate the Purchase Payment Credit to the Investment Options in the same proportion as the purchase payment.

9. First Variable will recapture any Purchase Payment Credit applied to a Contract: (i) if the owner returns the Contract within the Free-Look period; (ii) for any purchase payment made within one year prior to the death of the Owner, or Annuitant if the Contract is owned by a non-natural person, however, the Owner will never receive less than the purchase payments; (iii) for any purchase payment made within one year prior to a partial or full withdrawal or surrender; and (iv) for any purchase payment made within three years prior to the annuity date. The Purchase Payment Credit will be recaptured on a pro-rata basis for partial

withdrawals, including partial withdrawals under the free withdrawal option.

10. Applicants seek exemption pursuant to Section 6(c) from Sections 2(a)(32), and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit First Variable to recapture, with respect to the Contracts and Future Contracts, an amount equal to any Purchase Payment Credit in the following instances; (1) when the Contract Owner exercises the right to return the Contract under the Free-Look provision of the Contract (the Contract value refunded will be reduced by any Purchase Payment Credit applied); (ii) if a death benefit is payable (any Purchase Payment Credit based on any purchase payment received within 12 months prior to the date of death of the Contract Owner or annuitant (when the owner is a non-natural person) will be returned to First Variable, however, the Owner will never receive less than the purchase payments; (iii) for withdrawals or surrenders, including partial withdrawals (any Purchase Payment Credit resulting from purchase payments paid within 12 months prior to receipt of the request for the withdrawal or surrender will be deducted from the Contract value prior to determining the amount available for withdrawal or surrender); and (iv) for any purchase payment made within 3 years prior to the annuity date.

#### Applicants Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to section 6(c) of the Act, grant the exemptions summarized above with respect to the Contracts and any Future Contracts funded by Annuity Fund E or Future Accounts, that are issued by First Variable and underwritten or distributed by FVCS or First Variable Broker-Dealers. Applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. The asset-based charges applicable to Annuity Fund E will be assessed against the entire amounts held in the

Annuity Fund E, including the Purchase Payment Credit amount during the Free-Look period and the 12-month period following a purchase payment preceding certain events (i.e., payment of a death benefit and withdrawals or surrenders) and the 3 year period following a purchase payment when an owner annuitizes the Contract. As a result, during such periods, the aggregate asset-based charges assessed against an Owner's Contract value will be higher than those that would be charged if the Owner's Contract value did not include the Purchase Payment Credit.

3. Subsection (i) of Section 27 provides that Section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for any registered separate account funding variable insurance contracts or a sponsoring insurance company of such account to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security. Section 2(a)(32) defines "redeemable security" as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

4. Applicants assert that the Purchase Payment Credit recapture provisions of the Contract would not deprive an Owner of his or her proportionate share of the issuer's current net assets. Applicants state that an Owner's interest in the amount of the Purchase Payment Credit allocated to his or her Contract value upon receipt of a purchase payment is not vested until the applicable Free-Look period has expired without return of the Contract. Similarly, Applicants state that an Owner's interest in the amount of any Purchase Payment Credit allocated upon receipt of purchase payments made during the 12-month period before a death benefit is payable, or a withdrawal or surrender is made or for purchase payments made during the 3-year period prior to annuitization also is not vested. Until or unless the amount of any Purchase Payment Credit is vested, Applicants assert that First Variable retains the right and interest in the Purchase Payment Credit amount, although not in the earnings attributable to that amount. Thus, Applicants argue that when First Variable recaptures any

Purchase Payment Credits it is simply retrieving its own assets, and because an Owner's interest in the Purchase Payment Credit is not vested, the Owner has not been deprived of a proportionate share of Annuity Fund E's assets, i.e., a share of the applicable Annuity Fund E's assets proportionate to the owner's Contract value (including the Purchase Payment Credit).

5. In addition, with respect to Purchase Payment Credit recapture upon the exercise of the free-look privilege, Applicants state that it would be patently unfair to allow an Owner exercising that privilege to retain a Purchase Payment Credit amount under a Contract that has been returned for a refund after a period of only a few days. Applicants state that if First Variable could not recapture the Purchase Payment Credit, individuals could purchase a Contract with no intention of retaining it, and simply return it for a quick profit.

6. Furthermore, Applicants state that the recapture of Purchase Payment Credit relating to purchase payments made within twelve months of the payment of a death benefit, or a withdrawal or surrender or within 3 years of annuitization is designed to provide First Variable with a measure of protection. Applicants state that the risk is that, rather than spreading purchase payments over a number of years, an Owner will make very large purchase payments shortly before certain events, thereby leaving First Variable less time to recover the cost of the Purchase Payment Credits applied, to its financial detriment. Again, the amounts recaptured equal the Purchase Payment Credits provided by First Variable from its own general account assets, and any gain would remain as part of the Contract's value.

7. Applicants assert that the Purchase Payment Credit will be attractive to and in the interest of investors because it will permit Contract Owners to put between 104% and 105% of their purchase payments to work for them in the selected Investment Options. Also, any earning attributable to the Purchase Payment Credit will be retained by Contract Owners and the principal amount of the Purchase Payment Credit will be retained if the contingencies set forth in the Application are satisfied.

8. Applicants assert that the provisions for recapture of any applicable Purchase Payment Credit under the Contracts do not, and any such Future Contract provisions will not, violate Section 2(a)(32) and 27(i)(2)(A) of the Act. Nevertheless, to avoid any uncertainties, Applicants request an exemption from those



Sections, to the extent deemed necessary, to permit the recapture of any Purchase Payment Credit under the circumstances described herein with respect to the Contracts and any Future Contracts, without the loss of the relief from Section 27 provided by Section 27(i).

9. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company, whether or not members of any securities association, to the same extent, covering the same subject matter, and for the accomplishment of the same ends as are prescribed in Section 22(a) in respect of the rules which may be made by a registered securities association governing its members. Rule 22c-1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

10. Arguably, First Variable's recapture of the Purchase Payment Credit might be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of Annuity Fund E. Applicants contend, however, that recapture of the Purchase Payment Credit is not violative of Rule 22c-1. Applicants argue that the recapture does not involve either of the evils that Rule 22c-1 was intended to eliminate or reduce, namely: (i) The dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (ii) other unfair results including speculative trading practices. See Adoption of Rule 22c-1 under the 1940 Act, Investment Company Release No. 5519 (Oct. 16, 1968). To effect a recapture of a Purchase Payment Credit, First Variable will redeem interests in an Owner's Contract value at a price determined on the basis of current net asset value of Annuity Fund E. The amount recaptured will equal the amount of the Purchase Payment Credit that First Variable paid out of its general

account assets. Applicants state that, although Owners will be entitled to retain any investment gain attributable to the Purchase Payment Credit, the amount of such gain will be determined on the basis of the current net asset value of Annuity Fund E. Thus, Applicants state that no dilution will occur upon the recapture of the Purchase Payment Credit. Applicants also assert that the second harm that Rule 22c-1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Purchase Payment Credit. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Rule 22c-1 to the extent deemed necessary to permit them to recapture the Purchase Payment Credit under the Contracts and Future Contracts.

#### Conclusion

Applicants assert that their request for an order is appropriate in the public interest. Applicants state that such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Applicants argue that investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the Act that has not already been addressed in their Application described herein. Applicants assert that having them file additional applications would impair their ability effectively to take advantage of business opportunities as they arise. Further, Applicants state that if they were required repeatedly to seek exemptive relief with respect to the same issues addressed in the Application described herein, investors would not receive any benefit or additional protection thereby.

Applicants assert, based on the grounds summarized above, that their exemptive request meets the standards set out in Section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and that, therefore, the Commission should grant the requested order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,  
Secretary.

[FR Doc. 01-7106 Filed 3-21-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44073; File No. SR-CBOE-01-05]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc. Extending the Pilot Program for Rule 6.8(c) Regarding Operation of the Retail Automatic Execution System

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 16, 2001, the Chicago Board Options Exchange, Inc. ("CBOE" or "Exchange") filed a proposed rule change with the Securities and Exchange Commission ("SEC" or "Commission"). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated the proposed rule change as a "non-controversial" rule change under paragraph (f)(6) of Rule 19b-4,<sup>3</sup> which renders the proposed rule change effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange hereby proposes to amend CBOE Rule 6.8(c) in order to extend, for an additional six-month period until August 21, 2001, the pilot program ("Pilot") that currently provides for certain orders to be rejected from the CBOE's retail Automatic Execution System ("RAES")<sup>4</sup> for manual handling in certain limited situations.<sup>5</sup> The text of the proposed rule change is available at the CBOE and the Commission.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 17 CFR 240.19b-4(f)(6).

<sup>4</sup> RAES is the Exchange's automatic execution system for public customer market or marketable limit orders of less than a certain size.

<sup>5</sup> The current Pilot expired on February 21, 2000. See discussion below, Section II.A.1.



### Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Commission approved the Pilot on November 22, 1999.<sup>6</sup> The Pilot amends CBOE Rule 6.8, which governs the operation of RAES, to provide for certain orders to be rejected from RAES for manual handling in the limited situation where the bid or offer for a series of options generated by the Exchange's Autoquote system (or any Exchange approved proprietary quote system) becomes crossed or locked with the best bid or offer for that series as established by a booked order. On April 3, 2000, the Commission approved an extension of the Pilot until August 21, 2000.<sup>7</sup> On October 17, 2000, the Commission approved another extension of the Pilot until February 21, 2001.<sup>8</sup>

In addition, during the six-month period covered by the first extension of the Pilot,<sup>9</sup> the Exchange filed two proposed rule changes to implement systems changes developed by the Exchange. The CBOE represents that the systems changes it proposed are designed to virtually eliminate the need for certain orders to be rejected from RAES in the situations currently covered by the Pilot ("Certain RAES Kick-Outs"). The first proposal,<sup>10</sup> which has been approved by the

Commission,<sup>11</sup> involves an enhancement to the Exchange's Automated Book priority system ("ABP"). The Enhancement is called ABP Split Price. The second proposal, which is pending, seeks approval for an enhancement to the Exchange's electronic limit order book ("EBook"). That proposed enhancement is called Autoquote Triggered EBook Execution ("Trigger").<sup>12</sup>

The Exchange now seeks approval to extend the Pilot for an additional six months. The Exchange represents that implementation of Trigger (if approved by the Commission) and ABP Split Price (which has been approved by the Commission) would virtually eliminate, but not obviate, Certain RAES Kick-Outs. The Exchange is requesting this extension of the Pilot so that procedures currently permitting Certain RAES Kick-outs will remain in effect while the Commission considers the Exchange's Trigger proposal and during Commission review of any forthcoming Exchange proposal seeking permanent approval of those RAES kick-out procedures.<sup>13</sup>

##### 2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with and furthers the objectives of Section 6(b)(5)<sup>14</sup> of the Act in that it is designed to remove impediments to a free and open market and to protect investors and the public interest.

#### B. Self-Regulatory Organization's Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose a burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

<sup>11</sup> Securities Exchange Act Release No. 43932 (February 6, 2001), 66 FR 10332 (February 14, 2001).

<sup>12</sup> SR-CBOE-00-22. The Exchange represents that Trigger, if approved and implemented as currently proposed, would allow certain booked orders to be automatically executed up to applicable RAES contract limits, but only where an Autoquote-generated bid has become crossed or locked with the Exchange's best bid or offer as established by a booked order. According to the Exchange, implementation of Trigger would eliminate the majority of RAES kick-outs that ensure when firms submit orders seeking to take advantage of pricing anomalies.

<sup>13</sup> The Exchange intends to file a proposed rule change seeking permanent approval of the procedures that currently permit Certain RAES Kick-Outs.

<sup>14</sup> 15 U.S.C. 78s(b)(5).

#### C. Self-Regulatory Organization's Statement on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to section 19(b)(3)(A)(iii) of the Act<sup>15</sup> and Rule 19b-4(f)(6) thereunder<sup>16</sup> because the proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which the proposed rule change was filed, or such shorter time as the Commission may designate. At any time within 60 days of the filing of such proposal, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Proposed rule changes filed with the Commission pursuant to Rule 19b-4(f)(6) of the Act do not "become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest."<sup>17</sup> The CBOE has requested that the Commission waive the 30-day delay in the operative date of the proposed rule change.<sup>18</sup> The Commission finds that it is consistent with the protection of investors and the public interest to waive the 30-day delay in the operative date of the proposed rule change because the proposal simply extends the previously approved Pilot.<sup>19</sup>

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f)(6).

<sup>17</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>18</sup> Telephone conversation between Angelo Evangelou, Attorney, CBOE, and Gordon Fuller, Counsel to the Assistant Director, Division of Market Regulation, Commission (February 26, 2001).

<sup>19</sup> For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>6</sup> Securities Exchange Act Release No. 42168 (November 22, 1999), 64 FR 66952 (November 30, 1999).

<sup>7</sup> Securities Exchange Act Release No. 42615 (April 3, 2000), 65 FR 19401 (April 11, 2000) ("First Extension Notice").

<sup>8</sup> Securities Exchange Act Release No. 43448 (October 17, 2000), 65 FR 63272 (October 23, 2000).

<sup>9</sup> See First Extension Notice.

<sup>10</sup> Securities Exchange Act Release No. 43430 (October 11, 2000), 65 FR 62776 (October 19, 2000) (notice of proposed rule change).

Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to the File No. SR-CBOE-01-05 and should be submitted by April 12, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>20</sup>

Jonathan G. Katz,  
Secretary.

[FR Doc. 01-7073 Filed 3-21-01; 8:45 am]  
BILLING CODE 8010-01-M

## DEPARTMENT OF STATE

[Public Notice 3613]

### Bureau of Educational and Cultural Affairs Request for Grant Proposals: Civic Education Curriculum Development and Teacher Training Project for Kyrgyzstan

**SUMMARY:** The Office of Global Educational Programs, Bureau of Educational and Cultural Affairs of the United States Department of State announces an open competition for the Civic Education Curriculum Development and Teacher Training Project for Kyrgyzstan. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to cooperate with the Bureau in the administration of a two-year project to support the development and implementation of a new curriculum unit for a ninth grade civic education course in Kyrgyzstan. The Bureau will award up to \$300,000 to facilitate the project. The U.S. organization will work in coordination with the Public Affairs Section of the U.S. Embassy in Bishkek; the Ministry of Education and its appointees in Kyrgyzstan; and an

advisory group of civic educators from the Institute for Regional Studies, an NGO in Bishkek. The project will comprise three phases of activity:

(1) Recruitment and selection of a six-member curriculum development team of Kyrgyz educators and preliminary consultations in Bishkek, followed by the identification by the U.S. grantee organization of a reference collection of civic education and teacher training materials for delivery to the curriculum development team in Kyrgyzstan, (see the POGI for details of the recruitment and selection process);

(2) A 10 to 12 week U.S.-based curriculum development and teacher training workshop, coordinated by the U.S. grantee organization, in which the team will produce a draft curriculum unit which includes a teacher's guide and student handbook for the ninth grade civics course;

(3) Coordination by the U.S. grantee, in collaboration with the Ministry of Education and the local NGO partner, of testing of the draft curriculum unit in no fewer than twelve pilot-test schools in Kyrgyzstan; specialized training seminars for in-service and pre-service teachers in Kyrgyzstan; and revision and publication of a completed curriculum unit for use in follow-on activities.

Applicants may suggest, in their proposals, topics to be developed by the curriculum team; however, final determination of appropriate topics will be made in consultation with the curriculum development team from Kyrgyzstan before the start of the U.S.-based curriculum-training workshop in Phase II.

The Bureau solicits detailed proposals from U.S. educational institutions and public and private non-profit organizations to develop and administer this project. Grantee organizations will consult regularly with the Bureau and with the Public Affairs Section of the U.S. Embassy in Bishkek with regard to participant selection, program implementation, direction and assessment. Proposals should demonstrate an understanding of the issues confronting education in Kyrgyzstan as well as expertise in civic education, curriculum development and teacher training.

#### Program Information

**Overview:** The goals of the project are to assist a team of educators in Kyrgyzstan to develop an up-to-date curriculum unit for a ninth grade course in civic education and to assist in training teachers and teacher-trainers to use this unit in classrooms in Kyrgyzstan. The rationale for this project is that improving citizenship

education at the high school level will better prepare students in Kyrgyzstan to participate actively in building a pluralistic, democratic society. Additionally, the Bureau expects that the project will promote democratic relations among members of the school community, including students, teachers, school administrators, and parents, while training teachers to assist in supporting these relationships.

#### Guidelines

**Program Planning and Implementation:** Grant activities should begin on or around September 1, 2001, with Phase I of the project, in which the grantee will collaborate with the Institute of Regional Studies to coordinate recruitment and selection of a six-member curriculum development team comprised of local practitioners (classroom teachers, teacher trainers, and curriculum specialists), and conduct a one to two week preliminary planning trip to Bishkek for consultations. Recruitment and selection activities should be finalized before the Phase I consultation visit. Proposals should suggest a tentative recruitment strategy and selection criteria for implementation by the Institute of Regional Studies. The recruitment strategy and selection criteria may be revised and confirmed by the U.S. grantee organization in cooperation with the Institute and in consultation with the Public Affairs Section of the U.S. Embassy after the grant is issued.

A committee in Kyrgyzstan, which will be responsible to the Institute of Regional Studies and the grantee organization, will conduct final selection of the curriculum development team. The committee will be comprised of local civic education specialists, representatives of the U.S. grantee organization, representatives of the local NGO partner and a representative from the Public Affairs Section of the U.S. Embassy in Bishkek.

During Phase I, the U.S. grantee organization will be responsible for the collection and mailing of a reference collection of civic education materials to the curriculum development team in advance of the U.S.-based curriculum development workshop.

In Phase II, members of the curriculum development team will spend approximately 10 to 12 weeks in a highly structured U.S.-based workshop to be sponsored and organized by the U.S. grantee organization, and will attend focused curriculum development and teaching methodology seminars; observe relevant aspects of the U.S. educational system;

<sup>20</sup> 17 CFR 200.30-3(a)(12).

and begin drafting teacher and student materials for the ninth grade curriculum unit in consultation with the U.S. specialists. The grantee organization will be responsible for introducing the Kyrgyz team to leading U.S. civic educators with expertise pertinent to the topics to be explored, and to a broad range of relevant resources. The team should be familiarized with methods for effectively utilizing civic education resources in a classroom setting. The workshop schedule should incorporate significant time for both individual and group work on drafting materials as well as intensive training on specific approaches to the definition of civic education topics.

In addition, the workshop should include field experiences, which are relevant to the materials being produced (such as visits to schools, matching the Kyrgyz educators with U.S. teachers, and mentored attendance at professional meetings). Mentoring of the educators from Kyrgyzstan by U.S. peer practitioners should also be a prominent feature of the workshop.

In Phase III, the grantee organization will collaborate with the curriculum development team, the Ministry of Education and the local NGO partner to plan and implement a program for pilot-testing, revision and publication of curriculum materials, and coordination of specialized training seminars for in-service and pre-service teachers on the use of the new curriculum unit.

During the three project phases, the Kyrgyzstan Ministry of Education is expected to provide the following assistance to the participants: (1) Paid leave time for the curriculum development team during their stay in the U.S. and the subsequent in-service training work; (2) Facilitation of the logistics of in-service training sessions for teachers by providing appropriate space at regional teacher training centers.

#### *Visa/Insurance/Tax Requirements*

Programs must comply with J-1 visa regulations and the grantee organization will need to have authority to provide J-1 visa sponsorship by the time grant activities begin. Please refer to Solicitation Package for further information. Administration of the project must be in compliance with reporting and withholding regulations for federal, state, and local taxes as applicable. Recipient organizations should demonstrate tax regulation adherence in the proposal narrative and budget.

#### **Budget Guidelines**

The Bureau anticipates making one award in an amount not to exceed \$300,000, to support program and administrative costs required to implement this program. The Bureau encourages applicants to provide maximum levels of cost sharing and funding from private sources in support of its programs. Because the Bureau's grants to eligible organizations with less than four years of experience in conducting international exchange programs are limited to \$60,000, these organizations are not encouraged to apply under this competition. Applicants must submit a comprehensive budget for the entire program. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification. The summary and detailed project and administrative budgets should be accompanied by a narrative, which provides a brief rationale for each line item. The total administrative costs funded by the Bureau must be limited and reasonable.

Allowable costs for the program include the following:

- (1) Administrative costs, including salaries and benefits, of grantee organization.
- (2) Program costs, including general program costs and program costs for each participant from Kyrgyzstan in the U.S. based curriculum development seminar and the Kyrgyzstan-based pilot-testing activities. Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

*Announcement Title and Number:* All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/A/S/U-01-11.

**FOR FURTHER INFORMATION CONTACT:** The Humphrey Fellowships and Institutional Linkages Branch, Office of Global Educational Programs, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, telephone: 202-619-5289; Fax: 202-401-1433; or *mwestbro@pd.state.gov*, to request a solicitation package. The Solicitation Package contains detailed award criteria, required application forms, specific budget instructions, and standard guidelines for proposal preparation. Please specify Bureau Program Officer Marie A. Westbrook on all other inquiries and correspondence.

Please read the complete Federal Register announcement before sending

inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

#### *To Download a Solicitation Package Via Internet:*

The entire Solicitation Package may be downloaded from the Bureau's website at <http://exchanges.state.gov/education/RFGPs>. Please read all information before downloading.

*Deadline for Proposals:* All proposal copies must be received by the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on *Friday May 11, 2001*. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and eight copies of the application should be sent to: U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/A/S/U-01-11, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

#### *Diversity, Freedom and Democracy Guidelines*

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total

proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries."

Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

#### Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. The program office, as well as the Public Affairs Section overseas, where appropriate will review all eligible proposals. Eligible proposals will be forwarded to panels of Bureau officers for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards (grants or cooperative agreements) resides with the Bureau's Grants Officer.

#### Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation:

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission and responsiveness to the objectives and guidelines stated in this solicitation. Proposals should demonstrate substantive expertise in civic education and curriculum development.

2. *Creativity and feasibility of program plan:* A detailed agenda and relevant work plan should demonstrate substantive undertaking, logistical capacity, and a creative utilization of resources and relevant professional development opportunities. The agenda and work plan should be consistent with the program overview and guidelines described in this solicitation.

3. *Ability to achieve project objectives:* Objectives should be reasonable, feasible, and flexible. Proposals should

clearly demonstrate how the institution will meet the program's objectives and plan.

4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Achievable and relevant features should be cited in both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities). The proposal should demonstrate an understanding of the specific diversity needs in Kyrgyzstan and strategies for addressing these needs in terms of the project goals.

5. *Institutional capacity and record:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the goals of the project. Proposals should demonstrate an institutional record of successful exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by the grants staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Project Evaluation:* Proposals should include a plan to evaluate the activity's success, both as the activities unfold and at the end of the program. A draft survey questionnaire or other technique plus description of a methodology to use to link outcomes to original project objectives are recommended. Successful applicants will be expected to submit intermediate program and financial reports after each project component is concluded or quarterly, whichever is less frequent.

7. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support), which ensures that Bureau supported programs are not isolated events.

8. *Cost-effectiveness:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate and should reflect a commitment to pursuing project objectives. Proposals should maximize cost sharing through other private sector support as well as institutional direct funding contributions.

#### Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act

of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations \* \* \* and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1993 (Freedom Support Act). Programs and projects must conform to Bureau requirements and guidelines outlined in the Solicitation Package. Bureau projects and programs are subject to the availability of funds.

#### Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

#### Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: March 16, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01-7161 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice 3611]

### Bureau of Educational and Cultural Affairs Request for Grant Proposals: U.S.-Israel Youth Exchange

**SUMMARY:** The Youth Programs Division, Office of Citizen Exchanges of the Bureau of Educational and Cultural



Affairs announces an open competition for U.S.-Israel Youth Exchange. Public and private non-profit organizations meeting the provisions described in IRS regulation 26 CFR 1.501(c) may submit proposals to conduct an exchange involving American and Israeli high school students.

#### Program Information

**Overview:** The United States and Israel are both multi-ethnic societies that struggle with issues of diversity. The purpose of the youth exchange project is to provide an opportunity for youth in both countries to learn about each other, explore how diversity issues compare and contrast between the two societies and to learn from each other and from experts how to deal with tensions and conflict that affect inter-ethnic community relations. The participants will also examine the major factors—especially constitutional, political, social and religious—that shape how each country manages the rights of minorities in the context of a democratic society. Finally, the project will provide an opportunity for each side to examine key foreign policy issues between the United States and Israel.

It is anticipated that one grant in an amount not to exceed \$100,000 will be awarded. Preference will be given to proposals that build upon ongoing exchange programs addressing the themes outlined above, rather than to proposals that initiate new exchange activities. Each side will select a delegation that represents the ethnic diversity of its society. Selection should be based on merit with an emphasis on youth who demonstrate leadership abilities, knowledge of diversity issues, and good communication skills. The Public Affairs Section of the American Embassy in Tel Aviv will play a central role in the selection of Israeli participants. The applicant U.S. organization must demonstrate that its Israeli partner is able and willing to work with the American Embassy staff to effect the desired selection, to conduct pre-departure orientation, and to provide programming for the American delegation in keeping with the themes of this project. The Israeli delegation will spend three weeks in the U.S. with an initial orientation in Washington, DC in which the project themes are developed. Most of the stay will be in one or two host communities, living with families, learning about school life, and participating in activities in the community that support the themes of the project. The delegation may be divided in this phase so that groups spend time in diverse

communities. A final wrap-up program component will be in New York or another major city. The American delegation will have similar experience in Israel for a three-week period. The applicant organization may propose ways in which the two delegations might meet and interact for part of the program. It may also propose ways in which each delegation can initiate contact with the other before the exchange to begin exploring the themes with each other and lay the foundation for their joint activities during the exchange. Follow-up contact should be structured so that the dialogue continues after the exchange.

**Guidelines:** The grant is intended to support activities during the academic year 2001-2002. Grant activity may begin following final approval, which is anticipated to be August 1, 2001. Foreign participants will travel of J-1 Exchange Visitor visas using IAP66 forms issued by the ECA program office. The grantee organization is responsible for administering all components of the program, including any sub-grant to the Israeli partner organization, which must be spelled out in the proposal. See accompanying Project Objectives, Guidelines and Instructions (POGI) for detailed specifications for the proposal.

Programs must comply with J-1 visa regulations. Please refer to Solicitation Package for further information.

#### Budget Guidelines

Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to \$60,000. Since the Bureau anticipates awarding one grant in the amount of \$100,000, to support program and administrative costs required to implement this program, organizations with less than four years of experience conducting exchanges will be ineligible. The ECA grant is not intended to be a substitute for private funding to support the existing program; rather, as noted above, the grant is intended primarily to subsidize participant costs and make possible activities that support the thematic foci.

Applicants must submit a comprehensive budget for the entire program, indicating where ECA grant funds will be applied. There must be a summary budget as well as breakdowns reflecting both administrative and program budgets. Applicants may provide separate sub-budgets for each program component, phase, location, or activity to provide clarification.

Allowable costs for the program include the following:

(1) Participant selection, orientation, travel and program enhancements.

(2) Reasonable administrative costs—Proposed funding for administrative costs in excess of 15% of the total grant will be less competitive. This is an area where cost-sharing is strongly encouraged.

Please refer to the Solicitation Package for complete budget guidelines and formatting instructions.

**Announcement Title and Number:** All correspondence with the Bureau concerning this RFGP should reference the above title and number ECA/PE/C/PY-01-40.

**FOR FURTHER INFORMATION CONTACT:** The Youth Programs Division, Office of Citizen Exchanges (ECA/PE/C/PY) Rm. 568, U.S. Department of State, 301 4th Street, SW., Washington, DC 20547, telephone 202-619-6299, fax 202-619-5311. Robert Persiko, division chief, can be reached on e mail:

[rpersiko@pd.state.gov](mailto:rpersiko@pd.state.gov). To request a Solicitation Package, contact the Youth Programs Division or download the package online, as instructed below. The Solicitation Package contains the above-mentioned POGI with detailed proposal submission guidelines and award criteria, and the Proposal Submission Instructions (PSI) with required application forms and specific budget instructions. Please specify the Youth Programs Division on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

#### To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from the Bureau's website at <http://exchanges.state.gov/education/RFGPs>. Please read all information before downloading.

#### Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, D.C. time on Monday, April 30. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original proposal, one fully-tabbed copy, and seven copies including tabs A-E and appendices should be sent to:



U.S. Department of State, SA-44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/PY-01-40, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Applicants must also submit the "Executive Summary" and "Proposal Narrative" sections of the proposal on a 3.5" diskette, formatted for DOS. These documents must be provided in ASCII text (DOS) format with a maximum line length of 65 characters. The Bureau will transmit these files electronically to the Public Affairs section at the US Embassy for its review, with the goal of reducing the time it takes to get embassy comments for the Bureau's grants review process.

#### Diversity, Freedom and Democracy Guidelines

Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of American political, social, and cultural life. "Diversity" should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Public Law 104-319 provides that "in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy," the Bureau "shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries." Public Law 106-113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

#### Review Process

The Bureau will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be

subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Acting Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with the Bureau's Grants Officer.

#### Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered.

1. *Quality of the program idea:* Proposals should exhibit originality, substance, precision, and relevance to the Bureau's mission.
2. *Program planning and ability to achieve program objectives:* Program objectives should be stated clearly and precisely and should reflect the applicant's understanding of the project. Objectives need to be reasonable, attainable, and flexible. Proposals should clearly demonstrate how the institution would meet the program's objectives. A detailed agenda and work plan should explain how the objectives will be achieved and the expected outcomes realized. The agenda and plan should adhere to the program overview and guidelines described above.
3. *Multiplier effect/impact:* Proposals should show how the program would strengthen long-term mutual understanding, including maximum sharing of information in the host communities and establishment of long-term institutional and individual linkages.
4. *Support of Diversity:* Proposals should demonstrate substantive support of the Bureau's policy on diversity. Both program administration (selection of participants, program venue and program evaluation) and program content (orientation and wrap-up sessions, program meetings, resource materials and follow-up activities) should address diversity in a comprehensive and innovative manner.
5. *Institutional Capacity and Record:* Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals. The proposal should reflect institutional expertise in the subject area and knowledge of the conditions in the target country. Proposals should demonstrate an institutional record of successful

exchange programs, including responsible fiscal management and full compliance with all reporting requirements for past Bureau grants as determined by Bureau Grant Staff. The Bureau will consider the past performance of prior recipients and the demonstrated potential of new applicants.

6. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (without Bureau support) ensuring that Bureau supported programs are not isolated events. Follow-on activities should be clearly outlined.

7. *Program Evaluation:* Proposals must include a plan and methodology to evaluate the program's successes, both as the activities unfold and at the end of the program. The Bureau recommends that the proposal include a draft survey questionnaire or other technique. The evaluation plan should show a clear link between program objectives and expected outcomes in the short- and medium-term, and provide a well-thought-out description of performance indicators and measurement tools.

8. *Cost-effectiveness/cost-sharing:* The overhead and administrative components of the proposal, including salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate. Administrative costs should account for 15% or less of the funding requested from the Bureau. Applicants are encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, such as auditable contributions from the applicant, the Israeli partner, the participants, and other sources, should be included in the budget.

9. *Value to U.S.-Israeli relations:* The Bureau's review will include an assessment by the regional bureau (NIS/PD) and the American Embassy in Tel Aviv of the value of the proposed program to mission goals.

#### Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Public Law 87-256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries \* \* \*; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the

United States and other nations \* \* \* and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." The funding authority for the program above is provided through legislation.

#### Notice

The terms and conditions published in this RFGP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

#### Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: March 14, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01-7159; Filed 3-21-01; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice Number 3585]

### Notice of Meetings, United States International Telecommunication Advisory Committee (ITAC)—Telecommunication Standardization Sector (ITAC-T); U.S. Study Group B

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee—Telecommunication Standardization (ITAC-T) National Committee and US Study Group B. The purpose of the Committees is to advise the Department on policy and technical issues with respect to the International Telecommunication Union and international telecommunication standardization and development. Except where noted, meetings will be held at the Department of State, 2201 "C" Street, NW, Washington, DC.

The ITAC-T National Committee will meet on May 8, 2001, from 9:30 to 4:00 at a location to be determined to complete drafting of new ITAC-T Guidelines.

The ITAC-T U.S. Study Group B will meet from 9:00 to 4:30 on April 6 and 27, 2001, to prepare for meetings of ITU-T Study Groups 11, 13, and the Special Study Group. The April 6 meeting will be held at the Embassy Suites, Paradise Valley, 4415 East Paradise Valley Parkway South, Paradise Valley, AZ 85032, tel: 602-765-5800, in the morning, starting 30 minutes after the T1S1 Plenary closes. The April 27 meeting will be held at the Keystone Resort and Conference Center, 0633 Tennis Townhouse Road, Keystone, CO 80435, tel: 970-496-2316, in the morning, starting 30 minutes after the T1P1 Plenary closes.

Members of the general public may attend these meetings. Directions to meeting locations and actual room assignments may be determined by calling the Secretariat at 202 647-0965/2592. For meetings held at the Department of State: entrance to the building is controlled; people intending to attend any of the ITAC meetings should send a fax to (202) 647-7407 not later than 24 hours before the meeting for preclearance. This fax should display the name of the meeting (ITAC T, U.S. Study Group) and date of meeting, your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, U.S. Government identification card. Enter the Department of State from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: March 7, 2001.

Julian Minard,

Secretariat, ITAC-T, U.S. Department of State.

[FR Doc. 01-7155 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-45-U

## DEPARTMENT OF STATE

[Notice Number 3588]

### Shipping Coordinating Committee; Notice of Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 10 a.m. on Tuesday, April 10, 2001, in Room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. The purpose of this

meeting is to report on the results of: (1) The International Conference on Liability and Compensation for Bunker Oil Pollution Damage, 2001; and (2) an informal meeting of interested delegates to the International Maritime Organization (IMO) Legal Committee to discuss the draft protocol to the Athens Convention Relating to the Carriage of Passengers and Their Luggage By Sea.

Members of the public are invited to attend the SHC meeting up to the seating capacity of the room. For further information, or to submit views in advance of the meeting, please contact Captain Joseph F. Ahern or Lieutenant Daniel J. Goettle, U.S. Coast Guard, Office of Maritime and International Law (G-LMI), 2100 Second Street, SW., Washington, DC 20593-0001; telephone (202) 267-1527; fax (202) 267-4496.

Dated: March 12, 2001.

Stephen M. Miller,

Executive Secretary, Shipping Coordinating Committee, Department of State.

[FR Doc. 01-7156 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-07-P

## DEPARTMENT OF STATE

[Notice Number 3589]

### Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea; Notice of Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10 a.m. on Wednesday, April 11, 2001, in room 4618 at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this meeting will be to discuss the outcome of the Forty-fifth Session of the International Maritime Organization's Subcommittee on Fire Protection, held January 8-12, 2001. In addition, preparations for the next session will also be discussed.

The meeting will focus on proposed amendments to the 1974 Safety of Life at Sea (SOLAS) Convention for the fire safety of commercial vessels. Specific discussion areas include:

- Recommendations on evacuation analysis for passenger vessels
- Guidelines on alternative design and arrangements for fire safety
- Smoke control and ventilation;
- Unified interpretations to SOLAS chapter II-2 and related fire test procedures
- Fire retardant materials for the construction of lifeboats
- Fire-fighting systems in machinery and other spaces

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Chief, Office of Design and Engineering Standards, Commandant (G-MSE-4), U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, by calling: LCDR Kevin Kiefer at (202) 267-1444, or by visiting the following World Wide Website: <http://www.uscg.mil/hq/g-m/mse4/stdimofp.htm>.

Stephen Miller,

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. 01-7157 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-07-U

## DEPARTMENT OF STATE

[Notice Number 3603]

### Shipping Coordinating Committee Subcommittee on Safety of Life at Sea; Notice of Meeting

The Subcommittee on Safety of Life at Sea will conduct an open meeting at 9 a.m. on Friday, April 20, 2001, in Room 6319, at U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001. This meeting will discuss the upcoming 44th Session of the Subcommittee on Stability and Load Lines and on Fishing Vessels Safety (SLF) and associated bodies of the International Maritime Organization (IMO) which will be held on September 17-21, 2001, at the IMO Headquarters in London, England.

Items of discussion will include the following:

- Review of results from 43rd session of the SLF.
- Harmonization of damage stability provisions in the IMO instruments.
- Revision of technical regulations of the 1966 International Load Line Convention.
- Revisions to the Fishing Vessel Safety Code and Voluntary Guidelines.
- High Speed Craft Code amendments and model tests.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Paul Cojeen, U.S. Coast Guard Headquarters, Commandant (G-MSE-2), Room 1308, 2100 Second Street, SW., Washington, DC 20593-0001 or by calling (202) 267-2988.

Dated: March 12, 2001.

Stephen Miller,

*Executive Secretary, Shipping Coordinating Committee, Department of State.*

[FR Doc. 01-7158 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-07-U

## DEPARTMENT OF STATE

[Public Notice No. 3612]

### Bureau of Political-Military Affairs; Third-Country Exports through Indonesia

AGENCY: Department of State.

ACTION: Notice.

**SUMMARY:** Notice is hereby given that requests for export and retransfer of defense articles and defense services to Indonesia for ultimate end-use by a third-country, pursuant to Section 38 of the Arms Export Control Act, will be considered on a case-by-case basis.

**EFFECTIVE DATE:** November 28, 2000.

**FOR FURTHER INFORMATION CONTACT:** Mal Zerden, Senior Analyst, Office of Defense Trade Controls, Bureau of Political-Military Affairs, Department of State, 202-663-2714.

**SUPPLEMENTARY INFORMATION:** On October 14, 1999, a *Federal Register* Notice was published (Volume 64, Number 198) that suspended all licenses and approvals to export or otherwise transfer defense articles and defense services to Indonesia, except for certain exports related to commercial communication satellites and Y2K compliance activities that are not for the Indonesian military. The October 14, 1999 *Federal Register* notice set forth a policy of denial for new export requests except those that met the exception.

A *Federal Register* notice was published on January 25, 2001 that permitted review, on a case-by-case basis, of requests for the export of C-130 spare parts to Indonesia, including for the Government of Indonesia.

This Notice expands the exception of those defense articles/defense services eligible for export consideration to, on a case by case basis, those defense articles/defense services exported to Indonesia for ultimate end-use by a third-country.

Dated: March 16, 2001.

Gregory Suchan,

*Acting Assistant Secretary, Bureau of Political-Military Affairs, U.S. Department of State.*

[FR Doc. 01-7160 Filed 3-21-01; 8:45 am]

BILLING CODE 4710-15-P

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG-2001-9037]

### National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

**SUMMARY:** The National Offshore Safety Advisory Committee (NOSAC) and its Subcommittee on Deepwater Activities will meet to discuss various issues relating to offshore safety. Both meetings will be open to the public.

**DATES:** NOSAC will meet on Thursday, April 19, 2001, from 9:00 a.m. to 3:00 p.m. The Subcommittee on Deepwater Activities will meet on Wednesday, April 18, 2001, from 1:00 pm to 3:00 pm. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before April 5, 2001. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before April 5, 2001.

**ADDRESSES:** NOSAC will meet in rooms 3200-3204, of the NASSIF Building, 400 7th Street, SW., Washington, DC. The Subcommittee on Deepwater Activities will meet in room 5303 of the Coast Guard Headquarters Bldg, 2100 Second Street, SW., Washington, DC. Send written material and requests to make oral presentations to Captain P. A. Richardson, Commandant (G-MSO), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001. This notice is available on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Captain P.A. Richardson, Executive Director of NOSAC, or Mr. Jim Magill, Assistant to the Executive Director, telephone 202-267-0214, fax 202-267-4570.

**SUPPLEMENTARY INFORMATION:** Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

### Agenda of Meetings

*National Offshore Safety Advisory Committee.* The agenda includes the following:

(1) Report on issues concerning the International Maritime Organization and the International Organization of Standardization.

(2) Report from the Prevention Through People Subcommittee on Adequacy of "12-hour Rule."

(3) Report from Task Force on development and implementation of STCW Convention for OSVs.

(4) Status report from Incident Reporting Subcommittee.

(5) Progress report from the Subcommittee on Pipeline-Free Anchorages.

(6) Progress report from Subcommittee on Deepwater Activities.

(7) Status reports on revision of 33 CFR chapter I, subchapter N, Outer Continental Shelf Regulations.

(8) Report on the USCG/MMS Memorandum of Understanding.

(9) Presentation by U.S. Navy on their new Water Fog Fixed Fire Extinguishing System.

Subcommittee on Deepwater Activities. The agenda includes the following:

(1) Review and discuss previous work.

(2) Search & Rescue of personnel from deepwater facilities.

#### Procedural

Both meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Executive Director no later than April 5, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than April 5, 2001. If you would like a copy of your material distributed to each member of the committee or subcommittee in advance of the meeting, please submit 25 copies to the Executive Director no later than April 5, 2001.

#### Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: February 20, 2001.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 01-7076 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-15-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Receipt of Noise Compatibility Program and Request for Review for the Phoenix Sky Harbor International Airport, Phoenix, AZ

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

**SUMMARY:** The FAA announces that it is reviewing a proposed Noise Compatibility Program submitted by the city of Phoenix for the Phoenix Sky Harbor International Airport, Phoenix, Arizona under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) (hereinafter referred to as "the Act") and Title 14, Code of Federal Regulations (CFR), part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under Title 14, CFR, part 150 were in compliance with applicable requirements effective October 10, 2000. The proposed Noise Compatibility Program will be approved or disapproved on or before September 7, 2001.

**EFFECTIVE DATE:** The effective date of the start of the FAA's review of the Noise Compatibility Program is March 12, 2001. The public comment period ends on May 10, 2001.

**FOR FURTHER INFORMATION CONTACT:** Brian Armstrong, Airport Planner, Airports Division, AWP-611.1, Federal Aviation Administration, Western-Pacific Region. Mailing Address: P.O. Box 92007, Los Angeles, CA 90009-2007; Street Address: 15000 Aviation Boulevard, Hawthorne, CA 90261; Telephone Number (310) 725-3614. Comments on the proposed Noise Compatibility Program should also be submitted to the above office.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for the Phoenix Sky Harbor International Airport which will be approved or disapproved on or before September 7, 2001. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted Noise Exposure Maps that are found by the FAA to be in compliance with the requirements of Title 14, CFR, part 150, promulgated pursuant to Title I of the Act, may submit a Noise Compatibility Program for FAA approval which sets forth the measures

the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for the Phoenix Sky Harbor International Airport, effective on March 12, 2001. It is requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under Section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before September 7, 2001.

The FAA's detailed evaluation will be conducted under the provisions of Title 14, CFR, part 150, section 150.33. The primary considerations in the evaluation process are whether the proposed measures reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or are reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration,  
National Headquarters, Community  
Environmental Needs Division, 800  
Independence Avenue, SW., Room  
621, Washington, DC 20591

Federal Aviation Administration,  
Western-Pacific Region, 15000  
Aviation Boulevard, Room 3012,  
Hawthorne, CA 90261

City of Phoenix Aviation Department,  
3400 Sky Harbor Blvd., Phoenix,  
Arizona 85034-4420

Questions may be directed to the individual named above under the heading **FOR FURTHER INFORMATION CONTACT**.



Issued in Hawthorne, California on March 12, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region, AWP-600.

[FR Doc. 01-7056 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee, Transport Airplane and Engine Issues—New Task

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment for the aviation rulemaking advisory committee (ARAC).

**SUMMARY:** The FAA has assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations for preventing fires related to fuel tank vent systems. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** John McGraw, 1601 Lind Ave., Renton, Washington 98055-4056, 425-227-1171, john.mcgraw@faa.gov.

**SUPPLEMENTARY INFORMATION:**

#### Background

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

#### The Task

*Phase I.* Review the draft part 25 final rule concerning fuel-vent system fire protection, including the FAA's proposed disposition of public comments. Prepare a report for the FAA documenting any recommended changes resulting from this review and any remaining unresolved issues.

*Schedule:* This report will be due to the FAA no later than 60 days after receipt of the draft document from the FAA.

*Phase II.* Review the draft advisory material (AC 25.975) associated with the part 25 rule and prepare a report from the FAA similar to the Phase I report, documenting any recommended changes as well as any remaining unresolved issues.

*Schedule:* This report will be due to the FAA no later than 6 months after receipt of the draft document from the FAA.

The FAA may ask ARAC's assistance in dispositioning any comments received in response to the publication of a Notice of Availability of a draft advisory circular.

#### ARAC Acceptance of Tasks

ARAC accepted the task and assigned it to the Powerplant Installation Harmonization Working Group, Transport Airplane and Engine Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

#### Working Group Activity

The Powerplant Installation Harmonization Working group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the tasks, including the rationale supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engine issues held following the publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

#### Participation in the Working Group

The Powerplant Installation Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than April 30, 2001. The requests will be reviewed by the assistant chair, the assistant executive

director, and the working group chair. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistance executive director, and the working group chair.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Powerplant Installation Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 14, 2001.

**Anthony F. Fazio,**

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01-7057 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Airport Certification Issues—New Task

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment for the aviation rulemaking advisory committee (ARAC).

**SUMMARY:** The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop a



Notice of Proposed Rulemaking (NMRM) to implement any modifications, deletions, or additions identified in the review of 14 CFR part 139 subpart D. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** Ben Castellano, 800 Independence Ave., SW., Washington, DC 20591, (202) 267-8728, [ben.castellano@faa.gov](mailto:ben.castellano@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues.

**The Task**

1. Review the existing aircraft rescue and firefighting (ARFF) requirements contained in 14 CFR part 139, subpart D and identify ARFF requirements that should be added, modified, or deleted. This review should include the current rule and any other documents the agency may have issued regarding part 139, subpart D, and any ARFF standards issued by other organizations.

As part of this project, ARAC should address the following issues:

- a. The number of trucks and amount of agent,
- b. Vehicle response times, and
- c. Staffing requirements.

2. Develop an NPRM to incorporate the modifications, deletions, and additions identified in the preceding reviews. The NPRM should include the preamble and rule language along with any supporting legal analysis.

3. ARAC may be asked to recommend the disposition of any substantive comments the agency received in response to the NPRM.

**Schedule:** Recommendations to the FAA in the form of an NPRM will be due to the FAA by April 11, 2003.

**ARAC Acceptance of Tasks**

ARAC accepted the task and assigned the task to the newly formed Rescue and Firefighting Requirements Working Group, Airport Certification Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve working group recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA. The agency seeks ARAC's advice and recommendations on this important issue. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the

availability of resources and prioritization.

**Working Group Activity**

The Rescue and Firefighting Requirements Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the ARAC Airport Certification Issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider airport certifications issues.

**Participation in the Working Group**

The Rescue and Firefighting Requirements Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than April 30, 2001. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group chair. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also are expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject

being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Rescue and Firefighting Requirements Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 14, 2001.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 01-7058 Filed 3-21-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** The FAA assigned the Aviation Rulemaking Advisory Committee a new task to review the operations rule changes proposed in Notice 84-17A, including the public comments received and prepare a report for the agency. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** John McGraw, 1601 Lind Ave. SW., Renton, Washington 98055-4056, 425-227-1171, [john.mcgraw@faa.gov](mailto:john.mcgraw@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The FAA has established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to

harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

#### The Task

##### Phase I

Review the operational rule changes (parts 121, 125, and 135) proposed in Notice 84-17A, and the public comments received in response to these proposals. Prepare a report for the FAA which will provide, among other things, data from industry supporting a decision on whether a retrofit of the fleet should be mandated, and if so, what airplanes should be affected. This data should include the estimated costs and benefits of retrofitting the fleet.

Schedule: This report will be due within 90 days of publication of the task in the **Federal Register**.

##### Phase II

The FAA will develop a disposition document, e.g., a final rule or supplemental NPRM, based on the ARAC report. The FAA will ask ARAC to review the document. ARAC will prepare a report for the FAA documenting and recommending changes and identifying any remaining unresolved issues.

Schedule: This report will be due to the FAA within 60 days of receipt of the draft document from the FAA.

The FAA may seek ARAC review and comment subsequent to publication of any proposal action on this issue.

#### ARAC Acceptance of Tasks

ARAC accepted the task and assigned the task to the Powerplant Installation Harmonization Working Group, Transport Airplane and Engine Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

#### Working Group Activity

The Powerplant Installation Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engine issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed

recommendations prior to proceeding with the work in item 3 below.

3. Draft the appropriate documents and required analyses and/or any other related materials or documents.

4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

#### Participation in the Working Group

The Powerplant Installation Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than April 30, 2001. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group chair. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Powerplant Installation Harmonization Working Group will not be open to the public, except to the extent that individuals

with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 14, 2001.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 01-7067 Filed 3-21-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** The FAA assigned the Aviation Rulemaking Advisory Committee a new task to study the effects of multiple complex structural supplemental type certification (STC) modifications installed on transport category airplanes. The ARAC will develop a report with recommendations for a long-term plan addressing the effects of multiple complex STC modifications on the structural integrity and continued safe operations of transport category airplanes. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** John McGraw, 1601 Lind Ave., Renton, Washington 98055-4056, 425-227-1171, john.mcgraw@faa.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA established an Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues.

##### The Task

Study the effects of multiple complex structural STC modifications installed on transport category airplanes. Develop a report with recommendations for a long term plan addressing the effects of multiple complex STC modifications on the structural integrity and continued safe operation of transport category airplanes, and the ability of the operators to accomplish mandatory FAA aging fleet programs.

The report should identify the types of structural modifications considered to be complex STC modifications, and should propose recommended actions to be taken by the FAA to address the effects complex structural STC modifications have on the structural integrity and continued safe operation of modified airplanes.

The report and recommendations should contain the following:

1. A description of FAA and industry actions necessary to identify the interaction effects of multiple complex STC modifications,
2. A description of FAA and industry actions that will address the effects that complex modifications have on aging aircraft issues, and
3. A description of FAA and industry actions necessary to address the effects that complex modifications have on FAA mandated airworthiness actions (i.e., airworthiness directives, aging aircraft programs).

*Schedule:* The report should be completed no later than September 28, 2002.

#### ARAC Acceptance of Tasks

ARAC accepted the task and assigned the task to the Airworthiness Assurance Working Group, Transport Airplane and Engine Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

#### Working Group Activity

The Airworthiness Assurance Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engine issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents the working group determines to be appropriate.
4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

#### Participation in the Working Group

The Airworthiness Assurance Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task, and stating the expertise he or she would bring to the working group. All requests to participate must be received no later than April 30, 2001. All requests will be reviewed by the assistant chair, the assistant executive director, and the working group chair. Individuals will be advised whether or not the request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the agreed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group chair.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Airworthiness Assurance Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 14, 2001.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 01-7068 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

[Summary Notice No. PE-2001-23]

#### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemptions part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 11, 2001.

**ADDRESSES:** Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, D.C., on March 16, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

**Dispositions of Petitions**

*Docket No.:* FAA-2000-8009.

*Petitioner:* Alaska Airlines.

*Section of 14 CFR Affected:* 14 CFR 121.433(c)(1)(iii), 121.440(a), 121.441(a)(1) and (b)(1) and appendix F to part 121.

*Description of Relief Sought/*

*Disposition:* To permit ALA to combine recurrent flight and ground training and proficiency checks for ALA's flight crewmembers in a single, annual training and proficiency evaluation program. *Grant, 01/19/2001, Exemption No. 6043C.*

*Docket No.:* FAA-2000-8454.

*Petitioner:* United Air Lines, Inc.

*Section of 14 CFR Affected:* 14 CFR 121.434(c)(1)(ii).

*Description of Relief Sought/*

*Disposition:* To permit UAL to substitute a qualified and authorized check airman for an FAA inspector when an inspector is not available to accomplish the required observation during the scheduled operating experience flight legs of a qualifying pilot in command who is completing initial or upgrade training. *Grant, 01/25/2001, Exemption No. 6570B.*

*Docket No.:* FAA-2000-8142.

*Petitioner:* J.R. Aviation, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit JRA to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/16/2001, Exemption No. 6423.*

*Docket No.:* FAA-2000-8474.

*Petitioner:* Howell Enterprises, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit HEI to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/22/2001, Exemption No. 7427.*

*Docket No.:* FAA-2000-8337.

*Petitioner:* Alaska's Lake Clark Inn.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit ALCI to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/22/2001, Exemption No. 7426.*

*Docket No.:* FAA-2000-8184.

*Petitioner:* Four Points Airways, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit Four Points to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/22/2001, Exemption No. 7425.*

*Docket No.:* FAA-2000-8434.

*Petitioner:* Air Transport Association of America, Inc.

*Section of 14 CFR Affected:* 14 CFR 121.652 (a) and (c).

*Description of Relief Sought/*

*Disposition:* To permit ATA-member airlines and other similarly situated part 121 operators to permit a pilot in command (PIC) conducting operations under Part 121 to perform an instrument approach procedure to the weather minima prescribed by this exemption during the first 100 hours of service as PIC, in the type airplane he or she is operating, using an alternative means approved by the Administrator to satisfy the requirements of § 121.652 (a) and (c). *Grant 01/25/2001, Exemption No. 5549E.*

*Docket No.:* FAA-2000-8148.

*Petitioner:* Epps Air Service, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit Epps to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/22/2001, Exemption No. 6037C.*

*Docket No.:* FAA-2000-8466.

*Petitioner:* Larry's Flying Service, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit LFS to operate certain aircraft under part 135 without a TSO-C112 (Mode S) transponder installed in the aircraft. *Grant, 01/16/2001, Exemption No. 7422.*

[FR Doc. 01-7064 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration**

[Summary Notice No. PE-2001-24]

**Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 11, 2001.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. \_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:**

Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, D.C., on March 16, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

**Dispositions of Petitions**

*Docket No.:* 28257.

*Petitioner:* Flight Structures, Inc.



*Section of the 14 CFR Affected:* 14 CFR 25.785(d), 25.813(b), 25.857(e), and 25.1447(c)(1) & (c)(3)(ii).

*Description of Relief Sought/Disposition:* To permit supplemental type certification of Airbus Model A300-B4-100 series and -200 series passenger-to-freighter airplane conversions, with provisions for the carriage of air traffic controllers and technical representatives of the manufacturer (of the airplane or its components) when the airplane is equipped with two floor-level exits with escape slides, within the occupied main deck area. Grant, 02/20/2001, Exemption No. 6178C.

*Docket No.:* 29003.

*Petitioner:* Columbia Helicopters, Inc.

*Section of the 14 CFR Affected:* 14 CFR 135.175(a).

*Description of Relief Sought/Disposition:* To permit CHI to operate Boeing Vertol and Kawasaki Vertol 107II (BV/Bk-107II) rotorcraft in on-demand, passenger-carrying operations, under part 135, in day visual flight rules (VFR) conditions, without having approved airborne weather radar equipment installed. Denial, 03/08/2001, Exemption No. 7456.

[FR Doc. 01-7065 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2001-22]

#### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of petition for exemption received and of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 11, 2001.

**ADDRESSES:** Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC-200), Petition Docket No. \_\_\_\_\_, 800 Independence Avenue, SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-3132.

**FOR FURTHER INFORMATION CONTACT:** Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029 Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, DC, on March 16, 2001.

**Donald P. Byrne,**

Assistant Chief Counsel for Regulations.

#### Petition for Exemption

*Docket No.:* 29969.

*Petitioner:* National Agricultural Aviation Association.

*Section of the 14 CFR Affected:* 14 CFR 91.313(e).

*Description of Relief Sought/Disposition:* To permit NAAA members to operate restricted category aircraft over densely populated areas, in congested airways, or near busy airports where passenger transport operations are conducted.

#### Disposition of Petitions

*Docket No.:* 23753.

*Petitioner:* Saudi Arabian Airlines Corporation.

*Section of the 14 CFR Affected:* 14 CFR 63.2.

*Description of Relief Sought/Disposition:* To permit Saudia pilots to be examined for and issued U.S. airmen certificates and ratings required to operate its fleet as if Saudia were a certificated U.S. air carrier. Grant, 01/26/2001, Exemption No. 3923J.

*Docket No.:* 29512.

*Petitioner:* Ishikawajima-Harima Heavy Industries Co.

*Section of the 14 CFR Affected:* 14 CFR 145.47(b).

*Description of Relief Sought/Disposition:* To permit IHI to use the

calibration standards of the National Research Laboratory of Metrology (NRLM), the Electrotechnical Laboratory (ETL), and the National Institute of Materials and Chemical Research (NIMC) in lieu of the calibration standards of the National Institute of Standards (NIST) to test its inspection and test equipment. Grant, 01/19/2001, Exemption No. 7424.

*Docket No.:* 25552.

*Petitioner:* State of Alaska.

*Section of the 14 CFR Affected:* 14 CFR 45.29(h).

*Description of Relief Sought/Disposition:* To permit persons operating aircraft within, to, or from the State of Alaska to fly their aircraft across the inner boundaries of the Alaskan Air Defense Identification Zone or the Defense Early Warning Identification Zone without displaying temporary or permanent registration marks at least 12-inches high. Grant, 01/22/2001, Exemption No. 5630D.

*Docket No.:* 29372.

*Petitioner:* Helicopter Consultants, Inc, dba Aircraft Commercial Enterprise, Inc.

*Section of the 14 CFR Affected:* 14 CFR 135.163 and 135.181.

*Description of Relief Sought/Disposition:* To permit ACE to conduct passenger-carrying operations in single-engine airplanes in certain, limited instrument flight rules (IFR) conditions as were permitted previously by 135.103 and 135.181 before the adoption of Amendment No. 135-70. The proposed exemption would also allow ACE to conduct such operations without equipping its airplanes with (1) two independent electrical power-generating sources, or a standby battery or alternate source of electrical power; and (2) a redundant energy system for gyroscopic instruments. Denial, 01/14/2001, Exemption No. 7415.

*Docket No.:* 29791.

*Petitioner:* United Parcel Service, Inc.

*Section of the 14 CFR Affected:* 14 CFR 61.77(a).

*Description of Relief Sought/Disposition:* To permit UPS to obtain special purpose pilot authorizations for certain holders of foreign pilot certificates to ferry between non-U.S. Airports U.S.—registered Boeing 727 (B-727) airplanes listed on UPS's Operations Specifications. Denial, 01/11/2001, Exemption No. 7416.

*Docket No.:* 29990.

*Petitioner:* FlightSafety Boeing Training International.

*Section of the 14 CFR Affected:* 14 CFR 142.53(b).

*Description of Relief Sought/Disposition:* To permit FlightSafety



Boeing to designate certain simulator instructors without those instructors completing actual aircraft flight time, a line observation with an approved line-oriented flight training program, or an approved in-flight observation training course. The designated instructors would be those who conduct training exclusively under 14 CFR part 61 within the scope of part 142 in a flight simulator that the Administrator has approved for all training and testing for the airline transport pilot (ATP) certification test, aircraft type rating test, or both. *Denial, 01/11/2001, Exemption No. 7418.*

*Docket No.:* 30132.

*Petitioner:* Mr. Brian Daniel.

*Section of the 14 CFR Affected:* 14 CFR 61.109(d)(2)(i).

*Description of Relief Sought/*

*Disposition:* To permit Mr. Daniel to apply for a private pilot certificate with rotorcraft category and gyroplane class rating without meeting the 50-nautical-mile night cross-country flight training requirement. *Grant, 01/11/2001, Exemption No. 7417.*

[FR Doc. 01-7066 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioners' arguments in favor of relief.

#### Battle Ground, Yacolt & Chelatchie Prairie Railroad

[Docket Number FRA-2000-8365]

The Battle Ground, Yacolt & Chelatchie Prairie Railroad has petitioned for a permanent waiver of compliance for (4) four cabooses, specifically BYCX 991, 992, 993 and 994 (AAR designation pending) from the requirements of Safety Glazing Standards, 49 CFR § 223.13 (c) and (d). Section 223.13(c) states, "except for yard cabooses and cabooses equipped as described in paragraphs (a) and (b), cabooses built or rebuilt prior to July 1, 1880, shall be equipped with certified glazing in all windows after June 30, 1984." Section 223.13(d) requires each

caboose subject to the requirements of paragraph (c) of this section, which as a result of an act of vandalism, has a window that is broken or damaged so that the window fails to permit good visibility shall be equipped with certified glazing \* \* \*

The former BN cabooses were acquired for excursion service that will operate at speeds not to exceed 15 miles per hour through a rural wooded area with no highway overpasses. As a result of vandalism these cabooses have several windows missing or damaged that the petitioner intends to replace with automobile safety glazing.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number FRA-2000-8365) and must be submitted in triplicate to the Docket Clerk, DOT Central Docket Management Facility, Room P1-401, Washington, DC 20590-0001. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communication concerning these proceedings are available for examination during regular business hours (9:00 a.m.-5:00 p.m.) at DOT Central Docket Management Facility, Room P1-401 (Plaza Level), 400 7th Street, SW., Washington, DC. All documents in the public docket are available for inspection and copying on the internet at the docket facility's WEB site at <http://dms.dot.gov>.

Issued in Washington, DC on March 14, 2001.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 01-7069 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-06-P

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Supplemental Draft Environmental Impact Statement on the Manhattan East Site Alternatives Project— "Second Avenue Subway."

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of intent to prepare a supplemental draft environmental impact statement.

**SUMMARY:** The Federal Transit Administration (FTA) and the Metropolitan Transportation Authority/ New York City Transit (MTA/NYCT) are issuing this notice to advise the public and interested agencies that a Supplemental Draft Environmental Impact Statement (SDEIS) will be prepared by the FTA and MTA/NYCT on the Manhattan East Side Alternatives Project (MESA). The SDEIS will evaluate a "full-length" Second Avenue Subway alignment in Manhattan, extending from the vicinity of 125th Street in Harlem south along Second Avenue to the Financial District in Lower Manhattan. The original Notice of Intent to prepare a DEIS for the MESA project was issued on June 30, 1995.

The MESA DEIS/MIS (Major Investment Study), released to the public August 13, 1999, contained four alternatives. The build alternatives of that document included a Second Avenue subway alignment extending from the vicinity of 125th Street south to East 63rd Street; a composite build alternative also included complementary bus and light rail alternatives from 63rd Street to Lower Manhattan and Lower East Side. During the preliminary MIS, a full-length subway alternative had been considered, but consideration of that alternative was discontinued because of cost concerns. As a result of public comments and elected officials' concerns, the MTA has decided to fully evaluate a Second Avenue Subway line extending from 125th Street to Lower Manhattan.

The SDEIS will present new information or circumstances relevant to the full-length Second Avenue Subway alignment and evaluate environmental impacts that were not evaluated in the MESA DEIS. In addition, the SDEIS will evaluate alternatives that improve transit access to the Lower East Side of Manhattan that may ultimately supplement Build Alternative 3 or progress as an independent project.

The participation of the general public, interested parties, and agencies

is encouraged and will be solicited. Public outreach meetings will be held to discuss the information to be included in the SDEIS.

**DATES:** Initial outreach meeting will be held on Thursday April 19, 2001 at 6:00 p.m. at the location identified below. Subsequent meetings will be announced by mail, Internet, and other appropriate mechanisms, and conducted throughout the study area. Written comments should be sent to MTA New York City Transit by April 23, 2001. See **ADDRESSES** below.

**ADDRESSES:** The initial outreach meeting will be held at the Metropolitan Transportation Authority, Fifth Floor Boardroom, 347 Madison Avenue, New York, New York. Subsequent meetings will be held throughout the study area.

**FOR FURTHER INFORMATION CONTACT:** Irwin Kessman, Director, Office of Planning and Program Development, Federal Transit Administration, Region II, One Bowling Green, Suite 29-40, New York, NY 10004-1415; Telephone 212-668-2170. James Dubbs, Assistant Director, Government and Community Relations, MTA New York City Transit, 130 Livingston Street, Brooklyn, NY 11201; Telephone 718-694-5141. Additional project information may be obtained from the MTA website: <http://www.mta.nyc.ny.us/planning/index.html>.

**SUPPLEMENTARY INFORMATION:** The MESA DEIS evaluated four major alternatives: (1) Do-nothing or "No-Build," (2) Transportation System Management (primarily bus service changes and prioritizations), (3) Build Alternative 1 (subway extension of the Broadway Line, beneath Second Avenue from East 63rd Street to East 125th Street, and bus improvements), and (4) Build Alternative 2 (Build Alternative 1 plus a Light Rail system from 14th Street to Whitehall Street through the Lower East Side). The MESA DEIS suggested that Build Alternative 1 provided the best combination of improved transit mobility and accessibility, reduced auto and taxi trip making, and cost-effectiveness.

In this SDEIS, MTA/NYCT will evaluate a new "Build Alternative 3" and a No-Build Alternative. The Build Alternative 3 is a full-length two-track Second Avenue Subway alignment from the vicinity of 125th Street to the Financial District in Lower Manhattan. The alignment between 125th Street and 63rd Street is unchanged from the alignment presented in the DEIS, including a connection to the 63rd Street/7th Avenue Broadway line. Build Alternative 3 continues the subway beneath Second Avenue south of 63rd

Street, and for the portion of the Second Avenue Subway south of 14th Street, two alignment options will be evaluated in the SDEIS: Option A continues the subway beneath Chrystie Street, St. James Place, and Water Street to a terminal in Lower Manhattan. Option B proposes connecting the new subway to the existing tracks of the former BMT "Nassau Loop" beneath Kenmare Street to access Lower Manhattan.

The MESA DEIS originally presented a Light Rail Transit system alternative in the Lower East Side as a complementary project to the initial 125th Street to 63rd Street subway proposal. The SDEIS also will explore additional transit solutions to Lower East Side needs that may have fewer neighborhood impacts. Subsequent findings regarding Lower East Side transit solutions discussed in the SDEIS may supplement Build Alternative 3, or advance as an independent project.

The SDEIS will fully evaluate Build Alternative 3, including Options A and B, with respect to benefits and costs, environmental and other impacts (including any cumulative impacts) and proposed mitigation measures. The SDEIS will also provide responses to public comments received on the MESA DEIS during the public comment period, which occurred between August 13 and October 8, 1999.

While an alignment south of 63rd Street to Lower Manhattan was originally discussed during the preliminary MESA MIS, it was also considered during the Major Investment Study phase of the MTA's Lower Manhattan Access MIS. Much of the technical information gathered in the Lower Manhattan Alternatives MIS will be incorporated into the MESA SDEIS. The MTA will hold public meetings in late spring 2001 to discuss the conclusions and recommendations of the Lower Manhattan Alternatives MIS, which is scheduled for completion by the end of 2001.

As noted above the SDEIS will evaluate the potential social, economic and environmental impacts of a full-length Second Avenue Subway alternative. Upon completion the SDEIS will be made available for public and agency review and comment. Public hearing(s) will be held within the study area. On the basis of the SDEIS as well as comments received from the public participation process, a final EIS will be prepared.

Issued on: March 16, 2001.

Letitia Thompson,  
Regional Administrator, Federal Transit Administration.

[FR Doc. 01-7070 Filed 3-21-01; 8:45 am]

BILLING CODE 4910-57-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 33984]

#### **Borealis Infrastructure Trust Management Inc., Sole Trustee of the Borealis Transportation Infrastructure Trust—Acquisition Exemption—Detroit River Tunnel Company**

Borealis Infrastructure Trust Management Inc., sole trustee of the Borealis Transportation Infrastructure Trust (BTIT), a noncarrier, has filed a notice of exemption under 49 CFR 1150.37<sup>1</sup> to acquire, pursuant to a share and asset purchase agreement (agreement) with Canadian National Railway Company (CNR), CNR's undivided one-half interest in the Detroit River Tunnel Company (DRTC). The rail line of the DRTC extends for 3.24 miles between milepost 228.08 in Detroit, MI, and milepost 224.84 in Windsor, Ontario, CN, of which, according to BTIT, approximately 1.79 miles are located in the United States. The total area of DRTC's lands is approximately 27.894 acres, of which approximately 15.041 acres are located in Canada and approximately 12.853 acres are in the United States. In addition to an undivided one-half ownership interest in the DRTC, the agreement involves a long term lease of the Detroit River Tunnel property (the Tunnel), as well as CNR's undivided one-half ownership interest in certain improvements to the Tunnel. All shares of the stock of DRTC, a corporation of the State of Michigan and the Dominion of Canada, currently are held by CNCP Niagara-Detroit Partnership (N-D Partnership), which is equally owned by CNR and Canadian Pacific Railway Company (CPR).<sup>2</sup> As part of the proposed transaction, the N-D

<sup>1</sup> BTIT simultaneously filed a motion to dismiss the notice of exemption on jurisdictional grounds. That motion will be addressed by the Board in a separate decision.

<sup>2</sup> See *Canadian National Railway Company and Canadian Pacific Limited—Acquisition-Interests of Consolidated Rail Corporation in Canada Southern Railway Company and Detroit River Tunnel Company*, Finance Docket No. 30387 and *Canadian National Railway and Canadian Pacific Limited—Application for Trackage Rights Over Consolidated Rail Corporation Trackage in Detroit, MI*, Finance Docket No. 30387 (Sub-No. 1) (ICC served Sept. 4, 1984).

Partnership will be dissolved and its assets will be distributed to CNR and CPR, with CNR then transferring its undivided 50% interest in the Tunnel to BTIT. CPR and BTIT will form a new partnership, Detroit River Tunnel Partnership, which will be 50% owned by CPR and 50% owned by BTIT, and to which CPR and BTIT will contribute their undivided one-half interests in DRTC and the related Tunnel assets. BTIT certifies that its annual revenues will not exceed those that would qualify it as a Class III rail carrier.<sup>3</sup>

The transaction was scheduled to be consummated on or shortly after March 6, 2001, the effective date of the exemption (7 days after the exemption was filed).

Whether BTIT and its affiliates need an exemption for the acquisition described in this notice or need some other Board approval or exemption in connection with this transaction are matters that will be addressed by the Board in its consideration of BTIT's motion to dismiss.

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33984, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Fritz R. Kahn, 1920 N Street, N.W., 8th Floor, Washington, DC 20036-1601.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Dated: March 14, 2001.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.  
Vernon A. Williams,  
Secretary.

[FR Doc. 01-6867 Filed 3-21-01; 8:45 am]

BILLING CODE 4915-00-P

<sup>3</sup> This transaction is related to the following simultaneously filed verified notices of exemption: STB Finance Docket No. 34005, *Conodion Pacific Railway Company—Corporate Family Transaction Exemption—Interests in Detroit River Tunnel and Niagara River Bridge*; STB Finance Docket No. 34006, *Conodion Pacific Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company*; STB Finance Docket No. 34007, *Conodion Notional Railway Company—Corporate Family Exemption—Interest in Detroit River Tunnel and Niagara River Bridge*; and STB Finance Docket No. 34001, *Conodion Notional Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company*.

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34007]

#### Canadian National Railway Company—Corporate Family Transaction Exemption—Interest in Detroit River Tunnel and Niagara River Bridge

Canadian National Railway Company (CNR) has filed a notice of exemption under 49 CFR 1180.2(d)(3), for what CNR describes as a corporate family transaction involving CNR's creation with the Canadian Pacific Railway Company (CPR) of a new partnership, CNCP Niagara-Windsor Partnership (NWP), to control certain rail assets currently controlled by CNCP Niagara-Detroit Partnership (N-D Partnership). The transaction is related to CNR's anticipated transfer of certain interests in the Detroit River Tunnel property (the Tunnel) to Borealis Infrastructure Trust Management Inc., sole trustee of the Borealis Transportation Infrastructure Trust (BTIT). The Tunnel and other rail assets were acquired jointly by CNR and CPR in 1984, and those assets acquired by CNR and CPR at that time were placed under the control of N-D Partnership, of which CNR and CPR each hold an undivided 50% interest.<sup>1</sup> CNR states that the corporate arrangements described in and purported to be covered by this notice are beyond the scope of the Board's jurisdiction.<sup>2</sup>

The transaction was scheduled to be consummated on or shortly after March 6, 2001, the effective date of the exemption (7 days after the exemption was filed).<sup>3</sup>

<sup>1</sup> See *Canadian National Railway Company and Canadian Pacific Limited—Acquisition-Interests of Consolidated Rail Corporation in Conodo Southern Railway Company and Detroit River Tunnel Company*, Finance Docket No. 30387 and *Conodion Notional Railway and Canadian Pacific Limited—Application for Trackage Rights Over Consolidated Rail Corporation Trackage in Detroit, MI*, Finance Docket No. 30387 (Sub-No. 1) (ICC served Sept. 4, 1984).

<sup>2</sup> CNR simultaneously filed a motion to dismiss the notice of exemption on jurisdictional grounds. That motion will be addressed by the Board in a separate decision.

<sup>3</sup> This transaction is related to the following simultaneously filed verified notices of exemption: STB Finance Docket No. 33984, *Borealis Infrastructure Trust Management Inc., Sale Trustee of the Borealis Transportation Infrastructure Trust—Acquisition Exemption—Detroit River Tunnel Company*; STB Finance Docket No. 34005, *Conodion Pacific Railway Company—Corporate Family Transaction Exemption—Interests in Detroit River Tunnel and Niogoro River Bridge*; STB Finance Docket No. 34006, *Conodion Pacific Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company*; and STB Finance Docket No. 34001, *Canadian National Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company*.

The purpose of the transaction is to allow CNR and CPR to dissolve the N-D Partnership, permit distribution of the N-D Partnership assets to CNR and CPR, permit CNR's, transfer of its 50% interest in the Tunnel to BTIT, and then to allow CNR and CPR to create NWP.<sup>4</sup>

CNR has filed its notice of exemption under 49 CFR 1180.2(d)(3) based on its assertion that the proposed reorganization is exempt as one within the CNR corporate family.<sup>5</sup> As described, the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family, but whether CNR and its affiliates qualify for the corporate family transaction class exemption and whether they need that exemption or some other Board approval (or exemption) for the proposed transaction are matters that will be addressed by the Board in its consideration of CNR's motion to dismiss.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. As a condition to this exemption, any United States railroad employees, affected by the transaction will be protected by the conditions imposed in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34007, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Paul A. Cunningham, HARKINS

<sup>4</sup> The properties that will be held by NWP include as relevant here, the Canada Southern Railway Company (CSR), which is owned by N-D Partnership, whose lines are located entirely in Canada. CSR, in turn, controls the Niagara River Bridge Company, whose line extends across the U.S.-Canada border at Niagara Falls, NY.

<sup>5</sup> Unredacted versions of the draft Dissolution Agreement, the draft Distribution Agreement, and the draft Partnership Agreement, each relating to the dissolution of the N-D Partnership, and the creation of the NWP between CNR and CPR, as required by 49 CFR 1180.6(a)(7)(ii), were filed under seal. A motion for protective order was filed on February 27, 2001. That motion was granted and a protective order in this proceeding was served on March 14, 2001.

CUNNINGHAM, 801 Pennsylvania Ave., NW., Washington, DC 20004-2664.

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Decided: March 14, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,  
Secretary.

[FR Doc. 01-6865 Filed 3-21-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34005]

#### Canadian Pacific Railway Company-Corporate Family Transaction Exemption-Interests in Detroit River Tunnel and Niagara River Bridge

Canadian Pacific Railway Company (CPR) has filed a verified notice of exemption under 49 CFR 1180.2(d)(3)<sup>1</sup> for what CPR describes as a corporate family transaction involving CPR's reorganization of certain assets in the Detroit River Tunnel (Tunnel) and the Niagara River Bridge (Bridge).<sup>2</sup>

The Detroit River Tunnel Company (DRTC) currently owns the Tunnel and leases it to the CNCP Niagara-Detroit Partnership (N-D Partnership). N-D Partnership owns all of the voting stock of DRTC. The Niagara River Bridge Company (NRBC) currently owns the Bridge and leases it to N-D Partnership. NRBC is a wholly owned subsidiary of Canadian Southern Railway Company (CSR). N-D Partnership owns all of the voting stock of CSR. CPR owns a 50% partnership interest in N-D Partnership and holds a 50% undivided interest in the Tunnel and the Bridge through N-D Partnership. The Canadian National Railway Company (CN) owns the other 50% partnership interest in N-D Partnership.

Under the proposed transaction, N-D Partnership will be dissolved and its assets distributed equally to its partners CPR and CN. CPR will contribute its 50% undivided interest in the Tunnel, including the stock of DRTC and the Tunnel lease, to Detroit River Tunnel Partnership (DRT Partnership), a noncarrier partnership. Also, CPR will contribute its 50% undivided interest in

the non-Tunnel assets, including the stock of CSR and the Bridge lease, to CNCP Niagara-Windsor Partnership (N-W Partnership), a noncarrier partnership. Upon consummation, CPR will own a 50% partnership interest in both DRT Partnership and N-W Partnership.<sup>3</sup>

The transaction was scheduled to be consummated on or soon after the March 6, 2001 effective date of the exemption (7 days after the exemption was filed).

CPR has filed its notice of exemption under 49 CFR 1180.2(d)(3) based on its assertion that the proposed reorganization is exempt as one within the CPR corporate family.<sup>4</sup> As described, the transaction will not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family, but whether CPR and its affiliates qualify for the corporate family transaction class exemption and whether they need that exemption or some other Board approval (or exemption) for the proposed transaction are matters that will be addressed by the Board in its consideration of CPR's motion to dismiss.

Applicants state that the reorganization of CPR's ownership interests in the Tunnel and Bridge will affect no CPR employees. Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its United States employees. As a condition to this exemption, any United States employee affected by the transaction will be protected by the conditions imposed in

<sup>3</sup> This transaction is related to the following verified notices of exemption all filed at the Board on February 27, 2001: STB Finance Docket No. 34006, *Canadian Pacific Railway Company-Trackage Rights Exemption-Detroit River Tunnel Company*; STB Finance Docket No. 33984, *Borealis Infrastructure Trust Management, Inc., Sole Trustee of the Borealis Transportation Infrastructure Trust-Acquisition Exemption-Detroit River Tunnel Company*; STB Finance Docket No. 34007, *Canadian National Railway Company-Corporate Family Transaction Exemption-Interest in Detroit River Tunnel and Niagara River Bridge*; and STB Finance Docket No. 34001, *Canadian National Railway Company-Trackage Rights Exemption-Detroit River Tunnel Company*.

<sup>4</sup> Unredacted versions of the Distribution Agreement among CPR, CN and N-D Partnership, the Dissolution Agreement between CPR and CN, the Partnership Agreement between CPR and Borealis Infrastructure Trust Management, Inc. (Borealis), the Operating, Management and Maintenance Agreement among DRT Partnership, CPR and Borealis, and the Partnership Agreement between CPR and CN, as required by 49 CFR 1180.6(a)(7)(ii), were filed under seal. A motion for a protective order, filed on February 27, 2001, was granted by the Board's decision served on March 14, 2001.

*New York Dock Ry.-Control-Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34005, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on George W. Mayo, Esq., Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004-1109.

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Dated: March 14, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,  
Secretary.

[FR Doc. 01-6866 Filed 3-21-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

March 15, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before April 23, 2001, to be assured of consideration.

#### Internal Revenue Service (IRS)

OMB Number: 1545-1714.

Form Number: None.

Type of Review: Extension.

Title: Tip Reporting Alternative Commitment (TRAC) for most industries.

Description: Information is required by the Internal Revenue Service in its tax compliance efforts to assist employers and their employees in

<sup>1</sup> On February 27, 2001, CPR also filed a motion to dismiss the notice of exemption on jurisdictional grounds. That motion will be addressed by the Board in a separate decision.

<sup>2</sup> According to CPR, a portion of the Tunnel (approximately 1.8 route miles) and the Bridge (approximately .2 route miles) are located in the United States.

understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 300.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 16 hours, 16 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 4,877 hours.

*OMB Number:* 1545-1715.

*Form Number:* None.

*Type of Review:* Extension.

*Title:* Tip Rate Determination Agreement (for use by employers in the food and beverage industry).

*Description:* Information is required the Internal Revenue Service in its tax compliance efforts to assist employers and their employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 200.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 11 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 1,737 hours.

*OMB Number:* 1545-1716.

*Notice Number:* Notice 2001-1.

*Type of Review:* Extension.

*Title:* Employer-designed Tip Reporting Program for the Food and Beverage Industry (EmTRAC).

*Description:* Information is required by the Internal Revenue Service in its tax compliance efforts to assist employers and the employees in understanding and complying with section 6053(a), which requires employees to report all their tips monthly to their employers.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 20.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 44 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 870 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503; (202) 395-7860.

**Mary A. Able,**

*Departmental Reports Management Officer.*

[FR Doc. 01-7075 Filed 3-21-01; 8:45 am]

**BILLING CODE 4830-01-U**

## DEPARTMENT OF THE TREASURY

### Office of Thrift Supervision

[AC-3: OTS Nos. H-3721 and 05635]

#### Fidelity Bankshares, Inc., West Palm Beach, Florida; Approval of Conversion Application

Notice is hereby given that on March 15, 2001, the Managing Director, Office of Supervision, Office of Thrift Supervision, or his designee, acting pursuant to delegated authority, approved the application of Fidelity Bankshares, Inc., West Palm Beach, Florida, to convert to the stock form of organization. Copies of the application are available for inspection at the Dissemination Branch, Office of Thrift Supervision 1700 G Street, NW., Washington, DC 20552, and the Southeast Regional Office, Office of Thrift Supervision, 1475 Peachtree Street, NE, Atlanta, GA 30309.

Dated: March 19, 2001.

By the Office of Thrift Supervision.

**Nadine Y. Washington,**

*Corporate Secretary.*

[FR Doc. 01-7149 Filed 3-21-01; 8:45 am]

**BILLING CODE 6720-01-M**



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## Corrections

Federal Register

Vol. 66, No. 56

Thursday, March 22, 2001

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This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

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### DEPARTMENT OF JUSTICE

#### Antitrust Division

#### **Notice Pursuant to the National Cooperative Research and Production Act of 1993—Teaming Agreement for Implementation of the Advanced Gun Systems Program**

##### *Correction*

In notice document 01-5719 appearing on page 13973 in the issue of Thursday, March 8, 2001, make the following correction:

On page 13973, in the first column, in the first paragraph, the date "April 17, 2000" should read "April 7, 2000".

[FR Doc. C1-5719 Filed 3-21-01; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

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Thursday,  
March 22, 2001

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Part II

## Department of Education

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Office of Special Education and  
Rehabilitative Services; List of  
Correspondence; Notice

**DEPARTMENT OF EDUCATION****Office of Special Education and Rehabilitative Services; List of Correspondence**

**AGENCY:** Department of Education.

**ACTION:** List of correspondence from October 1, 2000 through December 31, 2000.

**SUMMARY:** The Secretary is publishing the following list pursuant to section 607(d) of the Individuals with Disabilities Education Act (IDEA). Under section 607(d) of IDEA, the Secretary is required, on a quarterly basis, to publish in the *Federal Register* a list of correspondence from the Department of Education received by individuals during the previous quarter that describes the interpretations of the Department of Education of IDEA or the regulations that implement IDEA.

**FOR FURTHER INFORMATION CONTACT:**

Melisande Lee or JoLeta Reynolds. Telephone: (202) 205-5507. If you use a telecommunications device for the deaf (TDD) you may call (202) 205-5465 or the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain a copy of this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to Katie Mincey, Director of the Alternate Formats Center. Telephone: (202) 205-8113.

**SUPPLEMENTARY INFORMATION:** The following list identifies correspondence from the Department issued between October 1, 2000 and December 31, 2000.

Included on the list are those letters that contain interpretations of the requirements of IDEA and its implementing regulations, as well as letters and other documents that the Department believes will assist the public in understanding the requirements of the law and its regulations. The date and topic addressed by a letter are identified, and summary information is also provided, as appropriate. To protect the privacy interests of the individual or individuals involved, personally identifiable information has been deleted, as appropriate.

**Part A—General Provisions***Section 602—Definitions*

Topic Addressed: Child with a Disability

- Letter dated November 21, 2000 to U.S. Congressman Peter Hoekstra regarding the appropriate roles of educators and physicians in respectively providing Part B services

to, and conducting medical diagnoses of, students with attention deficit disorder (ADD) or attention deficit hyperactivity disorder (ADHD).

**Part B—Assistance for Education of All Children With Disabilities**

*Section 611—Authorization; Allotment; Use of Funds; Authorization of Appropriations*

*Section 619—Preschool Grants*

Topic Addressed: Use of Funds

- Letters dated December 12, 2000 to individuals, (personally identifiable information redacted), regarding revisions to the formula for distribution of funds awarded under Part B of IDEA and increases in Federal funding levels for special education programs.

*Section 612—State Eligibility*

Topic Addressed: Confidentiality

- Letters dated October 26, 2000 to U.S. Congressman Peter Hoekstra and to U.S. Congressman Bob Schaffer regarding privacy requirements that ensure the confidentiality of student information collected by the Department in connection with all surveys and information collections.

Topic Addressed: Children in Private Schools

- Letter dated October 2, 2000 to Attorney Michael I. Inzelbuch regarding the ability of a hearing officer to require a school district to provide Part B services to children in parochial private school settings and the need to review on a case-by-case basis applicable law including the establishment of religion clause of the First Amendment of the U.S. Constitution.

Topic Addressed: State Educational Agency General Supervisory Authority

- Letter dated December 12, 2000 to individual, (personally identifiable information redacted), regarding the provisions in the IDEA Amendments of 1997 that reduce unnecessary paperwork.

- Letter dated December 20, 2000 to U.S. Senator John Edwards clarifying that, to reduce paperwork, there is no requirement that school districts use any specific forms as long as their content is consistent with the IDEA Amendments of 1997.

Topic Addressed: Information Required for Receipt of Grant Awards

- OSEP memorandum 01-4 dated November 9, 2000 regarding procedures for States to follow to receive a grant award under sections 611 and 619 of

Part B of IDEA for Federal Fiscal Year 2001.

Topic Addressed: Interagency Coordination

- Letter dated December 27, 2000 to Oregon Department of Education Executive Legal Officer, C. Gregory McMurdo, regarding interagency agreements and financial responsibility under Part B of the IDEA and the Rehabilitation Act of 1973 with regard to transition services for students with disabilities.

*Section 615—Procedural Safeguards*

Topic Addressed: Mediation

- OSEP memorandum 01-5 dated November 30, 2000 restating and consolidating the Department's guidance regarding mediation under Part B of IDEA.

Topic Addressed: Due Process Hearings

- Letter dated October 19, 2000 to Attorney Winona W. Zimmerlin regarding Connecticut's statutory provisions (a) establishing a two-year limit for requesting a due process hearing; (b) prohibiting the introduction of issues at a hearing that were not previously raised in a planning and placement team meeting; and (c) enabling hearing officers to comment on the conduct of due process proceedings.
- Letter dated November 22, 2000 to Vermont State Department of Education Legal Counsel, John A. Nelson, regarding the requirement to provide parents with transcripts of due process hearings at no cost.

Topic Addressed: Student Discipline

- Letter dated December 20, 2000 to U.S. Senator Bob Graham regarding the types of disciplinary removals that are available under IDEA '97, including placement in interim alternative educational settings.

**Part C—Infants and Toddlers With Disabilities**

*Sections 631-641*

Topic Addressed: Payor of Last Resort

- Letter dated December 19, 2000 to Office of CHAMPUS Management Activity regarding proposed CHAMPUS regulations (including its "pay first" and "medical services" provisions) and their relationship to Part C's "payor of last resort" and other provisions.

Topic Addressed: State Lead Agency General Supervisory Responsibility

- Letter dated October 19, 2000 to Louisiana Department of Education Superintendent, Cecil Picard, regarding the lead agency's responsibility under

Part C concerning general administration and supervision, together with assigning financial responsibility among appropriate agencies.

Topic Addressed: State Interagency Coordinating Council

- OSEP memorandum 01-2 dated November 8, 2000 regarding the requirements for submitting annual performance reports, and clarifying that a single report can be used to satisfy both the Education Department General Regulations (EDGAR) and the Part C ICC reporting requirements.

Topic Addressed: Natural Environments

- Letter dated November 1, 2000 to individual, (personally identifiable information redacted), regarding the requirements of providing early intervention services in natural environments and including appropriate justifications on the individualized family service plan (IFSP).

Topic Addressed: State Application and Assurances

- OSEP memorandum 01-3 dated November 8, 2000 regarding procedures for receiving Part C grant awards for Fiscal Year 2001.

*Other Letters Relevant to the Administration of Idea Programs*

Topic Addressed: Promotion and Retention

- Letter dated November 9, 2000 to individual, (personally identifiable information redacted), regarding the relevance of Part B provisions on the individualized education program (IEP), the IEP team, educational placement, and procedural safeguards to promotion and retention decisions.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable

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**Note:** The official version of this document is published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html> (Catalog of Federal Domestic Assistance Number 84.027, Assistance to States for Education of Children with Disabilities)

Dated: March 19, 2001.

**Andrew Pepin,**

*Executive Administrator, Office of Special Education and Rehabilitative Services.*

[FR Doc. 01-7125 Filed 3-21-01; 8:45 am]

BILLING CODE 4000-01-U





# Reader Aids

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Spent nuclear fuel and high-  
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Approved spent fuel storage  
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**S.J. Res. 6/P.L. 107-5**

Providing for congressional disapproval of the rule submitted by the Department

of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. (Mar. 20, 2001; 115 Stat. 7)

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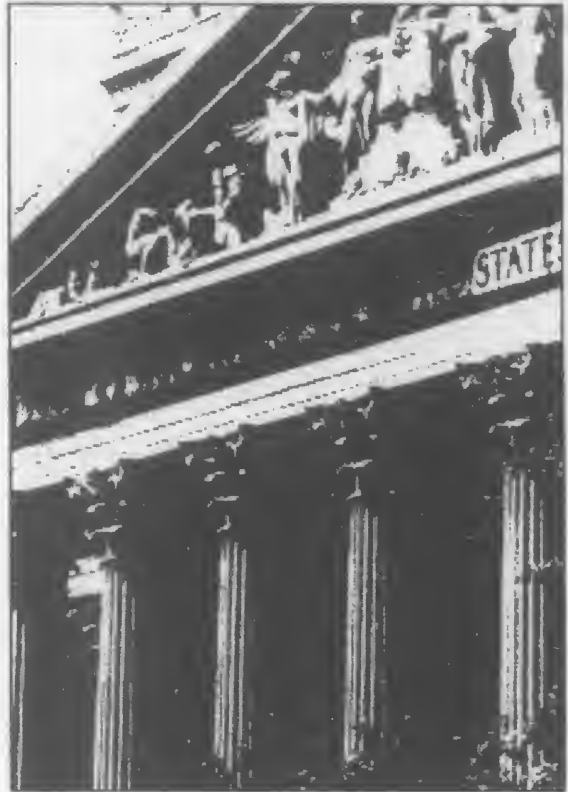
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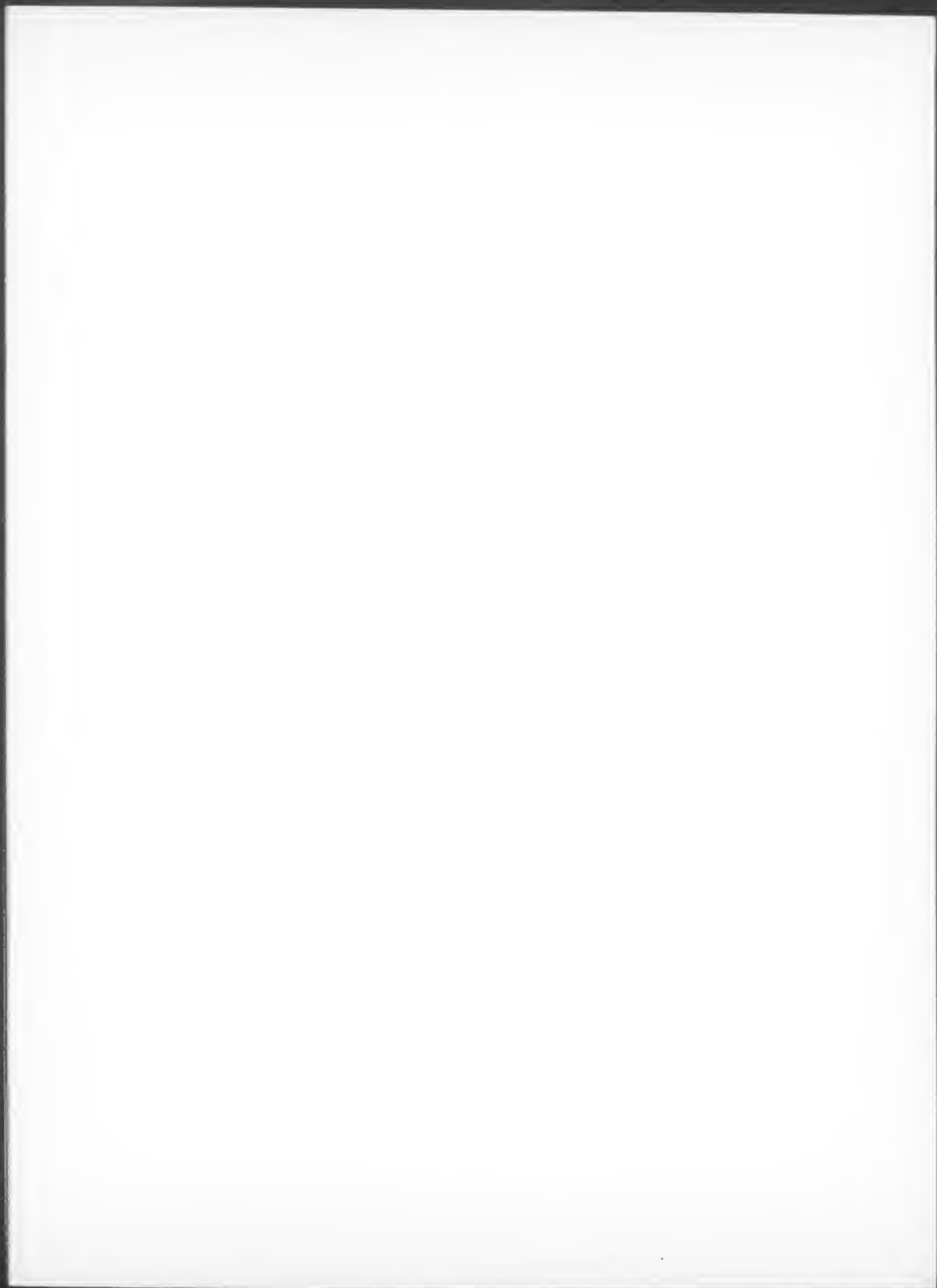
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