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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–94–AD; Amendment 39–12201; AD 2001–08–24]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 737 series airplanes. This action requires revising the Airplane Flight Manual to prohibit extended dry operation of the center tank fuel pumps (with no fuel passing through the pumps). This action is necessary to prevent ignition of fuel vapors due to the generation of sparks and a potential ignition source inside the center tank caused by metal-to-metal contact during dry fuel pump operation, which could result in a fire or explosion of the fuel tank. This action is intended to address the identified unsafe condition.

DATES: Effective May 10, 2001.

Comments for inclusion in the Rules Docket must be received on or before June 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–94–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–94–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

Information related to this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sherry Vevea, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1360; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On March 3, 2001, a Boeing Model 737–400 series airplane caught fire and burned while parked at a bay at the Don Muang International Airport, Bangkok, Thailand. Although the accident investigation is ongoing and the probable cause of the accident has not been identified, the Government of Thailand, in conjunction with the National Transportation Safety Board, has determined that the center tank exploded shortly after the main fuel tanks of the airplane were refueled. It appears that the center tank fuel pumps were operating dry (no fuel was passing through the pumps) at the time of the explosion.

This accident is similar to the 1990 center tank explosion that occurred on a Boeing Model 737–300 series airplane. The ignition source of that explosion was never identified. The center tank fuel pumps were operating dry at the time of that explosion.

Extended dry operation of the center tank fuel pumps, which had occurred prior to both incidents, is contrary to the manufacturer's procedures for safe operation of the fuel pumps. Extended dry pump operation can result in overheating and excessive wear of the pump bearings and consequent contact between rotating and nonrotating parts of the pumps. Both overheating of the bearings and contact between rotating and nonrotating parts have the potential to create an ignition source in the form of hot surfaces or sparks. In addition, during dry operation of the pumps, ignition of vapor in a fuel pump can create a flame front that can reach the fuel tank and cause a fuel tank explosion.

In light of this information, the FAA finds that certain procedures should be included in the FAA-approved Airplane Flight Manual (AFM) for Model 737 series airplanes to prohibit dry operation of center tank fuel pumps. The FAA has determined that such procedures currently are not defined adequately in the AFM for these airplanes.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent ignition of fuel vapors due to the generation of sparks and a potential ignition source inside the center tank caused by metal-to-metal contact during dry fuel pump operation, which could result in a fire or explosion of the fuel tank. This AD requires revising the AFM to prohibit extended dry operation of the center tank fuel pumps.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments

received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001–NM–94–AD." The postcard will be date-stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from 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.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

2001–08–24 Boeing: Amendment 39–12201. Docket 2001–NM–94–AD.

Applicability: All Model 737 series airplanes, certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent ignition of fuel vapors due to the generation of sparks and a potential ignition source inside the center tank caused by metal-to-metal contact during dry fuel pump operation, which could result in a fire or explosion of the fuel tank, accomplish the following:

Revision of Airplane Flight Manual (AFM)

(a) Within 7 days after the effective date of this AD, revise the Limitations Section of the FAA-approved AFM to include the following information. This may be accomplished by inserting a copy of this AD into the AFM.

"For ground operation, center tank fuel pump switches must not be positioned to "ON" unless the center tank fuel quantity exceeds 1,000 pounds (453 kilograms), except when defueling or transferring fuel. Center tank fuel pump switches must be positioned to "OFF" when both center tank fuel pump low pressure lights illuminate. Center tank fuel pumps must not be "ON" unless personnel are available in the flight deck to monitor low pressure lights."

Alternative Methods of Compliance

(b) 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, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 1: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 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.

Effective Date

(d) This amendment becomes effective on May 10, 2001.

Issued in Renton, Washington, on April 18, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10177 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–83–AD; Amendment 39–12191; AD 2001–08–13]

RIN 2120–AA64

Airworthiness Directives; Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Gulfstream Model G–1159, G–1159A, G–1159B, G–IV, and G–V series airplanes. This action requires an inspection to determine if certain door control valves of the landing gear are installed, and modification of the valve, if necessary. This action is necessary to prevent loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models. This action is intended to address the identified unsafe condition.

DATES: Effective May 10, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 2001.

Comments for inclusion in the Rules Docket must be received on or before June 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114,

Attention: Rules Docket No. 2001–NM–83–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–83–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D–10, Savannah, Georgia 31402–9980. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Frank Mokry, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6066; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION: The FAA has received reports indicating that in-flight failures of a certain door control valve of the landing gear (Gulfstream part number (P/N) 1159SCH231–33 with Eaton/Sterer P/N 65940–1) have occurred on Gulfstream Model G–IV and G–V series airplanes. Investigation has revealed that the spool and sleeve assembly were ejected from the valve body, which resulted in complete loss of system hydraulic fluid. The investigation also revealed that the cause of the ejection was pressure buildup in the cavity of the body behind the spool and sleeve assembly. Although that control valve has been incorporated into the Gulfstream fleet of airplanes since the certification of the G–II model, it has undergone various design and dash number changes over the years. The control valve is used for extension and retraction operations for the nose landing gear and the left and right main landing gear.

Such failure of the door control valves of the landing gear, if not corrected, could result in complete loss of the combined hydraulic system fluid on Models G–1159, G–1159A, G–1159B, and G–IV series airplanes, and loss of fluid in the left hydraulic system in Model G–V series airplanes. Loss of the hydraulic system fluid requires the flight crew to use the airplane alternate gear extension procedures (landing gear blow down) for landing on all models.

Similar Condition on Other Models

Door control valves of the landing gear having P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1 that are installed on Gulfstream Model G–IV and G–V series airplanes may also be installed on Gulfstream Model G–1159, G–1159A, and G–1159B series airplanes. Therefore, all of these models may be subject to the same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Gulfstream G–II Alert Customer Bulletin (ACB) No. 27 (for Model G–1159 and G–1159A series airplanes), G–III ACB No. 13 (for Model G–1159B series airplanes), G–IV ACB No. 27 (for Model G–IV), and G–V ACB No. 12 (for Model G–V series airplanes); all dated March 20, 2001. These ACB's describe procedures for performing a general visual inspection to determine if any door control valves of the landing gear having part number P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1,–1 Rev. A, or –1 Rev. B, are installed that contain certain serial numbers. The ACB's also describe procedures for modifying the door control valves by installing a new improved set screw with a pressure relief hole in it, filling with Dow Corning RTV 732 sealant, and labeling the valve as P/N 65940–1 Rev. C. Accomplishment of the actions specified in the ACB's is intended to adequately address the identified unsafe condition.

Additional Source of Service Information

The Gulfstream ACB's also reference Eaton Aerospace Sterer Engineering Service Bulletin 65940–27–01, dated March 1, 2001, as an additional source of service information.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prevent loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models. This AD requires accomplishment of the actions specified in the ACB's described previously, except as discussed below.

Difference Between AD and the ACB's

Operator's should note that the ACB's do not provide procedures to perform a visual inspection to determine if the specified Gulfstream and Eaton/Sterer valve P/N's are installed. Therefore, this AD provides those procedures in order to clarify that the inspection for certain serial numbers of the valves, and modification of the control valves, need only be done on airplane models having certain Gulfstream and Eaton/Sterer valve P/N's. Additionally, we have clarified that the requirements of this AD are unnecessary for airplane models that may have previously accomplished the replacement of the landing gear control valves with valves having P/N 65940–1 Rev. C.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.

• Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NM–83–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption "**ADDRESSES**."

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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:

2001–08–13 Gulfstream Aerospace Corporation: Amendment 39–12191. Docket 2001–NM–83–AD.

Applicability: Model G–1159, G–1159A, G–1159B, G–IV, and G–V series airplanes, as specified in the Gulfstream Alert Customer Bulletins listed in the following table; certificated in any category:

TABLE—GULFSTREAM AIRPLANE MODELS AND ALERT CUSTOMER BULLETIN'S (ACB)

Model	ACB No.	Dated
G–1159 and G–1159A (G–II/IIB) series airplanes	27	March 20, 2001.
G–1159B (G–III) series airplanes	13	March 20, 2001.
G–IV series airplanes	27	March 20, 2001.
G–V series airplanes	12	March 20, 2001.

Note 1: This AD applies to each airplane 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 airplanes 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 (d) 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 prevent loss of hydraulic system fluid due to failure of the door control valve of the landing gear, which could require the flight crew to use alternate gear extension procedures (landing gear blow down) for landing of all models; accomplish the following:

Inspection and Replacement of Valves

(a) Within 15 landings or 30 days after the effective date of this AD, whichever occurs later: Perform a general visual inspection to determine if any landing gear door control valve having Gulfstream part number (P/N) 1159SCH231–33 with Eaton/Sterer P/N 65940–1, –1 Rev. A, or –1 Rev. B, is installed.

Note 2: For the purposes of this AD, a general visual inspection is defined as: "A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) If no valve has those P/N's, no further action is required by this paragraph.

(2) If all valves found have P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1, Rev. C, no further action is required by this paragraph.

(b) If any valve has a door control valve of the landing gear having Gulfstream P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1 and a serial number as specified in paragraph (b)(1) or (b)(2) of this AD: Replace the set screw with a new set screw, fill with Dow Corning RTV 732 sealant, and label the valve as P/N 65940–1 Rev. C; in accordance with Gulfstream G–II ACB No. 27 (for Model G–1159 and G–1159A series airplanes), G–III ACB No. 13 (for Model G–1159B series airplanes), G–IV ACB No. 27 (for Model G–IV series airplanes), and G–V ACB No.12 (for Model G–V series airplanes); all dated March 20, 2001, as applicable; at the times specified in paragraph (b)(1) or (b)(2), as applicable.

(1) For valves having serial number 1900 or higher: Within 5 landings or 15 days after the effective date of this AD, whichever occurs later.

(2) For valves having a serial number less than 1900: Within 50 landings or 90 days after the effective date of this AD, whichever occurs later.

Note 3: The Gulfstream ACB's specified in paragraphs (a) and (b) of this AD reference Eaton Aerospace Sterer Engineering Service Bulletin 65940–27–01, dated March 1, 2001, as an additional source of service information.

(c) As of the effective date of this AD, no person shall install on any airplane a door control valve of the landing gear, Gulfstream P/N 1159SCH231–33 with Eaton/Sterer P/N 65940–1, unless that valve has been modified in accordance with paragraph (b) of this AD.

Alternative Methods of Compliance

(d) 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, Atlanta Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 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.

Incorporation by Reference

(f) With the exception of the general visual inspection required by paragraph (a) of this AD, the actions shall be done in accordance with Gulfstream G–II Alert Customer Bulletin No. 27, dated March 20, 2001; Gulfstream G–III Alert Customer Bulletin No. 13, dated March 20, 2001; Gulfstream G–IV Alert Customer Bulletin No. 27, dated March 20, 2001; and Gulfstream G–V Alert Customer Bulletin No. 12, dated March 20, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Gulfstream Aerospace Corporation, P.O. Box 2206, M/S D–10, Savannah, Georgia 31402–9980. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(g) This amendment becomes effective on May 10, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9876 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–67–AD; Amendment 39–12190; AD 2000–26–09 R1]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment revises an existing airworthiness directive (AD), applicable to all Dornier Model 328–100 series airplanes, that currently requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This amendment adds information pertaining to certain material incorporated by reference. This amendment is prompted by the issuance of revisions to the Dornier 328 Airworthiness Limitations Document. The actions specified by this AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

DATES: Effective February 7, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 10, 2001.

Comments for inclusion in the Rules Docket must be received on or before May 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–67–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–67–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tom Groves; Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1503; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION: On December 22, 2000, the FAA issued AD 2000–26–09, amendment 39–12059 (66 FR 265, January 3, 2001), applicable to all Dornier Model 328–100 series airplanes, to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. That action was prompted by issuance of revisions to the Dornier 328 Airworthiness Limitations Document. The actions required by that AD are intended to ensure that fatigue cracking of certain structural elements is detected and corrected; such fatigue cracking could adversely affect the structural integrity of these airplanes.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the FAA notes that we inadvertently did not provide information pertaining to the incorporation by reference of certain materials. The incorporation by reference of certain materials allows Federal agencies to comply with the requirement to publish rules in the **Federal Register** by referring to materials already published elsewhere. The legal effect of incorporation by reference is that the material is treated as if it were published in the **Federal Register**. This material, like any other properly issued rule, has the force and effect of law. Congress authorized incorporation by reference in the Freedom of Information Act to reduce the volume of material published in the **Federal Register** and Code of Federal Regulations (CFR).

FAA's Findings

The FAA has revised AD 2000–26–09 to incorporate by reference Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD) TM–ALD–010693–ALL, dated July 25, 1997, and certain Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS), which were referenced in that AD as the appropriate source documents necessary to accomplish the requirements of that AD. We have revised that AD to include that information by adding a new paragraph (e) to this revised AD, and have renumbered the subsequent paragraph accordingly.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or

develop on other airplanes of the same type design registered in the United States, this AD revises AD 2000–26–09 to continue to require revising the Dornier 328 Airworthiness Limitations Document to incorporate life limits for certain items and inspections to detect fatigue cracking in certain structures. This revised AD adds information, as discussed above, pertaining to certain material incorporated by reference.

Determination of Rule's Effective Date

The FAA has determined that this AD action has no adverse economic impact on any person, does not impose any new requirements or provide any additional burden on any person, in order to accomplish the requirements of this AD. Therefore, prior notice and public procedures hereon are unnecessary and this amendment is made effective as of February 7, 2001 (the effective date of AD 2000–26–09).

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the 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 that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001–NM–67–AD." The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will 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. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 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 removing amendment 39–12059 (66 FR 265, January 3, 2001), and by adding a new airworthiness directive (AD), amendment 39–12190, to read as follows:

2000–26–09 R1 Dornier Luftfahrt GMBH: Amendment 39–12190. Docket 2001–NM–67–AD. Revises AD 2000–26–09, Amendment 39–12059.

Applicability: All Model 328–100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 ensure continued structural integrity of these airplanes, accomplish the following:

Airworthiness Limitations Revision

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by incorporating Revision 13 of the Dornier 328 Airworthiness Limitations Document (ALD), TM–ALD–010693–ALL, dated July 25, 1997, and the Temporary Revision (TR) documents into the Airworthiness Limitations Section (ALS) listed in Table 1, as follows:

TABLE 1.—TEMPORARY REVISIONS

TR No.	Date of issue
TR ALD–042	January 31, 1997.
TR ALD–048	May 12, 1998.
TR ALD–050	October 2, 1997.
TR ALD–052	December 11, 1997.
TR ALD–053	April 29, 1998.
TR ALD–054	May 12, 1998.
TR ALD–055	May 26, 1998.
TR ALD–056	July 22, 1998.
TR ALD–057	October 23, 1998.
TR ALD–059	December 11, 1998.
TR ALD–062	May 18, 1999.
TR ALD–063	August 10, 1999.
TR ALD–064	October 10, 1999.
TR ALD–065	November 26, 1999.
TR ALD–067	February 7, 2000.
TR ALD–068	February 4, 2000.
TR ALD–070	May 25, 2000.

Note 2: When the TR documents have been incorporated into the latest issue of the general revisions of the ALD, the general revisions may be incorporated into the ALS, provided that the information contained in the general revisions is identical to that specified in the TR documents.

(b) Except as provided in paragraph (c) of this AD: After the actions specified in

paragraph (a) of this AD have been accomplished, no alternative inspections or inspection intervals may be approved for the structural elements specified in the documents listed in paragraph (a) of this AD.

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, International Branch, ANM–116, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(d) Special flight permits may be issued in accordance with sections 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.

Incorporation by Reference

(e) The actions shall be done in accordance with Revision 13 of the Dornier 328 Airworthiness Limitations Document, TM–ALD–010693–ALL, dated July 25, 1997; and the Dornier Temporary Revisions listed in Table 2, as follows:

TABLE 2.—TEMPORARY REVISIONS

TR No.	Date of issue
TR ALD–042	January 31, 1997.
TR ALD–048	May 12, 1998.
TR ALD–050	October 2, 1997.
TR ALD–052	December 11, 1997.

TABLE 2.—TEMPORARY REVISIONS—Continued

TR No.	Date of issue
TR ALD–053	April 29, 1998.
TR ALD–054	May 12, 1998.
TR ALD–055	May 26, 1998.
TR ALD–056	July 22, 1998.
TR ALD–057	October 23, 1998.
TR ALD–059	December 11, 1998.
TR ALD–062	May 18, 1999.
TR ALD–063	August 10, 1999.
TR ALD–064	October 10, 1999.
TR ALD–065	November 26, 1999.
TR ALD–067	February 7, 2000.
TR ALD–068	February 4, 2000.
TR ALD–070	May 25, 2000.

Revision 13 of the Dornier Airworthiness Limitations Document TM–ALD–010693–ALL, contains the following list of effective pages:

Page No.	Revision level shown on page	Date shown on page
List of Effective Pages: Pages 1, 2	13	July 25, 1997.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fairchild Dornier, Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(f) This amendment becomes effective on February 7, 2001.

Issued in Renton, Washington, on April 16, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9877 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 28154; Amendment No. 121–283]

Emergency Exits

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The Federal Aviation Administration (FAA or "we") is amending our regulations by removing an obsolete cross reference. This change is necessary to correct an error and will not impose any additional burdens or restrictions on persons or organizations affected by these regulations.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT: Michael J. Coffey, Air Carrier Operations Branch (AFS–220), Air Transportation Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267–3750.

SUPPLEMENTARY INFORMATION:

Background

On January 26, 1996, we published a final rule that made numerous editorial and terminology changes to the regulations governing air carriers and commercial operators (61 FR 2608). These regulations are found at 14 CFR parts 119, 121, and 135. The 1996 rule was necessary due to an earlier final rule that updated and consolidated the regulations governing the operations of commuter airlines. See 60 FR 65913, Dec. 20, 1995.

During the course of these two rulemakings, which involved numerous changes, we inadvertently failed to delete a cross reference in 14 CFR 121.310(m) to 14 CFR 121.627(c), which no longer exists in our regulations. The purpose of this action is to eliminate the obsolete cross reference to avoid causing any confusion amongst those whose activities are governed by 14 CFR part 121.

This change is editorial in nature and has no substantive impact on the persons or organizations governed by these regulations. Under the Administrative Procedure Act, an agency doesn't have to issue a notice of proposed rulemaking when the agency for good cause finds that notice and public procedure are "impracticable, unnecessary, or contrary to the public interest." See 5 U.S.C. 553(b). Because this technical amendment simply corrects an obsolete cross reference, we find that publishing the change for public notice and comment is unnecessary.

The Administrative Procedure Act also states that an agency must publish a substantive rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause. See 5 U.S.C. 553(d). We find that this technical amendment imposes no additional burden or requirement on the regulated industry, and thus, is not substantive in nature. Moreover, we find that there is good cause to make the correction effective immediately upon publication in the **Federal Register**. It is not in the public interest to have an obsolete cross reference in our regulations. It is in the public interest to correct the error without any further delay.

This regulation is editorial in nature and imposes no additional burden on any person or organization. Accordingly, we have determined that

the action: (1) Is not a significant rule under Executive Order 12866; and (2) is not a significant rule under Department of Transportation Regulatory Policy and Procedures. Also, because this regulation is editorial in nature, no impact is expected to result, and a full regulatory evaluation is not required. In addition, the FAA certifies that the rule 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.

List of Subjects in 14 CFR Part 121

Air Carriers, Aircraft, Airmen, Aviation safety, Charter flights.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 121 of title 14 of the Code of Federal Regulations as follows:

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 40119, 44101, 44701–44702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44901, 44903–44904, 44912, 46105.

2. Amend § 121.310 by revising paragraph (m) to read as follows:

§ 121.310 Additional emergency equipment.

* * * * *

(m) Except for an airplane used in operations under this part on October 16, 1987, and having an emergency exit configuration installed and authorized for operation prior to October 16, 1987, for an airplane that is required to have more than one passenger emergency exit for each side of the fuselage, no passenger emergency exit shall be more than 60 feet from any adjacent passenger emergency exit on the same side of the same deck of the fuselage, as measured parallel to the airplane's longitudinal axis between the nearest exit edges.

Issued in Washington, DC, on April 19, 2001.

Donald P. Byrne,

Assistant Chief Counsel, Regulations Division.

[FR Doc. 01–10238 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Parts 1 and 190

RIN 3038—AB67

Opting Out of Segregation

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rules.

SUMMARY: Pursuant to section 111 of the Commodity Futures Modernization Act of 2000, the Commodity Futures Trading Commission ("Commission" or "CFTC") is adopting a new rule allowing futures commission merchants ("FCM") to offer certain customers the right to elect not to have funds, that are being carried by the FCM for purposes of margining, guaranteeing or securing the customers' trades on or through a registered derivatives transaction execution facility ("DTF"), separately accounted for and segregated. This is sometimes referred to as "opting out" of segregation. The CFTC is also adopting amendments to certain existing rules that would, among other things, govern the bankruptcy treatment of a customer that opts out of segregation.

EFFECTIVE DATE: June 19, 2001.

FOR FURTHER INFORMATION CONTACT: Lawrence B. Patent, Associate Chief Counsel, or Michael A. Piracci, Attorney-Advisor, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5430.

SUPPLEMENTARY INFORMATION:

I. Background

A. Introduction

The Commodity Futures Modernization Act of 2000 ("CFMA"),[1] enacted on December 21, 2000, included a new section 5a of the Commodity Exchange Act (the "Act")[2] to permit a board of trade, subject to certain conditions, to elect to operate as a registered DTF in lieu of seeking designation as a contract market.[3] In order to operate as a registered DTF, the board of trade must meet certain requirements as to the underlying commodities traded and must restrict access to certain eligible traders. The newly-enacted section 5a(f) of the Act provides that a registered DTF may authorize an FCM to offer its customers that are eligible contract participants[4] the right not to have their funds that are carried by the FCM for purposes of trading on the registered DTF, separately accounted for and segregated. Opting out of segregation is not available to a customer who is not also an eligible contract participant.

B. Proposed Rules

1. New Rule 1.68

On March 13, 2001, the Commission published a proposed new rule allowing FCMs to offer certain customers the right to elect not to have funds, that are being carried by the FCM for purposes of margining, guaranteeing or securing the customers' trades on or through a registered DTF, separately accounted for and segregated, sometimes referred to as "opting out" of segregation.[5] The Commission proposed to add new Rule 1.68 to implement the newly-enacted section 5a(f) of the Act. The proposed rule provided that an FCM shall not segregate a customer's funds where: (i) The customer is an eligible contract participant; (ii) the funds are deposited with the FCM for purposes of trading on a registered DTF; (iii) the DTF has authorized the FCM to permit eligible contract participants to elect not to have such funds segregated; and (iv) there is a written agreement signed by the customer[6] in which the customer elects to opt out of segregation and acknowledges that it is aware of the consequences of not having its funds segregated.[7] In particular, the agreement would have been required to explain that, to the extent a customer has a claim against the estate of a bankrupt FCM in connection with trades for which it has opted out of segregation,

[1] Commodity Futures Modernization Act of 2000, Pub. L. 106–554, 114 Stat. 2763 (to be codified as amended in scattered sections of 7 U.S.C.).

[2] 7 U.S.C. 1 *et seq.* (1994), *as amended by* Pub. L. 106–554, 114 Stat. 2763.

[3] Commission rules concerning DTFs will be included in a new Part 37. *See* 66 FR 14262 (March 9, 2001).

[4] Generally, eligible contract participants are: (1) Individuals with more than $10 million in total assets, or more than $5 million in total assets if entering into the transaction to manage risk; (2) financial institutions, investment companies, and insurance companies; (3) companies with more than $10 million in total assets, or a net worth exceeding $1 million if entering into the transaction in connection with the conduct of their businesses; and (4) commodity pools that have more than $5 million in total assets. *See* 7 U.S.C. 1a(12), as amended.

[5] *See* 66 FR 14507 (March 13, 2001).

[6] For purposes of satisfying the requirement that the customer sign the opt-out agreement, an electronic signature will be acceptable provided it satisfies the provisions of Rule 1.4. Commission rules referred to herein are found at 17 CFR Ch. 1 (2000).

[7] An FCM may offer benefits to customers who elect not to have their funds segregated. In making any such offer, however, an FCM may not make any misleading claims or disclosures.

the customer would be treated like a general creditor.[8]

Proposed Rule 1.68 also stated that: (1) The FCM could provide the customer a single monthly account statement with a notation of trades for which segregation does not apply; (2) the FCM's records must clearly distinguish those positions subject to the opt-out agreement and those that remain subject to segregation; (3) the required agreement with a customer to opt out of segregation may provide that it covers all DTFs that have authorized FCMs to offer such treatment of customer funds; and (4) a customer may revoke its election to opt out of segregation by notifying the FCM in writing, which would only be effective for trades entered into after the FCM received such notice from the customer. These provisions were intended to simplify the opt-out process for both FCMs and customers. Proposed Rule 1.68 further provided that in no event may customer funds related to DTF "opt-out" trades be commingled with customer funds segregated pursuant to section 4d of the Act and the Commission rules thereunder.

The proposed rule would also have provided that a customer who chose to opt out of segregation would not be permitted to establish a "third-party custodial account," sometimes also referred to as a "safekeeping account." In Financial and Segregation Interpretation No. 10 ("Interpretation No. 10"), the Commission's Division of Trading and Markets (the "Division") set forth guidelines for these types of accounts.[9]

2. Other Rule Proposals

The Commission proposed to add Rule 1.3(uu) to define the term "opt-out customer" as a customer who is an eligible contract participant and elects not to have funds carried by an FCM for purposes of trading on a DTF separately accounted for and segregated, in accordance with Rule 1.68. The Commission also proposed to amend Rule 1.3(gg), which defines the term "customer funds." The Commission proposed to amend the rule to make clear that the funds of an opt-out customer would not be deemed "customer funds."

Rule 1.17(a)(1)(i) provides the standards for determining the minimum adjusted net capital that must be maintained by each person registered as an FCM. The Commission proposed to amend Rule 1.17(a)(1)(i)(B), which contains the volume of business element of these standards, to make clear that the funds of an opt-out customer are to be included in the computation of the FCM's minimum adjusted net capital requirement. The proposed amendment to the rule ensured that opt-out customers, by opting out of segregation, do not have an impact on the financial condition of the FCM, thereby increasing the risk to the other customers of the FCM or to the marketplace. In proposing the amendment, the Commission noted that by including the funds of the opt-out customer for purposes of calculating the minimum adjusted net capital, there is no effect on the current minimum capital requirements for registered FCMs.[10]

The Commission also proposed amending Rule 1.37. Rule 1.37(a) requires an FCM, for each account that it carries, to keep a permanent record that shows the name, address, and occupation of the person for whom the account is being carried, as well as any person guaranteeing the account or exercising trading control with respect to the account. The Commission proposed to maintain this requirement and to redesignate paragraph "(a)" as paragraph "(a)(1)." The Commission further proposed to add paragraph "(a)(2)," to require FCMs to keep a permanent record showing a customer's election pursuant to proposed Rule 1.68. The FCM would be permitted to indicate such a customer's election on the record it is required to keep under redesignated paragraph (a)(1).

Finally, the Commission proposed to amend Rule 190.07(b), which defines the term "net equity" for purposes of calculating the allowed net equity claim of a customer in the event of an FCM bankruptcy. The proposed amendment would make clear that the net equity of an opt-out customer should not include funds the customer has chosen not to have segregated and separately accounted for pursuant to proposed Rule 1.68. The Commission's intention was that, to the extent that a customer has a claim against the estate of a bankrupt FCM in connection with trades for which it has opted out of segregation, the customer would not be entitled to the normal customer priority in bankruptcy and would be treated as a general creditor.

II. Final Rules

The 30-day comment period on the proposal expired on April 12, 2001. The Commission received six comment letters. The commenters were the Futures Industry Association ("FIA"), the Chicago Mercantile Exchange, Inc. ("CME"), National Futures Association ("NFA"), the Chicago Board of Trade ("CBOT"), the Options Clearing Corporation ("OCC"), and the Securities Industry Association ("SIA"). The commenters generally supported the proposed rules, although each suggested some modifications. The Commission notes its appreciation that most of the comment letters were submitted on time, and in some cases were received earlier than the deadline date. The early submission of comment letters was helpful in assisting the Commission to meet the statutory deadline for adoption of opt-out rules. Additionally, the Commission notes the usefulness of the comment letters in that they contained concise and specific suggestions.

A. Bankruptcy Treatment

FIA, CME, NFA, CBOT, OCC, and SIA all expressed concern that customers who choose to opt out of segregation would, in the event of an FCM bankruptcy, be treated as general creditors and, therefore, would have claims inferior to proprietary accounts carried by an FCM.[11] For purposes of bankruptcy proceedings, proprietary accounts are included in the definition of a non-public customer.[12] Non-public customers receive a portion of the customer estate only after all public customer claims have been satisfied in full.[13] Therefore, under the proposed rules, a non-public customer would have a priority superior to an opt-out customer in the unlikely event that there are customer funds in excess of

[8] Normally, in the event of an FCM's bankruptcy, customer claims have priority with respect to customer property over all other claims, except claims "attributable to the administration of customer property." *See* 11 U.S.C. 766(h); *see also* 17 CFR part 190. To the extent that the customer has claims against the bankrupt FCM's estate for trades to which segregation applies, *e.g.*, trades on or subject to the rules of contract markets, or of DTFs for which opting out of segregation is not permitted, the customer would be eligible for the customer priority. Thus, the same customer may have two different kinds of claims against the estate of a bankrupt FCM. *See* 48 FR 8716 (March 1, 1983).

[9] Financial and Segregation Interpretation No. 10, 1 Comm. Fut. L. Rep. (CCH) ¶ 7120 (May 23, 1984).

[10] Several other provisions of Rule 1.17 include calculations for determining the adjusted net capital required of an FCM in order to undertake various actions, such as prepaying subordinated debt. The Commission proposed to amend these rules to make clear that the funds of an opt-out customer are to be included in calculating the FCM's required adjusted net capital in these situations. *See* Rules 1.17(e)(1)(ii), 1.17(h)(2)(vi)(C)(*2*), 1.17(h)(2)(vii)(A)(*2*), 1.17(h)(2)(vii)(B)(*2*), 1.17(h)(2)(viii)(A)(*2*), 1.17(h)(3)(ii)(B), and 1.17(h)(3)(v)(B); *see also* Rule 1.12(b)(2) (determining the "early warning" level of adjusted net capital).

[11] A proprietary account is defined in Rule 1.3(y).

[12] *See* 17 CFR 190.01(bb).

[13] 17 CFR 190.08(b).

the net equity claims of all public customers in the bankrupt estate.

Upon reconsideration of this issue, the Commission agrees that opt-out customers should be entitled to no less protection than non-public customers. Accordingly, the Commission has amended Rule 190.01(bb), the definition of a non-public customer for bankruptcy purposes, to include opt-out customers. Additionally, the Commission will not amend Rule 190.07(b), the definition of net equity, as proposed, but will retain it as it currently reads. As a result, eligible contract participants may have two net equity claims against the estate of an FCM for purposes of bankruptcy proceedings: (i) A net equity claim as a non-public customer for claims based on agreements, contracts or transactions traded on or subject to the rules of a DTF for which the customer has opted out; and (ii) a net equity claim as a public customer based on all other commodity interest transactions with the FCM. On the former claims, the customer will have the same priority as proprietary accounts; on the latter claim, the customer will have the normal preferred customer priority.

In its comment letter, NFA also recommended that the Commission consider what bankruptcy issues may arise for security futures products that may be initiated and offset on different markets. Additionally, NFA recommended that the Commission consider the need to implement rules governing the treatment of customer funds in bankruptcy in the event of the insolvency of an exchange or clearing organization. As NFA recognizes in its letter, these issues, while certainly important, are not of immediate concern. Section 125 of the CFMA requires the Commission to undertake a complete study of the Act and the rules thereunder and to solicit the views of the public. In light of that study and the mandate to promptly adopt an opt-out provision, the Commission is deferring addressing these additional bankruptcy issues raised by NFA to a later date.

B. Definition of Opt-Out Customer

Pursuant to proposed Rule 1.3(uu), a customer is deemed an opt-out customer only to the extent that the customer has elected to opt out of segregation. In its comment letter, FIA indicated its concern that Rule 1.3(uu) as proposed could be read more broadly. The Commission has revised the text of Rule 1.3(uu) to make clear that a customer is an opt-out customer only as to those funds for which the customer has elected to opt out of segregation and is a customer, as defined in Rule 1.3(k), as to funds that are separately accounted for and segregated pursuant to section 4d of the Act and Rules 1.20–1.30, 1.32 and 1.36.

FIA, in suggesting language to clarify Rule 1.3(uu), appears to indicate that a customer must individually elect to opt out of segregation as to each particular DTF. As discussed above, and in the proposing release, the agreement entered into between an FCM and a customer may provide that it covers agreements, contracts or transactions on all DTFs that have authorized opting out. In such a case, there would be only one agreement that covers all DTFs on which the customer trades. If, however, an FCM chooses to draft the opt-out agreement so that it covers only a specific DTF, and, therefore, a separate agreement would be required for each DTF on which the customer conducts trades, that would also be permissible. However, the Commission does not require this latter arrangement in Rule 1.68 as adopted.[14]

C. Separate Agreements

Proposed Rule 1.68(e) would have prohibited a customer that elects to opt out of segregation from establishing a third-party custodial account as described in Interpretation No. 10. This provision was intended to prevent an opt-out customer from securing a priority in customer funds equal to or greater than that of customers whose funds are separately accounted for and segregated. FIA and NFA both suggested that the Commission could achieve this purpose in a more straightforward manner "by prohibiting certain contractual provisions generally." The Commission agrees. Therefore, Rule 1.68 will require a customer who elects to opt out of segregation to agree not to enter into any agreement or understanding with an FCM that would permit the customer to retain a security interest in any assets deposited with the FCM that are not subject to segregation. Further, a customer may not enter into any agreement or understanding with an FCM relating to the manner in which the customer's assets will be held at the FCM that, in the event of bankruptcy, would give the customer a priority that is equal to or greater than the priority afforded customers whose funds are segregated. This prohibition applies to any agreement or understanding, whether or not it is the type discussed in Interpretation No. 10.[15]

D. Movement of Funds Between Segregated and Opt-Out Accounts

Rule 1.68(b) provides that under no circumstances may funds related to opt-out accounts be commingled with funds held in segregation. CBOT expressed its agreement with this rule and suggested that where a customer has both segregated and non-segregated accounts, the Commission use the same principles currently applied where a customer has both a regulated and non-regulated account. The Commission agrees. Where a customer has both a segregated and an opt-out account, any positive balance or net liquidating equities in the opt-out account may not be used to offset any deficit which may be in the segregated account.[16]

Proposed Rule 1.68(c) would have authorized an FCM to continue to hold trades and related funds for which a customer had previously elected to opt out of segregation in a non-segregated account after the customer revokes its opt-out election. The Commission had provided for this approach in proposed Rule 1.68(c) with the intention that the procedure would be the least burdensome on FCMs. The FIA, in its comment letter, noted, "that offsetting positions between a customer's segregated account and a non-segregated account would be operationally difficult at best." Accordingly, FIA suggested that when an election to opt out of segregation is revoked, an FCM be required to transfer trades held in an opt-out account to a customer's segregated account, so long as the customer's positions in the non-segregated account are fully margined. NFA expressed a similar desire for such a requirement. CBOT indicated that this sort of transfer should not be permitted "if the FCM has filed, or is in the process of filing, for bankruptcy." Because the transfer to a segregated account would result in the increased protection of customer assets and would be administratively more convenient for FCMs, the Commission has modified Rule 1.68(c) to require such a transfer, unless the FCM has filed, or has had filed against it, a petition for bankruptcy.

FIA also expressed a desire for FCMs to be permitted to establish a notice period before a customer's decision to revoke its election to opt out of segregation would become effective. FIA indicated that FCMs require a

[14] A customer is of course permitted to request that an FCM permit it to opt out of segregation as to trading only on specific DTFs. An FCM may grant or deny this request.

[15] OCC stated that "an opt-out customer should be able to arrange for its own assets to be held separately and not subjected to the claims of other customers." SIA expressed a similar view. The Commission does not believe that such a separate holding arrangement would be consistent with opt-out status.

[16] *See* Division Form 1–FR–FCM Instructions at page 10–5.

reasonable time period to make the appropriate changes to books and records. The Commission recognizes that FCMs need time to make the required operational changes where a customer revokes its election to opt out of segregation. To avoid disputes as to what may constitute a reasonable time period, the Commission is adopting a five-business day limit to accomplish the necessary changes.

E. Applicability to Contract Markets

In their comment letters, CME, OCC, and SIA suggested that the choice to opt out of segregation should be extended to eligible contract participants trading on a designated contract market as well as on a DTF, because a designated contract market is subject to greater regulatory scrutiny than a DTF and the focus should be on the type of customer rather than the type of market involved. The CFMA, however, only provides for opting out of segregation in connection with trades executed on registered DTFs. Accordingly, at this time, the Commission will defer addressing any extension of opting out to trades on exchanges other than registered DTFs. The Commission may, however, reconsider this issue in connection with the study of the Act and the rules thereunder required by section 125 of the CFMA.

F. Disclosure to Pool Participants

NFA, in its comment letter, noted its support for the requirement that customers electing to opt out of segregation enter into a written agreement acknowledging the consequences of such an election. NFA indicated that while this will provide adequate disclosure in the majority of cases, additional disclosure might be considered in the case of commodity pools that qualify as eligible contract participants. Specifically, NFA noted that retail investors might be investing in a commodity pool that qualifies as an eligible contract participant and chooses to opt out of segregation. NFA believes that operators of commodity pools that qualify as eligible contract participants and intend to opt out of segregation should be required to provide prospective pool participants with full disclosure regarding the consequences of investing in a pool that opts out of segregation. The Commission agrees that such disclosure should be required, but also believes that the obligation to do so is implicit in existing Commission Rules 4.24(h)(4)(i) and 4.24(w).

III. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act ("RFA")[17] requires that agencies, in promulgating rules, consider the impact of those rules on small businesses. The Commission has previously established certain definitions of "small entities" to be used by the Commission in evaluating the impact of its rules on such entities in accordance with the RFA.[18] The Commission has previously determined that FCMs are not small entities for the purpose of the RFA.[19] Additionally, eligible contract participants, as defined in the newly-amended Act, by the nature of the definition, should not be considered small entities. Further, eligible contract participants have the choice as to whether or not to exercise the right not to have certain funds segregated from the FCM's funds. Furthermore, no comments were received from the public on the RFA and its relation to the proposed rules.

B. Paperwork Reduction Act

New Rule 1.68 contains information collection requirements. As required by the Paperwork Reduction Act of 1995,[20] the Commission submitted a copy of the proposed rules to the Office of Management and Budget for its review. No comments were received in response to the Commission's invitation in the proposed rules to comment on any potential paperwork burden associated with this regulation.

C. Cost-Benefit Analysis

Section 15 of the Act, as amended by section 119 of the CFMA, requires the Commission, before promulgating a new rule under the Act, consider the costs and benefits of the Commission's action. The Commission is applying the cost-benefit provisions of section 15 for the first time in this rulemaking with respect to a final rule and understands that, by its terms, section 15 as amended does not require the Commission to quantify the costs and benefits of a new rule or determine whether the benefits of the rule outweigh its costs.

The amended section 15 further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness, and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations.[21] Accordingly, the Commission could in its discretion give greater weight to any one of the five enumerated areas of concern and could in its discretion determine that, notwithstanding its costs, a particular rule was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

The main area of concern relevant to the opt-out rules is the first one set forth in the Act, "protection of market participants and the public." The Commission believes that those market participants eligible to opt out of segregation, eligible contract participants trading on a registered DTF, are sophisticated persons that can properly evaluate for themselves, in light of the required disclosure by, and agreement with, an FCM, whether to opt out of segregation. Additionally, FCMs are also able to evaluate whether offering such an election to their customers who are eligible contract participants is appropriate and consistent with sound risk management practices. As for the public interest, the general public and retail customers are protected because any eligible contract participant who opts out of segregation has a priority no better than a holder of a proprietary account in the event of an FCM's bankruptcy. The Commission has endeavored to impose minimal costs (i.e., only necessary disclosure and recordkeeping) on any of the parties that would be involved in the opt-out process so that the perceived benefits can be fully realized. The Commission further notes that opting out of segregation is not required of anyone and has to be a voluntary election of the registered DTF, FCM, and eligible contract participant. The Commission also notes that the CFMA specifically mandates that the Commission adopt rules to facilitate this election. Finally, the Commission did not receive any comments that addressed these issues.

List of Subjects

17 CFR Part 1

Consumer protection, Definitions, Reporting and recordkeeping requirements.

17 CFR Part 190

Bankruptcy, Definitions.

In consideration of the foregoing and pursuant to the authority contained in

[17] 5 U.S.C. 601 *et seq.*

[18] 47 FR 18618 (April 30, 1982).

[19] 47 FR at 18619.

[20] Pub. L. 104–13 (May 13, 1995).

[21] As applied to this rulemaking, price discovery is not a relevant concern.

the Commodity Exchange Act and, in particular, sections 2(a)(1)(A), 4d, 5a(f), and 8a(5) 7 U.S.C. 2(i), 6d, 7a(f), and 12a(5), and 11 U.S.C. 362, 546, 548, 556 and 761–766, the Commission hereby amends Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

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

Authority: 7 U.S.C. 1a, 2, 2a, 4, 4a, 6, 6a, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6j, 6k, 6l, 6m, 6n, 6o, 6p, 7, 7a, 7b, 8, 9, 12, 12a, 12c, 13a, 13a–1, 16, 16a, 19, 21, 23, and 24.

2. Section 1.3 is amended by adding paragraphs (gg)(3) and (uu) to read as follows:

§ 1.3 Definitions.

* * * * *

(gg) * * *

* * * * *

(3) Notwithstanding paragraphs (gg)(1) and (2) of this section, the term customer funds shall exclude money, securities or property received to margin, guarantee or secure the trades or contracts of opt-out customers, and all money accruing to opt-out customers as the result of such trades or contracts, to the extent that such trades or contracts are made on or subject to the rules of any registered derivatives transaction execution facility that has authorized opting out in accordance with § 37.7 of this chapter.

* * * * *

(uu) *Opt-out customer.* This term means a customer that is an eligible contract participant, as defined in section 1a(12) of the Act, and that, in accordance with § 1.68, has elected not to have funds that are being carried for purposes of trading on or through the facilities of a registered derivatives transaction execution facility, separately accounted for and segregated by the futures commission merchant pursuant to section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36. A customer is an opt-out customer solely with respect to agreements, contracts or transactions, and the money, securities or property received by a futures commission merchant to margin, guarantee or secure such agreements, contracts or transactions, made on or subject to the rules of any derivatives transaction execution facility that has adopted rules permitting a customer to elect to be an opt-out customer and with respect to which the customer has made such an election. For all other purposes under the Act and the rules thereunder, except where otherwise provided, an opt-out customer shall be a customer as defined in § 1.3(k).

3. Section 1.12 is amended by revising paragraph (b)(2) to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants and introducing brokers.

* * * * *

(b) * * *

(2) Six percent of the following amount: The customer funds required to be segregated pursuant to the Act and the regulations in this part, plus the funds of opt-out customers that, but for the election to opt out pursuant to § 1.68, would be required to be segregated, plus the foreign futures or foreign options secured amount, less the market value of commodity options purchased by such customers on or subject to the rules of a contract market or a foreign board of trade for which the full premiums have been paid: *Provided, however,* that the deduction for each such customer shall be limited to the amount of customer funds in such customer's account(s) and foreign futures and foreign options secured amounts;

* * * * *

4. Section 1.17 is amended as follows:

a. By revising paragraph (a)(1)(i)(B), and

b. By amending paragraphs (e)(1)(ii), (h)(2)(vi)(C)(*2*), (h)(2)(vii)(A)(*2*),(h)(2)(vii)(B)(*2*), (h)(2)(viii)(A)(*2*), (h)(3)(ii)(B), and (h)(3)(v)(B) by removing the second instance of the word "and" and adding in its place the words ", plus the funds of opt-out customers that, but for the election to opt out pursuant to § 1.68, would be required to be segregated, plus"; the revision as follows:

§ 1.17 Minimum financial requirements for futures commission merchants and introducing brokers.

(a) * * *

(1) * * *

(i) * * *

(B) Four percent of the following amount: The customer funds required to be segregated pursuant to the Act and the regulations in this part, plus the funds of opt-out customers that, but for the election to opt out pursuant to § 1.68, would be required to be segregated, plus the foreign futures or foreign options secured amount, less the market value of commodity options purchased by customers on or subject to the rules of a contract market or a foreign board of trade for which the full premiums have been paid: *Provided, however,* that the deduction for each customer shall be limited to the amount of segregated customer funds in such customer's account(s) and foreign futures and foreign options secured accounts;

* * * * *

5. Section 1.37 is amended by redesignating paragraph (a) as paragraph (a)(1) and by adding paragraph (a)(2) to read as follows:

§ 1.37 Customer's or option customer's name, address, and occupation recorded; record of guarantor or controller of account.

(a) * * *

(2) Each futures commission merchant who receives a customer's election not to have the customer's funds separately accounted for and segregated, in accordance with § 1.68, shall keep a record in permanent form that indicates such customer's election. The record of such a customer election may be indicated on the record required by paragraph (a)(1) of this section.

* * * * *

6. Section 1.68 is added to read as follows:

§ 1.68 Customer election not to have funds, carried by a futures commission merchant for trading on a registered derivatives transaction execution facility, separately accounted for and segregated.

(a) A futures commission merchant shall not separately account for and segregate, in accordance with the provisions of section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36, funds received from a customer if:

(1) The customer is an eligible contract participant as defined in section 1a(12) of the Act;

(2) The customer's funds are being carried by the futures commission merchant for the purpose of trading on or through the facilities of a derivatives transaction execution facility registered under section 5a(c) of the Act;

(3) The registered derivatives transaction execution facility has authorized, in accordance with § 37.7 of this chapter, futures commission merchants to offer eligible contract participants the right to elect not to have funds that are being carried for purposes of trading on or through the facilities of the registered derivatives transaction execution facility, separately accounted for and segregated by the futures commission merchant; and

(4) The futures commission merchant and the customer have entered into a written agreement, signed by a person with the authority to bind the customer, in which the customer:

(i) Represents and warrants that the customer is an eligible contract participant as defined in section 1a(12) of the Act;

(ii) Elects not to have its funds separately accounted for and segregated in accordance with the provisions of section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36 with respect to agreements, contracts or transactions traded on or subject to the rules of any registered derivatives transaction execution facility that has authorized such treatment in accordance with § 37.7 of this chapter;

(iii) Acknowledges that it has been informed, and by making this election agrees that:

(A) The customer's funds, related to agreements, contracts or transactions on any registered derivatives transaction execution facility that authorizes the opting out of segregation will not be segregated from the funds of the futures commission merchant in accordance with the provisions of section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36;

(B) The futures commission merchant may use such funds in the course of the futures commission merchant's business without the prior consent of the customer or any third party;

(C) In the event the futures commission merchant files, or has a petition filed against it, for bankruptcy, the customer, as to those funds that the customer has elected not to have separately accounted for and segregated by the futures commission merchant in accordance with the provisions of section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36, will not be entitled to the priority for customer claims provided for under the Bankruptcy Code and part 190 of this chapter;

(D) The customer may not retain a security interest in assets excluded from segregation in accordance with this section;

(E) The customer may not enter into any agreement or other understanding with the futures commission merchant relating to the manner in which the customer's assets will be held at the futures commission merchant, that directly or indirectly gives the customer a priority in bankruptcy that is equal or superior to the priority afforded public customers under the Bankruptcy Code and part 190 of this chapter; and

(iv) Acknowledges that the agreement shall remain in effect unless and until the customer abrogates the agreement in accordance with paragraph (c) of this section.

(b) In no event may money, securities or property representing those funds that customers have elected not to have separately accounted for and segregated by the futures commission merchant, in accordance with this section, be held or commingled and deposited with customer funds in the same account or accounts required to be separately accounted for and segregated pursuant to section 4d of the Act and §§ 1.20–1.30, 1.32 and 1.36.

(c)(1) A customer that has entered into an agreement in accordance with paragraph (a)(4) of this section may abrogate that agreement by so informing the futures commission merchant in writing, signed by a person with the authority to bind the customer. The effective date of the abrogation shall not exceed five business days from the futures commission merchant's receipt of the customer's abrogation. The abrogation shall not become effective if the futures commission merchant files, or has had filed against it, a petition for bankruptcy prior to the effective date of the abrogation.

(2) Upon the effective date of the abrogation, permitted under paragraph (c)(1) of this section, provided that the customer's positions in the non-segregated account are fully margined and the customer is not in default with respect to any of its obligations to the futures commission merchant arising out of agreements, contracts or transactions entered on, or subject to the rules of, a registered entity, as defined in section 1a(29) of the Act, the futures commission merchant shall transfer to a customer segregated account:

(i) All trades or positions of the customer with respect to which the customer had previously elected to opt out of segregation; and

(ii) All money, securities, or property held in such account to margin, guarantee or secure such trades or positions.

(d) Each futures commission merchant shall maintain any agreements entered into with customers pursuant to paragraph (a) of this section and any abrogations of such agreements, made pursuant to paragraph (c) of this section, in accordance with § 1.31.

PART 190—BANKRUPTCY RULES

7. The authority citation for Part 190 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 4a, 6c, 6d, 6g, 7, 7a, 12, 19, 23, and 24, and 11 U.S.C. 362, 546, 548, 556 and 761–766, unless otherwise noted.

8. Section 190.01 is amended by revising paragraph (bb) to read as follows:

§ 190.01 Definitions.

* * * * *

(bb) *Non-public customer* means any person enumerated in § 1.3(y), § 1.3(uu) or § 31.4(e) of this chapter, who is defined as a customer under paragraph (k) of this section.

* * * * *

Issued in Washington, DC on April 19, 2001, by the Commission.

Catherine D. Dixon,

Assistant Secretary of the Commission.

[FR Doc. 01–10222 Filed 4–24–01; 8:45 am]

BILLING CODE 6351–01–P

POSTAL SERVICE

39 CFR Part 501

Authorization to Manufacture and Distribute Postage Meters

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This final rule clarifies and strengthens requirements for manufacturers of postage meters to control meters used for demonstration and loaner purposes.

DATES: This rule is effective April 25, 2001.

FOR FURTHER INFORMATION CONTACT: James Luff, 703–292–3693.

SUPPLEMENTARY INFORMATION: When manufacturers do not follow established policies and procedures for postage meters loaned to customers for temporary use ("loaner meters") and those used for demonstration purposes, there are potential revenue protection problems as well as costly data entry errors. The potential for postage meter misuse and fraud must be eliminated. To accomplish this objective, the Postal Service must publish procedures for handling loaned and demonstration meters, and manufacturers' employees, dealers, and representatives must follow them.

List of Subjects in 39 CFR Part 501

Administrative practice and procedure, Postal Service.

For the reasons set out in this document, the Postal Service is amending 39 CFR part 501 as follows:

PART 501—AUTHORIZATION TO MANUFACTURE AND DISTRIBUTE POSTAGE METERS

1. The authority citation for part 501 continues to read as follows:

Authority: 5 U.S C. 552(a); 39 U.S.C. 101, 401, 403, 404, 410, 2601, 2605; Inspector General Act of 1978, as amended (Pub. L. 95–452, as amended), 5 U.S.C. App. 3.

2. Section 501.22 is amended by adding new paragraphs (s) and (t) to read as follows:

§ 501.22 Distribution controls.

* * * * *

(s) A demonstration meter is typically used to acquaint a potential user with the features of a meter as part of the sales effort. The following procedures must be followed to implement controls over demonstration meters:

(1) A demonstration meter may print only specimen indicia and must not be used to meter live mail.

(2) A demonstration meter must be recorded as such on internal manufacturer inventory records and must be tracked by model number, serial number, and physical location. If the meter's status as a demonstration meter changes, the meter must be administered according to the procedures that apply to its new status.

(3) A demonstration meter may be used only for demonstrations by a manufacturer's dealer or branch representative and must remain under the dealer's or representative's direct control. A demonstration meter may not be left in the possession of the potential customer under any circumstance.

(t) A postage meter loaned to a customer for temporary use (a "loaner meter") is typically used to acquaint a potential user with the features of a meter as part of the sales effort, or serves as a temporary placement while the customer awaits delivery of a new meter. The following procedures must be followed to implement controls over loaner meters:

(1) A loaner meter prints valid indicia and may be used to apply postage to a mailpiece. Only electronic, remote-set meters may be used as loaner meters. The city/state designation in the loaner meter indicia must show the location where the user's mail will be deposited.

(2) A customer may have possession of a loaner meter for a maximum of five consecutive business days. When the customer chooses to continue the use of a postage meter, the loaner meter must be retrieved and a new meter must be installed under the customer's license.

(3) The manufacturer's dealer or branch representative ("representative") must have a USPS-issued meter user license to place a loaner meter. A single license per USPS district can be used to issue loaner meters to customers in any of the different Post Office service areas within that district.

(4) Loaner meters must be reported electronically to the USPS meter tracking system when activated. A Form 3601–C, Postage Meter Activity Report, must be initiated to activate a loaner meter under the representative's meter license. The licensee and meter location information on the form will show the representative rather than the temporary user. However, loaner meters may only be placed with customers who have been issued a USPS meter license.

(5) Representatives must record and verify the accuracy of the ascending and descending register readings when a loaner meter is placed with the customer. Any discrepancies detected during the verification process must be reported immediately to the meter manufacturer, who will then notify Postage Technology Management.

(6) The representative is responsible for resetting the loaner meter with postage and must arrange for reimbursement directly with the customer.

(7) The representative maintains full responsibility for the loaner meter. As both a manufacturer's representative and a meter licensee, the representative is subject to the provision of Domestic Mail Manual part P030 and Code of Federal Regulations part 501. As a licensee, the representative assumes all licensee responsibilities under USPS meter regulations and must ensure that loaner meters are available for examination by the Postal Service on demand and are examined in accordance with Postal Service policy. Any losses incurred by the Postal Service as a result of fraudulent use of the loaner meter by the customer are the responsibility of the meter licensee, the customer, and the manufacturer.

(8) When the customer returns the meter, the dealer or branch representative must record and verify the accuracy of the ascending and descending register readings and inspect the meter. Any discrepancies or indication of tampering or fraudulent use must be reported immediately to the meter manufacturer, who will then notify Postage Technology Management. In such circumstance, the meter must not be used and must be returned to the manufacturer's QAR department via Registered Mail.

(9) Loaner meters must be reported electronically to the USPS meter tracking system when withdrawn from service. The dealer or branch representative must prepare Form 3601–C, Postage Meter Activity Report, for each loaner meter withdrawn.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–10148 Filed 4–24–01; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–101–1–7394a; FRL–6969–3]

Approval and Promulgation of Implementation Plans; Texas; Post 96 Rate of Progress Plan, Motor Vehicle Emissions Budgets (MVEB) and Contingency Measures for the Houston/Galveston (HGA) Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action on portions of the Texas Ozone State Implementation Plan (SIP) revision submitted by the Governor of Texas on May 19, 1998, to meet the reasonable further progress requirements of the Federal Clean Air Act (the Act). We are approving the Post-1996 Rate-of-Progress (ROP) Plan, the Motor Vehicle Emissions Budgets (MVEB) established by the ROP Plan, revisions to the contingency measures, and revisions to the 1990 base year emissions inventory for the Houston/Galveston (HGA) 1-hour ozone nonattainment area.

DATES: This direct final rule is effective June 25, 2001 unless adverse or critical comments are received by May 25, 2001. If adverse comments are received, EPA will publish timely withdrawal of the rule in the **Federal Register.**

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below.

Copies of the documents, including the Technical Support Document, relevant to this action are available for public inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Dallas, 1445 Ross Avenue, Texas 75202–2733, telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Guy R. Donaldson, Air Planning Section (6PD–L), Multimedia Planning and

Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: (214) 665–7242.

SUPPLEMENTARY INFORMATION: Throughout this document "we," "us," and "our" refers to EPA.

I. What Action Are We Taking?

We are approving portions of the revision to the Texas Ozone State Implementation Plan for the HGA ozone nonattainment area received May 19, 1998, to meet the Reasonable Further Progress requirements of the Act. We are approving the Post 96 Rate of Progress (OP) plan that is designed to reduce ozone forming emissions by November 15, 1999 from the baseline emissions by an additional 9% in the HGA nonattainment area. In addition, we are approving the MVEBs associated with the 9% ROP Plan. We are also approving the revisions to the contingency plan, and the 1990 base year emissions inventory for the HGA area, which were included with the May 19, 1998, SIP revision. In this action, we are not acting on other portions of the May 19, 1998, SIP revision regarding the attainment demonstration. In a separate action, we proposed conditional approval, and alternatively, disapproval of the portions of the May 19, 1998, SIP revision that pertained to the attainment demonstration (64 FR 70548, December 16, 1999).

II. Why Is Texas Required To Develop a Post 96 Rate of Progress Plan for Houston?

Section 182(c)(2) of the CAA requires each serious and above ozone nonattainment area to submit a SIP revision by November 15, 1994, which describes, in part, how the area will achieve an actual volatile organic compound (VOC) emission reduction from the baseline emissions of at least 3 percent of baseline emissions per year averaged over each consecutive 3-year period beginning 6 years after enactment (i.e., November 15, 1996) until the area's attainment date. Section 182(c)(2)(C) explains the conditions under which reductions of oxides of nitrogen (NO_X) may be substituted for reductions in VOC emissions. The HGA ozone nonattainment area is classified as severe-17, with an attainment date of 2007.

Texas submitted a plan to achieve the 9% reductions in a letter dated November 9, 1994. This plan was revised in a letter dated August 9, 1996. On March 9, 1998, we proposed to disapprove the 1994 Post '96 ROP plan, as revised in 1996, primarily because the plan projected too much emission reductions from the Compliance Assurance Monitoring program. The May 19, 1998, SIP revision addresses the concerns expressed in our proposed disapproval.

III. When Will Texas Submit Plans for the Remaining Required Rate of Progress Reductions?

Section 182(c)(2) requires that States provide a plan that includes emission reductions of at least 3% of baseline emissions per year from November 15, 1996, until the attainment date. It was anticipated that these emission reductions would be consistent with the attainment demonstration modeling that was due November 15, 1994. We, however, have acknowledged the difficulty States were having in meeting the November 15, 1994 deadline to develop attainment demonstrations. In a March 2, 1995 policy memorandum, we provided that States could submit their attainment demonstration and Rate-of-Progress plans in phases. Phase I was to insure that progress was maintained while a complete plan was developed. The Phase I plan was to include a set of specific control measures to obtain major reductions in ozone precursors. For Texas, these were to include:

- Rules to insure that Reasonably Available Control Technology (RACT) was implemented on major sources of volatile organic compounds,
- A demonstration that 3% of baseline emissions per year reduction in emissions would occur during the time period 1997–1999 (Post 96 Rate of Progress),
- An enforceable commitment to submit an attainment demonstration by mid-1997, and
- A commitment to participate in a consultative process to address Regional transport of ozone and precursors.

A December 29, 1997, guidance memorandum provided for submittal of an attainment demonstration from mid-1997 until April, 1998. The December 29, 1997, memorandum explained that additional time was warranted because the consultative process to address transport, which had become know as the ozone transport assessment group (OTAG), had been delayed by 9 months so it was appropriate to delay the submittal of the attainment demonstrations.

The December 29, 1997, memorandum indicated EPA's view that by April, 1998, States should submit the following:

- An attainment demonstration for the one-hour ozone standard, modeling analysis and supporting documentation.
- Evidence that all measures and regulations required for the nonattainment area by subpart 2 of title I of the Act to control ozone and its precursors have been adopted and implemented or are on an expeditious schedule to be adopted and implemented.
- A list of measures and regulations and/or a strategy including technology forcing controls needed to meet ROP requirements and attain the 1-hour NAAQS.
- For severe and higher classified nonattainment areas, a SIP commitment to submit a plan on or before the end of 2000 which contains (a) target calculations for post-1999 ROP milestones up to the attainment date (unless already submitted to satisfy EPA's previous findings of failure to submit) and (b) adopted regulations needed to achieve the post-1999 ROP requirements up to the attainment date and to attain the 1-hour NAAQS.
- A SIP commitment and schedule to implement the control programs and regulations in a timely manner to meet ROP and achieve attainment.
- Evidence of a public hearing on the State submittal.

The May 19, 1998 SIP revision contains a commitment to submit a plan by December 15, 2000, which contains target calculations for Post-1999 ROP milestones up to the attainment date and adopted regulations to achieve the Post-99 ROP requirements up to the attainment date and to attain the 1-hour National Ambient Air Quality Standard (NAAQS). In a letter from the Governor dated December 20, 2000, Texas submitted a plan to achieve the Post 99 Rate of Progress requirements. EPA will be evaluating the December 20, 2000, SIP revision in a separate action.

IV. Why Control Volatile Organic Compounds (VOC) and NO_X?

VOCs participate in a chemical reaction with Oxides of Nitrogen (NO_X) and oxygen in the atmosphere to form ozone, a key component of urban smog. Inhaling even low levels of ozone can trigger a variety of health problems including chest pains, coughing, nausea, throat irritation, and congestion. It can worsen bronchitis, asthma and reduce lung capacity.

V. How Much Reduction in Emission Is Needed?

Calculating the needed emission reductions is a multi-step process as described below.

Emissions Inventory

The 1990 Final Base Year Inventory is the starting point for calculating the reductions necessary to meet the requirements of the 1990 Act. The 1990

Final Base Year Inventory includes all area, point, and mobile sources emissions in the 8 county HGA ozone nonattainment area. The 1990 base year inventory was originally approved November 8, 1994 (59 FR 55586). The State revised the VOC inventory on August 8, 1996. These changes were approved November 10, 1998. As part of the May 19, 1998, SIP revision, Texas again revised the 1990 base year inventory. We are approving these changes to the inventory. The new inventory is summarized in Table 1. The changes to the inventory are described later.

TABLE 1.—1990 RATE-OF-PROGRESS BASE YEAR INVENTORY

Source type	VOC Tons/day	NO_X Tons/day
Point	483.28	794.85
Area	200.07	14.37
Mobile	251.52	337.03
Nonroad	129.98	198.08
Total	1064.85	1344.33

Adjusted Base Year Inventory

Section 182(b)(2)(C) explains that the baseline from which emission reductions are calculated should be determined as outlined in section 182(b)(1)(B) for 15% ROP plans. This requires that the baseline exclude emission reductions due to Federal Motor Vehicle Control Programs promulgated by the Administrator by January 1, 1990, and emission reductions due to the regulation of Reid Vapor Pressure promulgated by the Administrator prior to the enactment of the Clean Air Act Amendments of 1990. These measures are not creditable to the Rate of Progress Plans.

Estimates of Growth

States need to provide sufficient control measures in their ROP plans to offset any emissions growth. To do this the State must estimate the amount of growth that will occur. The State uses population and economic forecasts to estimate how emissions will change in the future. Generally, Texas followed standard EPA guidelines in estimating the growth in emissions. For the projection of NO_X emissions from industrial sources, Texas used data collected during the development of the 1996 periodic emissions inventory. With the 1996 periodic inventory, Texas surveyed industry to determine why emissions were changing, to see if changes were actual changes in emissions to the atmosphere or just changes in the emission estimation methodology. For example, many sources installed continuous emission monitors between 1990 and 1996 and actual measurements replaced engineering estimates. For more detail on how emissions growth was estimated see the Technical Support Document for this action.

Calculation of Target Level

Table 2 shows how the emissions inventory, adjusted inventories and growth estimates are used to calculate the target levels of emissions and needed emission reductions.

TABLE 2: CALCULATION OF REQUIRED REDUCTIONS

[tons/day]

	VOC	NO_X
1990 Emission Inventory	1064.85	1344.33
1990 Adjusted Relative to 1996	976.72	
1990 Adjusted Relative to 1999	964.98	1269.53
RVP and Fleet Turnover	11.74	76.39
3% of adjusted VOC, 6% of adjusted NO_X	28.95	76.19
1996 Target level	812.77	*NA
1999 Target level	772.08	1191.77
1999 Projection	1076.76	1306.21
Total Reductions required by 1999	304.68	114.44
Reductions required by 15%	213.27	NA
Additional Reductions Required	91.41	114.44

*The 1996 Target level comes from the 15% Rate of Progress plan. The 15% plan could only rely on VOC reductions so there is no 1996 target level for NO_X.

VI. How Are Those Emission Reductions Achieved?

Tables 3 and 4 document how the VOC and NO_X emission reductions for this 9% ROP plan are to be achieved. The following control measures and emission reductions were unchanged from the previous 1994, as revised in 1996, 9% SIP revision: Aircraft Engines, Recreational Marine, Utility Engines, Underground Storage Tank Remediation, Transportation Control Measures, Reformulated Gasoline in Storage Tanks, Reformulated Gasoline in Loading Racks and Rule Effectiveness in Floating Roof Storage Tanks. In our proposed disapproval (63 FR 11387, March 9, 1998), we explained why we could accept the projected emission reductions from the above-listed measures. Please refer to the proposed disapproval **Federal Register** notice and its Technical Support Document where we explained our basis for acceptance of the projected emission reductions from these measures.

In the May 19, 1998, SIP revision, Texas did change its projected emission reductions from the Pulp and Paper MACT measure. The State had originally based their estimate of emission reductions on the proposed MACT standard. The final MACT rule did not achieve as much emission reduction as anticipated. The difference between the proposed and final MACT standard was 2.2 tons/day. The State, however, has documented 2.2 tons/day estimated emission reductions due to its vent gas control rule and permits containing vent gas controls.

The State also changed its estimates of on-road motor vehicle emissions based on revised Vehicle Miles Traveled estimates. We reviewed the revised estimates and find them acceptable. Refer to the TSD for further discussion.

Finally, Texas is now projecting emission reductions due to the implementation of NO_X Reasonably Available Control Technology (RACT) in the Houston/Galveston area. We approved the NO_X RACT rules in a separate **Federal Register** (see 65 FR 53172, September 1, 2000). We have reviewed the projected emission reductions from the NO_X RACT rules and find them acceptable. Refer to the TSD for the NO_X RACT action for the

discussion of the projected emission reductions from each approved rule for each source category.

TABLE 3.—SUMMARY OF VOC EMISSION REDUCTIONS HOUSTON/GALVESTON

[tons/day]

Required Reduction	91.41
Creditable Reductions:	
HON	0.47
Aircraft Engines	0.97
Pulp and Paper MACT	2.20
Recreational Marine	0.06
Utility Engine 1997–1999	6.31
UST remediation	2.05
TCMs	0.5
Tier I, I/M, RFG	18.59
MSW landfills—NSPS	4.06
RFG—Tanks	2.45
RFG—Loading Racks	3.76
RE—Floating Roof Tanks	26.86
Excess emissions from the 15% plan	23.37
Total	92.03

TABLE 4.—SUMMARY OF NO_X EMISSION REDUCTIONS HOUSTON/GALVESTON

[tons/day]

Required Reduction	101.61
Creditable Reductions:	
NO_X RACT	95.00
RFG, I/M, FMVCP Tier I	36.49
Total	131.49

VII. How Has Texas Addressed EPA's Concerns Identified in Our Proposed Disapproval?

In the March 9, 1998, proposed disapproval, we proposed to disapprove the emission reductions that Texas had projected for three control measures. These were the Federal Compliance Assurance Monitoring Program, Texas Alternative Fuel Fleets and surplus emissions from the 15% plan due to the gas cap check. In the May 19, 1998, submission, Texas has, in effect, replaced these three programs' projected emission reductions with the reductions projected from the NO_X RACT rules.

VIII. What Is a Motor Vehicle Emissions Budget (MVEB) and Why Is It Important?

The MVEB is the level of total allowable on-road emissions established by a control strategy implementation plan or maintenance plan. In this case, the MVEB establishes the level of on-road emissions that can be produced in 1999, when considered with emissions from all other sources, that meets the RFP milestones. It is important because the MVEB is used to determine the conformity of transportation plans and programs to the SIP, as described by section 176(c)(2)(A) of the Act.

IX. What Are the MVEB's Established by This Plan and Approved by This Action?

The MVEB's established by this plan and that the EPA is approving are contained in the following table.

TABLE 5.—HOUSTON 1999 MOTOR VEHICLE EMISSIONS BUDGET

[tons/day]

Pollutant	VOC	NO_X
Motor Vehicle Emissions Budget	132.68	283.01

X. What Is the Applicable MVEB To Use for Conformity Analysis After 1999?

When evaluating transportation plans, emissions in years after 1999 must be less than the 1999 ROP progress MVEB being approved here. In November 1999, the State submitted the 2007 attainment year MVEBs for VOC and NO_X. On May 31, 2000, EPA found these MVEB adequate for conformity purposes. This decision was effective June 29, 2000. The projected emissions in years after 2007 must be less than the appropriate MVEBs.

On December 20, 2000, Texas submitted Rate of Progress MVEBs for 2002, 2005 and 2007. They also submitted revised attainment level MVEBs for 2007 which were initially submitted in November 1999. If EPA finds these MVEBs adequate for conformity purposes, then they will be the applicable budgets that must be used for such later years in future conformity evaluations.

XI. What Are the Contingency Measures for Houston?

Ozone areas classified as moderate or above must include in their submittals under section 172(b) of the CAA, contingency measures to be implemented if RFP is not achieved or if the standard is not attained by the applicable date. The General Preamble to Title I, (57 FR 13498) states that the contingency measures should at a minimum ensure that an appropriate level of emissions reduction progress continues to be made if attainment or RFP is not achieved and additional planning by the State is needed. Therefore, we interpret the Act to require States with moderate and above ozone nonattainment areas to include sufficient contingency measures so that upon implementation of such measures additional emissions reductions of up to 3 percent of the emissions in the adjusted base year inventory (or a lesser percentage that will cure the identified failure) would be achieved in the year following the year in which the failure has been identified. States must show that their contingency measures can be implemented with minimal further action on their part and with no additional rule making actions such as public hearings or legislative review.

Texas has developed contingency measures to be implemented if they fail to achieve the required reductions, that were expected as part of the 9% plan. They have chosen to meet the 3% emission reductions contingency with 2% VOC emission reductions and 1% additional NO_X reductions. These contingency measures are summarized in Tables 6 and 7. Consult the Technical Support Document for this action for more information.

TABLE 6.—SUMMARY OF VOC CONTINGENCY MEASURES HOUSTON/GALVESTON

[tons/day]

Required Contingency	19.33
Creditable Reductions:	
Tier I, RFG, Phase II	15.07
Recreation Marine (2000)	0.31
Offset Printing	2.34
Naptha Dry Cleaning	1.97
Utility Engine	1.51
Surplus Emission Reductions from the 9% ROP Plan	0.41
Total	21.61

TABLE 7.—SUMMARY OF NO_X CONTINGENCY MEASURES HOUSTON/GALVESTON

[tons/day]

Required Contingency	12.70
Creditable Reductions:	
Excess Emission Reductions 9% ROP Plan	17.05
Tier I, RFG, Phase II	7.42
Total	24.47

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the "Proposed Rules" section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on June 25, 2001 without further notice unless we receive adverse comment by May 25, 2001. If EPA receives adverse comments, we

will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

III. Administrative Requirements.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, 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 by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it 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), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. 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. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule 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 rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides 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. EPA will submit a report containing this 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 of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a "major rule" as defined by 5 U.S.C. 804(2). This rule will be effective June 25, 2001 unless EPA receives adverse written comments by May 25, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 25, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: April 5, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

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

Subpart SS—Texas

2. In § 52.2270, paragraph (e) in the table entitled "EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP" two entries are added to the end of the table to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Comments
*	*	*	*	*
Post 96 Rate of Progress Plan	Houston, Texas	5/19/98	4/25/01 66 FR 20750	Originally submitted 11/9/94 and revised 8/9/96.

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP—Continued

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date/effective date	EPA approval date	Comments
Contingency Measures	Houston, Texas	5/19/98	4/25/01 66 FR 20751	Originally submitted 11/9/94 and revised 8/9/96.

3. Section 52.2309 is amended by adding paragraph (f) to read as follows:

§ 52.2309 Emissions inventories.

* * * * *

(f) The Texas Natural Resource Conservation Commission submitted a revision to the State Implementation Plan (SIP) on May 19, 2000. This revision was submitted for the purpose of satisfying the 9 percent Rate-of-Progress requirements of the Clean Air Act, which will aid in ensuring the attainment of the National Ambient Air Quality Standards for ozone. This submission also contained revisions to the 1990 base year emissions inventory for the Houston/Galveston areas.

[FR Doc. 01–10117 Filed 4–24–01; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 13 and 97

[WT Docket No. 98–143, RM–9148, RM–9150, RM–9196; FCC 01–108]

Amateur Service Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies in part and grants in part various petitions for reconsideration of the *Report and Order* in this proceeding. It also revises part 13 of the rules to ensure the telegraphy requirements for commercial radio operator licenses remain unchanged and it makes minor editorial changes to certain part 97 rules. This action will allow current Amateur Radio Service licensees to contribute more to the advancement of the radio art; reduce the administrative costs that the Commission incurs in regulating this service and streamline our licensing processes; and promote efficient use of spectrum allocated to the Amateur Radio Service.

DATES: Effective July 1, 2001.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, (202) 418–0680, TTY (202) 418–7233.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Memorandum Opinion and Order*, WT Docket No. 98–143, FCC 99–412, adopted March 27, 2001, and released April 6, 2001. The complete text of this document is available for inspection and copying during normal business hours in the FCC's Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC. The complete text of this document may also be obtained from the Commission's copy contractor, International Transcription Services, Inc., 1231 20th St., NW., Washington, DC 20036, telephone (202) 857–3800. Alternative formats (computer diskette, large print, audio cassette, and Braille) are available to persons with disabilities by contacting Martha Contee at (202) 418–0620 (voice) or (202) 418–2555 (TTY), or at mcontee@fcc.gov. The complete (but unofficial) text is also available on the Commission's Internet site at *http://www.fcc.gov/Bureaus/Wireless/Orders/2001*.

Summary of Memorandum Opinion and Order

1. In the *Notice of Proposed Rule Making* (NPRM) (63 FR 49059, September 14, 1998) in WT Docket No. 98–143, the Commission initiated the instant proceeding to examine the Amateur Radio Service rules in an effort to streamline its licensing processes and eliminate unnecessary and duplicative rules.

2. By its *Report and Order*, (65 FR 6548, February 10, 2000) the Commission substantially revised the amateur service license structure by streamlining our licensing processes and eliminating unnecessary and duplicative rules. This *Memorandum Opinion and Order* addresses pending petitions for reconsideration of the *Report and Order*. Because the petitioners' suggested clarifications generally already were considered and rejected, or because they are beyond the scope of the proceeding, the Commission has not modified any part 97 provisions based on the petitions. The Commission granted the request of petitioners that the amateur service database distinguish between Technician and Technician Plus Class licensees, however, to the extent that these database changes already have been implemented. Additionally, on its own motion, the Commission adopted changes to its part 13 rules to ensure the telegraphy requirements for commercial radio operator licenses remain unchanged and the Commission made minor editorial changes to certain part 97 rules.

3. The Regulatory Flexibility Act (RFA) requires that an agency prepare a regulatory flexibility analysis for notice-and-comment rulemaking proceedings, unless the agency certifies that "the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." 5 U.S.C. 605(b). In the NPRM, the Commission certified that the proposed rule amendments, if promulgated, would not have a significant economic impact on a substantial number of small business entities, as defined in section 601(3) of the RFA because the rule amendments do not apply to small business entities. Rather, these rules apply to individuals who are interested in radio technique solely with a personal aim and without pecuniary interest. No comments were received concerning this certification. The Commission now affirms this certification with respect to the rules adopted in this *Memorandum Opinion and Order*. Accordingly, because small business entities, as defined in section 601(3) of the RFA, are not eligible to make an application for an amateur service license or be a licensee in the amateur service, the Commission certifies, pursuant to section 605(b) of the RFA, that the rules adopted herein will not have a significant economic impact on a substantial number of small entities, as defined in the RFA.

List of Subjects

47 CFR Part 13

Radio.

47 CFR Part 97

Radio, Volunteers.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 13 and 97 as follows:

PART 13—COMMERCIAL RADIO OPERATORS

1. The authority citation for part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

2. Section 13.9 is amended by revising paragraph (d)(2) to read as follows:

§ 13.9 Eligibility and application for new license or endorsement.

* * * * *

(d) * * *

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license grant granted before April 15, 2000: Telegraphy Elements 1 and 2.

* * * * *

3. Section 13.13 is amended by revising paragraph (d)(2) to read as follows:

§ 13.13 Application for a renewed or modified license.

* * * * *

(d) * * *

(2) An expired or unexpired FCC-issued Amateur Extra Class operator license document granted before April 15, 2000: Telegraphy Elements 1 and 2.

PART 97—AMATEUR RADIO SERVICE

4. The authority citation for part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

5. Section 97.3 is amended by revising paragraphs (a)(35) and (b) introductory text to read as follows:

§ 97.3 Definitions.

(a) * * *

(35) *Question set.* A series of examination questions on a given examination selected from the question pool.

* * * * *

(b) The definitions of technical symbols used in this part are:

* * * * *

6. Section 97.119 is amended by removing paragraph (f)(3), revising paragraph (f)(2), and by redesignating paragraph (f)(4) as (f)(3) and revising newly redesignated paragraph (f)(3) to read as follows:

§ 97.119 Station identification.

* * * * *

(f) * * *

(2) For a control operator who has requested a license modification from Novice, Technician, or Technician Plus Class to General Class: AG;

(3) For a control operator who has requested a license modification from Novice, Technician, Technician Plus, General, or Advanced Class to Amateur Extra Class: AE.

* * * * *

7. Section 97.527 is revised to read as follows:

§ 97.527 Reimbursement for expenses.

VEs and VECs may be reimbursed by examinees for out-of-pocket expenses incurred in preparing, processing, administering, or coordinating an examination for an amateur operator license.

[FR Doc. 01–10225 Filed 4–24–01; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–177; FCC 01–60]

An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this proceeding the Commission relaxes the technical requirements for directional AM stations. The new rules reduce the number of measurements required as part of directional AM license applications and eliminate outdated operating requirements. The changes, consistent with the Commission's streamlining initiatives, reduce the regulatory burden upon directional AM stations to the extent possible while maintaining the integrity of the service.

DATES: Effective May 25, 2001.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, *http://www.fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Peter H. Doyle, Audio Services Division, Mass Media Bureau (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in MM. Docket No. 93–177, adopted February 14, 2001, and released March 7, 2001. The new rules adopted here were proposed in an earlier *Notice of Proposed Rule Making* (NPRM) in this proceeding [*See* 64 FR 40539, July 27, 1999]. The final rules incorporate comments received in response to the NPRM. The complete text of this *Report and Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC 20554, and may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036. The complete text is also available on the Internet at *http://www.fcc.gov/mmb/asd/welcome2.html#NEWBOX.*

Synopsis of *Report and Order*

1. Introduction

This *Report and Order* relaxes the Commission's technical rules for AM broadcasters using directional antennas. Directional AM stations use antennas which suppress radiated field in some directions and enhance it in others. In order to control interference between stations and assure adequate community coverage, directional AM stations must undergo extensive "proofs of performance" to demonstrate that the antenna system operates as authorized. This *Report and Order* substantially reduces the number of measurements required in a proof of performance, and, consequently, reduces the cost borne by the licensee. The *Report and Order* also eliminates some equipment and measurement requirements for directional AM stations, and eliminates the designation of some directional AM stations as "critical arrays," a classification that imposed additional operating restrictions and expenses upon some licensees.

2. Proof of Performance Requirements

An antenna proof of performance establishes whether the radiation pattern of an AM station is in compliance with the station's authorization. An AM station must perform a full proof to verify the pattern shape when a new directional antenna system is authorized. Partial proofs, which require fewer measurements, are occasionally necessary to show that an array continues to operate properly. For both full and partial proofs, the Commission reduced the required number of radials and the number of measurements per radial.

Previously, 47 CFR 73.151 required that a permittee measure a minimum of eight radials in a full proof of performance. For complex patterns, measurements were required on a sufficient number of radials to define the pattern shape completely, i.e., three radials in the main lobe, and one in each null and minor lobe. The *Report and Order* reduces the minimum number of radials from eight to six for simple directional antenna patterns and, generally, requires no more than 12 radials to define complex patterns. The Commission also reduces the number of measurement points along each radial to 15, from the 20 to 30 points previously required, and shortens the minimum length of the radial to 15 kilometers.

Partial proofs of performance are required after the installation of new equipment on an AM tower or when changes in the electrical environment, such as erection of a new tower nearby, could affect the radiation pattern. These proofs are conducted to verify that the array remains properly adjusted. A partial proof consists of measurements taken at selected locations used in the last full proof of performance. The field strength values measured at each point are mathematically compared to values obtained in the last full proof to yield the current value of radiation along each azimuth. The new rules reduce the minimum number of radials measured in a partial proof to four, and also reduce the number of points per radial from 10 to eight. In addition, a partial proof is no longer mandatory when a licensee replaces sampling system components or changes a monitoring point location.

3. Monitoring Points

Monitoring points are specific locations on selected radials where licensees regularly take field strength measurements. The measured field strength at each monitoring point shall not exceed a maximum value specified on the station's license. The *Report and Order* deletes the requirement that licensees submit maps and driving directions for each monitoring point. The Commission will allow licensees to designate a replacement monitoring point without a partial proof on the affected radial, provided field strength readings have not changed. In response to comments, the Commission will not identify monitoring points by GPS coordinates alone. However, AM stations may submit GPS coordinates as part of a monitoring point description. Finally, the Commission will include a brief description of the monitoring point on the AM station's license.

4. AM Station Equipment and Measurements

The *Report and Order* deletes or modifies certain operating requirements for directional AM stations. Licensees whose directional stations use approved antenna sampling systems are no longer required to maintain base current ammeters. The requirement to measure antenna impedance across a range of frequencies is eliminated. Finally, licensees are no longer required to maintain antenna reactance at zero ohms.

5. Critical Array Designation .

Because the current and phase measured for each tower in a directional antenna system tend to fluctuate, our rules specify operating tolerances for these values. In most cases, maintaining current and phase variations within normal tolerance will ensure that radiated fields remain within authorized limits. The Commission had designated as "critical arrays" those directional antenna systems that were more likely to produce excessive field when operating parameters vary. Licensees of critical arrays were required to maintain tighter operating tolerances in order to limit potential interference. The Commission had proposed to relax the criteria defining a critical array, and to apply the revised criteria to all proposals for new or modified directional antennas. However, the Commission was persuaded by comments to eliminate the critical array designation entirely, consistent with recent technical streamlining initiatives. The Commission also deletes the critical array designation in all outstanding authorizations.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"),[1] the Commission has prepared this present Final Flexibility Analysis ("FRFA") of the possible significant economic impact on small entities by the policies and rules adopted in this *Report and Order*. Written and electronically filed public comments were requested in our Initial Regulatory Flexibility Analysis (IRFA). None were received. The Commission will send a copy of the *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the *Report and Order* and FRFA (or summaries thereof) will be published in the **Federal Register**. *See* 5 U.S.C. 604(a).

Need for and Objectives of the Rules

This *Report and Order* eliminates some of Commission's technical rules and relaxes others to materially reduce the regulatory and compliance burdens on AM broadcasters using directional antennas. For instance, in order to control interference between stations and assure adequate community coverage, directional AM stations currently must undergo extensive "proofs of performance" to demonstrate that the antenna system operates as authorized. The field strength measurements and technical exhibits which our current rules require as part of a "proof" impose a substantial financial burden upon these AM broadcasters, a burden not incurred by licensees in the other broadcast services.

This *Report and Order* reduces this particular burden, and generally reduces the Commission's regulatory requirements to the minimum necessary to achieve our policy objectives of controlling interference and assuring adequate community coverage.

Legal Basis

Authority for the actions proposed in this *Report and Order* may be found in sections 4(i), 4(j), 303, 308, 309, 316 and 319 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303, 308, 309, 316 and 319.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. *See* 5 U.S.C. 601(3); 15 U.S.C. 632. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. 632 (1996). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." 5 U.S.C. 601(4). Nationwide, as of 1992, there were approximately 275,801 small

[1] *See* U.S.C. 603. The RFA, see 5 U.S.C. 601 *et. seq.*, has been amended by the Contract with America Advancement Act of 1996, Public Law 194–12, 110 Stat. 848 (1996) ("CWAA"). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA").

organizations. 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of U.S. Small Business Administration). "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." 5 U.S.C. 601(5). As of 1992, there were approximately 85,006 such jurisdictions in the United States. U.S. Department of Commerce, Bureau of the Census, "1992 Census of Governments." This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

The rules and policies will apply to certain AM radio broadcasting licensees and potential licensees. The Small Business Administration defines a radio broadcasting station that has no more than $5 million in annual receipts as a small business. 13 CFR 121.201, SIC 4832. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual (1987), SIC 4832. Included in this industry are commercial, religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number. The 1992 Census indicates that 96 percent (5,861 of 6,127) of radio station establishments produced less than $5 million in revenue in 1992. The Census Bureau counts radio stations located at the same facility as one establishment. Therefore, each colocated AM/FM combination counts as one establishment. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. FCC News Release, No. 31327 (January 13, 1993). As of February 1, 2001, official Commission records indicate that 12,751 radio stations were operating, of which 4,674 were AM stations.

Thus, because only 40 percent of AM stations operate with directional antennas, the rules affect 1,870 radio stations. We use the 96% figure of radio station establishments with less than $5 million revenue from the Census data and apply it to the 1,870 radio stations using directional antennas to arrive at 1,795 individual AM stations as small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-radio affiliated companies.

In addition to owners of operating radio stations, any entity that seeks or desires to obtain a radio broadcast license may be affected by rule changes adopted in this *Report and Order*. The number of entities that may seek to obtain a radio broadcast license is unknown.

Description of Projected Recording, Recordkeeping, and Other Compliance Requirements

A number of rule changes adopted in this *Report and Order* reduce the reporting requirements of prospective and current AM licensees. In order to control interference between stations and assure adequate community coverage, directional AM stations must undergo extensive "proofs of performance" when initially constructed, and from time to time thereafter, to verify conformance with authorized operating parameters. AM licensees incur substantial costs in performing the measurements and preparing the required technical exhibits for a proof of performance. This *Report and Order* reduces the number of measurement radials required and shortens the length of measured radials. We have deleted the requirement to include maps showing each field measurement location with a license application. In addition, we have eliminated the requirement for a proof of performance in certain circumstances. Taken together, these changes reduce the cost of a proof of performance for all AM licensees and for prospective new applicants. We also delete the requirement for base current ammeters, and eliminate the designation of some directional antenna systems as critical arrays. These measures reduce operating costs for directional AM stations. None of the rule changes adopted here impose new recording, record keeping, or other compliance requirements on prospective or current AM licensees. Overall, the changes we are adopting are designed to reduce the overall administrative burdens of the Commission's rules on both regulatees and the Commission staff.

Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

This *Report and Order* enhances opportunities for improvement of technical facilities and service and minimizes the administrative burdens and delays associated with our radio broadcast licensing processes. The changes adopted in this *Report and Order* will reduce the costs of operating a directional AM station, of modifying the station's facilities, and of constructing a new AM station. While we expect that the changes adopted here will benefit directional AM stations regardless of size, we note that the cost reductions may be of particular value to small entities.

All significant alternatives presented in the comments were considered. In particular, several commenters dissented from our proposal to relax the criteria for designating critical arrays, and to apply the new criteria to all applications for new or modified directional AM facilities. After considering this alternative suggested by the commenters, we were persuaded that we could eliminate the critical array designation entirely without compromising the integrity of the AM service. This rule change eases operating requirements for those AM stations which might have been designated as critical arrays, a benefit which is irrespective of the station's size or ownership, but which may be a boon to a small business.

Report to Congress

The Commission will send a copy of *An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification*, including this FRFA, in a report to be sent to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996. *See* 5 U.S.C. 801(a)(1)(A). In addition, the Commission will send a copy of this *Report and Order*, including this FRFA, to the Chief Counsel for Advocacy of the Small business Administration. A copy of this *Report and Order*, including this FRFA, (or summaries thereof) will also be published in the **Federal Register**. *See* 5 U.S.C. 604(b).

List of Subjects in 47 CFR Part 73

Radio.

Federal Communications Commission.
William F. Caton,
Deputy Secretary.

Rules Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends part 73 of title 47 of the Code of Federal Regulations as follows:

PART 73—RADIO BROADCAST SERVICES

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, and 336.

§ 73.14 [Revised]

2. Section 73.14 is revised by removing the definition of "Critical directional antenna."

3. Section 73.53 is amended by revising paragraphs (b)(5) and (b)(12) and by removing paragraph (c).

§ 73.53 Requirements for authorization of antenna monitors.

* * * * *

(b) * * *

(5) The device used to indicate relative amplitudes shall be graduated in increments which are 1 percent, or less, of the full scale value. If a digital indicator is provided, the smallest increment shall be 0.1 percent, or less, of the full scale value.

* * * * *

(12) The performance specifications set forth in paragraph (b)(11) of this section, shall be met when the monitor is operated and tested under the following conditions.

* * * * *

4. Section 73.54 is revised to read as follows:

§ 73.54 Antenna resistance and reactance measurements.

(a) The resistance of an omnidirectional series fed antenna is measured at either the base of the antenna without intervening coupling or tuning networks, or at the point the transmission line connects to the output terminals of the transmitter. The resistance of a shunt excited antenna may be measured at the point the radio frequency energy is transferred to the feed wire circuit or at the output terminals of the transmitter.

(b) The resistance and reactance of a directional antenna shall be measured at the point of common radiofrequency input to the directional antenna system after the antenna has been finally adjusted for the required radiation pattern.

(c) A letter of notification must be filed with the FCC in Washington, DC, Attention: Audio Services Division, Mass Media Bureau, when determining power by the direct method pursuant to § 73.51. The letter must specify the antenna or common point resistance at the operating frequency. The following information must also be kept on file at the station:

(1) A full description of the method used to make measurements.

(2) A schematic diagram showing clearly all components of coupling circuits, the point of resistance measurement, the location of the antenna ammeter, connections to and characteristics of all tower lighting isolation circuits, static drains, and any other fixtures connected to and supported by the antenna, including other antennas and associated networks. Any network or circuit component used to dissipate radio frequency power shall be specifically identified, and the impedances of all components which control the level of power dissipation, and the effective input resistance of the network must be indicated.

(d) AM stations using direct reading power meters in accordance with § 73.51, can either submit the information required by paragraph (c) of this section or submit a statement indicating that such a meter is being used. Subsequent station licenses will indicate the use of a direct reading power meter in lieu of the antenna resistance value in such a situation.

5. Section 73.58 is amended by removing paragraph (b), redesignating paragraphs (c) through (f) as paragraphs (b) through (e), and by revising newly redesignated paragraph (d) to read as follows:

§ 73.58 Indicating instruments.

* * * * *

(d) In the event that any one of these indicating instruments becomes defective when no substitute which conforms with the required specifications is available, the station may be operated without the defective instrument pending its repair or replacement for a period not in excess of 60 days without further authority of the Commission. If the defective instrument is the antenna current meter of a nondirectional station which does not employ a remote antenna ammeter, or if the defective instrument is the common point meter of a station which employs a directional antenna and does not employ a remote common point meter, the operating power shall be determined by a method described in § 73.51(a)(1) or § 73.51(d) during the entire time the station is operated without the antenna current meter or common point meter. However, if a remote meter is employed and the antenna current ammeter or common point meter becomes defective, the remote meter can be used to determine operating power pending the return to service of the regular meter.

* * * * *

6. Section 73.62 is amended by revising paragraph (a) to read as follows:

§ 73.62 Directional antenna system tolerances.

(a) Each AM station operating a directional antenna must maintain the indicated relative amplitudes of the antenna monitor currents within 5% of the values specified therein. Directional antenna relative phase currents must be maintained to within ±3 deg. of the values specified on the instrument of authorization.

* * * * *

7. Section 73.68 is amended by revising paragraphs (a)(2), (d)(2), and (d)(3) to read as follows:

§ 73.68 Sampling systems for antenna monitors.

(a) * * *

(2) Sampling lines for directional antennas may be of different lengths provided the phase difference of signals at the monitor are less than 0.5 degrees between the shortest and longest cable lengths due to temperature variations to which the system is exposed.

* * * * *

(d) * * *

(2) Immediately prior to modification or replacement of components of the sampling system, and after a verification that all monitoring point values and operating parameters are within the limits or tolerances specified in the rules, the following indications must be recorded for each radiation pattern: Final plate current and plate voltage, common point current, antenna monitor phase and current indications, and the field strength at each monitoring point. Subsequent to these modifications or changes the procedure must be repeated.

(3) If monitoring point field strengths or antenna monitor parameters exceed allowable limits following the replacement or modification of that portion of the sampling system above the base of the towers, a partial proof of performance shall be executed in accordance with § 73.154 . The partial proof of performance shall be accompanied by common point impedance measurements made in accordance with § 73.54.

* * * * *

8. Section 73.69 is amended by revising paragraphs (a), (d)(2), and (d)(4) to read as follows:

§ 73.69 Antenna monitors.

(a) Each station using a directional antenna must have in operation at the transmitter site an FCC authorized antenna monitor.

* * * * *

(d) * * *

(2) Immediately before the replacement of the antenna monitor, after a verification that all monitoring point values and the common point current reading are within the limits or tolerances specified in the rules, the following indications must be recorded for each radiation pattern: Final plate current and plate voltage, common point current, antenna monitor phase and current indications, and the field strength at each monitoring point.

* * * * *

(4) If it cannot be established by the observations required in paragraph (d)(2) of this section that the common point current reading and the monitoring point values are within the tolerances or limits prescribed by the rules and the instrument of authorization, or if the substitution of the new antenna monitor for the old results in changes in these parameters, a partial proof of performance shall be executed and analyzed in accordance with § 73.154.

* * * * *

9. Section 73.151 is amended by revising paragraph's (a)(1), (a)(2), and (a)(3) to read as follows:

§ 73.151 Field strength measurements to establish performance of directional antennas.

(a) * * *

(1) A tabulation of inverse field strengths in the horizontal plane at 1 km, as determined from field strength measurements taken and analyzed in accordance with § 73.186, and a statement of the effective measured field strength (RMS). Measurements shall be made in the following directions:

(i) Those specified in the instrument of authorization.

(ii) In major lobes. Generally, one radial is sufficient to establish a major lobe; however, additional radials may be required.

(iii) Along additional radials to establish the shape of the pattern. In the case of a relatively simple directional antenna pattern, a total of six radials is sufficient. If two radials would be more than 90° apart, then an additional radial must be specified within that arc. When more complicated patterns are involved, that is, patterns having several or sharp lobes or nulls, measurements shall be taken along as many as 12 radials to definitely establish the pattern(s). Pattern symmetry may be assumed for complex patterns which might otherwise require measurements on more than 12 radials.

(2) A tabulation of:

(i) The phase difference of the current in each element with respect to the reference element, and whether the current leads (+) or lags (−) the current in the reference element, as indicated by the station's antenna monitor.

(ii) The ratio of the amplitude of the radio frequency current in each element to the current in the reference element, as indicated on the station's antenna monitor.

(3) A monitoring point shall be established on each radial for which the construction permit specifies a limit. The following information shall be supplied for each monitoring point:

(i) Measured field strength.

(ii) An accurate and detailed description of each monitoring point. The description may include, but shall not be limited to, geographic coordinates determined with a Global Positioning System receiver.

(iii) Clear photographs taken with the field strength meter in its measuring position and with the camera so located that its field of view takes in as many pertinent landmarks as possible.

* * * * *

10. Section 73.152 is amended by:

A. Revising paragraph (a).

B. Redesignating paragraphs (b) through (d) as paragraphs (c) through (e).

C. Adding a new paragraph (b).

D. Revising newly redesignated paragraphs (d) introductory text, (d)(2) introductory text, (d)(2)(iii), and (d)(2)(iv).

The revisions and additions read as follows:

§ 73.152 Modification of directional antenna data.

(a) If, after construction and final adjustment of a directional antenna, a measured inverse distance field in any direction exceeds the field shown on the standard radiation pattern for the pertinent mode of directional operation, an application shall be filed, specifying a modified standard radiation pattern and/or such changes as may be required in operating parameters so that all measured effective fields will be contained within the modified standard radiation pattern. Permittees may also file an application specifying a modified standard radiation pattern, even when measured radiation has not exceeded the standard pattern, in order to allow additional tolerance for monitoring point limits.

(b) If, following a partial proof of performance, a licensee discovers that radiation exceeds the standard pattern on one or more radials because of circumstances beyond the licensee's control, a modified standard pattern may be requested. The licensee shall submit, concurrently, Forms 301–AM and 302–AM. Form 301–AM shall include an exhibit demonstrating that no interference would result from the augmentation. Form 302–AM shall include the results of the partial proof, along with full directional and nondirectional measurements on the radial(s) to be augmented, including close-in points and a determination of the inverse distance field in accordance with § 73.186.

* * * * *

(d) The following general principles shall govern the situations in paragraphs (a), (b), and (c) in this section:

* * * * *

(2) Where any excessive field does not result in objectionable interference to another station, a modification of construction permit application may be submitted with a modified standard pattern encompassing all augmented fields. The modified standard pattern shall supersede the previously submitted standard radiation pattern for that station in the pertinent mode of directional operation. Following are the possible methods of creating a modified standard pattern:

* * * * *

(iii) A combination of paragraphs (d)(2)(i) and (d)(2)(ii), of this section, with (d)(2)(i) being applied before (d)(2)(ii) is applied.

(iv) Where augmentation is allowable under the terms of this section, the requested amount of augmentation shall be centered upon the measured radial and shall not exceed the following:

(A) The actual measured inverse distance field value, where the radial does not involve a required monitoring point.

(B) 120% of the actual measured inverse field value, where the radial has a monitoring point required by the instrument of authorization.

* * * * *

11. Section 73.154 is revised to read as follows:

§ 73.154 AM directional antenna partial proof of performance measurements.

(a) A partial proof of performance consists of at least 8 field strength measurements made on each of the radials that includes a monitoring point.

If the directional pattern has fewer than 4 monitored radials, the partial proof shall include measurements on those radials from the latest complete proof of performance which are adjacent to the monitored radials.

(b) The measurements are to be made within 3 to 15 kilometers from the center of the antenna array. When a monitoring point as designated on the station authorization lies on a particular radial, one of the measurements must be made at that point. One of the following methods shall be used for the partial proof:

(1) Measurement points shall be selected from the points measured in latest full proof of performance provided that the points can be identified with reasonable certainty, and that land development or other factors have not significantly altered propagation characteristics since the last full proof. At each point, the licensee shall measure directional field strength for comparison to either the directional or the nondirectional field strength measured at that point in the last full proof.

(2) In the event that a meaningful comparison to full proof measurements cannot be made, the licensee shall measure both directional and nondirectional field strength at eight points on each radial. The points need not be limited to those measured in the last full proof of performance.

(c) The results of the measurements are to be analyzed as follows. Either the arithmetic average or the logarithmic average of the ratios of the field strength at each measurement point to the corresponding field strength in the most recent complete proof of performance shall be used to establish the inverse distance fields. (The logarithmic average for each radial is the antilogarithm of the mean of the logarithms of the ratios of field strength (new to old) for each measurement location along a given radial). When new nondirectional measurements are used as the reference, as described in paragraph (b)(2) of this section, either the arithmetic or logarithmic averages of directional to nondirectional field strength on each radial shall be used in conjunction with the measured nondirectional field from the last proof to establish the inverse distance field.

(d) The result of the most recent partial proof of performance measurements and analysis is to be retained in the station records available to the FCC upon request. Maps showing new measurement points, i.e., points not measured in the last full proof, shall be associated with the partial proof in the station's records, and shall be provided to the FCC upon request.

12. Section 73.158 is revised to read as follows:

§ 73.158 Directional antenna monitoring points.

(a) When a licensee of a station using a directional antenna system finds that a field monitoring point, as specified on the station authorization, is no longer accessible or is unsuitable because of nearby construction or other disturbances to the measured field, an application to change the monitoring point location, including FCC Form 302–AM, is to be promptly submitted to the FCC in Washington, DC.

(1) If the monitoring point has become inaccessible or otherwise unsuitable, but there has been no significant construction or other change in the vicinity of the monitoring point which may affect field strength readings, the licensee shall select a new monitoring point from the points measured in the last full proof of performance. A recent field strength measurement at the new monitoring point shall also be provided.

(2) Alternatively, if changes in the electromagnetic environment have affected field strength readings at the monitoring point, the licensee shall submit the results of a partial proof of performance, analyzed in accordance with § 73.154, on the affected radial.

(3) The licensee shall submit an accurate, written description of the new monitoring point in relation to nearby permanent landmarks.

(4) The licensee shall submit a photograph showing the new monitoring point in relation to nearby permanent landmarks that can be used in locating the point accurately at all times throughout the year. Do not use seasonal or temporary features in either the written descriptions or photographs as landmarks for locating field points.

(b) When the description of the monitoring point as shown on the station license is no longer correct due to road or building construction or other changes, the licensee must prepare and file with the FCC, in Washington, DC, a request for a corrected station license showing the new monitoring point description. The request shall include the information specified in paragraphs (a)(3) and (a)(4) of this section, and a copy of the station's current license. A copy of the description is to be posted with the existing station license.

13. Section 73.186 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 73.186 Establishment of effective field at one kilometer.

(a) * * *

(1) Beginning as near to the antenna as possible without including the induction field and to provide for the fact that a broadcast antenna is not a point source of radiation (not less than one wave length or 5 times the vertical height in the case of a single element, i.e., nondirectional antenna or 10 times the spacing between the elements of a directional antenna), measurements shall be made on six or more radials, at intervals of approximately 0.2 kilometer up to 3 kilometers from the antenna, at intervals of approximately one kilometer from 3 kilometers to 5 kilometers from the antenna, at intervals of approximately 2 kilometers from 5 kilometers to 15 kilometers from the antenna, and a few additional measurements if needed at greater distances from the antenna. Where the antenna is rurally located and unobstructed measurements can be made, there shall be at least 15 measurements on each radial. These shall include at least 7 measurements within 3 kilometers of the antenna. However, where the antenna is located in a city where unobstructed measurements are difficult to make, measurements shall be made on each radial at as many unobstructed locations as possible, even though the intervals are considerably less than stated above, particularly within 3 kilometers of the antenna. In cases where it is not possible to obtain accurate measurements at the closer distances (even out to 8 or 10 kilometers due to the character of the intervening terrain), the measurements at greater distances should be made at closer intervals.

* * * * *

(b) Complete data taken in conjunction with the field strength measurements shall be submitted to the Commission in affidavit form including the following:

(1) Tabulation by number of each point of measurement to agree with the maps required in paragraph (c) of this section, the date and time of each measurement, the field strength (E), the distance from the antenna (D) and the product of the field strength and distance (ED) (if data for each radial are plotted on semilogarithmic paper, see paragraph (a)(2)(ii) of this section) for each point of measurement.

(2) Description of method used to take field strength measurements.

(3) The family of theoretical curves used in determining the curve for each radial properly identified by conductivity and dielectric constants.

(4) The curves drawn for each radial and the field strength pattern.

(5) The antenna resistance at the operating frequency.

(6) Antenna current or currents maintained during field strength measurements.

(c) Maps showing each measurement point numbered to agree with the required tabulation shall be retained in the station records and shall be available to the FCC upon request.

14. Section 73.3538 is amended by revising paragraph (b) to read as follows:

§ 73.3538 Application to make changes in an existing station.

* * * * *

(b) An informal application filed in accordance with § 73.3511 is to be used to obtain authority to make the following changes in the station authorization:

(1) To modify or discontinue the obstruction marking or lighting of the antenna supporting structure where that specified on the station authorization either differs from that specified in 47 CFR 17, or is not appropriate for other reasons.

(2) Relocation of a main studio outside the principal community contour may require the filing and approval of a letter request for authority to make this change prior to implementation. See § 73.1125.

[FR Doc. 01–9886 Filed 4–24–01; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 66, No. 80
Wednesday, April 25, 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

Rural Utilities Service

7 CFR Part 1710

RIN 0572–AB65

Demand Side Management and Renewable Energy Systems

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS) is proposing to amend its regulations by removing subpart H of part 1710 in its entirety. The existing subpart H details separate policies and requirements for loans for renewable energy systems and demand side management. Many of these requirements overlap provisions found elsewhere in part 1710. Others do not seem well suited for the smaller scale projects of this type that are becoming increasingly common in the industry. RUS believes that it is more appropriate to consider such small scale projects in this rapidly developing segment of the energy industry by proceeding on a case-by-case basis. By contrast, the balance of part 1710 affords a useful framework for considering utility-scale energy projects without regard to whether they are for demand side management or renewable resources.

DATES: Written comments must be received by RUS on or before May 25, 2001.

ADDRESSES: Written comments should be addressed to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, U.S. Department of Agriculture, Rural Utilities Service, Room 4026 South Building, Stop 1522, 14th & Independence Ave., SW., Washington, DC 20250–1522. RUS requests a signed original and three copies of all comments (7 CFR 1700.4). Comments will be available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Georg A. Shultz, Chief, Energy Forecasting Branch, Electric Staff Division, Rural Utilities Service, U.S. Department of Agriculture, Stop 1569, 1400 Independence Ave., SW., Washington, DC 20250–1569. Telephone: (202) 720–1921. FAX: (202) 720–7491. E-mail: gshultz@rus.usda.gov.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget (OMB).

Executive Order 12372

This rule is excluded from the scope of Executive Order 12372, Intergovernmental Consultation, which may require consultation with State and local officials. See the final rule related notice entitled "Department Programs and Activities Excluded from Executive Order 12372," (50 FR 47034) advising that RUS loans and loan guarantees were not covered by Executive Order 12372.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of the Executive Order. In addition, all state and local laws and regulations that are in conflict with this rule will be preempted; no retroactive effect will be given to this rule; and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)) administrative appeal procedures, if any are required, must be exhausted before an action against the Department or its agencies.

Regulatory Flexibility Act Certification

In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Administrator of RUS has determined that this rule will not have significant impact on a substantial number of small entities. The RUS electric loan program provides loans and loan guarantees to borrowers at interest rates and terms that are more favorable than those generally available from the private sector. Small entities are not subjected to any requirements, which are not applied equally to large entities. RUS borrowers, as a result of obtaining federal financing, receive economic benefits that exceed any direct cost associated with RUS regulations and requirements.

National Environmental Policy Act Certification

The Administrator of RUS has determined that this rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Therefore, this action does not require an environmental impact statement or assessment.

Catalog of Federal Domestic Assistance

The program described by this rule is listed in the Catalog of Federal Domestic Assistance programs under No. 10.850, Rural Electrification Loans and Loan Guarantees. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402–9325, telephone number (202) 512–1800.

Information Collection and Recordkeeping Requirements

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provision of title II of the Unfunded Mandates Reform Act) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act.

Background

The Rural Utilities Service (RUS) is proposing to remove from part 1710 of its regulations entitled "General and Pre-Loan Policies and Procedures" subpart H thereof, which separately treats demand side management and renewable energy systems. Subpart H has seldom been used. Since it was first promulgated in 1994, RUS has averaged less than one of these loans a year. More recently, changes in the energy industry and technological advances have produced increased interest in utilizing

these approaches for smaller scaled projects and projects employing innovative technologies. However, subpart H with its requirements for such things are integrated resource plans (IRP's) and demand side management plans present formidable barriers for the development of smaller projects. Furthermore, the usefulness of such traditional analytical devices in today's radically changed energy industry has become questionable. In addition, projects of this sort often possess unique attributes that make the application of detailed regulations impractical and sometimes even counterproductive. For example, subpart H precludes the use of innovative technologies. See 7 CFR 1710.351(a) and 1710.353. For all of these reasons, RUS believes that subpart H has become unjustified and unnecessary as a result of changed circumstances and should be removed or substantially revised.

After considering the low volume of loan requests RUS receives annually for these loans, the disparate nature of the projects that can be characterized as demand side management or renewable energy systems, and the rapidly evolving nature of this industry, RUS has determined that the removal of subpart H is the better alternative. Accordingly, RUS is proposing to proceed case-by-case in considering requests for demand side management and renewable energy system loans.

RUS expects that utility scale projects will continue to confirm to the remaining provisions of part 1710 establishing its general and pre-loan policies and procedures. RUS recognizes that the particular circumstances of an individual project may necessitate adjustments in the application or interpretation of its general policies and procedures to specific demand side management or renewable energy systems loans regardless of scale. The Administrator may, of course, waive or reduce any requirement imposed by part 1710 by resorting to the exception authority contained in the rule itself. See 7 CFR 1710.4. In light of their rarity so far, RUS anticipates that it may be necessary to interpret the application of part 1710 to utility scale demand side management and renewable energy system loans on a somewhat frequent basis at first. RUS will treat small-scale projects as pilot projects for which the remainder of part 1710 will serve merely as guidance. As used in this rule, "small scale project" refers to projects requesting loans less than $5 million or generating less than 10 MW (nameplate rating). "Utility scale project" refers to everything else.

As RUS acquires greater experience with loans for demand side management and renewable energy systems, it may reissue regulations on this subject in the event that the volume of loans requests or the number of recurring issues raised warrant it. Accordingly, subpart H is being reserved.

List of Subjects in 7 CFR Part 1710

Electric power, Electric utilities, Loan programs-energy, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, RUS proposes to amend 7 CFR chapter XVII by revising part 1710 to read as follows:

PART 1710—GENERAL AND PRELOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

1. The authority citation for part 1710 continues to read as follows:

Authority: 7 U.S.C. 901 *et seq.*, 1921 *et seq.*, and 6941 *et seq.*

Subpart H—Demand Side Management and Renewable Energy Systems

2. Remove and reserve subpart H:

§§ 1710.350–1710.363 [Removed and Reserved]

Dated: February 13, 2001.

Blaine D. Stockton,

Acting Administrator, Rural Utilities Service.

[FR Doc. 01–10262 Filed 4–24–01; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–145–AD]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model L–1011 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Lockheed Model L–1011 series airplanes that currently requires the implementation of a corrosion prevention and control program either by accomplishing specific tasks or by revising the maintenance inspection program to include such a program. This action would require accomplishment of new specific tasks and visual inspections to detect corrosion of certain structural areas and repair, or revision of the maintenance inspection program. This proposal relates to the recommendations of the Airworthiness Assurance Task Force assigned to review Model L–1011 series airplanes, which indicate that, to assure long term continued operational safety, various structural inspections should be accomplished.

DATES: Comments must be received by June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–145–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Lockheed Martin & Logistics Centers, 120 Orion Street, Greenville, South Carolina 29605. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Tom Peters, Program Manager, Program Management and Services Branch, ACE–118A, FAA, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6063; fax (770) 703–6097.

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 shall identify the Rules Docket number and be submitted in triplicate 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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–NM–145–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–145–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On October 8, 1993, the FAA issued AD 93–20–03, amendment 39–8710 (58 FR 60775, November 18, 1993), applicable to all Lockheed Model L–1011 series airplanes, to require the implementation of a corrosion prevention and control program either by accomplishing specific tasks or by revising the maintenance inspection program to include such a program. That action was prompted by reports of incidents involving corrosion and fatigue cracking in transport category airplanes that were approaching or had exceeded their economic design goal; those incidents jeopardized the airworthiness of the affected airplanes. The actions of that AD are intended to prevent degradation of the structural capabilities of the airplane due to the problems associated with corrosion.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, Lockheed has issued "Corrosion Prevention and Control Program (CPCP)," Report No. LR 31889, Revision D, dated August 15, 1999. This document revises the minimum procedures for preventing and controlling corrosion problems that may jeopardize continuing airworthiness of the L–1011 fleet. A Baseline Program that was developed by the L–1011 Airworthiness Assurance Task Force (AATF) Structures Working Group, is included in the document for use by operators who do not have a proven effective program. A mandatory reporting system is also included. Reported data and other relevant information will continue to be reviewed annually by an Industry Working Group.

The FAA has reviewed and approved Revision D of the CPCP, Report No. LR 31889, which describes procedures for, among other things, removing and visually inspecting the landing gear attachment bushings for corrosion; visually inspecting the upper wing access hole flanges and dip stick hole bushings on the lower wing for corrosion; visually inspecting the structural interior adjacent to the "S" duct for corrosion, and visually inspecting the horizontal stabilizer pivot bearing for corrosion. Accomplishment of the actions specified in Revision D of the CPCP Report, or a revision of the maintenance inspection program per Revision D, is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 93–20–03 to continue to require the visual inspections and repair of certain structures, if necessary, or a revision of the FAA-approved maintenance inspection program. This proposal would require accomplishment of various visual inspections for corrosion of certain structures, and repair, if necessary; or incorporation of Revision D of the Corrosion Prevention and Control Program, dated August 15, 1999, into the FAA-approved maintenance inspection program. Specific visual inspection and repair procedures have been described previously.

Cost Impact

There are approximately 187 Lockheed Model L–1011 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 117 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 93–20–03 take approximately 20 work hours per inspection to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $140,400, or $1,200 per airplane, per inspection cycle.

The new visual inspections proposed in this AD action would take approximately 249 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $1,747,980, or $14,940 per airplane.

If an operator chooses to accomplish the proposed revision to the maintenance inspection program, it would take approximately 1 work hour per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $7,020, or $60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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 removing amendment 39–8710 (58 FR 60775, November 18, 1993), and by adding a new airworthiness directive (AD), to read as follows:

Lockheed: Docket 2000–NM–145–AD. Supersedes AD 93–20–03, Amendment 39–8710.

Applicability: All Model L–1011 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 (k) 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 prevent structural failure of the airplane due to corrosion, accomplish the following:

Restatement of the Requirements of AD 93–20–03

Note 2: This AD references Lockheed Document Number LR 31889, "Corrosion Prevention and Control Program, TriStar L–1011," dated March 15, 1991, including "Errata Sheet, LR 31889, Corrosion Prevention and Control Program, TriStar L–1011," issued September 29, 1992, and Revision D, dated August 15, 1999 (hereafter, those publications are referred to as "the Document"), for corrosion tasks, definitions of corrosion levels, compliance times, and reporting requirements. In addition, this AD specifies inspection and reporting requirements beyond those included in the Document. Where there are differences between the AD and the Document, the AD prevails.

Note 3: As used throughout this AD, the term "the FAA" is defined differently for different operators, as follows: For those operators complying with paragraph (a) or (c) of this AD, "the FAA" is defined as "the Manager of the Atlanta Aircraft Certification Office (ACO)." For those operators operating under 14 CFR part 121 or 129, and complying with paragraph (b) or (d) of this AD, "the FAA" is defined as "the cognizant Maintenance Inspector at the appropriate FAA Flight Standards office."

(a) Except as provided in paragraph (b) of this AD, complete each of the corrosion tasks specified in Section 4 of the Document in accordance with the procedures of the Document, and the schedule specified in paragraphs (a)(1) and (a)(2) of this AD. Corrosion task numbers C–32–710–01 (nose landing gear) and C–32–730–01 (main landing gear, left and right) are not required to be accomplished as part of this AD.

Note 4: A "corrosion task," as defined in Section 4 of the Document, includes inspections; procedures for a corrective action, including repairs, under identified circumstances; application of corrosion inhibitors; and other follow-on actions.

Note 5: Corrosion tasks completed in accordance with the Document before the effective date of this AD may be credited for compliance with the initial corrosion task requirements of paragraph (a)(1) of this AD.

Note 6: Where non-destructive inspection (NDI) methods are employed, in accordance with Section 4 of the Document, the standards and procedures used must be acceptable to the Administrator in accordance with 14 CFR part 43.13.

(1) Complete the initial corrosion task of each "airplane area" specified in Section 4 of the Document as follows:

(i) For airplane areas that have not yet exceeded the "implementation age" (IA) for a corrosion task as of one year after December 17, 1993 (the effective date of AD 93–20–03, amendment 39–8710): Initial compliance must occur no later than the IA plus the repeat (R) interval.

(ii) For airplane areas that have exceeded the IA for a particular corrosion task, as of one year after December 17, 1993: Initial compliance must occur within one R interval for that task, measured from a date one year after December 17, 1993.

(iii) For airplanes that have reached or exceeded 20 years after the date of manufacture as of one year after December 17, 1993: Initial compliance must occur for each corrosion task within one R interval for that task, but not to exceed 6 years, measured from a date one year after December 17, 1993, whichever occurs first.

(iv) Notwithstanding paragraph (a)(1)(i), (a)(1)(ii), or (a)(1)(iii) of this AD, for airplane areas that exceed the IA for that area, the operator must accomplish the initial corrosion task for each such area at a minimum rate equivalent to one such area per year, beginning one year after December 17, 1993.

Note 7: This paragraph does not require inspection of any area that has not exceeded the IA for that area.

Note 8: This minimum rate requirement may cause an undue hardship on some small operators. In those circumstances, requests for adjustments to the implementation rate will be evaluated on a case-by-case basis under the provisions of paragraph (h) of this AD.

(2) Repeat each corrosion task at a time interval not to exceed the R interval specified in the Document for that task.

(b) As an alternative to the requirements of paragraph (a) of this AD: Prior to one year after December 17, 1993, revise the FAA-approved maintenance inspection program to include the corrosion prevention and control program specified in the Document; or to include an equivalent program that is approved by the FAA. In all cases, the initial corrosion task for each airplane area must be completed in accordance with the compliance schedule specified in paragraph (a)(1) of this AD. Corrosion task numbers C–32–710–01 (nose landing gear) and C–32–730–01 (main landing gear, left and right) are not required to be accomplished as part of this AD.

(1) Any operator complying with paragraph (b) of this AD may use an alternative recordkeeping method to that otherwise required by 14 CFR part 91.417 or part 121.380 for the actions required by this AD, provided it is approved by the FAA and is included in a revision to the FAA-approved maintenance inspection program.

(2) Subsequent to the accomplishment of the initial corrosion task, extensions of R intervals specified in the Document must be approved by the FAA.

New Requirements of This AD

(c) Except as provided in paragraph (e) of this AD, within 5 years after the effective date of this AD: Complete each of the corrosion tasks at the times specified in paragraphs (c)(1), (c)(2), (c)(3), and (c)(4) of this AD in accordance with the procedures specified in the Document. (Corrosion tasks number C–32–710–01 (nose landing gear) and C–32–730–01 (main landing gear, left and right) are not required to be accomplished as part of this AD.)

Note 9: A "corrosion task," as defined in Section 4 of the Document, includes inspections; procedures for a corrective action, including repairs, under identified circumstances; application of corrosion inhibitors; and other follow-on actions.

Note 10: Corrosion tasks completed in accordance with the Document before the effective date of this AD may be credited for compliance with the initial corrosion task requirements of paragraph (a)(1) of this AD.

Note 11: Where non-destructive inspection (NDI) methods are employed, in accordance with Section 4 of the Document, the

standards and procedures used must be acceptable to the Administrator in accordance with FAR Section 43.13.

(1) Accomplish corrosion tasks C–55–320–05 and C–55–330–05, per Revision D of the Document. Thereafter, accomplish these corrosion tasks at intervals not to exceed 5 years.

(2) Accomplish corrosion task C–57–540–02, per Revision D of the Document. Thereafter, accomplish this corrosion task at intervals not to exceed 5 years.

(3) Accomplish corrosion task C–57–530–04, per Revision D of the Document. Thereafter, accomplish this corrosion task at intervals not to exceed 5 years.

(4) Accomplish corrosion task C–53–310–03, per Revision D of the Document. Thereafter, accomplish this corrosion task at intervals not to exceed 10 years.

Inspection of the Horizontal Stabilizer

(d) Within 15 years time-in-service or 5 years after the effective date of this AD, whichever occurs later: Conduct a free-play inspection of the horizontal stabilizer pivot bearing, disassemble ALL horizontal stabilizer pivot bearing assemblies, and perform a detailed visual inspection of the pivot bearing assembly components to detect corrosion, in accordance with the procedures specified in Task C–55–350–01 of Revision D of the Document. Thereafter, repeat this inspection at intervals not to exceed 5 years.

Note 12: This paragraph does not require inspection of any area that has not exceeded the IA for that area.

Note 13: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Acceptable Alternative Compliance With Certain Requirements

(e) As an alternative to the requirements of paragraph (c) and (d) of this AD: Within 90 days after the effective date of this AD, revise the FAA-approved maintenance program to incorporate and implement Revision D of Lockheed Document Number LR 31889, "Corrosion and Protection Control Program, TriStar L–1011", dated August 15, 1999.

Accommodating Scheduling Requirements

(f) To accommodate unanticipated scheduling requirements of paragraph (c) or (d) of this AD, it is acceptable for an R interval to be increased by up to 10%, but not to exceed 6 months. The FAA must be informed, in writing, of any such extension within 30 days after such adjustment of the schedule.

(g)(1) If, during any inspection conducted in accordance with this AD, Level 3 corrosion is determined to exist in any airplane area, accomplish the actions specified in either paragraph (g)(1)(i) or (g)(1)(ii) of this AD within 7 days after such determination. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(i) Submit a report of that determination to the FAA and complete the corrosion task in the affected areas on all Model L–1011 series airplanes in the operator's fleet; or

(ii) Submit to the FAA for approval one of the following:

(A) A proposed schedule for performing the corrosion tasks in the affected areas on the remaining Model L–1011 series airplanes in the operator's fleet, which is adequate to ensure that any other Level 3 corrosion is detected in a timely manner, along with substantiating data for that schedule; or

(B) Data substantiating that the Level 3 corrosion found is an isolated occurrence.

Note 14: Notwithstanding the provisions of Section 1 of the Document, which would permit corrosion that otherwise meets the definition of Level 3 corrosion (*i.e.*, which is determined to be a potentially urgent airworthiness concern requiring expeditious action) to be treated as Level 1 if the operator finds that it "can be attributed to an event not typical of the operator's usage of other airplanes in the same fleet," this paragraph requires that data substantiating any such finding be submitted to the FAA for approval.

(2) The FAA may impose schedules other than those proposed, upon finding that such changes are necessary to ensure that any other Level 3 corrosion is detected in a timely manner.

(3) Within the time schedule approved under paragraph (g)(1) or (g)(2) of this AD, accomplish the corrosion tasks in the affected areas of the remaining Model L–1011 series airplanes in the operators' fleet.

(h) If, as a result of any inspection after an initial inspection conducted in accordance with the requirements of this AD, it is determined that corrosion findings exceed Level 1 in any area, within 60 days after such determination, implement a means, approved by the FAA, to reduce future findings of corrosion in that area to Level 1 or better.

(i) Before any operator places into service any airplane subject to the requirements of this AD, a schedule for the accomplishment of corrosion tasks required by this AD must be established in accordance with paragraph (i)(1) or (i)(2) of this AD, as applicable:

(1) For airplanes previously maintained in accordance with this AD, the first corrosion task in each airplane area to be performed by the new operator must be accomplished in accordance with the previous operator's schedule or with the new operator's schedule, whichever would result in the earlier accomplishment date for that task. After each corrosion task has been performed once, each subsequent task must be performed in accordance with the new operator's schedule.

(2) For airplanes that have not been previously maintained in accordance with this AD, the first corrosion task for each airplane area to be performed by the new operator must be accomplished prior to further flight or in accordance with a schedule approved by the FAA.

(j) Reports of Level 2 and Level 3 corrosion must be submitted at least quarterly to Lockheed Aeronautical Systems in accordance with Section 5 of Revision 4 of the Document.

Note 15: Reporting of Level 2 and Level 3 corrosion found as a result of any opportunity inspections is highly desirable.

Alternative Methods of Compliance

(k) 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, Atlanta Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 16: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Atlanta ACO.

Special Flight Permits

(l) Special flight permits may be issued in accordance with sections 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 Renton, Washington, on April 18, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10181 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–294–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires inspection of the aft trunnion of the wing landing gear for cracks and corrosion, and corrective action, if necessary. This action would require new repetitive inspections for cracks or corrosion of the aft trunnion outer cylinders of the wing landing gear, follow-on actions, and repetitive

overhaul of the wing landing gear. The new actions would also apply to airplanes not included in the applicability of the existing AD. The actions specified by the proposed AD are intended to find and fix cracking or corrosion of the aft trunnion of the wing landing gear, which could result in collapse of the wing landing gear and consequent reduced controllability of the airplane.

DATES: Comments must be received by June 11, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–294–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9–anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–294–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tamara Anderson, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2771; fax (425) 227–1181.

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 shall identify the Rules Docket number and be submitted in triplicate 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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–NM–294–AD." The postcard will be date-stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–294–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 7, 1990, the FAA issued AD 90–06–18 R1, amendment 39–6706 (55 FR 33650, August 17, 1990), applicable to certain Boeing Model 747 series airplanes, to require repetitive inspections of the aft trunnion of the wing landing gear for cracks and corrosion, and corrective action, if necessary. That AD also provides an optional modification which terminates the repetitive inspections. That action was prompted by reports of several incidents of landing gear collapse due to corrosion and fatigue cracks. The requirements of that AD are intended to prevent such landing gear collapse, which could result in the inability of the pilot to safely control the airplane.

Actions Since Issuance of Previous Rule

Since the issuance of AD 90–06–18 R1, the FAA has received several reports that operators have found cracked or fractured aft trunnion outer cylinders of the wing landing gear on airplanes modified per the optional terminating action provided in that AD. Cracked or fractured aft trunnion outer cylinders could result in collapse of the wing landing gear and consequent reduced controllability of the airplane. The FAA has also determined that this unsafe condition could occur on all Boeing Model 747 series airplanes, not just the airplanes included in the applicability of the existing AD.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–32A2465, Revision 1, dated July 20, 2000, which describes procedures for new repetitive detailed visual inspections using a borescope to find cracking or corrosion of the aft trunnion outer cylinders of the wing landing gear, and follow-on actions. If no cracking or corrosion is found, the follow-on action is application of corrosion preventative compound to the aft trunnion. If any cracking or corrosion is found, the service bulletin specifies to contact Boeing for repair instructions. Flag note 2 of Figure 1 of the service bulletin also references specific sections of the Boeing Overhaul Manual for procedures for repetitive overhaul of the wing landing gear. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 90–06–18 R1 to continue to require, for certain airplanes, inspection of the aft trunnion of the wing landing gear for cracks and corrosion, and corrective action, if necessary. For all affected airplanes, this proposed AD would add requirements for new repetitive inspections for cracks or corrosion of the aft trunnion outer cylinders of the wing landing gear, follow-on actions, and repetitive overhaul of the wing landing gear. The actions would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Differences Between Service Bulletin and Proposed AD

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions, this proposed AD would require the repair of those conditions to be accomplished per a method approved

by the FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

Cost Impact

There are approximately 1,132 airplanes of the affected design in the worldwide fleet.

In AD 90–06–18 R1, the FAA estimated that the actions in that AD would affect 163 airplanes of U.S. registry. The actions that are currently required by AD 90–06–18 R1 take approximately 45 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the FAA estimates the cost impact of the currently required actions on U.S. operators to be $440,100, or $2,700 per airplane, per inspection cycle.

The FAA estimates that this proposed AD would affect 233 airplanes of U.S. registry. The new inspections proposed in this AD action would take approximately 8 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the FAA estimates the cost impact of the proposed inspection on U.S. operators to be $111,840, or $480 per airplane, per inspection cycle.

The new overhaul proposed in this AD action would take approximately 320 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the FAA estimates the cost impact of the proposed overhaul on U.S. operators to be $4,473,600, or $19,200 per airplane, per overhaul.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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 removing amendment 39–6706 (55 FR 33650, August 17, 1990), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 2000–NM–294–AD. Supersedes AD 90–06–18 R1, Amendment 39–6706.

Applicability: All Model 747 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane 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 airplanes 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 (e) 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 find and fix cracking or corrosion of the aft trunnion of the wing landing gear, which could result in collapse of the wing landing gear and consequent reduced controllability of the airplane, accomplish the following:

Restatement of Requirements of AD 90–06–18 R1

Repetitive Inspections and Corrective Actions (Certain Airplanes)

(a) For airplanes listed in Groups 1, 2, and 3 in Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989, inspect as follows:

(1) Within the next 120 days after August 17, 1990 (the effective date of AD 90–06–18 R1, amendment 39–6706), perform a visual inspection, or a visual-plus-eddy-current inspection, of the wing landing gear at the trunnion, for cracks and corrosion, in accordance with Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989.

(2) If no cracks or corrosion are found, repeat the inspection described in paragraph (a)(1) of this AD at intervals not to exceed 6 months if the visual inspection option was selected for the previous inspection, or at intervals not to exceed 18 months if the visual-plus-eddy-current inspection option was selected for the previous inspection. Doing paragraph (b), (c), or (d) of this AD ends the repetitive inspections required by this paragraph.

(3) Except as provided by paragraph (a)(4) of this AD, if cracks or corrosion are found, prior to further flight, remove and rework or replace cracked/corroded parts in accordance with Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989.

(4) If only corrosion is found, as an alternative to paragraph (a)(3) of this AD, accomplish the terminating action described in Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989, within 12 months after detection of corrosion, but no later than 36 months after August 17, 1990; and high-frequency-eddy-current inspect the wing landing gear trunnion at intervals not to exceed 6 months, until the terminating action is accomplished. Doing paragraph (b), (c), or (d) of this AD ends the repetitive inspections required by this paragraph.

Optional Terminating Action for Requirements of Paragraph (a)

(b) For airplanes listed in Groups 1, 2, and 3 in Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989: Modification in accordance with Boeing Service Bulletin 747–32–2190, Revision 4, dated October 26, 1989, constitutes terminating action for the reinspection requirements of paragraph (a) of this AD.

New Requirements of This AD

Repetitive Detailed Visual Inspections and Follow-On Actions (All Airplanes)

(c) Within 180 days after the effective date of this AD, do a detailed visual inspection using a borescope to find cracking and corrosion of the aft trunnion outer cylinders of the wing landing gear. Do the inspection per Figure 2 of Boeing Alert Service Bulletin 747–32A2465, Revision 1, dated July 20,

2000. The detailed visual inspection is contained in Part 1 of the service bulletin. Thereafter, repeat the inspection at intervals not to exceed 6 months.

(1) If no corrosion or cracking is found during any inspection per paragraph (c) of this AD, before further flight, apply corrosion preventative compound, per the service bulletin. Repeat the application of corrosion preventative compound after each inspection per paragraph (c) of this AD.

(2) If any corrosion or cracking is found during any inspection per paragraph (c) of this AD, before further flight, repair per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA; or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: "An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required."

Overhaul (All Airplanes)

(d) At the applicable compliance time stated in paragraph (d)(1) or (d)(2) of this AD, and thereafter at intervals not to exceed 10 years, overhaul the wing landing gear per Flag Note 2 of Figure 1 of Boeing Alert Service Bulletin 747–32A2465, Revision 1, dated July 20, 2000. If any cracking or corrosion outside the overhaul limits is found during this overhaul, before further flight, repair per a method approved by the Manager, Seattle ACO; or per data meeting the type certification basis of the airplane approved by a Boeing Company DER who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD. For affected airplanes, doing this overhaul ends the repetitive inspections required by paragraph (a) of this AD.

(1) For Group 1 airplanes listed in Boeing Alert Service Bulletin 747–32A2465, Revision 1, on which the wing landing gear has NOT been modified per Flag Note 1 of Figure 1 of the service bulletin: Overhaul the wing landing gear within 48 months after the effective date of this AD.

(2) For Group 1 airplanes listed in Boeing Alert Service Bulletin 747–32A2465, Revision 1, on which the wing landing gear HAS been modified per Flag Note 1 of Figure 1 of the service bulletin; OR for Groups 2 and 3 airplanes listed in Boeing Alert Service Bulletin 747–32A2465, Revision 1: Overhaul the wing landing gear within 10 years since delivery of the airplane or last overhaul, or within 180 days after the effective date of this AD, whichever comes later.

Alternative Methods of Compliance

(e)(1) 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, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 90–06–18 R1, amendment 39–6706, are approved as alternative methods of compliance for paragraphs (a) and (b) of this AD.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 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 Renton, Washington, on April 18, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10180 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–371–AD]

RIN 2120–AA64

Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146–RJ Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain BAE Systems (Operations) Limited Model Avro 146–RJ series airplanes. This proposal would require inspection to detect incorrect wiring of the fire extinguisher bottles located on the engines and on the auxiliary power unit (APU), and corrective action, as necessary. It would also require modification of the wiring of the fire extinguisher bottles located on the engines and on the APU. This action is prompted by reports of incorrect wiring of the fire extinguisher bottles on the engines and the APU discovered during routine maintenance. This action is necessary to prevent the failure of the fire extinguisher bottles to discharge, which could result in the inability to extinguish a fire in the engines or in the APU.

DATES: Comments must be received by May 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–371–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000–NM–371–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, ANM–116, International Branch, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

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 shall identify the Rules Docket number and be submitted in triplicate 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

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–NM–371–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket Number 2000–NM–371–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, notified the FAA that an unsafe condition may exist on certain BAE Systems (Operations) Limited Model Avro 146-RJ series airplanes. The CAA advises that two incidents of incorrect wiring of the fire extinguisher bottles located on the engines and on the auxiliary power unit (APU) were found during routine maintenance. This condition, if not corrected, could result in the failure of the fire extinguisher bottles to discharge, which could result in the inability to extinguish a fire in the engines or in the APU.

Explanation of Relevant Service Information

BAE Systems (Operations) Limited has issued Inspection Service Bulletin ISB.26–60, Revision 2, dated January 18, 2001, which describes procedures for a one-time inspection consisting of a "continuity check" to detect incorrect wiring of the fire extinguisher bottles located on the engines and on the APU. The service bulletin also describes procedures for disconnection of incorrect wiring which is detected and reconnection to the correct terminals. The CAA classified this service bulletin as mandatory and issued British airworthiness directive 002–09–2000, in order to assure the continued airworthiness of these airplanes in the United Kingdom.

In addition, BAE Systems (Operations) Limited has issued Modification Service Bulletins SB.26–060–01688A, dated January 18, 2001, which describes procedures for modification of the wiring of the fire extinguisher bottles located on the engines, and SB.26–061–36220A, dated January 18, 2001, which describes procedures for modification of the wiring of the fire extinguisher bottle located on the APU. The modification described in each service bulletin involves installation of new identification sleeves and earth connection adapters on the fire extinguisher bottles. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

FAA's Conclusions

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

The FAA estimates that 44 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed inspection on U.S. operators is estimated to be $2,640, or $60 per airplane.

It is estimated that it would take approximately 4 work hours per airplane to accomplish the proposed modification of the wiring of the fire extinguisher bottles on the engines, and that the average labor rate is $60 per work hour. According to the applicable service bulletin, the cost of required parts is to be arranged between BAE Systems and the operator. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $10,560, or $240 per airplane, not including any costs to the operator for required parts.

It is estimated that it would take approximately 1 work hour per airplane to accomplish the proposed modification of the wiring of the fire extinguisher bottles on the APU, and that the average labor rate is $60 per work hour. According to the applicable service bulletin, the cost of required parts is to be arranged between BAE Systems and the operator. Based on these figures, the cost impact of the proposed modification on U.S. operators is estimated to be $2,640, or $60 per airplane, not including any costs to the operator for required parts.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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:

BAE Systems (Operations) Limited (Formerly British Aerospace Regional Aircraft): Docket 2000–NM–371–AD.

Applicability: Model Avro 146-RJ series airplanes, certificated in any category, with modifications HCM01582A, HCM01582B, HCM36192A, or HCM36192B embodied.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes 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 (d) 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 prevent the failure of the fire extinguisher bottles on the engines or on the auxiliary power unit (APU) to discharge, which could result in the inability to extinguish a fire in the engines or in the APU, accomplish the following:

Inspection

(a) Within 90 days after the effective date of this AD: Perform a one-time inspection consisting of a "continuity check" to detect incorrect wiring on the fire extinguisher bottles located on the engines and on the APU, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Inspection Service Bulletin ISB.26–60, dated September 4, 2000, or Revision 1, dated October 10, 2000. If incorrect wiring is detected, prior to further flight, correct the wiring in accordance with the service bulletin.

Repeat Inspection

(b) Following any maintenance work, including a complete engine change, that affects the wiring of the fire extinguisher bottles located on the engines or on the APU and prior to further flight thereafter: Perform the inspection required by paragraph (a) of this AD. If incorrect wiring is detected, prior to further flight, correct the wiring in accordance with BAE Systems (Operations) Limited Modification Service Bulletin SB.26–061–36220A or SB.26–060–01688A, both dated January 18, 2001, as applicable.

Modification

(c) Within one year after the effective date of this AD: Modify the wiring of the fire extinguisher bottles located on the engines, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Modification Service Bulletin SB.26–060–01688A, dated January 18, 2001, and modify the wiring of the fire extinguisher bottle located on the APU, in accordance with the Accomplishment Instructions of BAE Systems (Operations) Limited Modification Service Bulletin SB.26–061–36220A, dated January 18, 2001. Accomplishment of these actions constitutes terminating action for the requirements of this AD.

Alternative Methods of Compliance

(d) 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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 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.

Note 3: The subject of this AD is addressed in British airworthiness directive 002–09–2000.

Issued in Renton, Washington, on April 18, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10179 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–08–AD]

RIN 2120–AA64

Airworthiness Directives; Aerospatiale Model ATR42–200, –300, and –320 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Aerospatiale Model ATR42–200, –300, and –320 series airplanes. This proposal would require modifying the wiring of the starting rotary switch. This action is necessary to prevent the loss of electrical power supply of the DC emergency and standby buses, which could result in the loss of some electrical loads and the consequent display of erroneous information to the flight crew. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by May 25, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001–NM–08–AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Aerospatiale, 316 Route de Bayonne,

31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2110; fax (425) 227–1149.

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 shall identify the Rules Docket number and be submitted in triplicate 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.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

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 2001–NM–08–AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket 2001–NM–08–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, notified the FAA that an unsafe condition may exist on certain Aerospatiale Model ATR42–200, –300, and –320 series airplanes. The DGAC advises that the flightcrew of a Model ATR42–320 series airplane switched off the emergency battery following a charge fault, and subsequently experienced a partial loss of direct current (DC) power during descent when they selected the continuous relight position on the starting rotary switch. This type of failure could occur on an airplane if the continuous relight position of the engine start selector is not wired to the ground. In this case, the DC power of the emergency and standby buses is transferred from DC bus 1 (the main network) to the failed emergency battery, resulting in the loss of some electrical loads. This condition, if not corrected, could result in the display of erroneous information to the flightcrew.

Similar Models

The continuous relight position of the engine start selector is similar on ATR42–200, –300, and –320 series airplanes; therefore, these airplanes are all subject to the identified unsafe condition.

Explanation of Relevant Service Information

The manufacturer has issued Avions de Transport Regional Service Bulletin ATR42–80–0001, Revision 2, dated November 15, 2000. The service bulletin describes procedures for modifying the starting rotary switch by installing wiring connecting the ground to the continuous relight position. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DGAC classified this service bulletin as mandatory and issued French airworthiness directive 2000–454–081(B), dated November 15, 2000, to ensure the continued airworthiness of these airplanes in France.

FAA's Conclusions

These airplane models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the manufacturer at no cost to operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $14,400, or $240 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein 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. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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:

Aerospatiale: Docket 2001–NM–08–AD.

Applicability: Model ATR42–200, –300, and –320 series airplanes, certificated in any category; except those modified in accordance with Modification 3047 or Avions de Transport Regional Service Bulletin ATR42–80–0001.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes 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 (b) 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 prevent the loss of electrical power supply of the DC emergency and standby buses, which could result in the loss of some electrical loads and the consequent display of erroneous information to the flight crew, accomplish the following:

Modification

(a) Within 6 months after the effective date of this AD, modify the wiring of the starting rotary switch, in accordance with Avions de Transport Regional Service Bulletin ATR42–80–0001, Revision 2, dated November 15, 2000.

Alternative Methods of Compliance

(b) 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, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

Special Flight Permits

(c) Special flight permits may be issued in accordance with sections 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.

Note 3: The subject of this AD is addressed in French airworthiness directive 2000–454–081(B), dated November 15, 2000.

Issued in Renton, Washington, on April 18, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–10178 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 159

[CGD17–01–003]

RIN 2115–AG12

Discharge of Effluents In Certain Alaskan Waters by Cruise Vessel Operations

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes regulations regarding sewage and graywater discharges from certain cruise vessels transiting applicable waters of Alaska. Operators of cruise vessels carrying 500 or more passengers and transiting applicable waters of Alaska are restricted in where they may discharge effluents and would be required to perform testing of sewage and graywater discharges and maintain records of such discharges. The Coast Guard would inspect, monitor, and oversee this process to ensure compliance with applicable water quality laws and regulations.

DATES: Comments and related material must reach the Coast Guard on or before May 25, 2001.

ADDRESSES: You may mail comments and related material to the Commander Seventeenth Coast Guard District (m), P.O. Box 25517, Juneau, AK, 99802–5517, or deliver them to room 751 of the Federal Building in Juneau, AK between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 907–463–2802. You must also mail comments on collection of information to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, ATTN: Desk Officer, U.S. Coast Guard.

The Coast Guard Seventeenth District (m) Secretary 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 will be available for inspection or copying at room 751, U.S. Coast Guard Seventeenth District (m), between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: LCDR Spencer Wood, Seventeenth District (moc), 907–463–2809.

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 (CGD17–01–003), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit two copies of 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 enclose 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.

We are using 30-day comment period for this rulemaking. Due to the localized interest in this proposed regulation, we feel that this comment period will allow all interested parties enough time to file comments with the Coast Guard. Additionally, because the Alaska cruise season is seasonal, a shorter comment period is needed in order to allow for publication of a Final Rule before the 2001 season ends in mid-September.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the docket 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

Congress passed "Title XIV—Certain Alaskan Cruise Ship Operations" of the Miscellaneous Appropriations Bill (H.R. 5666) on December 21, 2000 in the Consolidated Appropriations Act of 2001 (P.L. 106–554) ["Title XIV"] in response to public concern with environmental impacts of cruise vessels on Alaska waters. This legislation was drafted in the wake of past incidents of illegal wastewater discharges, the discovery of high levels of fecal coliform in legal discharges of treated sewage and graywater, the projected growth of the industry, and the trend within the industry towards larger vessels that carry over 5000 people. In December of 1999, a task force comprised of representatives from the federal government, State government, the cruise industry, and environmental groups was established to develop voluntary procedures for sampling and analyzing wastes generated by cruise vessels while operating in Alaska's waters during the 2000 cruise vessel season.

During the summer 2000 cruise season, the relevant segment of the cruise industry voluntarily agreed not to discharge treated sewage or graywater while in port, not to discharge garbage or untreated sewage in Southeast Alaska's "Donut Holes" (bodies of water greater than three miles from any shoreline yet within Alaska's inside passage), and not to discharge treated sewage or graywater, unless more than 10 miles from port and proceeding at a speed of not less than 6 knots.

Additionally, a voluntary sampling and testing protocol and Quality Assurance/Quality Control Plan (QA/QPC) for treated sewage and graywater were developed. The protocol and QA/QPC were applied to 21 cruise vessels calling on Alaska ports during the 2000 season.

The test results revealed that the majority of the vessels' discharges, both treated sewage and graywater, exceeded marine sanitation device (MSD) design standards for water quality of 200 fecal coliform per 100 milliliters and 150 milligrams per liter total suspended solids (TSS). The high levels of fecal coliform and TSS found in treated sewage indicate that the MSDs used by cruise vessels may not be operating properly or functioning as designed. The Coast Guard boarded 15 vessels as a result of high fecal coliform and TSS levels. Five vessels were found to have evidence of improperly functioning MSDs. The source of the high fecal coliform and TSS found in graywater has yet to be positively determined.

Concurrent with this voluntary sampling process, Congress was drafting legislation that addressed sewage and graywater discharges in Alaska's waters and sought to close the "Donut Holes" located in Southeast Alaska's Inside Passage to untreated sewage discharge. This legislation was enacted into law on December 21, 2000, as part of the Consolidated Appropriations Act of 2001 in the form of Title XIV.

These proposed regulations are in response to Title XIV statutory mandate to draft implementing regulations. Section 1406 of Title XIV directs the Secretary to incorporate into the commercial vessel examination program an inspection regime sufficient to verify that operators of cruise vessels carrying 500 or more passengers and visiting ports in the State of Alaska or operating in the applicable waters of Alaska are in full compliance with the environmental record keeping and equipment requirements of Title XIV, the Federal Water Pollution Control Act, as amended, and any regulations issued there under, other applicable Federal laws and regulations, and all applicable international treaty requirements. The applicable waters of Alaska are defined as the waters of the Alexander Archipelago, the navigable waters of the United States within the State of Alaska, and the Kachemak Bay National Estuarine Research Reserve.

Discussion of Proposed Rule

This rule would establish a regime for documentation and testing of treated sewage and graywater effluent as prescribed by Title XIV. The rule would apply to cruise vessels that carry at least 500 passengers, and operate in the navigable waters of the United States within the State of Alaska. This area extends out three nautical miles from the shore along any portion of land that is included within the jurisdiction of the State of Alaska. The rule also would apply to the same class of cruise vessels that operate in the Alexander Archipelago and the Kachemak Bay National Estuarine Research Reserve. The area designated as "The Alexander Archipelago" is defined in this proposed rule at § 159.305. The definition closes areas of the Archipelago that would otherwise be open to dumping of untreated sewage. The rule would not affect normal transit through the designated areas. The rule would not apply in an emergency situation that threatens the safety of the vessel or its passengers.

Under this rule cruise vessels would maintain a Sewage and Graywater Discharge Record Book while operating in the applicable waters of Alaska. The content of the record book is designed to enable appropriate Coast Guard oversight of sewage and graywater handling practices and ensure compliance with Title XIV. The prescribed format is intended to facilitate both the entry of data, as well as the review of data by the Coast Guard. The Coast Guard is interested in input from the cruise industry and interested members of the public on any additional information that should be included in the Sewage and Graywater Discharge Record Book to enhance data collection and interpretation of sample test results.

This rule would prohibit the discharge of untreated sewage within the designated areas. It also provides for sewage and graywater discharge effluent standards, and establishes an interim treated sewage standard. To discharge treated sewage and graywater while in the applicable waters of Alaska, a cruise vessel would need to be underway at a speed of at least 6 knots and be at least one nautical mile from the nearest shore. Further, the vessel's discharge would need to comply with all applicable effluent standards, including those contained within this rule. Lastly, the vessel could not be in an area where such discharge is prohibited. There are currently no areas within the applicable waters of Alaska that have been designated as an area where such discharge is prohibited.

The rule also would allow for discharges of treated sewage and graywater inside of one mile from shore and at speeds less than six knots for vessels with effluent treatment systems that can treat sewage and graywater to a much stricter standard. To employ this provision a vessel would have to provide 30 days notice of the intended discharge to the appropriate Captain of the Port (COTP). In the notice the vessel would verify that the effluents it intends to discharge meet the minimum fecal coliform and residual chlorine standards listed in 159.307(b) of this rule and the standards set forth in 40 CFR 133.102. To satisfy these standards the vessel would provide to the COTP the test results of 5 samples taken over a 30-day period that meet the requirements. Further, for a vessel to

use this exemption it would have to demonstrate its continued compliance with this proposed rule by sampling and testing for conventional pollutants, as defined in 40 CFR Part 401.16, periodically as determined by the COTP and in accordance with the cruise vessel's Quality Assurance/Quality Control Plan (QA/QCP).

To ensure a viable sampling regime it is necessary to conduct sampling in accordance with a thorough and well developed QA/QPC with Vessel Specific Sampling Plan (VSSP). These documents would define the vessel, sampler, and laboratory's responsibilities in the process of discharge sampling and analysis to ensure the results are timely and accurate. The vessel owner/operator, and/or subcontracted sampling team and laboratory, using the outline in the regulation as a minimum standard, may craft the plans. Sample plans may be obtained from the Seventeenth Coast Guard District (moc) office or the Coast Guard Marine Safety office in Juneau, Alaska. Under the proposed rule the Coast Guard will review and either accept or reject the plans, and determine when and from which sampling ports samples will be drawn. In accordance with the accepted plans, a third party, contracted by the cruise vessel, would conduct the sampling and deliver the samples to a laboratory for analysis.

Between 30 and 120 days prior to coming into the applicable waters of Alaska, cruise vessel owners/operators would self certify that the vessel's effluents meet the minimum standards established by the Administrator of the Environmental Protection Agency. In the absence of such standards they would certify that they meet the minimum standards described in this rule. Title XIV provides for the Administrator to establish minimum effluent standards for treated sewage and graywater, but does not mandate that they do so. In the event the Administrator does establish effluent standards, they would supersede the standards listed in this rule. If a vessel is not able to certify their effluents for treated sewage and graywater as meeting the applicable standards, operational controls would be placed on the vessel by the COTP, directing the vessel not to discharge treated sewage and graywater in the applicable waters of Alaska.

A cruise vessel can expect to be sampled a minimum of two times while operating in the applicable waters of Alaska during a calendar year: Once, within 30 days after first arriving at the start of the cruise season, and a second sometime during the remainder of the vessel's cruise season. During either of the two sampling events, additional samples may be drawn from randomly selected discharge ports for priority pollutant analysis.

The proposed rule would allow for additional sampling, at the discretion of the COTP to ensure continued compliance throughout the operating season and to follow-up on high-test sample results.

All costs associated with compliance with this proposed rule will be paid by the cruise vessels operating in the applicable waters of Alaska, except for costs of oversight and enforcement by the Coast Guard.

Tests results for the samples would be forwarded to the COTP directly by the laboratory conducting the analysis. The time schedule specified in the rule is an industry standard for laboratories qualified to complete the analysis. The laboratory will hold the samples for six months in the case of disputed results. After six months the samples become unusable for any further beneficial analysis and should be discarded.

The reports the laboratory must submit on sample test results may be in an electronic form. However, if submitted electronically, they must be in a format readable by the Coast Guard and Alaska Department of Environmental Conservation's (ADEC) data systems. Currently, the Coast Guard and ADEC use a Windows operating system.

Finally, the proposed rule sets out the penalties that might be assessed if a cruise vessel is found discharging effluent that does not meet the applicable standards.

Regulatory Evaluation

This interim 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. It has not been reviewed by the Office of Management and Budget 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). A draft Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT follows:

A Quality Assurance/Quality Control Plan (QA/QCP) with Vessel Specific Sampling Plan (VSSP) is required by these regulations to establish procedures for collecting and analyzing treated sewage and graywater samples from cruise vessels. During the summer 2000 voluntary cruise vessel sampling program a single QA/QCP, acceptable to the Coast Guard, was used by all 21 cruise vessels. A VSSP was then developed for each vessel. It is anticipated the same, or similar depending on the laboratory used, QA/QCP and VSSP will be used for subsequent summer cruise vessel seasons negating the need to develop new ones. The Coast Guard is not able to estimate the burden that may be associated with individual cruise vessel revisions to the QA/QCP and VSSP, if any.

The annual burden of creating and maintaining a Sewage and Graywater Discharge Record Book on 23 cruise vessels is expected to be $460. This estimate is for the cost of purchasing a record book and maintaining it onboard each vessel. Entries into the record book should be made during the normal routine of the engineering watch so no additional labor costs are expected.

During the summer 2000 cruise vessel voluntary sampling program, the cruise industry operating in Alaska spent an estimated $65,000 on sampling of cruise vessels while underway. An additional estimated $150,000 was spent in having the samples analyzed for conventional pollutants and the complete suite of priority pollutants listed in 40 CFR 401.15. The summer 2000 sampling program included two separate sampling events on 21 cruise vessels from all overboard treated sewage and graywater effluents and marine sanitation devices. In addition to the conventional pollutant suites, one of the two sampling events included samples drawn for a complete suite of priority pollutants analysis.

These regulations provide for a similar sampling and analysis regime with cost savings in some areas and offsetting cost increases in others. While the number of more costly priority pollutants analysis will decrease, the number of overall sampling events for conventional pollutants will likely increase. Also, the number of respondents is expected to increase from 21 to 23. Therefore, the annual burden for sampling and analysis under these regulations is estimated to be $215,000. When divided by the number of participants, the annual cost to each individual vessel is estimated to be $9,348. The estimated cost to each cruise vessel line is as follows:

Cruise line	Vessels	Cost
Princess Cruises	6	$56,088
Holland American	6	56,088
Celebrity	2	18,696
Norwegian	2	18,696
Royal Caribbean	2	18,696
Carnival	1	9,348
Japan	1	9,348
World Explorer	1	9,348
Crystal Cruises	1	9,348

Cruise line	Vessels	Cost
Radisson Seven Seas	1	9,348

The cost is based on two sampling events on each cruise vessel. One sample event would be required within 30 days of entering Alaska waters. The second sample event, although discretionary by the Coast Guard, will be taken from vessels that visit Alaskan waters at least four times a year. Additional samples and analysis may be required, along with the associated cost increase, should the initial sample results indicate noncompliance.

The Coast Guard is not able to estimate the costs that might be incurred if a cruise vessel cannot certify that their discharges meet the applicable standards, and does not have the capacity to hold all of its discharges while transiting the applicable waters of Alaska. In that scenario, it is believed that the cruise vessel would need to alter its cruise itinerary in order to leave the applicable Alaskan waters and enter the high seas, thus enabling the vessel to discharge. We would appreciate any comments that might help us accurately assess these costs.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have 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. This is due to the fact that the cruise vessels that would be subject to this proposed rule will be carrying 500 or more passengers. Typically, these cruise vessels are owned by corporations that do not qualify as small entities.

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 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 LCDR Spence Wood where listed at **FOR FURTHER INFORMATION CONTACT.**

Collection of Information

This rule provides for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). As defined in 5 CFR 1320.3(c), "collection of information" includes reporting, record keeping, monitoring, posting, labeling, and other, similar actions. The title and description of the collections, a description of the respondents, and an estimate of the total annual burden follow. Included in the estimate is the time for reviewing instructions, searching existing sources of data, gathering and maintaining the data needed, and completing and reviewing the collection.

Title: Discharge of Effluents in Certain Alaskan Waters by Cruise Vessel Operations.

Summary of the Collection of Information: The following information will be required to be collected by these regulations:

Quality Assurance/Quality Control Plan (QA/QCP) with Vessel Specific Sampling Plan (VSSP).

Sewage and Graywater Discharge Record Book.

Sewage and graywater sampling test results.

Need for Information: Compliance and enforcement of "Certain Alaskan Cruise Ship Operations" (P.L. 106–554).

Proposed Use of Information: Regulatory oversight and compliance assurance.

Description of the Respondents: Master or other person having charge of each cruise vessel authorized to carry 500 or more passengers while operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve.

Number of Respondents: 23

Frequency of Response: Periodically while operating in the waters described above.

Burden of Response: There are three separate record keeping requirements involved in this regulation. Each is addressed separately, and the estimated total burden follows:

1. Quality Assurance/Quality Control Plan (QA/QCP) with Vessel Specific Sampling Plan (VSSP) development costs. A QA/QCP with VSSP is required by these regulations to establish procedures for collecting and analyzing treated sewage and graywater samples from cruise vessels. During the summer 2000 voluntary cruise vessel sampling program, a single QA/QCP acceptable to the Coast Guard, was used by all 21 cruise vessels. A VSSP was then developed for each vessel and sampling was conducted in compliance with these documents. It is anticipated the same, or similar, QA/QCP and VSSP will be used for subsequent summer cruise vessel seasons negating the need to develop a new QA/QCP or VSSP. The Coast Guard is not able to estimate the burden that may be associated with individual cruise vessel revisions to the QA/QCP or VSSP, if any.

2. Sewage and Graywater Discharge Record Book costs. The annual burden of creating and maintaining a Sewage and Graywater Discharge Record Book on 23 cruise vessels is expected to be $460. This estimate is for the cost of purchasing a record book and maintaining it onboard each vessel. Entries into the record book should be made during the normal routine of the engineering watch so no additional labor costs are expected.

3. Sample collection and analysis costs.

a. During the summer 2000 cruise vessel voluntary sampling program, the cruise industry operating in Alaska spent an estimated $65,000 on sampling of cruise vessels while underway. An additional estimated $150,000 was spent in having the samples analyzed for conventional pollutants and the complete suite of priority pollutants listed in 40 CFR 401.15. The summer 2000 sampling program included two separate sampling events on 21 cruise vessels from all overboard treated sewage and graywater effluents and marine sanitation devices. In addition to the conventional pollutant suites, one of the two sampling events included samples drawn for a complete suite of priority pollutants analysis.

These regulations provide for a similar sampling and analysis regime with cost savings in some areas and offsetting cost increases in others. While the number of more costly priority pollutants analysis will decrease, the number of overall sampling events for conventional pollutants will likely increase. Also, the number of respondents is expected to increase

from 21 to 23. Therefore, the annual burden for sampling and analysis under these regulations is estimated to be $215,000. When divided by the number of participants, the annual cost to each individual vessel is estimated to be $9,348.

Estimated Total Annual Burden: The estimated total annual burden is $215,460.

As required by section 3507(d) of the Paperwork Reduction Act of 1995, the Coast Guard has submitted a copy of this rule to OMB for its review of the collection of information.

The Coast Guard solicits public comment on the collection of information to: (1) Evaluate whether the information is necessary for the proper performance of the functions of the Coast Guard, including whether the information will have practical utility; (2) Evaluate the accuracy of the Coast Guard's estimate of the burden of the 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 on those who are to respond, as by allowing the submittal of responses by electronic means or the use of other forms of information technology.

Persons submitting comments on the collection of information should submit their comments both to OMB and to the Coast Guard where indicated under **ADDRESSES** by the date under **DATES**.

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Before the requirements for this collection of information become effective, the Coast Guard will publish a notice in the **Federal Register** of OMB's decision to approve, modify, or disapprove the collection.

Federalism

Under Executive Order 13132, section 3(b), the Coast Guard finds that a program monitoring effluent discharge from cruise ships transiting certain Alaskan waters is in the national interest, as evidenced by Congress in enacting "Title XIV—Certain Alaskan Cruise Ship Operations" as part of the Consolidated Appropriations Act of 2001 (Public Law 106–554). In that legislation, Congress empowered the Coast Guard to monitor wastewater discharges from cruise ships transiting certain Alaskan waters.

The sampling, testing and log-keeping program outlined in this regulation was taken from a similar program that was run on a voluntary basis during the summer of 2000. That program was one of the results of the Alaska Cruise Ship Initiative, which grew out of a working group composed of representatives from the cruise industry, the public, environmental groups, and state and federal government. The Coast Guard was one of the federal government representatives on that group. The working group was begun by the Commissioner of the Alaska Department of Environmental Conservation (ADEC) in December of 1999.

At the conclusion of the 2000 Alaskan cruise ship season, data from the voluntary wastewater sampling and testing program showed that none of the tested vessels were in full compliance with all federal performance standards for the discharge of treated sewage. This data, as well as data showing high levels of pollutants in graywater, spurred the legislation cited above. It also spurred a meeting between the Alaska governor, ADEC, the Coast Guard, and members of the cruise ship industry in November of 2000. At this meeting, the governor expressed his approval of the then-proposed Title XIV, and the greater authority it granted to the Coast Guard to protect Alaskan waters from pollutants.

This established cooperation between the Coast Guard and the State of Alaska, and the State's support of the legislation and voluntary testing program on which the regulation is based shows how the Coast Guard has consulted with State officials in accordance with Executive Order 13132, Section 3(b). The Coast Guard will continue to consult the State by sharing the results of sample tests with the State, as well as requiring that discharge logbooks be kept in a format readable by the Alaskan Department of Environmental Conservation.

Section 6(c)(2) of Executive Order 13132, requires, that if the agency promulgating the regulations intends that they have preemptive effect, it state that intention and the rationale on which it is based. Accordingly, the following statement is provided:

Section 1411 (b) P.L. 106–554 specifies that, "[n]othing in this Title shall in any way affect or restrict, or be construed to affect or restrict, the authority of the State of Alaska or any political subdivision thereof—(1) to impose additional liability or additional requirement; * * *." This language, as well as the entire Title, is identical to suggested text submitted to Congress by the Department of Transportation as part of a draft Coast Guard Authorization Act of 2000. While the Coast Guard Authorization Act of 2000 did not pass, the provisions of Title XIV—Certain Alaskan Cruise Ship Operations did become law in P.L. 106–554. The Department of Transportation's letter transmitting the Administration's proposed alternative, which eventually became Title XIV of P.L. 106–554, contained an explanation of Section 1411, as follows:

> There are a number of provisions in the Administration's substitute language that would benefit from guidance in a conference report. In particular, we would like to draw the Conferees attention to Section 715 [1411] of the Administration's proposed alternative to Title VII of H.R. 820, as adopted by the Senate, which contains the 'Savings Clause.' In its drafting efforts, the Administration modeled section 715 [which is identical to Section 1411] after Section 1018 of the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2718. Section 1018 of OPA was recently interpreted by the U.S. Supreme Court in the case of U.S. v. Locke, 120 S. Ct. 1135 (Mar. 6, 2000). The case concerned Washington State efforts to regulate oil tankers. The Court held that OPA section 1018 does not alter the preemptive impact of the Federal regulatory regime in the areas of design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, manning and casualty reporting for vessels. It is the intent of the Administration that section 715 be interpreted in the same manner as OPA section 1918, so that future litigation on the subject of Federal preemption of vessel regulation can be avoided.

Accordingly, these interim rules are construed in the same manner described in the Department of Transportation's views letter cited above. Thus, any of these regulations, which have the effect of regulating a cruise vessel's design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, manning and casualty reporting have preemptive effect under existing U.S. laws and treaties to which the United States is a party.

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. This 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 would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Consultation and Coordination With Indian Tribal Governments

This proposed rule will not have tribal implications; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal law. Therefore, it is exempt from the consultation requirements of Executive Order 13175. If tribal implications are identified during the comment period we will undertake appropriate consultations with the affected Indian tribal officials.

Environment

We have considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (34)(d), of Commandant Instruction M16475.lC, this rule is categorically excluded from further environmental documentation. This proposed regulation would require operators of cruise vessels carrying 500 or more passengers in Alaskan waters to document treated sewage and graywater discharges to ensure that they comply with effluent discharge standards. The content of effluent discharges reflects compliant equipment operations. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES.**

List of Subjects

Sewage disposal, Vessels, Reporting and record keeping requirements.

For the reasons discussed in the preamble, the Coast Guard proposes amending 33 CFR Part 159 as follows:

PART 159—MARINE SANITATION DEVICES

1. The authority citation for part 159 is revised to read as follows:

Authority: 33 U.S.C. 1322(b)(1); 49 CFR 1.45(b) and 1.46(l) and (m). Subpart E also issued under authority of Sec. 1(a)(4), Pub. L. 106–554, 114 Stat. 2763; 49 CFR 1.46(ttt).

2. Subpart E is added to part 159 to read as follows:

Subpart E—Discharge of Effluents in Certain Alaskan Waters by Cruise Vessel Operations

Sec.

Subpart E—Discharge of Effluents in Certain Alaskan Waters by Cruise Vessel Operations

§ 159.301 Purpose.

The purpose of this subpart is to implement "Title XIV—Certain Alaskan Cruise Ship Operations" contained in Section 1(a)(4) of Public Law 106–554, enacted on December 21, 2000, by prescribing regulations governing the discharges of sewage and graywater from cruise vessels, require sampling and testing of sewage and graywater discharges, and establish reporting and record keeping requirements.

§ 159.303 Applicability.

This subpart applies to each cruise vessel authorized to carry 500 or more passengers operating in the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve.

§ 159.305 Definitions.

In this subpart:

Administrator—means the Administrator of the United States Environmental Protection Agency.

Applicable waters of Alaska—means the waters of the Alexander Archipelago and the navigable waters of the United States within the State of Alaska and within the Kachemak Bay National Estuarine Research Reserve.

Captain of the Port—means the Captain of the Port as defined in Subpart 3.85 of this chapter.

Conventional pollutants—means the list of pollutants listed in 40 CFR Part 401.16.

Cruise vessel—means a passenger vessel as defined in section 2101(22) of Title 46, United States Code. The term does not include a vessel of the United States operated by the federal government or a vessel owned and operated by the government of a State.

Discharge—means a release, however caused, from a cruise vessel, and includes, any escape, disposal, spilling, leaking, pumping, emitting or emptying.

Environmental compliance records—includes the Sewage and Graywater Discharge Record Book, all discharge reports, all discharge sampling test results, as well as any other records that must be kept under this Subpart.

Graywater—means only galley, dishwasher, bath, and laundry waste water. The term does not include other wastes or waste streams.

Navigable waters—has the same meaning as in section 502 of the Federal Water Pollution Control Act, as amended.

Person—means an individual, corporation, partnership, limited liability company, association, state, municipality, commission or political subdivision of a state, or any federally recognized Indian tribal government.

Priority pollutant—means the list of toxic pollutants listed in 40 CFR Part 401.15.

Sewage—means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

Treated sewage—means sewage meeting all applicable effluent limitation standards and processing requirements of the Federal Water Pollution Control Act, as amended and of Title XIV "Certain Alaskan Cruise Ship Operations" of Public Law 106–554, and regulations promulgated under either.

Untreated sewage—means sewage that is not treated sewage.

Waters of the Alexander Archipelago—means all waters under the sovereignty of the United States within or near Southeast Alaska, as follows:

(1) Beginning at a point 58°11–44N, 136° 39–25W [near Cape Spencer Light], thence southeasterly along a line three nautical miles seaward of the baseline from which the breadth of the territorial sea is measured in the Pacific Ocean and the Dixon Entrance, except where this line intersects geodesics connecting the following five pairs of points:

58° 05–17 N, 136° 33–49 W and 58° 11–41 N, 136° 39–25 W [Cross Sound]
56° 09–40 N, 134° 40–00 W and 55° 49–15 N, 134° 17–40 W [Chatham Strait]
55° 49–15 N, 134° 17–40 W and 55° 50–30 N, 133° 54–15 W [Sumner Strait]
54° 41–30 N, 132° 01–00 W and 54° 51–30 N, 131° 20–45 W [Clarence Strait]
54° 51–30 N, 131° 20–45 W and 54° 46–15 N, 130° 52–00 W [Revillagigedo Channel]

(2) The portion of each geodesic in paragraph (1) of this definition situated beyond 3 nautical miles from the baseline from which the breadth of the territorial seas is measured forms the outer limit of the waters of the Alexander Archipelago in those five locations.

§ 159.307 Untreated sewage.

No person shall discharge any untreated sewage from a cruise vessel into the applicable waters of Alaska.

§ 159.309 Limitations on discharge of treated sewage or graywater.

(a) No person shall discharge treated sewage or graywater from a cruise vessel into the applicable waters of Alaska unless:

(1) The cruise vessel is underway and proceeding at a speed of not less than six knots;

(2) The cruise vessel is not less than one nautical mile from the nearest shore, except in areas designated by the Coast Guard in consultation with the State of Alaska;

(3) The discharge complies with all applicable cruise vessel effluent standards established pursuant to P.L. 106–554 and any other applicable law, and

(4) The cruise vessel is not in an area where the discharge of treated sewage or graywater is prohibited.

(b) Until such time as the Administrator promulgates regulations addressing effluent quality standards for cruise vessels operating in the applicable waters of Alaska, treated sewage and graywater may be discharged from vessels in circumstances otherwise prohibited under paragraphs (a)(1) and (2) of this section provided that:

(1) Notification to the Captain of the Port (COTP) is made not less than 30 days prior to the planned discharge, and such notice includes results of tests showing compliance with this section;

(2) The discharge satisfies the minimum level of effluent quality specified in 40 CFR 133.102;

(3) The geometric mean of the samples from the discharge during any 30-day period does not exceed 20 fecal coliform/100 milliliters (ml) and not more than 10 percent of the samples exceed 40 fecal coliform/100 ml;

(4) Concentrations of total residual chlorine do not exceed 10.0 milligrams per liter (mg/l);

(5) Prior to any such discharge occurring, the owner, operator or master, or other person in charge of a cruise vessel, can demonstrate to the COTP that test results from at least five samples taken from the vessel representative of the effluent to be discharged, on different days over a 30-day period, conducted in accordance with the guidelines promulgated by the Administrator in 40 CFR Part 136, which confirm that the water quality of the effluents proposed for discharge is in compliance with paragraphs (b)(2), (3) and (4) of this section; and

(6) To the extent not otherwise being done by the owner, operator, master or other person in charge of a cruise vessel, pursuant to § 159.317 of this subpart, the owner, operator, master or other person in charge of a cruise vessel shall demonstrate continued compliance through sampling and testing for conventional pollutants and residual chlorine of all treated sewage and graywater effluents periodically as determined by the COTP.

§ 159.311 Safety exception.

The regulations in this subpart shall not apply to discharges made for the purpose of securing the safety of the cruise vessel or saving life at sea, provided that all reasonable precautions have been taken for the purpose of preventing or minimizing the discharge.

§ 159.313 Inspection for compliance and enforcement.

(a) Cruise vessels operating within the applicable waters of Alaska are subject to inspection by the Coast Guard to ensure compliance with this subpart.

(b) An inspection under this section shall include an examination of the Sewage and Graywater Discharge Record Book required under § 159.315 of this subpart, environmental compliance records, and a general examination of the vessel. A copy of any entry in the Sewage and Graywater Discharge Record Book may be made and the Master of the vessel may be required to certify that the copy is a true copy of the original entry.

(c) A vessel not in compliance with this subpart may be subject to the penalties set out in § 159.321, denied entry into the applicable waters of Alaska, detained, or restricted in its operations by order of the COTP.

§ 159.315 Sewage and Graywater Discharge Record Book.

(a) While operating in the applicable waters of Alaska each cruise vessel shall maintain, in English, a legible Sewage and Graywater Discharge Record Book with the vessel's name and official number listed on the front cover and at the top of each page.

(b) Entries shall be made in the Sewage and Graywater Discharge Record Book whenever any of the following is released into the applicable waters of Alaska:

(1) Sewage;

(2) Graywater; or

(3) Sewage and graywater mixture.

(c) Each entry in the Sewage and Graywater Discharge Record Book shall, at a minimum, contain the following information in the order specified:

(1) Name and location of each discharge port within the ship;

(2) Date the start of discharge occurred;

(3) Whether the effluent is sewage, graywater, or a sewage and graywater mixture;

(4) Time discharge port is opened;

(5) Vessel's latitude and longitude at the time the discharge port is opened;

(6) Volume discharged in cubic meters;

(7) Flow rate of discharge in liters per minute;

(8) Time discharge port is secured;

(9) Vessel's latitude and longitude at the time the discharge port is secured; and

(10) Vessel's minimum speed during discharge.

(d) In the event of an emergency, accidental or other exceptional discharge of sewage or graywater, a statement shall be made in the Sewage and Graywater Discharge Record Book of the circumstances, and the reasons for, the discharge and an immediate notification of the discharge shall be made to the COTP.

(e) Each entry of a discharge shall be recorded without delay and signed and dated by the person or persons in charge of the discharge concerned and each completed page shall be signed and dated by the master or other person having charge of the ship.

(f) The Sewage and Graywater Discharge Record Book shall be kept in such a place as to be readily available for inspection at all reasonable times and shall be kept on board the ship.

(g) The master or other person having charge of a ship required to keep a Sewage and Graywater Discharge Record Book shall be responsible for the maintenance of such record.

(h) The Sewage and Graywater Discharge Record Book shall be maintained on board for not less than three years.

§ 159.317 Sampling and reporting.

(a) The owner, operator, master or other person in charge of a cruise vessel that discharges treated sewage and/or graywater in the applicable waters of Alaska shall;

(1) Not less than 90 days prior to each vessel's initial entry into the applicable waters of Alaska during any calendar year, provide to the COTP a Quality Assurance/Quality Control Plan (QA/

QCP) and Vessel Specific Sampling Plan (VSSP) for review and acceptance;

(2) Not less than 30 days nor more than 120 days prior to each vessel's initial entry into the applicable waters of Alaska during any calendar year, provide a certification to the COTP that the vessel's treated sewage and graywater effluents meet the minimum standards established by the Administrator, or in the absence of such standards, meet the minimum established in § 159.319 of this subpart;

(3) Within 30 days of each vessel's initial entry into the applicable waters of Alaska during any calendar year undergo sampling and testing for conventional pollutants of all treated sewage and graywater effluents as directed by the COTP;

(4) While operating in the applicable waters of Alaska be subject to unannounced sampling of treated sewage and graywater discharge effluents, or combined treated sewage/graywater discharge effluents for the purpose of testing for a limited suite, as determined by the Coast Guard, of priority pollutants;

(5) While operating in the applicable waters of Alaska be subject to additional random sampling events, in addition to all other required sampling, of some or all treated sewage and graywater discharge effluents for conventional and/or priority pollutant testing as directed by the COTP;

(6) Ensure all samples, as required by this section, are collected and tested by a laboratory accepted by the Coast Guard for the testing of conventional and priority pollutants, as defined by this subpart, and in accordance with the cruise vessel's Coast Guard accepted QA/QCP and VSSP;

(7) Pay all costs associated with development of an acceptable QA/QCP and VSSP, sampling and testing of effluents, reporting of results, and any additional environmental record keeping as required by this subpart, not to include cost of federal regulatory oversight.

(b) A QA/QCP must, at a minimum include:

(1) Sampling techniques and equipment, sampling preservation methods and holding times, and transportation protocols, including chain of custody;

(2) Laboratory analytical information including methods used, calibration, detection limits, and the laboratory's internal QA/QC procedures;

(3) Quality assurance audits used to determine the effectiveness of the QA program; and

(4) Procedures and deliverables for data validation used to assess data precision and accuracy, the representative nature of the samples drawn, comparability, and completeness of measure parameters.

(c) A VSSP is a working document used during the sampling events required under this section and must, at a minimum, include:

(1) Vessel name;

(2) Passenger and crew capacity of the vessel;

(3) Daily water use of the vessel;

(4) Holding tank capacities for treated sewage and graywater;

(5) Vessel schematic of discharge ports and corresponding sampling ports;

(6) Description of discharges; and

(7) A table documenting the type of discharge, type of sample drawn (grab or composite), parameters (conventional or priority pollutants), vessel location when sample drawn, date and time of the sampling event.

(d) Test results for conventional pollutants shall be submitted within 15 calendar days of the date the sample was collected, and for priority pollutants within 30 calendar days of the date the sample was collected, to the COTP directly by the laboratory conducting the testing and in accordance with the Coast Guard accepted QA/QCP.

(e) Samples collected for analysis under this subpart shall be held by the laboratory contracted to do the analysis for not less than six months, or as directed by the COTP.

(f) Reports required under this section may be written or electronic. If electronic, the reports must be in a format readable by Coast Guard and Alaska Department of Environmental Conservation data systems.

§ 159.319 Fecal coliform and total suspended solids standards.

(a) *Treated sewage effluent discharges*—Until such time as the Administrator promulgates effluent discharge standards for treated sewage; treated sewage effluent discharges in the applicable waters of Alaska shall not have a fecal coliform bacterial count of greater than 200 per 100 ml nor total suspended solids greater than 150 mg/l.

(b) *Graywater effluent discharges* [Reserved.]

§ 159.321 Enforcement.

(a) Administrative penalties.

(1) *Violations.* Any person who violates this subpart may be assessed a class I or class II civil penalty by the Secretary or his delegatee.

(2) *Classes of penalties.*

(i) *Class I.* The amount of a class I civil penalty under this section may not exceed $10,000 per violation, except that the maximum amount of any class I civil penalty under this section shall not exceed $25,000. Before assessing a civil penalty under this subparagraph, the Secretary or his delegatee shall give to the person to be assessed such penalty written notice of the Secretary's proposal to assess the penalty and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed penalty. Such hearing shall not be subject to 5 U.S.C. 554 or 556, but shall provide a reasonable opportunity to be heard and to present evidence.

(ii) *Class II.* The amount of a class II civil penalty under this section may not exceed $10,000 per day for each day during which the violation continues, except that the maximum amount of any class II civil penalty under this section shall not exceed $125,000. Except as otherwise provided in this paragraph, a class II civil penalty shall be assessed and collected in the same manner, and subject to the same provisions as in the case of civil penalties assessed and collected after notice and an opportunity for hearing on the record in accordance with 5 U.S.C. 554.

(3) *Rights of interested persons.*

(i) *Public notice.* Before issuing an order assessing a class II civil penalty under this paragraph, the Secretary shall provide public notice of and reasonable opportunity to comment on the proposed issuance of each order.

(ii) *Presentation of evidence.* Any person who comments on a proposed assessment of a class II civil penalty under this section shall be given notice of any hearing held under this paragraph and of the order assessing such penalty. In any hearing held under this paragraph (a)(3), such person shall have a reasonable opportunity to be heard and present evidence.

(iii) *Rights of interested persons to a hearing.* If no hearing is held under paragraph (a)(2) before issuance of an order assessing a class II civil penalty under this section, any person who commented on the proposed assessment may petition, within 30 days after the issuance of such an order, the Secretary or his delegatee to set aside such order and provide a hearing on the penalty. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Secretary, or his delegatee, shall immediately set aside such order and provide a hearing in accordance with paragraph (a)(2)(ii) of this section. If the Secretary or his delegatee denies a hearing under this clause, the Secretary of his delegatee shall provide to the petitioner and

publish in the **Federal Register** notice of and the reasons for such denial.

(b) *Civil judicial penalties.*

(1) *Generally.* Any person who violates this subpart shall be subject to a civil penalty not to exceed $25,000 per day for each violation. Each day a violation continues constitutes a separate violation.

(2) *Limitation.* A person is not liable for a civil judicial penalty under this paragraph for a violation if the person has been assessed a civil administrative penalty under paragraph (a) of this section for the violation.

(c) *Determination of amount.* In determining the amount of a civil penalty under paragraphs (a) or (b) of this section, the court or the Secretary or his delegatee shall consider the seriousness of the violation, any history of such violations, any good-faith efforts to comply with applicable requirements, the economic impact of the penalty on the violator, and other such matters as justice may require.

(d) *Criminal Penalties.*

(1) *Negligent violations.* Any person who negligently violates this subpart commits a Class A misdemeanor.

(2) *Knowing violations.* Any person who knowingly violates this subpart commits a Class D felony.

(3) *False Statements.* Any person who knowingly makes any false statement, representation, or certification in any record, report or other document filed or required to be maintained under this subpart, or who falsifies, tampers with, or knowingly renders inaccurate any testing or monitoring device or method required to be maintained under this subpart commits a Class D felony.

(e) *Awards.*

(1) The Secretary or his delegatee or the court, when assessing any fines or civil penalties, as the case may be, may pay from any fines or civil penalties collected under this section an amount not to exceed one-half of the penalty or fine collected to any individual who furnished information which leads to the payment of the penalty or fine. If several individuals provide such information, the amount shall be divided equitably among such individuals. No officer or employee of the United States, the State of Alaska or any Federally recognized Tribe who furnishes information or renders service in the performance of his or her official duties shall be eligible for payment under this paragraph (e)(1).

(2) The Secretary, his delegatee, or a court, when assessing any fines or civil penalties, as the case may be, may pay, from any fines or civil penalties collected under this section, to the State of Alaska or any Federally recognized Tribe providing information or investigative assistance which leads to payment of the penalty or fine, an amount which reflects the level of information or investigative assistance provided. Should the State of Alaska or a Federally recognized Tribe and an individual under paragraph (e)(1) of this section be eligible for an award, the Secretary, his delegatee, or the court, as the case may be, shall divide the amount equitably.

(f) *Liability in rem.* A cruise vessel operated in violation of this subpart is liable in rem for any fine imposed under paragraph (c) of this section or for any civil penalty imposed under paragraphs (a) or (b) of this section, and may be proceeded against in the United States district court of any district in which the cruise vessel may be found.

Dated: April 18, 2001.

J.V. O'Shea,

Captain, U.S. Coast Guard, Acting Commander, Seventeenth Coast Guard District.

[FR Doc. 01–10140 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–101–1–7394b; FRL–6969–2]

Approval and Promulgation of Implementation Plans; Texas; Post 96 Rate of Progress Plan, Motor Vehicle Emissions Budgets (MVEB) and Contingency Measures for the Houston/Galveston (HGA) Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to give direct final approval to portions the Texas State Implementation Plan (SIP) revision submitted by the Governor of Texas on May 19, 1998 to meet the reasonable further progress requirements of the Clean Air Act (the Act). We are also approving the Motor Vehicle Emissions Budget (MVEB) established by the Reasonable Further Progress Plan, revisions to the Houston area's contingency measures and revisions to the 1990 base year emissions inventory for the Houston/Galveston nonattainment area. The EPA is proposing to take direct final action on revisions to the Texas State Implementation Plan.

In the "Rules and Regulations" section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no relevant adverse comments, the EPA will not take further action on this proposed rule. If EPA receives relevant adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATE: Written comments must be received by May 25, 2001.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. Guy R. Donaldson, P.E., Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214)665–6691.

SUPPLEMENTARY INFORMATION: This document concerns Post 96 Rate of Progress requirements in the Houston Galveston ozone nonattainment area. For further information, please see the information provided in the direct final action that is located in the "Rules and Regulations" section of this **Federal Register** publication.

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

Dated: April 5, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 01–10118 Filed 4–24–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93–177; FCC 01–60]

An Inquiry Into the Commission's Policies and Rules Regarding AM Radio Service Directional Antenna Performance Verification

AGENCY: Federal Communications Commission.

ACTION: Further notice of proposed rulemaking.

SUMMARY: In this document, the Commission requests comment on specific ways to incorporate the use of computer modeling techniques into the testing and verification procedures for AM radio stations that use directional antennas. Use of computer modeling would further reduce the financial burden on directional AM stations, consistent with the Mass Media Bureau's technical streamlining initiatives.

DATES: Submit comments on or before July 9, 2001 and reply comments on or before September 7, 2001.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, *http://www.fec.gov*.

FOR FURTHER INFORMATION CONTACT: Peter H. Doyle, Audio Services Division, Mass Media Bureau (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rule Making* (FNPRM) in MM Docket No. 93–177, adopted February 14, 2001, and released March 7, 2001. The Commission adopted the FNPRM in response to comments received regarding an earlier *Notice of Proposed Rule Making* (NPRM) in this proceeding [*See* 64 FR 40539, July 27, 1999]. The complete text of this FNPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC, and may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036. The complete text is also available on the Internet at *http://www.fec.gov/mmb/asd/welcome2.html#NEWSBOX*.

Synopsis of Further Notice of Proposed Rule Making

This FNPRM requests comment on specific ways in which directional AM stations could use computer modeling techniques to demonstrate that the antennas operate properly. Directional AM stations use antennas which suppress radiated field in some directions and enhance it in others. In order to control interference between stations and assure adequate community coverage, directional AM stations must undergo extensive "proofs of performance" to demonstrate that the antenna system operates as authorized. The Commission's *Report and Order* in this proceeding, published elsewhere in this issue, substantially reduces the number of field measurements required in a proof of performance. The FNPRM solicits comment on specific ways in which computer modeling could further reduce or replace field measurements as the primary method of demonstrating that a directional AM antenna operates as authorized.

The computer modeling methods used for directional AM antennas are generically referred to as "method of moments" programs, "matrix" programs, or "NEC" programs. NEC programs are based on the Numerical Electromagnetics Code moment method of analysis developed at the Lawrence Livermore Laboratory, Livermore, California. Computer modeling is often used by engineers to predict operating parameters of directional antenna systems.

In the NPRM in this proceeding, the Commission sought comment on its tentative conclusion that computer modeling, while useful as a design tool, could not be relied upon to predict pattern shape with sufficient accuracy in all cases. In response to the NPRM, the National Association of Broadcasters (NAB) sponsored a series of industry forums attended by representatives of large broadcasting groups, consulting engineers, and AM equipment manufacturers. NAB filed supplemental comments to present the industry committee's conclusions to date. The supplemental comments outline 18 criteria to define the types of directional antennas for which computer modeling is straightforward and consistent. These criteria would initially limit the number of towers in the array to six or fewer, would specify the type of sampling system which could be used, and would generally be limited to arrays clear of nearby reradiating objects. NAB and the joint commenters propose that directional AM arrays meeting these criteria could substitute computer modeling for proofs of performance based on field strength measurements.

The Commission requests comments on the criteria proposed by NAB to define arrays for which computer modeling could be used to verify the proper adjustment of a directional AM antenna, and on any other limitations which may be appropriate. The Commission also seeks comment on the following topics: what data should constitute a proof of performance for an array adjusted pursuant to computer modeling; what type of external monitoring may be appropriate for arrays adjusted using computer modeling; the suitability of various types of commercially available software for antenna modeling.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act ("RFA"),[1] the Commission has prepared this Initial Flexibility Analysis ("IRFA") of the possible significant economic impact on small entities by the policies and rules proposed in this FNPRM. Written and electronically filed public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments established in the FNPRM. The Commission will send a copy of the FNPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. In addition, the FNPRM and IRFA (or summaries thereof) will be published in the **Federal Register**. *See* 5 U.S.C. 604(a). Since there is no significant economic effect on small entities, we considered issuing a certification. However, we decided, in order to compile an optimally complete record, to go forward with this IRFA.

Need For and Objectives of the Proposed Rules

This FNPRM seeks comment on the use of computer modeling techniques based on moment method analysis to verify AM directional antenna performance. Adoption of such techniques would reduce further the substantial costs associated with licensing for directional AM stations. These measures would also advance the goal of reducing the Commission's regulatory requirements to the minimum necessary to achieve our policy objectives of controlling interference and assuring adequate community coverage.

Legal Basis

Authority for the actions proposed in this FNPRM may be found in sections 4(i), 4(j), 303, 308, 309, 316, and 319 of the Communications Act of 1934, as

[1] *See* 5 U.S.C. 603. The RFA, see 5 U.S.C. 601 *et seq.*, has been amended by the Contract with America Advancement Act of 1996, Public Law No. 194–12, 110 Stat. 848 (1996) ("CWAA"). Title II of the CWAA is the Small Business Regulatory Enforcement Fairness Act of 1996 ("SBREFA").

amended, 47 U.S.C. 154(i), 154(j), 303, 308, 309, 316, and 319.

Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. 5 U.S.C. 603(b)(3). The RFA generally defines the term "small entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. *See* 5 U.S.C. 601(3); 15 U.S.C. 632. A small business concern is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). Small Business Act, 15 U.S.C. 632 (1996). A small organization is generally "any not-for-profit enterprise which is independently owned and operated and is not dominant in its field." 5 U.S.C. 601(4). Nationwide, as of 1992, there were approximately 275,801 small organizations. 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration). "Small governmental jurisdiction" generally means "governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000." 5 U.S.C. 601(5). As of 1992, there were approximately 85,006 such jurisdictions in the United States. U.S. Dept. of Commerce, Bureau of the Census, "1992 Census of Governments." This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, we estimate that 81,600 (91 percent) are small entities.

The proposed policies will apply to certain AM radio broadcasting licensees and potential licensees. The Small Business Administration defines a radio broadcasting station that has no more than $5 million in annual receipts as a small business. 13 CFR 121.201, SIC 4832. A radio broadcasting station is an establishment primarily engaged in broadcasting aural programs by radio to the public. Executive Office of the President, Office of Management and Budget, Standard Industrial Classification Manual (1987), SIC 4832. Included in this industry are commercial religious, educational, and other radio stations. Radio broadcasting stations which primarily are engaged in radio broadcasting and which produce radio program materials are similarly included. However, radio stations which are separate establishments and are primarily engaged in producing radio program material are classified under another SIC number. The 1992 Census indicates that 96 percent (5,861 of 6,127) radio station establishments produced less than $5 million in revenue in 1992. The Census Bureau counts radio stations located at the same facility as one establishment. Therefore, each co-located AM/FM combination counts as one establishment. Official Commission records indicate that 11,334 individual radio stations were operating in 1992. FCC News Release, No. 31327 (January 13, 1993). As of February 1, 2001, official Commission records indicate that 12,751 radio stations were operating, of which 4,674 were AM stations.

Thus, because only 40 percent of AM stations operate with directional antennas, the proposed rules will affect fewer than 1,870 radio stations, 1,795 of which are small businesses. We use the 96% figure of radio station establishments with less than $5 million revenue from the Census data and apply it to the 1,870 radio stations using directional antennas to arrive at 1,795 individual AM stations as small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-radio affiliated companies.

In addition to owners of operating radio stations, any entity that seeks or desires to obtain a radio broadcast license may be affected by the proposals contained in this item. The number of entities that may seek to obtain a radio broadcast license is unknown. We invite comment as to such number.

Description of Projected Recording, Recordkeeping, and Other Compliance Requirements

Previous comments in this proceeding showed broad support for further consideration of the topic of computer modeling. In order to control interference between stations and assure adequate community coverage, directional AM stations must undergo extensive "proofs of performance" when initially constructed, and from time to time thereafter, to verify conformance with authorized operating parameters. This FNPRM proposes to consider the incorporation into the proof process of computer modeling techniques known as "method of moments." Use of computer modeling offers the potential of a new proof of performance process which is substantially more efficient for both directional AM stations and the Commission staff. Although we anticipate that adopting rule changes to permit use of computer modeling would reduce the engineering costs borne by new or modified directional AM facilities, it is premature to assess the extent of the reduction. We do expect that the optional use of computer modeling would introduce new compliance requirements, but these would be less onerous than our existing proof of performance requirements. The adoption of computer modeling techniques is not likely to introduce new record keeping or recording requirements.

Steps Taken to Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(c). This FNPRM solicits comment on the use of computer modeling in an AM proof of performance. Incorporation of these methods into the Commission's rules has the potential to reduce the burdens and delays associated with our radio broadcast licensing processes. We have solicited comment on adopting computer modeling techniques as an optional alternative to the conventional proof of performance process. We do not anticipate requiring directional AM stations to use computer modeling when filing an application for license. Consequently, none of the four alternative approaches is applicable in this case. Nevertheless, any significant alternatives presented in the comments will be considered.

List of Subjects in 47 CFR Part 73

Radio.

Federal Communications Commission.
William F. Caton,
Deputy Secretary.
[FR Doc. 01–9887 Filed 4–24–01; 8:45 am]
BILLING CODE 6712–01–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 538

[Docket No. NHTSA–98–3429]

[RIN 2127–AF37]

Minimum Driving Range for Dual Fueled Electric Passenger Automobiles

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Denial of petition for reconsideration.

SUMMARY: This notice announces the denial of a petition for reconsideration of the agency's decision to set the minimum driving range for dual fueled electric passenger vehicles at 7.5 miles when operating in the EPA urban cycle and 10.2 miles on the EPA highway cycle.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Mr. P.L. Moore, Motor Vehicle Requirements Division, Office of Market Incentives, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366–5222.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC–20, telephone (202) 366–5253, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION:

I. Establishment of a Minimum Driving Range for Dual Fueled Electric Passenger Vehicles

On December 1, 1998, NHTSA published a final rule in the **Federal Register** (63 FR 66064), which established a minimum driving range for dual fueled electric passenger vehicles.

The agency promulgated this rule in response to amendments in the Energy Policy Act of 1992 (EPACT) (Pub. L. 102–486) which expanded the scope of the alternative fuels promoted by section 513 of the Motor Vehicle Information and Cost Savings Act (Cost Savings Act), now codified as 49 U.S.C. 32905. Section 32901(c), the replacement section for section 513(h)(2), requires dual fueled passenger automobiles to meet specified criteria, including meeting a minimum driving range, in order to qualify for special treatment in the calculation of their fuel economy for purposes of the corporate average fuel economy (CAFE) standards promulgated under Chapter 329 of Title 49 of the United States Code (49 U.S.C. 32901 *et seq.*).

The EPACT amendments, which expanded the scope of alternative fuel vehicles eligible for special CAFE treatment, established and modified minimum driving range requirements for these vehicles. These new or modified minimum driving range requirements necessitated amendments to the driving range requirements found in 49 CFR part 538, *Manufacturing Incentives for Alternative Fuel Vehicles.* NHTSA established a minimum driving range for all dual fueled vehicles except electric vehicles in a final rule issued on March 21, 1996 (61 FR 14507). As noted above, a final rule establishing a minimum driving range for dual fueled electric passenger vehicles was published on December 1, 1998. This final rule set the minimum driving range for dual fueled electric passenger vehicles at 7.5 miles on the EPA urban cycle and 10.2 miles on the EPA highway cycle when operating on electricity alone. The rule further specified that a dual fueled electric passenger vehicle must attain these minimum driving ranges while operating on its nominal electric storage capacity.

The final rule represents the agency's best effort to reconcile the characteristics of contemporary vehicles with Chapter 329's alternative fuel incentive program. The statutory framework of this incentive program, which was drafted well before the advent of the technologies now used in some Hybrid Electric Vehicles (HEVs), does not accommodate the most common HEV designs now in use or under development. Contemporary HEV's have both a conventional internal combustion petroleum fueled engine and an electric motor/generator in their drivetrain. The vehicle uses the petroleum fueled engine either to assist the electric motor or to recharge the batteries used to power the electric motor. Depending on the conditions encountered by the vehicle, it may be powered solely by the electric motor or may be propelled by both the petroleum fueled engine and the electric motor at the same time. In certain modes of operation, the vehicle may be propelled by the electric motor but the gasoline engine may be operating to recharge the batteries. In these HEV's, the modes of operation must switch rapidly and seamlessly—the vehicle may be powered exclusively by the electrical energy stored in the batteries at one moment and may be deriving a substantial amount of its propulsion from the internal combustion engine the next.

As the agency noted in both the Notice of Proposed Rulemaking (NPRM) (62 FR 375, January 3, 1997) and the preamble accompanying the final rule establishing the minimum driving range, Congress established specific definitions for what vehicles may be considered to be dual fueled vehicles for CAFE purposes. Section 32901(a)(2) defines an alternative fuel vehicle as either a dedicated vehicle or a dual fueled vehicle. Dedicated vehicles are defined in section 32901(a)(7) as automobiles that operate only on an alternative fuel. Dual fueled vehicles are defined in section 32901(a)(8) as follows:

> (8) "dual fueled automobile" means an automobile that—
>
> (A) is capable of operating on alternative fuel and on gasoline or diesel fuel;
>
> (B) provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the United States Government, when operating on alternative fuel as when operating on gasoline or diesel fuel;
>
> (C) for model years 1993–1995 for an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel and if the Administrator of the Environmental Protection Agency decides to extend the application of this subclause, for an additional period ending not later than the end of the last model year to which section 32905(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Government, when operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as when operating on gasoline or diesel fuel; and
>
> (D) for a passenger automobile, meets or exceeds the minimum driving range prescribed under subsection (c) of this section.

Examination of this section compels the conclusion that Congress intended that for the purposes of Chapter 329's incentive program that dual fueled vehicles are, with one limited exception, vehicles operating either on an alternative fuel or a petroleum fuel but not on a mixture of the two. Subsection (A) describes a vehicle that operates on a petroleum or alternative fuel but not a mixture of both. Subsection (B) limits dual fuel vehicles to those vehicles that offer equal or superior energy efficiency when operating on an alternative fuel, thereby indicating that the two modes of

operation are exclusive. Subsection (C) indicates that vehicles operating on a mixture of alternative fuel and gasoline or diesel fuel may only be considered as dual fueled automobiles for the 1993–1995 model years (unless extended by the Administrator of the Environmental Protection Agency to the 2004 model year) when such vehicles offer equal or superior energy efficiency when operating on a 50/50 mix of alternative fuel and diesel fuel or gasoline. Therefore, the statutory text of section 32901(a)(8) indicates that Congress did not intend to make incentives available for dual fueled vehicles operating on a mix of fuels except under the limited circumstances enunciated in 32901(a)(8)(C). As the period set by Congress in which such vehicles could be considered as dual fueled vehicles has expired and the EPA has not extended this period by regulation, a dual fueled vehicle is one that is capable of operating on either an alternative fuel or gasoline or diesel fuel but not a mixture of both simultaneously.

In order to qualify for the incentives offered for dual fueled alternative fuel vehicles, a vehicle must meet the criteria of section 32901(a)(8) and be capable of attaining a minimum driving range while operating on alternative fuel. In setting the minimum driving range for dual fueled vehicles, NHTSA considered several principal factors: (1) In requiring a minimum driving range when operating on alternative fuel, Congress did not intend that range to be so low so that vehicles would have little or no utility when operating on conventional fuel, (2) Alternative fuel vehicle technology, particularly in the case of dual fueled electric vehicles and hybrids, is far from mature and, (3) In order to evaluate the fuel efficiency of the vehicle when operating on an alternative fuel, the vehicle must have sufficient range while operating on that fuel to allow the fuel economy to be measured using existing or accepted test methods. Considering these factors, and others, NHTSA initially proposed to set the minimum driving range for dual fueled electric vehicles at 17.7 miles—the range required to complete one EPA urban/highway cycle under the current Federal Test Procedure (FTP)—while operating on electricity alone (62 FR 375, January 3, 1997). Following consideration of the comments submitted in response to that proposal, NHTSA modified the proposal to set the minimum driving range at the same level as the EPA urban/highway cycle when that cycle is split into two components—7.5 miles when operating on the urban cycle and 10.2 miles on the highway cycle. As the agency explained in the preamble to the final rule, this driving range was sufficient to establish that dual fueled vehicles had enough range to have some utility to consumers when operating on electricity, allowed the fuel economy of the vehicles to be measured when operating in this mode, and was not so high as to preclude further development of dual fueled electric vehicles.

As the agency recognized that most contemporary HEV designs derive all of their power, whether operating on electricity alone, gasoline alone, or both gasoline and electricity together, from the combustion of petroleum fuel by a conventional engine, care was taken to determine if these HEVs were, for the purposes of Chapter 329, dual fueled electric vehicles. As the agency explained when issuing the final rule, Chapter 329 indicates that a dual fueled alternative fuel vehicle is one that can operate on an alternative fuel and a conventional fuel but not both simultaneously. However, when the fuel economy of the vehicle is measured under section 32905(b) and when the vehicle attains the minimum driving range required under section 32901(c), it must be operated on the alternative fuel.[1] Therefore, the definition of an alternative fuel dual fueled vehicle, the command that there be some minimum driving range for that vehicle, the procedures specified for measuring its fuel economy, and the method calculating the incentive all indicate that the vehicle must be capable of operating some distance while powered only by the alternative fuel.

As outlined above, the definition of a dual fueled alternative vehicle contemplates that the vehicle will derive its motive power either from a petroleum based fuel or from an alternative fuel. In the case of dual fueled electric vehicles, the alternative fuel is electricity. This electricity can be derived from a number of sources—from batteries charged from an external source, from solar cells, or by using the vehicle's own petroleum fueled engine to produce electricity to be stored or used according to the demand. In the agency's view, electricity that is generated solely from burning petroleum in a vehicle's internal combustion engine is not an alternative fuel for the purposes of Chapter 329.

II. Petition for Reconsideration of the Minimum Driving Range

On January 13, 1999, the agency received a petition from Toyota Motor Corporation (Toyota) requesting reconsideration of NHTSA's decision to set a minimum driving range of 7.5 miles when operating in EPA urban cycle and 10.2 miles on the EPA highway cycle for all dual fueled electric passenger automobiles.

Toyota's petition argues that the requirement that dual fueled electric vehicles must meet the minimum driving range requirements while operating on electricity alone is inconsistent with the Alternative Motor Fuels Act of 1988 (AMFA) (Pub. L. 100–494). In the company's view, requiring HEV's to meet a minimum driving range while operating on electricity alone is contrary to the EPACT amendments goal of encouraging the development of new alternative fuel technologies. Toyota disagrees with the agency's view that vehicles that are not capable of operating on electricity alone are not dual fuel vehicles and its view that HEVs that charge their batteries using only energy derived from the combustion of petroleum fuel in a conventional engine are not, for CAFE purposes, dual fueled vehicles. The company contends that the agency's conclusion that qualifying dual fuel vehicles must be capable of operating alternately on an alternative fuel and a conventional petroleum fuel is contrary to the express language and the legislative history of AMFA.[2]

Toyota first relies on the definition of dual fueled vehicle found in section 32901(a)(8)(A). The company emphasizes that the section states that a dual fueled automobile is on that "is capable of operating on alternative fuel *and* on gasoline or diesel fuel." (emphasis added). Toyota contends that Congress could have drafted the section to indicate that a dual fueled vehicle is one that is capable of operating on alternative fuel *or* on gasoline and diesel fuel and chose not to. The company submits that the agency's interpretation, which requires a vehicle to operate solely on an alternative fuel, is more consistent with the latter definition

[1] Section 32905(b) sets forth the method for calculating the fuel economy of qualified dual fuel vehicles. The section provides, in pertinent part, that:

The Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum of—

(1) .5 divided by the fuel economy measured under section 32904(c) of this title when operating the model on gasoline or diesel fuel; and

(2) .5 divided by the fuel economy measured under subsection (a) of this section when operating the model on alternative fuel.

[2] The Alternative Motor Fuels Act of 1988 created the incentive system for alternative fueled vehicles now found in Chapter 329. The EPACT amendments leading to the establishment of the final rule at issue here, modified the provisions created by AMFA.

rather than the one actually adopted by Congress. The petitioner also argued that the legislative history of the EPACT amendments was consistent with its view. This legislative history indicated that EPACT would provide an incentive for dual fueled vehicles even though the vehicles might not be operated on an alternative fuel. Due to concerns that manufacturers might take advantage of the special calculations for dual fueled vehicles even though the vehicles might actually operate on petroleum fuels regardless of their capability to do otherwise, the compromise version of the amendments contained a cap, or limit, on the benefits that manufacturers could gain by producing dual fuel vehicles. The existence of this cap, according to Toyota, indicates that Congress did not intend to exclude manufacturers of vehicles operating on a combination of fuels from qualifying for an incentive—it simply sought to limit the amount of that incentive. Toyota contended that the agency's interpretation, which it construed as a "flat exclusion" of an entire class of HEV technology, is contrary to overall intent of the EPACT amendments, the definition of dual fueled vehicles as set forth in section 32901(a)(8)(A), and the choice to limit the extent of the incentive available rather than exclude a promising technology.

Toyota also contends that in setting the minimum driving range at the level selected and requiring that vehicles attain this range while operating on electricity alone, NHTSA has interfered with the HEV market and provided a disincentive to the development of HEV's. The company urges the agency to reconsider its decision to set the minimum driving range for electric vehicles at 7.5 miles when operating in the EPA urban cycle and 10.2 miles on the EPA highway cycle and suggested that this range be set at zero. Finally, Toyota requests that in the event the agency does not reconsider its position that mixed fuel vehicles are not, for CAFE purposes, dual fueled vehicles, that NHTSA should consider a vehicle that operates on electricity and gasoline simultaneously as a dual fueled vehicle under section 32901(a)(8)(c)—which allows, under certain circumstances, qualifying dual fueled vehicles to operate on an alternative fuel and petroleum fuel simultaneously.

III. Response To Petition for Reconsideration

In response to the petition, the agency has reviewed its decision to set the minimum driving range for dual fueled electric vehicles at 7.5 miles when operating in the EPA urban cycle and 10.2 miles on the EPA highway cycle. As explained below, the agency is reaffirming that decision.

A. Statutory Interpretation

In regard to the meaning and intent of Chapter 329's treatment of dual fueled vehicles, Toyota argues, first, that NHTSA erred in adopting the position that Congress did not intend to make alternative fuel incentives available to vehicles capable of operating on gasoline alone. Second, Toyota argues that by denying CAFE incentives for technologies that use a combination of alternative and conventional fuels, NHTSA "disincentivizes" the development of an entire class of potential HEV designs. Toyota contends that the agency's interpretation of AMFA places a regulatory limitation on the future development of HEV's. The company stresses that Congress expressly rejected such an approach and strongly favored letting the marketplace, rather than the government, determine the future course of alternative fuel vehicle development.

Despite Toyota's characterization of NHTSA's views, the agency agrees with Toyota that the alternative fuel incentives contained in Chapter 329 are available for vehicles that operate on gasoline alone—provided they can also operate on an alternative fuel alone. The agency also agrees that Congress did not intend to strictly direct and control the development of alternative fuel vehicles. We disagree, however, with the notion, implicit in the petitioner's argument that these principles lead to the conclusion that vehicles that are incapable of operation unless they burn petroleum fuel, and only petroleum fuel, are alternative fueled vehicles eligible for special treatment under CAFE.

Chapter 329 allows vehicles that operate on gasoline alone to qualify as alternative fuel vehicles. As Toyota asserts, section 32901(a)(8)(A) defines "dual fueled automobile" as an automobile that "is capable of operating on alternative fuel and on gasoline or diesel fuel * * *" In Toyota's view, NHTSA's position that a qualifying dual fueled vehicle must be capable of operating while powered solely by an alternative fuel and not just by a conventional fuel alone, would require that section 32901(a)(8)(A) be read as requiring a dual fueled vehicle to be "capable of operating on alternative fuel *or* on gasoline or diesel fuel * * *".

Examination of the remainder of Section 32901(a)(8) as a whole leads us to conclude that for a dual fueled vehicle to be accorded special CAFE treatment, it must have the capability to be propelled solely by an alternative fuel. Section 32901(8) defines a "dual fueled automobile" as follows:

> (8) "dual fueled automobile" means an automobile that—
>
> (A) is capable of operating on alternative fuel and on gasoline or diesel fuel;
>
> (B) provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the United States Government, when operating on alternative fuel as when operating on gasoline or diesel fuel;
>
> (C) for model years 1993–1995 for an automobile capable of operating on a mixture of an alternative fuel and gasoline or diesel fuel and if the Administrator of the Environmental Protection Agency decides to extend the application of this subclause, for an additional period ending not later than the end of the last model year to which section 32905(b) and (d) of this title applies, provides equal or superior energy efficiency, as calculated for the applicable model year during fuel economy testing for the Government, when operating on a mixture of alternative fuel and gasoline or diesel fuel containing exactly 50 percent gasoline or diesel fuel as when operating on gasoline or diesel fuel; and
>
> (D) for a passenger automobile, meets or exceeds the minimum driving range prescribed under subsection (c) of this section.

To qualify as a dual fueled automobile, a vehicle must meet each criteria of the definition—it must operate on an alternative fuel and gasoline or diesel fuel, provide equal or superior energy efficiency when using the alternative fuel, meet a minimum driving range while using the alternative fuel, and, if the vehicle operates on a mixture of alternative fuel and gasoline or diesel fuel, be a 1993 through 1995 model year vehicle.[3] In addition, section 32905(b), which sets forth the method for calculating the fuel economy of qualified dual fuel vehicles, explicitly requires that the fuel economy of a dual fueled vehicle be measured while it is operating only on an alternative fuel. These provisions indicate that qualifying dual fueled passenger automobiles must, with the exception of model year 1993–1995 vehicles using a mixture of alternative fuel and conventional fuel, be able to operate for some minimum distance while being powered by an alternative fuel providing equal or superior energy efficiency to gasoline or diesel fuel. It is also evident that, but for the provision in section 32901(a)(8)(C) allowing certain dual fueled automobiles to operate on a mixture of alternative fuel

[3] Section 32901(a)(8)(C) provides that after the 1995 model year, vehicles using a mix of alternative fuel and petroleum fuel may be qualified dual fuel vehicles if the EPA issues a regulation extending their eligibility. EPA has not done so.

and gasoline or diesel fuel, Congress may very well have chosen to define a dual fueled automobile as one that operates on alternative fuel *or* gasoline and diesel fuel rather than one that operates on alternative fuel *and* gasoline or diesel fuel.

The petitioner stresses that the legislative history and references within that history to sections 32905 and 32906 indicate that Congress was aware that dual fueled vehicles might operate on gasoline alone and intended that such operation be permitted. While examination of the legislative history is not warranted here due to the clarity of the statute itself, we recognize that Chapter 329 envisions that dual fueled vehicles would and could operate on gasoline or diesel fuel alone. Sections 32905(b) and (d) set forth fuel economy measurement procedures for dual fueled vehicles when operating on gasoline or diesel fuel and when operating on alternative fuel. Sections 32906(a)(1)(A) and (a)(1)(B) place restrictions on the maximum fuel economy increases available to manufacturers producing dual fueled automobiles to prevent those manufacturers from obtaining a large fuel economy gain from the production of vehicles that may very well be operated on gasoline alone.

The fact remains, however, that the recognition that dual fueled vehicles would be capable of operating on gasoline alone, or might well be operated on gasoline alone, does not in any way conflict with the requirement that a dual fueled vehicle also be capable of operation while being powered by an alternative fuel alone.

Toyota's second argument is that in indicating that dual fueled electric vehicles must be capable of operating on electricity alone and that this electricity may not be generated by the vehicle's own gasoline or diesel powered motor, NHTSA has, in defiance of Congress, erected an unreasonable bar to marketplace-driven development of alternative fuel technologies. The petitioner contends that this requirement interferes with the free development of alternative fuel technologies by forcing dual fueled electric vehicles to have large storage batteries and high-powered electric motors. In support of its position, Toyota has submitted segments of the legislative history of AMFA indicating that Congress did not intend to favor one technology over another and the market should determine which technologies will prevail.

The agency does not take issue with the petitioner's claim that AMFA's legislative history demonstrates an intent to treat all qualifying technologies equally. However, the matter at issue is not, as Toyota argues, favoring one technology over another. Instead the question is whether a technology that depends entirely on the consumption of petroleum is eligible for treatment as an alternative fuel technology. Section 3 of the EPACT amendments to AMFA contained this declaration of purpose:

(1) To encourage the development and widespread use of methanol, ethanol, natural gas, other gaseous fuels, and electricity as transportation fuels by consumers; and

(2) To promote the production of alternatively fueled motor vehicles.

While Congress certainly intended to encourage innovation, increased efficiency, and the use of new technologies for all vehicles, the AMFA and EPACT amendments were specifically dedicated to encourage the production of vehicles that did not use gasoline and the development of technologies and infrastructure supporting the increased use of alternative fuels. As we observed when establishing the minimum driving range for dual fueled electric vehicles, a dual fueled electric passenger automobile that is incapable of obtaining electrical energy from any source other than the onboard combustion of gasoline or diesel fuel, is not a dual fueled or an alternative fueled vehicle. Such a vehicle, regardless of the technology employed or the form of energy used in converting fuel to work, is powered only by the fuel it consumes. It is our position that this interpretation is consistent with the Chapter 329 and the alternative fuel incentive program.

B. Minimum Driving Range

The petitioner also urges NHTSA to reconsider its decision to set the minimum driving ranges for dual fueled electric vehicles at 7.5 miles when operating on the EPA urban cycle and at 10.2 miles on the EPA highway cycle. In the petitioner's view, these minimum driving ranges are so high that they eliminate CAFE incentives for certain promising hybrid electric vehicle technologies and interfere with the natural market forces that Congress intended should shape the development of dual fueled vehicles. Instead of the ranges selected by the agency, Toyota argues that NHTSA should set the minimum driving range for dual fueled electric vehicles at zero miles. Doing so, in Toyota's view, would encourage the development of vehicles that run on a combination of fuels.

The petitioner's arguments are similar to those in comments to the agency's original minimum driving range proposal. One commenter in particular, Mercedes Benz of North America, contended that the minimum driving range for dual fueled electric vehicles should be set at zero. As we explained in the notice issuing the final rule, the agency gave extensive consideration to this matter. It was, and is, the agency's view that a minimum driving range of zero miles would be inconsistent with the Congressional command that a minimum driving range be established. Setting a minimum driving range of zero miles would result in a range requirement of no range at all. Furthermore, section 32901(c)(3) directs that in setting a minimum driving range the agency must specifically consider consumer acceptability, economic practicability, technology, environmental impact, safety, drivability, performance, and other factors the Secretary considers relevant. An alternative fuel vehicle that has no range while operating on that alternative fuel would not appear to be acceptable to consumers or particularly practicable. Most significantly, a dual fueled electric vehicle must be capable of some meaningful operation in the electric-only mode to allow measurement of its fuel economy when operating on that alternative fuel. In setting the minimum driving range as it did, NHTSA established minimum ranges that were the shortest ranges that could be used to measure the fuel economy of dual fueled electric vehicles under the EPA test procedure. While a test procedure comparable to the existing EPA urban/highway test might be used, the lack of an alternative test procedure mandated the use of the existing EPA test.

Other than urging the agency to adopt a zero mile driving range, the petitioner did not submit a suggested test procedure or offer any other information indicating that a zero mile driving range would be useful either to consumers or that it would facilitate testing of vehicles in the electric only mode. NHTSA does not believe that Congress, in specifying a minimum driving range, intended that this range be set at zero. Furthermore, in order to actually test the fuel efficiency of a dual fuel electric vehicle when operating on an alternative fuel, the vehicle must be capable of some operation in that mode. A minimum driving range of zero miles would not serve either the intent of Congress or the need to actually measure energy efficiency.

C. Mixed Fuel Vehicles

The petitioner's alternative request is that NHTSA clarify that vehicles using a combination of electricity and conventional fuels are dual fueled vehicles under the conditions set forth in section 32901(a)(8)(C). Section

32901(a)(8)(C) provides that for the 1993–1995 model years (and subsequent model years if extended by the Administrator of the Environmental Protection Agency), vehicles operating on a 50/50 mixture of alternative fuel and gasoline or diesel fuel may be considered to be dual fueled vehicles if they provide superior energy efficiency in comparison to operating on pure gasoline or diesel and meet the remaining conditions of the section. Therefore, for the 1993, 1994, and 1995 model years, vehicles operating on such a mix of alternative fuel and conventional fuel could be considered dual fuel alternative fuel vehicles. For model years after 1995, vehicles operating on a 50/50 mixture of alternative and conventional fuel vehicles may not be dual fueled alternative fuel vehicles, as the Administrator of the EPA has declined to extend that provision of section 32901(a)(8)(c).

Toyota observes that when issuing the final rule, NHTSA cited section 32901(a)(8)(c) as the one instance where a vehicle operating on a mixture of an alternative fuel and gasoline or diesel fuel might have been considered to be a dual fueled vehicle. The petitioner submits that it is not clear from the final rule whether the agency would consider vehicles operating on electricity and gasoline to fall within section 32901(a)(8)(c) and further argues that it would be contrary to the meaning and intent of Chapter 329 if NHTSA were to determine that such vehicles did not.

In support of the latter contention, Toyota contends that as Section 32901(a)(1)(J) includes electricity as an alternative fuel and Section 32901(a)(8)(C) expressly states that if certain other conditions are met, a vehicle operating on a mixture of electricity and gasoline or diesel fuel is a dual fueled vehicle, a vehicle operating on a mixture of electricity and petroleum fuel must be a dual fueled vehicle.

NHTSA agrees that a vehicle operating on a mixture of electricity and gasoline or diesel fuel would meet the definition of a dual fueled vehicle provided that all the conditions of Sections 32901(a)(8) and (a)(8)(C) are met, including the minimum driving range requirement. The agency notes, however, that as the EPA has declined to extend the availability of dual fuel status to vehicles operating on a 50/50 mix of petroleum and alternative fuel, this classification is no longer available. Accordingly, NHTSA is not in a position to grant the relief Toyota seeks even if it were inclined to do so.

Toyota's request also implies that a vehicle that derives all of its energy from the combustion of petroleum fuel, would qualify as such an alternative fuel vehicle. We note that under Section 32901(a)(8)(C), a qualifying vehicle must operate on a mixture of alternative and conventional fuel. We decline, however, to embrace the notion that a mixture of conventional and alternative fuel is created when a petroleum fuel is burned by the vehicle to produce both kinetic and electrical energy that may be used or stored depending on the work to be done. NHTSA believes that any interpretation under which electricity that is generated due to the operation of a vehicle on conventional fuel, could be classified as an alternative fuel would be overly broad and inconsistent with the meaning and intent of Chapter 329.

IV. Conclusion

For the reasons stated above, the agency is denying the petition.

Issued on: April 18, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–10237 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 66, No. 80
Wednesday, April 25, 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

Forest Service

Carrol Creek Fire Salvage and Restoration Project; Wallowa-Whitman National Forest, Wallowa County, Oregon

AGENCY: Forest Service, USDA.

ACTION: Notice of availability.

SUMMARY: The Environmental Assessment for the Carrol Creek Fire Salvage and Restoration Project is available for review. The EA discusses alternatives considered for resource recovery and restoration for the Carrol Creek fire area, which burned in August 2000. Five alternatives are considered representing a range of treatment levels for the area. The preferred alternative (Alternative 2) includes a project-specific amendment to the Wallowa-Whitman National Forest Land and Resource Management Plan. This amendment replaces 175 acres of burned Designated Old Growth habitat with the best available adjacent habitat. The Carrol Creek area is about 11 air miles southeast of Joseph, Oregon. The Environmental Assessment is available upon request from the Wallowa Valley Ranger District, 88401 Highway 82, Enterprise, OR, 97828: and at the Wallowa-Whitman National Forest website at *www.fs.fed.us/r6/w-w.*

FOR FURTHER INFORMATION CONTACT: For further information, contact Paul Survis, Wallowa Valley Ranger District, 88401 Highway 82, Enterprise, OR, 97828, or phone 541–426–5681.

SUPPLEMENTARY INFORMATION:

Dated: April 16, 2001.

Karyn L. Wood,

Forest Supervisor.

[FR Doc. 01–10214 Filed 4–24–01; 8:45 am]

BILLING CODE 3–110–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Kansas Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 1 p.m. on May 3, 2001, at the Ramada Hotel at Broadview Place, 400 West Douglas, Wichita, Kansas. The purpose of the meeting is to plan future activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 20, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–10277 Filed 4–24–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Missouri Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Missouri Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 1 p.m. on May 8, 2001, at the Embassy Suites, 901 North First Street, St. Louis, Missouri 63131. The purpose of the meeting is to plan future activities and receive civil rights monitoring issues from Committee members.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 17, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–10275 Filed 4–24–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Nevada Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Nevada Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12 p.m. on May, 18, 2001, at the Crowne Plaza Hotel, 4255 South Paradise Road, Las Vegas, Nevada 89109. The purpose of the meeting is to plan future projects and discuss the Nevada Equal Rights Commission.

Persons desiring additional information, or planning a presentation to the Committee, should contact Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–3435). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 17, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–10274 Filed 4–24–01; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Oklahoma Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Kansas Advisory Committee to the

Commission will convene at 10 a.m. and adjourn at 1 p.m. on May 17, 2001, at the Biltmore Hotel, 401 South Meridian, Oklahoma City, Oklahoma 73108. The purpose of the meeting is to receive planning input for project development.

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913–551–1400 (TDD 913–551–1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 20, 2001.

Edward A. Hailes, Jr.,

General Counsel.

[FR Doc. 01–10276 Filed 4–24–01; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104–13.

Bureau: International Trade Administration.

Title: Application for the President's "E" and "E Star" Awards for Export Expansion.

Agency Form Number: ITA–725P.

OMB Number: 0625–0065.

Type of Request: Regular Submission.

Estimated Burden: 1,644 hours.

Estimated Number of Respondents: 60.

Est. Avg. Hours Per Response: 27.4 hours.

Needs and Uses: The President's "E" Award for Excellence in Exporting is our nation's highest award to honor American exporters. "E" Awards recognize firms and organizations for their competitive achievements in world markets, as well as the benefits of their success to the U.S. economy. The President's "E Star" Award recognizes the sustained superior international marketing performance of "E" Award winners.

Affected Public: Business or other for-profit; Not-for-profit institutions; Individuals or households; Farms; and State, local, or tribal governments.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: David Rostker, (202) 395–7340.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: April 20, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–10281 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–DS–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–809]

Certain Forged Stainless Steel Flanges From India: Notice of Rescission of New Shipper Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of new shipper review.

EFFECTIVE DATE: April 25, 2001.

SUMMARY: The Department of Commerce (the Department) is rescinding the new shipper review of certain forged stainless steel flanges from India manufactured or exported by Snowdrop Trading Pvt. Ltd. (Snowdrop) because record evidence does not indicate that Snowdrop had any U.S. sales suitable for use in a dumping analysis during the period of review, i.e., February 1, 1999 through February 29, 2000.

FOR FURTHER INFORMATION CONTACT: Thomas Killiam or Robert James, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5222 and (202) 482–0649, respectively.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, all references to the Department's regulations are to 19 CFR part 351 (April 2000).

SUPPLEMENTARY INFORMATION:

Background

On April 3, 2000, in response to a request from Snowdrop, the Department published a *Notice of Initiation of New Shipper Review* (65 FR 17485). This review covered sales or entries of stainless steel flanges exported by Snowdrop during the period February 1, 1999 through February 29, 2000. On January 31, 2001, the Department published in the **Federal Register** its *Notice of Preliminary Results of New Shipper Review: Certain Forged Stainless Steel Flanges from India* (66 FR 8380).

In its original and supplemental questionnaire responses, Snowdrop indicated that it had a single U.S. sale during the period of review to Texas Metal Works (Texas Metal), a firm in Houston, Texas. Snowdrop also indicated that it did not sell the foreign like product in the home market and, therefore, indicated that sales to Canada should be used as the only viable third-country comparison market. All sales to Canada were to a single firm, Provincial Flange & Fittings, Ltd., of Ontario (Provincial). However, documentation developed in a series of supplemental questionnaires, as well as the Department's November 2000 verification, demonstrates that Snowdrop's alleged "sale" to Texas Metal Works actually involved a transaction between Snowdrop and its third-country customer, Provincial. *See, e.g.*, the Department's January 19, 2001 verification report, on file in room B–099 of the main Commerce Building. Thus, Snowdrop is proposing that we base both normal value and U.S. price on sales to a single entity, Provincial.

We find it inappropriate to base U.S. price on a sale to the same entity that is also functioning as the sole comparison market customer. Any analysis of dumping attempts to measure the extent of price discrimination, if any, between the U.S. market and an appropriate, viable comparison market. Here, the two markets are one and the same: to wit, sales to Provincial in Canada. Therefore, because no credible measure of dumping is possible under these circumstances, we are rescinding this new shipper administrative review. *See* Memorandum to Joseph A. Spetrini, "Rescission of New Shipper Review of

Snowdrop Trading Pvt., Ltd.," dated April 18, 2001.

Rescission of Review

The record evidence does not indicate that Snowdrop made a sale to the United States during the period of review which can serve as the basis for any dumping analysis. In the absence of such a sale, the Department has no grounds for proceeding with this review. Accordingly, the Department is rescinding this new shipper review, in accordance with section 351.214(f) of the Department's regulations.

This notice is published in accordance with section 777(i)(1) of the Tariff Act.

Joseph A. Spetrini,

Deputy Assistant Secretary for AD/CVD Enforcement Group III.

[FR Doc. 01–10279 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–427–001]

Sorbitol From France: Notice of Rescission of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On June 2, 2000 the Department of Commerce (the Department) published in the **Federal Register** the notice of initiation of an administrative review of the antidumping duty order on sorbitol from France for Amylum France and Amylum SPI Europe. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 65 FR 35320 (June 2, 2000). This review covers the period April 1, 1999 through March 31, 2000. We are now rescinding this review because we have determined that the respondents had no shipments during the period of review.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT: Fred Baker or Robert James, AD/CVD Enforcement Group III—Office 8, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–2924 (Baker), (202) 482–0649 (James).

SUPPLEMENTARY INFORMATION:

Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all references to the Department's regulations are to 19 CFR Part 351 (2000).

Background

The Department published an antidumping duty order on sorbitol from France on April 9, 1982 (47 FR 15391). The Department published a notice of "Opportunity to Request an Administrative Review" of the antidumping duty order for the 1999/2000 review period on April 12, 2000 (65 FR 19736). On May 5, 2000 the Department published a correction to the original April 12, 2000 "Opportunity to Request Administrative Review." On April 28, 2000 Roquette America, Inc. (petitioner) requested that the Department conduct an administrative review of the antidumping duty order for the period April 1, 1999 through March 31, 2000 covering the exports of the French manufacturers/exporters Amylum France and Amylum SPI Europe (collectively Amylum). We published a notice of initiation of the review on June 2, 2000 (65 FR 35320).

Scope of the Review

The merchandise under review is crystalline sorbitol. Crystalline sorbitol is a polyol produced by the catalytic hydrogenation of sugars (glucose). It is used in the production of sugarless gum, candy, groceries, and pharmaceuticals.

Crystalline sorbitol is currently classifiable under item 2905.44.0000 of the *Harmonized Tariff Schedule of the United States* (HTSUS). Although the HTSUS subheading is provided for convenience and Customs purposes, the written description of the merchandise under review is dispositive of whether or not the merchandise is covered by the review.

Rescission of Review

On June 22, 2000, in response to the Department's questionnaire, Amylum stated that it had made no shipments of the subject merchandise to the United States during the period of review (POR). The Department then examined U.S. Customs data, and found no evidence that Amylum had any shipments during the POR. Consequently, on August 15, 2000 the Department invited petitioner to submit for the record any contrary information it may have. On August 18, 2000 petitioner submitted publicly available Customs data which it argued demonstrated that Amylum must have had shipments during the POR. Subsequently, the Department examined Customs entry documentation for relevant imports during the POR. From this examination and our prior review of Customs data, we determined that Amylum had no shipments during the POR. For additional information, see the Memorandum from Robert James to Joseph Spetrini, dated March 27, 2001, on file in the Central Records Unit of the Department of Commerce building. Because there is no evidence suggesting that Amylum had any entries during the POR, we are rescinding this review pursuant to section 351.213(d)(3) of the Department's regulations.

This notice is in accordance with sections 751 of the Tariff Act and section 351.213(d) of the Department's regulations.

Dated: April 19, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 01–10280 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–835]

Stainless Steel Sheet and Strip in Coils From the Republic of Korea: Extension of Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit for preliminary results of countervailing duty administrative review.

EFFECTIVE DATE: April 25, 2001.

FOR FURTHER INFORMATION CONTACT: Tipten Troidl or Darla Brown, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: 202–482–1767 or 202–482–2849, respectively.

Statutory Time Limits

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to make a preliminary determination within 245 days after the

last day of the anniversary month of an order/finding for which a review is requested and a final determination within 120 days after the date on which the preliminary determination is published. However, if it is not practicable to complete the review within the time period, section 751(a)(3)(A) of the Act allows the Department to extend these deadlines to a maximum of 365 days and 180 days, respectively.

Background

On October 2, 2000, the Department published a notice of initiation of administrative review of the countervailing duty order on stainless steel sheet and strip from the Republic of Korea, covering the period November 17, 1998 through December 31, 1999 (*see* 65 FR 58733). The preliminary results are currently due no later than May 3, 2001.

Extension of Preliminary Results of Review

We determine that it is not practicable to complete the preliminary results of this review within the original time limit. Therefore, the Department is extending the time limits for completion of the preliminary results until no later than August 31, 2001. *See* Decision Memorandum from Melissa G. Skinner, Office Director for AD/CVD Office VI, to Holly A. Kuga, Acting Deputy Assistant Secretary, dated concurrently with this notice, which is on public file in the Central Records Unit, Room B–099 of the Department of Commerce. We intend to issue the final results no later than 120 days after the publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Act.

Dated: April 18, 2001.

Thomas F. Futtner,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–10278 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042001A]

Western Alaska Community Development Quota (CDQ) Program

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 June 25, 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 Obren Davis, F/AKR2, P.O. Box 21668, Juneau, AK 99802–1668 (phone 907–586–7241).

SUPPLEMENTARY INFORMATION:

I. Abstract

The purpose of the CDQ program is to allocate a portion of the quotas for certain species to Western Alaska communities so that these communities can start and support regionally-based commercial seafood or other fishery-related businesses. In order to obtain an allocation, a community must submit a Community Development Plan, file any necessary amendments to the Plan and submit various reports to allow tracking of activities, including the amount of fish caught as part of the quota. NOAA needs the information to manage the program and to insure that the CDQ program is accomplishing its intended purposes and to track quotas.

II. Method of Collection

Delivery and catch reports may be submitted electronically, using either NOAA-supplied or respondent's software. These reports may also be faxed. Notifications are provided in person to an observer on-site or by phone or radio. All other requirements are met by submission of paper forms or paper documents that comply with the CDQ regulations.

III. Data

OMB Number: 0648–0269.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Not-for-profit institutions, business or other for-profit organizations, and state, local, or tribal government.

Estimated Number of Respondents: 85.

Estimated Time Per Response: 520 hours for a CDP proposal, 40 hours for an annual CDP report, 20 hours for an annual CDP budget report, 8 hours for an annual CDP budget reconciliation, report, 8 hours for a substantial amendment to a CDP, 4 hours for a technical amendment to a CDP, 1 hour for a CDQ delivery report, 15 minutes for a CDQ catch report, 2 minutes for a shoreside processor to provide notification of a CDQ delivery, 2 minutes for vessels to provide notifications to observers prior to hauls or sets.

Estimated Total Annual Burden Hours: 3,746.

Estimated Total Annual Cost to Public: $1,000.

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: April 18, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–10263 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042001B]

Sea Grant Program Application Requirements for Grants, for John A. Knauss Marine Policy Fellowships, and for Designation as a Sea Grant College or Regional Consortia

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 June 25, 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 Francis Schuler, R/SG, Room 11837, 1315 East-West Highway, Silver Spring MD 20910–3282 (phone 301–713–2445, ext. 158).

SUPPLEMENTARY INFORMATION:

I. Abstract

The objectives of the National Sea Grant College Program are to increase the understanding, assessments, development, utilization, and conservation of the Nation's ocean, coastal, and Great Lakes resources. It accomplishes these objectives by conducting research, education, and outreach programs. The law provides for the designation of an institution of higher education as a Sea Grant College, and for the designation of regional consortia, institutes, laboratories, or state or local agencies as Sea Grant Programs if they are pursuing these same objectives. Fellowships may also be awarded for marine policy fellowships. Applications must be submitted for such designations or fellowships.

Grant monies are available for funding activities that help obtain the objectives of the Sea Grant Program. Both single and multi-project grants are awarded, with the latter representing about 80 percent of the total grant program. In addition to the SF-424 and other standard grant application requirements, three additional forms are required with a grant application. These are the Sea Grant Control Form, used to identify the organizations and personnel who would be involved in the grant; the Project Record Form, which collects summary date on projects; and the Sea Grant Budget, used in place of the SF 424a or 424c.

II. Method of Collection

Responses are made in a variety of formats, including forms and narrative paper submissions. The Project Record Form must be submitted in electronic format. The Sea Grant Budget form may be submitted electronically.

III. Data

OMB Number: 0648–0362.

Form Number: NOAA Forms 90–1, 90–2, and 90–4.

Type of Review: Regular submission.

Affected Public: State, Local, or Tribal Government; and not-for-profit institutions.

Estimated Number of Respondents: 91.

Estimated Time Per Response: 30 minutes for a Sea Grant Control form, 20 minutes for a Project Record Form, 15 minutes for a Sea Grant Budget form, 20 hours for an application for designation as a Sea Grant College or Regional Consortia, and 2 hours for an application for a John A. Knauss Marine Policy Fellowship.

Estimated Total Annual Burden Hours: 580.

Estimated Total Annual Cost to Public: $1,026.

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: April 18, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–10264 Filed 4–24–01; 8:45 am]

BILLING CODE 3510–KA–S

CONSUMER PRODUCT SAFETY COMMISSION

Commission Agenda and Priorities; Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public hearing.

SUMMARY: The Commission will conduct a public hearing to receive views from all interested parties about its agenda and priorities for Commission attention during fiscal year 2003, which begins October 1, 2002. Participation by members of the public is invited. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal year 2003 will become part of the public record.

DATES: The hearing will begin at 10 a.m. on June 7, 2001. The Office of the Secretary must receive written comments and requests from members of the public desiring to make oral presentations not later than May 24, 2001. Persons desiring to make oral presentations at this hearing must submit a written text of their presentations not later than May 31, 2001.

ADDRESSES: The hearing will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, Maryland 20814. Written comments, requests to make oral presentations, and texts of oral presentations should be captioned "Agenda and Priorities" and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Comments, requests, and texts of oral presentations may also be filed by telefacsimile to (301) 504–0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the hearing, a copy of the Commission's strategic plan, or to request an opportunity to make an oral presentation, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0800; telefacsimile (301) 504–0127; or by e-mail to cpsc-os@cpsc.gov. The strategic plan can also be obtained from the CPSC website at www.cpsc.gov.

SUPPLEMENTARY INFORMATION: Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws it administers, and, to the extent feasible, to select

priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities, the Commission shall conduct a public hearing and provide an opportunity for the submission of comments.

The Office of Management and Budget requires all Federal agencies to submit their budget requests 13 months before the beginning of each fiscal year. The Commission is formulating its budget request for fiscal year 2003, which begins on October 1, 2002. This budget request must reflect the contents of the agency's strategic plan developed under GPRA.

Accordingly, the Commission will conduct a public hearing on June 7, 2001, to receive comments from the public concerning its agenda and priorities for fiscal year 2003. The Commissioners desire to obtain the views of a wide range of interested persons including consumers; manufacturers, importers, distributors, and retailers of consumer products; members of the academic community; consumer advocates; and health and safety officers of state and local governments.

The Commission is charged by Congress with protecting the public from unreasonable risks of injury associated with consumer products. The Commission enforces and administers the Consumer Product Safety Act (15 U.S.C. 2051 *et seq.*); the Federal Hazardous Substances Act (15 U.S.C. 1261 *et seq.*); the Flammable Fabrics Act (15 U.S.C. 1191 *et seq.*); the Poison Prevention Packaging Act (15 U.S.C. 1471 *et seq.*); and the Refrigerator Safety Act (15 U.S.C. 1211 *et seq.*). Standards and regulations issued under provisions of those statutes are codified in the Code of Federal Regulations, title 16, chapter II.

While the Commission has broad jurisdiction over products used by consumers, its staff and budget are limited. Section 4(j) of the CPSA expresses Congressional direction to the Commission to establish an agenda for action each fiscal year and, if feasible, to select from that agenda some of those projects for priority attention. These priorities are reflected in the current strategic plan.

Persons who desire to make oral presentations at the hearing on June 7, 2001, should call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, telephone (301) 504–0800, telefax (301) 504–0127, or e-mail, cpsc-os@cpsc.gov, no later than May 24, 2001. Persons who desire a copy of the current strategic plan may call or write Rockelle Hammond, office of the Secretary, CPSC, Washington DC 20207, telephone (301) 504–0800, (301) 504–0127, or may obtain it from the Commission's website at www.cpsc.gov.

Presentations should be limited to approximately ten minutes. Persons desiring to make presentations must submit the written text of their presentations to the Office of the Secretary not later than May 31, 2001. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations. The hearing will begin at 10 a.m. on June 7, 2001 and will conclude the same day.

The Office of the Secretary should receive written comments on the Commission's agenda and priorities for fiscal year 2003, not later than May 24, 2001.

Dated: April 18, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01–10166 Filed 4–24–01; 8:45 am]

BILLING CODE 6355–01–U

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (hereinafter the "Corporation") has submitted a public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paper Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. Chapter 35). Copies of this ICR, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Levon Buller, at (202) 606–5000, extension 383. Individuals who use a telecommunications device for the deaf (TTY–TDD) may call (800) 833–3722 between the hours of 9 a.m. and 5 p.m. Eastern Standard Time, Monday through Friday.

Comments should be sent to the Office of Information and Regulatory Affairs, Attn: Ms. Brenda Aguilar, OMB Desk Officer for the Corporation for National and Community Service, Office of Management and Budget, Room 10235, Washington, DC, 20503, (202) 395–7316, within 30 days from the date of publication in this **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Corporation, 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;
- Propose ways to enhance the quality, utility and clarity of the information to be collected; and
- Propose ways to minimize the burden of the collection of information on those who are to respond, including 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.

An ICR document has been submitted to OMB for consideration. The *Voucher and Payment Request Form* (OMB Number 3045–0030) is a proposed revision to an earlier OMB-approved form. This is the document by which AmeriCorps members access the education awards that they have earned by serving in a national service position.

The document was published in the **Federal Register** on January 5, 2001, for a 60-day pre-clearance public comment period. Two organizations requested copies of the document; one represented a financial aid office at a university and the other represented a loan servicing organization. Only the university presented comments on the form. One of the suggestions was incorporated into the versions now being presented to OMB for consideration. The other suggestion was not included mainly due to space considerations and the Corporation's belief that the information was asked for in another form.

Voucher and Payment Request Form

Type of Review: Renewal.

Agency: Corporation for National and Community Service.

Title: Voucher and Payment Request Form.

OMB Number: OMB #3045–0014.

Agency Number: None.

Affected Public: AmeriCorps members who have completed a term of national service and who wish to access their education awards.

Total Respondents: 55,000 responses annually (estimated annual average over the next three years).

Frequency: Experience has shown that some AmeriCorps members may never

use the education award and others will use it several times a year.

Average Time Per Response: Total of 5 minutes (one half minute for the AmeriCorps member's section and 4½ minutes for the school or lender's section).

Estimated Total Burden Hours: 4,583 hours.

Total Burden Cost (capital/startup): N/A.

Total Burden Cost (operating/maintenance): N/A.

Description: After an AmeriCorps member completes a period of national service, the individual receives an education award that can be used to pay against qualified student loans or pay for current educational expenses at a post secondary educational institution. The *Voucher and Payment Request Form* is the document that members use to access their accounts in the National Service Trust.

The form serves three purposes: (1) The AmeriCorps member uses it to request and authorize a specific payment to be made from his or her education award account, (2) the school or loan company uses it to indicate the amount for which the individual is eligible, and (3) the school or loan company and member both certify that the payment meets various legislative requirements. When the Corporation receives a voucher, the form is processed. If everything is in order, the Corporation requests the U.S. Treasury to issue a check on behalf of the member to the school or loan holder.

The form was first designed and some variation of it has been in use since the summer of 1994. The proposed revisions are being made to clarify certain sections of the existing form and to facilitate the electronic processing of the form. Currently, all of the information from the form is entered into the Corporation's database by hand. Automating a portion of this process should greatly reduce both the processing time and the incidence of payment errors. Currently, all payments are being made by paper checks issued by the U.S. Treasury. Before the end of calendar year 2001, the Corporation intends to begin making these payments through Electronic Funds Transfer (EFT).

The form shows that payment will be made through EFT if the Corporation already has the information to make such a transaction. If it does not, a paper check will be issued. Then, a letter will be mailed to the institution asking them to complete an enclosed Direct Deposit form so future payments can be made electronically.

Analysis of Comments Received During the Public Comment Period

Two comments were received from a university's financial aid office. One suggestion was to allow the AmeriCorps member to indicate whether the payment request was for a loan payment or for the payment of current educational expenses. Frequently, a financial aid office will process both types of requests; this modification will clarify the member's intent. The second suggestion was to include an item where the school can indicate the school enrollment period upon which the member's "eligible" amount is based (for example, Spring '02, Summer '04). Since the form already does ask for the beginning and ending dates of the enrollment period the Corporation feels that this is sufficient.

Dated: April 18, 2001.

Charlene Dunn,

Director, National Service Trust.

[FR Doc. 01–10223 Filed 4–24–01; 8:45 am]

BILLING CODE 6050–$$–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB) Analysis Panel.

Date of Meeting: May 1–2, 2001.

Time of Meeting: 0800–1700.

Places: May 1—IDA; May 2—Ft. Belvoir.

Agenda: The Analysis Panel of the Army Science Board's (ASB) Summer Study, "Objective Force Soldier/Soldier Teams" will visit IDA and Ft. Belvoir. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

For further information: Please contact Karen Williams at (407) 384–3937.

Wayne Joyner,

Executive Assistant, Army Science Board.

[FR Doc. 01–10185 Filed 4–24–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Study Group Meeting:

Name of Study Group: Asymmetric Study Group.

Date of Meeting: 16 May 2001.

Time of Meeting: 0800–1700.

Place of Meeting: Directed Technologies, Inc., 3601 Wilson Boulevard, Suite 650, Arlington, VA 22201, Phone: (703) 243–3383, FAX: (703) 243–2724.

Agenda: The Army Science Board Study Group will conduct a study on "Asymmetric Threats to Land Based Operations (2015–2020)" as a means of examining and addressing innovative ways that asymmetric threats can be used to disrupt land based operations in the future. The 1-day meeting will be closed to the public. This meeting will be closed to the public in accordance with Section 552b(c) of Title 5, U.S.C., specifically paragraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). For further information, please contact Ms. Betty LaFavers, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), (703) 695–1683.

Wayne Joyner,

Executive Assistant, Army Science Board.

Classified Meeting*

Army Science Board

"Asymmetric Threats to Land Based Operations 2015–2020"

Directed Technologies, Inc., 3601 Wilson Boulevard, Suite 650, Arlington, VA 22201, 703–243–3383—FAX: 703–243–2724.

Agenda (Unclassified)

16 May 2001

0800 Welcome and Administrative Remarks—Co-Chairs
0815 Reports by Individuals and Clusters—All
1030 Break
1045 Continue Reports—All
1145 Lunch
1215 Continue Reports—All
1500 Break
1515 Group Discussion—All
1630 Summary and Actions / Assignments / Schedule for Next Meeting—Co-Chairs
1700 Adjourn

[FR Doc. 01–10186 Filed 4–24–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB)—Venture Capital.

* Security Clearance must be sent to DTI in advance.

Date of Meeting: 26–27 April 2001.

Time of Meeting: 0900–1630, 26 April 2001; 0900–1630, 27 April 2001.

Place: Presidential Towers Office Bldg, 11th floor conference room, April 26, 9th floor conference room, April 27, 2511 Jefferson Davis Highway, Arlington, VA 22202–3911.

Agenda: This is the second meeting of The Army Science Board's (ASB) Venture Capital Ad Hoc Study. Briefings will be presented in support of Department of Defense initiatives to access leading edge technologies and on commercial business strategies for accessing leading edge technologies. For further information, please contact Christopher Vuxton, Senior Procurement Analyst, (703) 681–1037. If you plan to attend and require an escort to the 9th floor conference room, please call Mr. Everett R. Gooch on (703) 604–7479.

Damian Bianca,

Executive Secretary, Army Science Board.

[FR Doc. 01–10187 Filed 4–24–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare an Environmental Impact Statement for the Southern Regional Tertiary Treatment System at Marine Corps Base, Camp Pendleton, CA

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Per Section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of construction and operation of a consolidated tertiary treatment plant, associated conveyance systems, reclamation systems (i.e., reuse), and discharge systems for the southern portion of Marine Corps Base (MCB), Camp Pendleton, CA. This project would eliminate five existing secondary treatment plants and establish one regional tertiary treatment system plant in the Santa Margarita Basin.

ADDRESSES AND DATES: The Marine Corps will hold a public scoping meeting on June 19, 2001, beginning at 7 p.m., at the City of Oceanside Civic Center (Community Room) located at 300 North Coast Highway, Oceanside, CA.

FOR FURTHER INFORMATION CONTACT: Written statements and questions regarding the scoping process should be mailed to Ms. Sandra Baldwin, Code 5CPR.SB, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190, phone (619) 532–4817. All scoping comments should be received not later than July 8, 2001.

SUPPLEMENTARY INFORMATION: MCB Camp Pendleton currently exceeds existing wastewater quality standards for the discharge of secondary-treated effluent to the Santa Margarita River and is under Cease and Desist Order (CDO) No. 99–41 for five sewage treatment plants (STPs). To resolve this CDO, MCB Camp Pendleton must provide a sewage treatment systems that meets the water quality objectives and effluent limitations established by the San Diego Regional treatment system that meets the water quality objectives and effluent limitations established by the San Diego Regional Water Quality Control Board (RWQCB).

As a temporary solution, the city of Oceanside has agreed to allow MCB Camp Pendleton to dispose of secondary-treated effluent via the city's existing ocean outfall. The agreement stipulates that use of the outfall is for a five year period commencing on the date the base begins pumping effluent into the outfall (expected to begin in Summer 2001). To reach the outfall, MCB Camp Pendleton is currently constructing a 2.2 mile pipeline from the base through the City, as considered in the Final Environmental Impact Statement/Report for P–527B, Sewage Effluent Compliance Project, Lower Santa Margarita Basin, Marine Corps Base, Camp Pendleton, dated April 1997. This temporary agreement is intended to allow MCB Camp Pendleton to meet State of California discharge requirements while developing and constructing on-Base base treatment and disposal facilities.

As a long-term solution, the proposed action would: (1) Construct a consolidated, southern regional treatment plant to provide tertiary treatment with sufficient capacity for all wastewater currently undergoing secondary treatment within the Santa Margarita Basin at STPs 1, 2, 3, 8, and 13, and STP 9 located in the Las Pulgas Basin; (2) Construct sewage conveyance systems (pump stations, force mains and gravity lines) from STPs 1, 2, 3, 8, and 13 to the new plant; (3) Dispose of tertiary-treated effluent by a combination of water reclamation and live-stream discharge to the Santa Margarita River; and (4) Implement a watercourse monitoring and management plan.

Alternatives currently to be addressed in the EIS include: locating on-base the site and construction of the southern regional tertiary treatment plant within the Santa Margarita Basin, including alternative conveyance pipeline alignments, alternative live-stream treated effluent discharge locations, and alternative land application locations; off-base public/private venture treatment facilities; on-base construction of new secondary treatment facilities and construction of an ocean outfall discharge; and no action.

Major environmental issues that will be addressed in the EIS include land use, hydrology, water quality, air quality, biological resources including critical habitat, cultural resources, noise, traffic/circulation/access, public services and utilities, human health and safety, and hazardous materials and waste management.

The Marine Corps will initiate a scoping process for the purpose of determining the extent of issues to be addressed and identifying the significant issues related to this action. The Marine Corps will hold a public scoping meeting as identified in the Dates and Addresses section of this notice. This meeting will also be advertised in area newspapers.

Marine Corps representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. Federal, state, and local agencies and interested individuals are encouraged to take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS.

Agencies and the public are also invited and encouraged to provide written comments on scoping issues in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics that the commenterer believes the EIS should address.

Dated: April 11, 2001.

Duncan Holaday,

Deputy Assistant Secretary of the Navy, (Installations and Facilities).

[FR Doc. 01–10221 Filed 4–24–01; 8:45 am]

BILLING CODE 3810–FF–U

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Prepare a Supplement to the 1997 Environmental Impact Statement for the Yuma Training Range Complex

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: Pursuant to the National Environmental Policy Act as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy intends to prepare a Supplement to the 1997 Environmental Impact Statement for the Yuma Training Range Complex to evaluate the cumulative impacts on the Sonoran Pronghorn, an endangered species, of Marine Corps actions when added to other past, present, and reasonably foreseeable future actions.

ADDRESSES: Questions regarding preparation of the SEIS may be directed to: Commander, Southwest Division, Naval Facilities Engineering Command, 1220 Pacific Highway, San Diego, CA 92132–5190 (Attn: Ms. Deb Therouix).

FOR FURTHER INFORMATION CONTACT: Ms. Deb Therouix, telephone (619) 532–3348, fax (619) 522–2648, E-Mail *therouixde@efdsw.navfac.navy.mil.*

SUPPLEMENTARY INFORMATION: The Marine Corps completed an environmental impact statement (EIS) in 1997 addressing its military aviation and associated training impacts on the Yuma Training Range Complex. This complex includes the Barry M. Goldwater Range, AZ, which contains habitat for the Sonoran Pronghorn.

On February 12, 2001, the United States District Court for the District of Columbia found that the cumulative impact analysis in the 1997 Yuma Training Range Complex EIS was deficient in that if failed to provide sufficient analysis of cumulative impacts on the Sonoran Pronghorn in accordance with 40 CFR 1508.7. The Court remanded the matter to the Marine Corps for further consideration of such impacts.

Accordingly, the Department of the Navy is preparing a Supplement to the EIS, in accordance with 40 CFR 1502.9(c), that will evaluate the cumulative impacts on the Sonoran pronghorn of Marine Corps actions when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions.

Dated: April 18, 2001.

Duncan Holaday,

Deputy Assistant Secretary of the Navy (Installations and Facilities).

[FR Doc. 01–10220 Filed 4–24–01; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

Notice of Program Interest (NOPI)

AGENCY: Office of Isotopes for Medicine and Science, Department of Energy.

ACTION: Notice of Program Interest to the Public.

SUMMARY: The U.S. Department of Energy (DOE), Office of Isotopes for Medicine and Research, Office of Nuclear Energy (NE) solicits responses for development and demonstration programs for long-term improvements in accelerator and/or reactor production of Ac-225/Bi-213 generators for use in diagnosis and therapy of cancer, and other infectious diseases or other innovative medical applications. The Department wishes to encourage development in these areas by providing resources in a cooperative partnering arrangement for the required development/demonstration programs.

DATES: The complete solicitation document will be available on or about April 20, 2001. Any questions must be submitted to the below address by May 1, 2001. Applications are due May 30, 2001.

ADDRESSES: The complete solicitation document will be available on the DOE Industry Interactive Procurement System (IIPS) Home Page at *http://doe-iips.pr.doe.gov* as solicitation number DE–SC05–01OR22872. Any amendments to this solicitation will be posted at the IIPS site on the Internet and prospective proposers are responsible for checking the IIPS site for amendments or any additional changes to the solicitation as that is the only place that they will be posted.

FOR FURTHER INFORMATION CONTACT: Beth L. Holt, Contract Specialist, at 865–576–0783, U.S. Department of Energy, P.O. Box 2001, Oak Ridge, Tennessee 37831–8759; by facsimile at 865 241–2549; or by e-mail at *holtbl@oro.doe.gov* or John J. McClure, Program Manager, Office of Isotopes for Medicine and Science, at 301–903–5460.

SUPPLEMENTARY INFORMATION: The Office of Isotopes for Medicine and Science is soliciting responses to this Notice of Program Interest for development and demonstration programs for long-term improvements in accelerator and/or reactor production of Ac-225/Bi-213 generators. Researchers throughout the United States are assessing alpha-emitting radioisotopes that can destroy cancer cells and reduce tumors. B-213 has been effective in killing leukemia cells and shows promise in cancer therapy. The Department's objectives in this effort are to: (1) Develop an assured future supply of Bi-213; (2) maximize private involvement and investment with the long term objective of commercialization; (3) minimize future Government involvement. The Department wishes to encourage the private sector to be involved in the large scale production of these generators by providing resources in a cooperative partnering arrangement for the required development/demonstration programs. The Department's financial assistance awards under this solicitation will be funded through cooperative agreements. The Department has $225,000 in FY 2001 to be divided among up to three awards depending on the concepts presented that best achieve our objectives. It is anticipated that a total of $300,000 will be available in each of the two subsequent years. The purchase of equipment and supplies will be acceptable based on reasonableness and contribution to the project. Applications will be subject to peer review by the Department's representatives. Members that participate in a submission or whose institutions are submitting a proposal must resolve conflict-of-interest concerns. Awards may be renewed upon submittal of an application prior to the original end date. Awards will be administered under the policies of the Department. The solicitation is available through the Industry Interactive Procurement System (IIPS) at *http://doe-iips.pr.doe.gov.* Dissemination of the solicitation, receipt of applications, evaluations, and the notice of award will occur in a paperless environment. To get more information about IIPS and to register your organization, go to *http://doe-iips.pr.doe.gov.* Follow the link on the IIPS home page to the Secure Services Page. Registration is a prerequisite to the submission of an application, and applicants are encouraged to register as soon as possible. When registering, all applicants should use the same North American Industry Classification System number 325412. A help document, which describes how IIPS works, can be found at the bottom of the Secure Services Page.

Issued in Oak Ridge, Tennessee on April 16, 2001.

Charles D. Crowe,

Director, Procurement and Contracts Division, Oak Ridge Operations Office.

[FR Doc. 01–10226 Filed 4–24–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–154–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Application

April 19, 2001.

On April 13, 2001, Maritimes & Northeast Pipeline, L.L.C. (Maritimes), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP01–154–000, an abbreviated application pursuant to section 7(c) of the Natural Gas Act (NGA) and the Commission's Rules and Regulations for a certificate of public convenience and necessity authorizing Maritimes: (i) To place in service, on a full-time basis, a compressor unit which is currently installed for use on a stand-by basis at Maritimes' existing compressor station site in Richmond, Maine; (ii) to connect, place in service and operate a second compressor unit currently on site and stored within an existing compressor station building in Baileyville, Maine; and (iii) to construct, install, and operate any auxiliary facilities at these compressor stations necessary to place these compressor units in service. The application is 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).

Maritimes, along with its Canadian pipeline affiliate, operates a high pressure natural gas delivery system that transports natural gas in international commerce from a point near Goldboro, Nova Scotia to the Canadian-United States border and through the northeastern states of Maine and New Hampshire, with a terminus in Dracut, Massachusetts. Maritimes states that the proposed facilities will provide additional system flexibility and reliability and eliminate system bottlenecks for Maritimes' existing shippers. It also will enable Maritimes to accommodate additional flows of gas from the existing production fields located offshore Nova Scotia. The proposed compressor units have a nominal rating of 8,311 (HP) (NEMA) each. The new compressor units will increase the design capacity of 360,575 Dekatherms per day (Dth/d) to 440,000 Dth/d. Maritimes states that there are no additional land requirements associated with the proposed project. All project components are located on lands, and within compressor station buildings, currently owned and used by Maritimes.

The estimated cost of Maritimes' proposed project is approximately $11.7 million. Maritimes states that there is no subsidy issue with respect to this application because: (i) The cost of the unit at Richmond is already reflected in rate base, (ii) Maritimes' rates are currently capped and will continue to be capped until at least November 30, 2004, at $0.715 per dth on a 100 percent load factor basis, and (iii) the rate on a rolled-in basis, giving consideration to the costs associated with the proposed facilities, will not increase above current levels.

Questions regarding the details of this proposed project should be directed to Joseph F. McHugh, Director, Rates and Regulatory Affairs, M&N Management Company, 1284 Soldiers Field Road, Boston, Massachusetts 02135.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before May 10, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene 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). A person obtaining party 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 all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission may issue a preliminary determination on non-environmental issues prior to the completion of its review of the environmental aspects of the project. This preliminary determination typically considers such issues as the need for the project and its economic effect on existing customers of the applicant, on other pipelines in the area, and on landowners and communities. For example, the Commission considers the extent to which the applicant may need to exercise eminent domain to obtain rights-of-way for the proposed project and balances that against the non-environmental benefits to be provided by the project. Therefore, if a person has comments on community and landowner impacts from this proposal, it is important either to file comments or to intervene as early in the process as possible.

Comments, protests, and intervention 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.*

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10191 Filed 4–24–01; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–152–000]

Portland General Electric Company; Notice of Application

April 19, 2001.

On April 10, 2001, Portland General Electric Company (PGE), 121 SW Salmon Street, 1WTC–1301, Portland, Oregon 97204, filed in Docket No. CP01–152–000 an application, as supplemented on April 18, 2001, pursuant to section 7(c) of the Natural Gas Act (NGA) to construct and operate delivery point facilities from its Kelso-Beaver Pipeline, in Columbia County, Oregon to serve an electric generating plant currently under construction, all as more fully set forth in the application which is 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).

PGE proposes to construct and operate a tap, meter facility and appurtenant facilities on its Kelso-Beaver pipeline to permit deliveries to its new 24.9 megawatt, gas-fired generating facility currently under construction. PGE advises that the facilities will permit the delivery of up to 7,000 dt on a peak day and up to 1,750,000 dt annually. PGE indicates that the electric generating facility could be online by the summer of 2001. PGE estimates a construction cost of $80,000, to be financed out of corporate funds.

Questions regarding the details of this proposal should be directed to A.W. Turner, Assistant General Counsel, at (503) 464–8926, or in writing to his attention at the above address.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before April 30, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NW., Washington, DC 20426, a motion to intervene 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). A person obtaining party 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 all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Non-party 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 court review of the Commission's final order.

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*.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–10192 Filed 4–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–15–000]

Texas Eastern Transmission Corporation; Notice of Tariff Filing

April 20, 2001.

Take notice that on April 12, 2001, Texas Eastern Transmission Corporation (Texas Eastern) and Texas Eastern Transmission, LP (Texas Eastern LP) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1 and First Revised Volume No. 2, the tariff sheets listed in Appendix A and B to the filing, to reflect a corporate name change to become effective April 16, 2001.

Texas Eastern and Texas Eastern LP state that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions.

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 section 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. 01–10230 Filed 4–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–495–000 and RP01–97–000]

Texas Gas Transmission Corporation; Notice of Technical Conference

April 19, 2001.

On August 16, 2000, Texas Gas Transmission Corporation (Texas Gas) made a filing in Docket No. RP00–495–000 to comply with Order No. 637. Several parties have protested various aspects of Texas Gas's filing. Take notice that a technical conference to discuss the various issues raised by Texas Gas's filing will be held on May 24, 2001, beginning at 9 a.m. in room 3M–2A&B at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Persons protesting aspects of Texas

Gas's filing should be prepared to answer questions and discuss alternatives. Issues pertaining to Texas Gas's filing in Docket No. RP01–97–000 may also be discussed.

All interested persons are permitted to attend. The issues to be discussed will include, but are not limited to:

A. *Penalties*
B. *Segmentation*
C. *Flexible Point Rights*
D. *Imbalance Services*
E. *OFOs*
F. *Discount Policy Regarding Changed Receipt and Delivery Points*
G. *The Location in Texas Gas's tariff of the provisions pertaining to the above issues*

Texas Gas should provide a system map for use at the conference.

The above schedule may be changed as circumstances warrant.

David P. Boergers,

Secretary.

[FR Doc. 01–10195 Filed 4–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–803–005, *et al.*]

PECO Energy Company, *et al.*; Electric Rate and Corporate Regulation Filings

April 18, 2001.

Take notice that the following filings have been made with the Commission:

1. PECO Energy Company

[Docket No. ER00–803–005]

Take notice that on April 13, 2001, PECO Energy Company (PECO) tendered for filing a compliance filing consisting of complete copies of fourteen Interconnection Agreements between PECO and Exelon Generation Company, L.L.C. (ExGen) or its subsidiary Susquehanna Electric Company (SECO) designated as PECO's First Revised Rate Schedules FERC No. 124–133 and 135–138, to be effective on January 12, 2001.

This compliance filing is being made pursuant to the Commission's Order dated March 14, 2001 in PECO Energy Company, Docket No. ER00–803–003, 94 FERC ¶ 61,256.

Copies of this filing were served on ExGen, the Pennsylvania Public Utility Commission and parties on the service list in this docket.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. PECO Energy Company

[Docket No. ER00–803–006]

Take notice that on April 13, 2001, PECO Energy Company (PECO) tendered for filing a compliance filing consisting of corrected sheets to an Interconnection Agreement between PECO and the joint owners of the Peach Bottom Atomic Power Station designated as PECO's Rate Schedule FERC No. 134, to be effective on January 12, 2001.

This compliance filing is being made pursuant to the Commission's Order dated March 14, 2001 in PECO Energy Company, Docket No. ER00–803–001, 94 FERC ¶ 61,256.

Copies of this filing were served on the joint owners of the generating facility, the Pennsylvania Public Utility Commission and parties on the service list in this docket.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PJM Interconnection, L.L.C.

[Docket No. ER00–3513–003]

Take notice that on April 13, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing proposed amendments to the PJM Open Access Transmission Tariff and the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. PJM states that it submits the amendments to comply with PJM Interconnection, L.L.C., 94 FERC ¶ 61,251 (2001).

PJM states that it served copies of this filing on all parties of record, all PJM Members and the state electric regulatory commissions in the PJM control area.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Arizona Public Service Company

[Docket No. ER01–463–003]

Take notice that on April 13, 2001, Arizona Public Service Company (APS) tendered for filing its Compliance to FERC's Order on Rehearing in Docket No. ER01–463–001.

A copy of this filing has been served on all parties on the official service list.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. California Independent System Operator Corporation

[Docket No. ER01–836–003]

Take notice that on April 13, 2001, the California Independent System Operator Corporation (ISO) tendered for filing revisions to the ISO Tariff in compliance with the Commission's March 14, 2001, order on Amendment No. 35 to the ISO Tariff, California Independent System Operator Corporation, 94 FERC ¶ 61,266 (2001).

The ISO states that this filing has been served upon all parties on the official service list in this proceeding.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. PECO Energy Company

[Docket No. ER01–935–001]

Take notice that on April 13, 2001, PECO Energy Company (PECO) tendered for filing a compliance filing concerning the Interconnection Agreement between PECO and Exelon Generation Company, L.L.C. (ExGen) designated as Service Agreement No. 544 under PJM Interconnection, L.L.C.'s FERC Electric Tariff, Third Revised Volume No. 1 and effective on January 10, 2001. This compliance filing is being made pursuant to the Commission's Letter Order dated March 8, 2001 in the above-referenced proceeding and its Order dated March 14, 2001 at PJM Interconnection, L.L.C., 94 FERC ¶ 61,251.

Copies of this filing were served on ExGen, PJM Interconnection L.L.C., the Pennsylvania Public Utility Commission and on all parties on the official service list for this proceeding.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Exelon Generation Company, LLC PECO Energy Company

[Docket No. ER01–1147–001]

Take notice that on April 13, 2001, Exelon Generation Company, LLC, and PECO Energy Company tendered for filing compliance versions of their market-based rate power sales tariffs designated in a manner that complies with the requirements of Order No. 614.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. American Ref-Fuel Company of Niagara, L.P.

[Docket No. ER01–1302–001]

Take notice that on April 13, 2001, American Ref-Fuel Company of Niagara, L.P. tendered for filing a redesignated FERC Electric Tariff, designated in accordance with Order No. 614 and in compliance with the letter order issued in this docket on April 12, 2001.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Avista Energy, Inc.

[Docket No. ER01–1446–003]

Take notice that on April 11, 2001, Avista Energy, Inc. tendered for filing a compliance filing in this docket.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. American Electric Power Service Corporation

[Docket No. ER01–1788–000]

Take notice that on April 13, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing an executed Interconnection Agreement between West Texas Utilities Company and FPL Energy Pecos Wind One, LP. The agreement is pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of June 12, 2001. A copy of the filing was served upon the Public Utility Commission of Texas (PUCT).

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Illinois Power Company

[Docket No. ER01–1789–000]

Take notice that on April 13, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 65251–2200, tendered for filing with the Commission the First Amendment to Service Agreement for Network Integration Transmission Service entered into with Tri-County Electric Cooperative, Inc. (Tri-County) pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of April 1, 2001 for the First Amendment and accordingly seeks a waiver of the Commission's notice requirement. Illinois Power states that a copy of this filing has been sent to Tri-County.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Company of Oklahoma

[Docket No. ER01–1790–000]

Take notice that on April 13, 2001, Public Service Company of Oklahoma (PSO) tendered for filing a Supplement to the Interconnection Agreement with Calpine Oneta Power, L.P.

AEP requests an effective date of June 12, 2001. Copies of PSO's filing has been served upon the Calpine and the Oklahoma Corporation Commission.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Niagara Mohawk Power Corporation

[Docket No. ER01–1791–000]

Take notice that on April 13, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Canastota Wind Power, LLC for a 30 MW wind-powered generating facility located in the Town of Fenner, Madison County, New York, dated as of April 2, 2001. The filing is designated as FERC Electric Rate Schedule No. 306.

An Interconnection Agreement effective date of May 15, 2001 is requested and to the extent necessary, Niagara Mohawk requests waiver of any Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Entergy Services, Inc.

[Docket No. ER01–1792–000]

Take notice that on April 13, 2001 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing a Short-Term Market Rate Sales Agreement between Entergy Services, as agent for the Entergy Operating Companies, and the Hodge Utilities Operating Company, as agent for the Village of Hodge, for the sale of power under Entergy Services' Rate Schedule SP.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–1793–000]

Take notice that on April 13, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) tendered for filing Service Agreement Nos. 112 through 120 to add nine (9) new Customers to the Market Rate Tariff under which Allegheny Energy Supply offers generation services. Allegheny Energy Supply requests a waiver of notice requirements for an effective date of March 16, 2001 for Automated Power Exchange, Inc., Avista Energy, Inc., Axia Energy, L.P., Arizona Public Service Company, DP&L Power Services, Enron North America Corp., Idaho Power Marketing, San Diego Gas & Electric Company and Tennessee Valley Authority ESO.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission, and all parties of record.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. American Electric Power Service Corporation

[Docket No. ER01–1794–000]

Take notice that on April 13, 2001, the American Electric Power Service Corporation (AEPSC) tendered for filing executed Interconnection Agreements between West Texas Utilities Company and Upton Wind, LP. The agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Revised Volume No. 6, effective June 15, 2000.

AEP requests an effective date of June 12, 2001 for King Mountain NW and SW and June 12, 2001 for King Mountain NE and SE. A copy of the filing was served upon the Public Utility Commission of Texas (PUCT).

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Central Maine Power Company

[Docket No. ER01–1795–000]

Please take notice that on April 13, 2001, Central Maine Power Company (CMP) tendered for filing the First Amendment to the Interconnection Agreement by and between CMP and Boralex Athens Energy Inc., designated rate schedule FERC Electric Tariff, First Revised, Volume No. 3, Service Agreement No. 35.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Commonwealth Edison Company Commonwealth Edison Company of Indiana

[Docket No. ER01–1796–000]

Take notice that on April 12, 2001, Commonwealth Edison Company and

Commonwealth Edison Company of Indiana (collectively ComEd) tendered for filing its OATT, which had been reformatted to conform with the Tariff, Rate Schedule and Service Agreement Pagination Guidelines set forth by the Commission in Order No. 614. ComEd further states that the purpose of this filing is to bring its OATT into conformance with Order 614 and ComEd is not amending any language or provision of its OATT in this filing. Copies of the reformatted OATT may be downloaded from www.comedtransmission.com.

ComEd requests an effective date of June 12, 2001.

Comment date: May 3, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. PJM Interconnection, L.L.C.

[Docket No. ER01–1799–000]

Take notice that on April 13, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing five executed service agreements: (i) A service agreement for long-term firm point-to-point transmission service for AES NewEnergy, Inc. (AES); (ii) a service agreement for non-firm point-to-point transmission service for AES; (iii) a service agreement for network integration transmission service under state required retail access programs for AES; (iv) a service agreement for long-term firm point-to-point transmission service for FirstEnergy Services Corporation (FirstEnergy); and (v) a service agreement for non-firm point-to-point transmission service for FirstEnergy.

The service agreements were filed due to corporate name changes and will replace service agreements currently on file with the Commission reflecting the former corporate names.

Copies of this filing were served on AES, FirstEnergy, and the affected state electric utility regulatory commissions.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. New Haven Harbor Power LLC, NRG Connecticut Power Assets LLC, Bridgeport Harbor Power LLC

[Docket No. EG01–185–000]

Take notice that on April 11, 2001, New Haven Harbor Power LLC (NHHP), NRG Connecticut Power Assets LLC (NRG Connecticut) and Bridgeport Harbor Power LLC (BHP) tendered for filing with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Comment date: May 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

21. ANP Bellingham Energy Company, LLC

[Docket No. EG01–186–000]

Take notice that on April 13, 2001, ANP Bellingham Energy Company, LLC (ANP Bellingham), a Delaware limited liability company with its principal place of business at Houston, Texas, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant intends to construct an approximate 550 MW natural gas-fired combined cycle independent power production facility in Bellingham, Massachusetts (the Facility). The Facility is currently under development and will be owned by Applicant. Electric energy produced by the Facility will be sold by Applicant to the wholesale power market in the northeast United States.

Comment date: May 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit is consideration of comments to those that concern the adequacy or accuracy of the application.

22. ANP Blackstone Energy Company, LLC

[Docket No. EG01–187–000]

Take notice that on April 13, 2001, ANP Blackstone Energy Company, LLC (ANP Blackstone), a Delaware limited liability company with its principal place of business at Houston, Texas, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant intends to construct an approximate 550 MW natural gas-fired combined cycle independent power production facility in Blackstone, Massachusetts (the Facility). The Facility is currently under development and will be owned by Applicant. Electric energy produced by the Facility will be sold by Applicant to the wholesale power market in the northeast United States.

Comment date: May 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

23. Energía y Agua Pura de Cozumel, S. de R.L. de C.V.

[Docket No. EG01–188–000]

Take notice that on April 13, 2001, Energía y Agua Pura de Cozumel, S. de R.L. de C.V., Prolongaci n Avenida Claudio Canto Anduze, Esquina Leonides Garcia, Cozumel, Quintana Roo, Mexico (Applicant), filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant is a limited liability company organized under the law of Mexico. Applicant owns the Cozumel Facility, consisting of one heavy fuel oil-fired diesel engine generation power plant, including interconnection and related fuel storage facilities, with a total net capacity of approximately 25 MW. The Facility is located on the island of Cozumel, in the State of Quintana Roo, Mexico. Applicant is engaged directly and exclusively in the business of owning and operating a facility selling electric energy for sale at wholesale (and, consistent with EWG status, will also engage in foreign retail sales). No rate or charge for, or in connection with, the construction of the Facility, or for electric energy produced by the Facility, was in effect under the laws of any State of the United States on October 24, 1992.

Copies of this application have been served upon the Securities and Exchange Commission.

Comment date: May 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

24. Emmett Power Company

[Docket No. EG01–189–000]

Take notice that on April 16, 2001, Emmett Power Company, Emmett, Idaho, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

As more fully described in the Application, Emmett Power Company owns and operates a cogeneration facility consisting of two wood/natural gas fired boilers and 14-megawatt extraction turbine.

Comment date: May 9, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that address the adequacy or accuracy of the application.

25. California Cogeneration Council, et al.

[Docket No. EL01–64–000]

Take notice that on April 5, 2001, the California Cogeneration Council (CCC) submitted for filing, on behalf of itself and its member companies, a Petition for an Enforcement Action pursuant to Section 210(h)(2)(B) of the Public Utility Regulatory Policies Act of 1978 (PURPA), 16 U.S.C. 824a–3(h)(2)(B) (2000), and Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207.

CCC alleges that Decision 01–03–067, issued by the California Public Utilities Commission (CPUC) on March 27, 2001 (Decision), violates PURPA Section 210, 16 U.S.C. 824a–3 which requires, inter alia, that rates for purchases from QFs shall not exceed incremental cost to the utility, nor shall those rates discriminate against qualifying cogenerators or small power producers. The CPUC decision changes the formula by which avoided cost rates are calculated. This change violates PURPA, CCC alleges, for three reasons: (i) QFs will receive less than their full avoided, or incremental, costs for power produced; (ii) the Decision results in discrimination against QFs as compared to wholesalers and investor-owned utilities, particularly Pacific Gas & Electric Co. and (iii) the Decision discourages cogeneration and is not in the public interest. CCC asks this Commission to institute an enforcement action and take prompt action to grant relief to the QFs from the Decision.

Comment date: May 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Vineland Cogeneration Limited Partnership

[Docket No. QF90–176–003]

Take notice that on April 12, 2001, Vineland Cogeneration Limited Partnership, 536 West Elmer Road, Vineland, NJ 08360, filed with the Federal Energy Regulatory Commission an application for recertification of a facility as a qualifying cogeneration facility pursuant to Section 292.207(b) of the Commission's regulations.

The Commission previously certified the facility as a qualifying cogeneration facility in Docket No. QF90–176–001. Recertification is sought to reflect a change in the upstream ownership interests in the facility.

The facility is an approximately 46.6 MW (net) topping-cycle cogeneration facility located in Vineland, New Jersey. The facility is interconnected with and supplies electric power to the Vineland Municipal Electric Utility.

Comment date: May 14, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. 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 or protests should be filed on or before the comment date. 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 these filings 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.*

David P. Boergers,

Secretary.

[FR Doc. 01–10190 Filed 4–24–01; 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 and Protests

April 19, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent License for Minor Project.

b. *Project No.:* 719–007.

c. *Date filed:* October 31, 2000.

d. *Applicant:* Trinity Conservancy, Inc.

e. *Name of Project:* Trinity Power Project.

f. *Location:* On Phelps Creek and James Creek in the Columbia River Basin in Chelan County, near Leavenworth, Washington. The project occupies 47.9 acres of federal lands in Wenatchee National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Reid L. Brown, President, Trinity Conservancy, Inc., 3139 E. Lake Sammamish SE, Sammamish, WA 98075–9608, (425) 392–9214.

i. *FERC Contact:* Charles Hall, (202) 219–2853 or *Charles.Hall@FERC.fed.us.*

j. *Deadline for filing motions to intervene and protests:* 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, DC 20426. 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.*

The Commission's Rules of Practice require all interveners filing documents with the Commission to serve a copy of that document on each person on 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. This application has been accepted, but is not ready for environmental analysis at this time.

l. *The Trinity Project consists of:* (1) A deteriorated wooden diversion dam, 70-foot-long flume and settling tank on James Creek, and a 3,350-foot-long, partially destroyed steel penstock, all of which is proposed for decommissioning with this license application; (2) a 45-foot-long, 10-foot-high timber crib diversion dam and screened intake on Phelps Creek; (3) a 24-inch-diameter, 6,000-foot-long, gravity-flow, steel pipe aqueduct; (4) a 20-foot-long, 14-foot-wide, 9-foot-deep, reinforced concrete settling tank; (5) a 42-inch- to 12-inch-diameter, 2,750-foot-long, riveted spiral-wound penstock; (6) a 145-foot-long, 34-foot-wide, wood-frame powerhouse building containing a single Pelton impulse turbine and 240-kilowatt synchronous generator; (7) a tailrace; and (8) appurtenant facilities. The generator supplies the electricity needs of four residences, a cabin and shed; the project is not connected to the electric transmission grid. The licensee proposes to decommission the inoperable James Creek diversion facilities and adjust the project boundary accordingly.

m. 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 2–A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on *http://www.ferc.fed.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.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests 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 protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

David P. Boergers,

Secretary.

[FR Doc. 01–10193 Filed 4–24–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

April 19, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No:* 2440–041.

c. *Date Filed:* February 1, 2001.

d. *Applicant:* Northern States Power Company—Wisconsin d/b/a Xcel Energy.

e. *Name and Location of Project:* The Chippewa Falls Project is located on the Chippewa River, in Chippewa County, Wisconsin. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r) and section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* William P. Zawacki, Xcel Energy, 1414 Hamilton Av., P.O. Box 8, Eau Claire, WI 54702–0008, (715) 836–1136.

h. *FERC Contact:* Any question on this notice should be addressed to Pete Yarrington at (202) 219–2939.

i. *Deadline for Filing Comments and or Motions:* May 18, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions maybe 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.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The applicant (Xcel Energy) requests an amendment to article 408 of the license for the Chippewa Falls Hydroelectric Project. Article 408, in part, requires a study of full-depth trashracks, or an alternative enhancement measure, and a determination of residual fish losses as a result of turbine-induced mortality, and a schedule for either minimization or compensation for mortality losses. The applicant proposes that it should, instead, deposit a one-time sum of $250,000 into a Fish Protection Fund so that protective measures can be installed at the project if technological advances yield a practicable and effective alternative. If feasible alternatives are not found, the money would be used for fish habitat enhancements. This proposal has been negotiated as part of the Lower Chippewa River Settlement Agreement, which was filed with the Commission on February 1, 2001. The settlement agreement was crafted by a group of stakeholders in the Lower Chippewa River Basin, including the applicant, local municipalities, federal and state resource agencies, and non-governmental organizations.

k. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NW, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us/online/rims.htm (Call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

l. Individual desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *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.

n. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "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 required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the applicant specified in the particular application.

o. *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 comments. One copy of an agency's comments must also be sent to the applicant's representatives.

David P. Boergers.

Secretary.

[FR Doc. 01–10194 Filed 4–24–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00314; FRL–6780–4]

National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: A meeting of the National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances (NAC/AEGL Committee) will be held on June 11–13, 2001, in Washington, DC. At this meeting, the NAC/AEGL Committee will address, as time permits, the various aspects of the acute toxicity and the development of Acute Exposure Guideline Levels (AEGLs) for the following chemicals: Acetone cyanohydrin; Acrylic acid; Allyl alcohol; Boron trichloride; Boron trifluoride compound with methyl ether (1:1); Carbon monoxide; Chlorine dioxide; Chloromethyl methyl ether; Diborane; Dimethyl formamide; Furan; Hydrogen sulfide; Methanol; Methyl ethyl ketone; Methyl nonafluorobutyl ether/Methyl nonafluoroisobutyl ether; Monochloro acetic acid; Nerve Agent VX; Nerve Agents GA, GB, GD, GF; Perchloromethyl mercaptan; Phenol; Phosgene; Tetrachloroethylene; Tetranitromethane; Toluene; Vinyl acetate monomer; and Xylenes.

DATES: A meeting of the NAC/AEGL Committee will be held from 10 a.m. to 5:30 p.m. on June 11, 2001; from 8:30 a.m. to 5:30 p.m. on June 12, 2001; and from 8:30 a.m. to 12:30 p.m. on June 13, 2001.

ADDRESSES: The meeting will be held at the U. S. Department of Transportation (DOT) Headquarters, Nassif Bldg., Rooms 8236–8240, 400 7th St., SW., Washington, DC (L'Enfant Center Metro stop). Visitors should bring a photo ID for entry into the building and should contact the Designated Federal Officer (DFO) to have their names added to a security entry list. Visitors must enter the building at the Southwest Entrance/ Visitor's Entrance, 7th & E Sts. Quadrant.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Acting Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Paul S. Tobin, DFO, Office of Prevention, Pesticides and Toxic Substances (7406), 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1736; e-mail address: tobin.paul@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may be of particular interest to anyone who may be affected if the AEGL values are adopted by government agencies for emergency planning, prevention, or response programs, such as EPA's Risk Management Program under the Clean Air Act and Amendments Section 112r. It is possible that other Federal agencies besides EPA, as well as State agencies and private organizations, may adopt the AEGL values for their programs. As such, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the DFO listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document or Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–00314. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B–607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

II. Meeting Procedures

For additional information on the scheduled meeting, the agenda of the NAC/AEGL Committee, or the submission of information on chemicals to be discussed at the meeting, contact the DFO listed under **FOR FURTHER INFORMATION CONTACT.**

The meeting of the NAC/AEGL Committee will be open to the public. Oral presentations or statements by interested parties will be limited to 10 minutes. Interested parties are encouraged to contact the DFO to schedule presentations before the NAC/AEGL Committee. Since seating for outside observers may be limited, those wishing to attend the meeting as observers are also encouraged to contact the DFO at the earliest possible date to ensure adequate seating arrangements. Inquiries regarding oral presentations and the submission of written statements or chemical-specific information should be directed to the DFO.

III. Future Meetings

Another meeting of the NAC/AEGL Committee is tentatively scheduled for September, 2001. The exact date, location of this meeting, and chemicals to be discussed will be published in a future **Federal Register** notice.

List of Subjects

Environmental protection, Chemicals, Hazardous substances, Health.

Dated: April 17, 2001.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 01–10253 Filed 4–24–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6970–1]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92–463,

notice is hereby given that the National-Scale Air Toxics Assessment (NATA) Review Panel (hereafter, "NATA Review Panel") of the USEPA Science Advisory Board's (SAB) Executive Committee (EC) will meet on the dates and times noted below. All times noted are Eastern Standard Time. All meetings are open to the public; however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

1. EC/NATA Review Panel Conference Call—May 14, 2001

The NATA Review Panel will conduct a public conference call on Monday, May 14, 2001 from 11 a.m. to 1 p.m. (Eastern Standard Time). The call will be hosted out of the EPA Science Advisory Board Conference Room (Room 6013), Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. Interested members of the public may attend in person or connect to the conference by phone. The purpose of the call is to provide Panel Members with the opportunity to reach closure on their draft report. See below for details of the review, to request any supplemental materials from the Agency or ask questions on materials already received from the Agency

The NATA Review Panel is planning to have a closure discussion on its draft report in review of the EPA Document entitled "National-Scale Air Toxics Assessment for 1996," EPA–453/R–01–003, dated January, 2001 and supporting appendices. This document represents an initial national-scale assessment of the potential health risks associated with inhalation exposures to 32 air toxics identified as priority pollutants by the Agency's Integrated Urban Air Toxics Strategy, plus diesel emissions. More information about the previous meetings can be found in 66 FR 9846, February 12, 2001. The NATA Review Panel is commenting on the charge questions which were outlined in the above **Federal Register** notice and pertain to appropriateness of the overall approach, including the data, models, and methods used, and the ways these elements have been integrated, as well as to suggest ways to improve these approaches for subsequent national-scale assessments.

Providing Public Comments

The NATA Review Panel will be accepting oral or written public comments at the conference call, but is asking participants to focus on three aspects of the SAB NATA Panel's draft report, namely: (1) Has the NATA Review Panel adequately responded to the questions posed in the charge?; (2) Are any statements or responses made in the draft unclear?; and, (3) Are there any technical errors? Oral and written public comments were previously accepted at the March 20–21, 2001 meeting in review of this topic.

For Further Information

To obtain information concerning this conference call, please contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO) (see contact information below). To obtain information about how to participate in this conference call, please contact Ms. Betty Fortune (see contact information below). A draft agenda for the teleconference will be posted on the SAB website (www.epa.gov/sab) approximately one week prior to the conference call. The draft report, once it becomes a consensus draft will also be posted on the SAB website. It is anticipated that this will be posted in early May.

Availability of Review Materials

All the Agency OAQPS NATA-related review and informational materials, including the NATA Report, the Appendices, all briefing and presentation materials previously provided to the SAB may be obtained on the web at the following URL site: http://www.epa.gov/ttn/uatw/sab/sabrev.html.

Alternately, a copy of the review document (National-Scale Air Toxics Assessment for 1996, EPA–453/R–01–003, dated January, 2001) and supporting appendices can be obtained from Ms. Barbara Miles at U.S. EPA, OAQPS/ESD/REAG (MD–13), Research Triangle Park, NC 27711; telephone (919) 541–5648; facsimile (919) 541–0840; e-mail *miles.barbara@epa.gov*. Please provide the title and the EPA number for the document, as well as your name and address. The document will be dispensed in CD ROM format unless the requestor requires a paper copy. Internet users may also download a copy from EPA's National Center for Environmental Assessment's (NCEA) website (*http://www.epa.gov/nata/*).

Following the conference call meeting, the NATA Review Panel will revise its draft report and forward it to the SAB Executive Committee for final review and approval, prior to transmittal to the Agency. This review will be announced in a subsequent **Federal Register** notice.

For Further Information

Members of the public desiring additional information about the meeting should contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO), Environmental Models Subcommittee, National-Scale Air Toxics Assessment Review Panel, US EPA Science Advisory Board (1400A), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460 (FedEx address: US EPA Science Advisory Board, Suite 6450, 1200 Pennsylvania Avenue, NW., Washington, DC 20004); telephone/voice mail at (202) 564–4557; fax at (202) 501–0582; or via e-mail at *kooyoomjian.jack @epa.gov*. The draft agenda will be available approximately two weeks prior to the meetings on the SAB website (*http://www.epa.gov/sab*) or from Ms. Betty Fortune at (202) 564–4534; fax: (202) 501–0582; or e-mail at: *fortune.betty@epa.gov*.

Providing Public Comments

Members of the public who wish to make a brief oral presentation at the meeting must contact Dr. Kooyoomjian in writing (by letter, fax, or e-mail—see previously stated information) no later than 12 noon Eastern Time, Monday, May 4, 2001 in order to be included on the Agenda. Written statements will be accepted in the SAB Staff office up until two days following the meeting (by close of business, May 16, 2001).

2. Executive Committee—Teleconference Meeting—May 23, 2001

The US EPA's Science Advisory Board's (SAB's) Executive Committee will conduct a public teleconference meeting on Wednesday, May 23, 2001 between the hours of 11 a.m. to 2 p.m. Eastern Time. The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The public is encouraged to attend the meeting in the conference room noted above. However, the public may also attend through a telephonic link, to the extent that lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Ms. Diana Pozun (see contact information below).

Purpose of the Meeting

In this meeting, the Executive Committee plans to review reports from some of its Committees/Subcommittees, most likely including the following two reports. Please check with Ms. Pozun to

see if additional reports will be considered.

(a) Radiation Advisory Committee (RAC): "GENII Ver. 2: USEPA's Use and Adaptation of GENII Environmental Radiation Dosimetry System—An SAB Advisory" (see 65 FR 18095, dated April 6, 2000 for details).

(b) Radiation Advisory Committee (RAC): Advisory on the "Radiation in Sewage Sludge: Interagency Steering Committee on Radiation Standards (ISCORS) Dose Modeling Report—An SAB Advisory" (see 65 FR 70906, dated November 28, 2000 for details).

Availability of Review Materials

Drafts of the reports that will be reviewed at the meeting will be available to the public on the SAB website (*http://www.epa.gov/sab*) approximately two weeks prior to the meeting. An agenda will also be posted to the website at that time or can be requested from Ms. Pozun.

Charge to the Executive Committee

The focus of the review of these two reports will be on the following questions:

(a) Has the SAB adequately responded to the questions posed in the Charge?

(b) Are the statements and/or responses in the draft report clear?

(c) Are there any errors of fact in the report?

Providing Oral or Written Comments

In accord with the Federal Advisory Committee Act (FACA), the public and the Agency are invited to submit written comments on these three questions that are the focus of the review. Submissions should be received by May 18, 2001 by Ms. Diana Pozun, EPA Science Advisory Board, Mail Code 1400A, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460. (Telephone (202) 564–4544, FAX (202) 501–0582; or via e-mail at *pozun.diana@epa.gov*). Submission by e-mail to Ms. Pozun will maximize the time available for review by the Executive Committee. The SAB will have a brief period available during the teleconference for applicable oral public comment. Therefore, anyone wishing to make oral comments on the three focus questions above, but that are not duplicative of the written comments, must contact Dr. Donald G. Barnes, Designated Federal Officer for the Executive Committee (see contact information below), *in writing* no later than May 16, 2001.

For Further Information

Any member of the public wishing further information concerning this meeting should contact Dr. Donald Barnes, Designated Federal Officer, US EPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; telephone (202) 564–4533; FAX (202) 501–0323; or via e-mail at *barnes.don@epa.gov*.

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total, unless otherwise stated. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until two days following the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file formats: WordPerfect, Word, or Rich Text files (in IBM–PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information

Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on our Website (*http://www.epa.gov/sab*) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the appropriate DFO at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: April 16, 2001.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 01–10252 Filed 4–24–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–64056; FRL–6779–5]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on October 22, 2001 unless indicated otherwise.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460.

Office location for commercial courier delivery, telephone number and e-mail address: Rm. 266A, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed in the **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information or Copies of Support Documents?

1. *Electronically.* You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home page select "Laws and Regulations" "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You 0can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person.* Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal Mall 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday through Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to delete uses in 10 pesticide registrations. These registrations are listed in the following Table 1 by registration number, product name, active ingredient and specificuses deleted.

TABLE 1. — REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Registration No.	Product	Chemical Name	Delete From Label
002792–00032	Deccosol 125 Concentrate	Sodium o-phenylphenate	Apples
002792–00052	Decco 254 Sanitizer Concentrate	Sodium o-phenylphenate	Cantaloupes
003125–00158	Di-Syston 68%	Disulfoton	Greenhouses; non-bearing fruit trees (apple, apricot, cherry, crabapple, peach, pear, plum, prune); strawberries, raspberries; Bermudagrass (seed crop), triticale
003125–00172	Di-Syston 15%	Disulfoton	Greenhouses; non-bearing fruit trees (apple, apricot, cherry, crabapple, peach, pear, plum, prune); strawberries, raspberries; Bermudagrass (seed crop), triticale
003125–00183	Di-Syston Technical	Disulfoton	Greenhouses; non-bearing fruit trees (apple, apricot, cherry, crabapple, peach, plum, prune); strawberries, raspberries, Bermudagrass (seed crop), triticale; corn, oats, pecans, tomatoes
003125–00307	Di-Syston 8	Disulfoton	Greenhouses; non-bearing fruit trees (apple, apricot, cherry, crabapple, peach, pear, plum, prune): strawberries, raspberries; Bermudagrass (seed crop), triticale
003125–00517	Flower, Rose & Shrub Care	Disulfoton	Greenhouses; non-bearing fruit trees (apple, apricot, cherry, crabapple, peach, pear, plum, prune); strawberries, raspberries; bermudagrass (seed crop), triticale
005905–00529	Barrage HF	2,4-D 2-Ethylhexyl Ester	Aquatic uses
035935–00006	Nufarm 2,4-D LV-6	2,4-D 2-Ethylhexyl Ester	Drainage ditchbanks, lakes, ponds, other aquatic sites and sugarcane
071368–00010	Weedone LV4 IOE Broadleaf Herbicide	2,4-D 2-Ethylhexyl Ester	Drainage ditchbanks and sugarcane

Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before October 22, 2001 unless indicated otherwise, to discuss withdrawal of the application for amendment. This 180–day period will also permit interested members of the public to intercede with registrants prior to the Agency's approval of the deletion.

The following Table 2 includes, the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
002792	Decco, Cerexagri, Inc., 1713 S California Ave, Monrovia, CA 91016.
003125	Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120.
005905	Helena Chemical Co, 6075 Poplar Ave., Suite 500, Memphis, TN 38119.
035935	Nufarm Americas Inc. (Attn: Roger Unruh), Agent For: Nufarm Limited, 1009-D W. Saint Maartens Drive, St. Joseph, MO 64506.
071368	Nufarm Limited, c/o Nufarm Americas, Inc., 317 W. Florence Rd., St. Joseph, MO 64506.

III. What is the Agency Authority for Taking This Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. How and to Whom Do I Submit Withdrawal Requests?

1. *By mail*: Registrants who choose to withdraw a request for use deletion must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked May 25, 2001.

2. *In Person or by courier*. Deliver your withdrawal request to: Document Processing Desk (DPD), Information Services Branch, Office of Pesticide Programs (OPP), Environmental Protection Agency, Room 266A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA. The DPD is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The DPD telephone number is (703) 305–5263.

3. *Electronically*. You may submit your withdrawal request electronically by e-mail to: hollins.james@epa.gov. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format.

V. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: April 3, 2001.

Richard D. Schmitt,

Associate Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–10123 Filed 4–24–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66285; FRL–6776–8]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn by, October 22, 2001, unless indicated otherwise, orders will be issued canceling all of these registrations.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W., Washington, DC 20460. Office location for commercial courier delivery, telephone number and e-mail address: Rm. 224, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 305–5761; e-mail address: hollins.james@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information or Copies of Support Documents?

1. *Electronically*. You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home page select "Laws and Regulations" "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listing at (http://www.epa.gov/fedrgstr/).

2. *In person*. Contact James A. Hollins at 1921 Jefferson Davis Highway, Crystal Mall No. 2, Rm. 224, Arlington, VA, telephone number (703) 305–5761. Available from 7:30 a.m. to 4:45 p.m., Monday thru Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel some 52 pesticide products registered under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product Name	Chemical Name
000100–00785	D.Z.N Diazinon Indoor/Outdoor WBC	*O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate
000100 TX–00–0004	Tilt Gel Fungicide	1-((2-(2,4-Dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl)methyl)-1*H*-1,2,4-triazole
000352 TX–83–0002	Dupont Velpar L Weed Killer	3-Cyclohexyl-6-(dimethylamino)-1-methyl-1,3,5-triazine-2,4(1*H*,3*H*)-dione
000400 TX–00–0003	Micromite 25W	1-(4-Chlorophenyl)-3-(2,6-difluorobenzoyl)urea
000524 TX–96–0014	Mon-65005 Herbicide	Isopropylamine glyphosate (*N*-(phosphonomethyl)glycine)
000707 TX–96–0004	Goal 1.6E Herbicide	2-Chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene
000769–00540	Suregard Captan 50-WP Agricultural Fungicide	*cis*-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
000769–00894	Pratt Betasan 12.5 G	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
000769–00895	Pratt Betasan 4-EC	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
000769–00896	Pratt Betasan 7-G	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
000769–00897	Pratt Betasan 3.6-G	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
001381–00164	Agrox D-L Plus	Lindane (Gamma isomer of benzene hexachloride) (99% pure gamma isomer) *O,O*-Diethyl *O*-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate cis-*N*-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide

TABLE 1. — REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product Name	Chemical Name
001448–00344	Busan 1126	2-(Thiocyanomethylthio)benzothiazole
		Methylene bis(thiocyanate)
001706–00202	Tektamer 38 O.A.	1-Bromo-1-(bromomethyl)-1,3-propanedicarbonitrile
001812–00434	Glyphosate Original Herbicide	Isopropylamine glyphosate (*N*-(phosphonomethyl)glycine)
003125–00352	Tempo 2 Lawn and Ornamental Insecticide	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-
003125 CA–92–0025	Di-Syston 8	O,O-Diethyl S-(2-(ethylthio)ethyl) phosphorodithioate
003125 ID–85–0016	Di-Syston 15% Granular Systemic Insecticide	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 ME–88–0001	Di-Syston	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 MT–80–0004	Di-Syston 15% Granular Systemic Insecticide	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 NM–88–0001	Di-Syston 8	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 OK–88–0002	Di-Syston 8	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 OR–80–0034	Di-Syston 15% Granular Systemic Insecticide	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 OR–91–0020	Tempo 2 Ornamental Pyrethroid Insecticide	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-
003125 VA–92–0006	Di-Syston 15% Granular Systemic Insecticide	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
003125 WA–92–0021	Tempo 2 Ornamental Pyrethroid Insecticide	Cyano(4-fluoro-3-phenoxyphenyl)methyl 3-(2,2-dichloroethenyl)-2,2-
003125 WY–87–0004	Di-Syston 8	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
004822–00127	Raid Ant and Roach Killer Formula II	*o*-Isopropoxyphenyl methylcarbamate
004822–00315	Raid Ant & Roach Killer 2	*o*-Isopropoxyphenyl methylcarbamate
004822–00316	Raid Ant & Roach Killer 3	*o*-Isopropoxyphenyl methylcarbamate
004822–00317	Raid-Flying Insect Killer II	*d-cis-trans*-Allethrin
		(Butylcarbityl)(6-propylpiperonyl) ether 80% and related compounds 20%
		(1-Cyclohexene-1,2-dicarboximido)methyl 2,2-dimethyl-3-(2-methylpropenyl)cycloprop
		(3-Phenoxyphenyl)methyl *d-cis* and *trans** 2,2-dimethyl-3-(2-methylpropenyl)cyclopro
005887–00135	Black Leaf Weed and Crabgrass Preventer	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
005887–00162	Black Leaf Liquid Fruit Tree Spray with Fungicide	Methoxychlor (2,2-bis(*p*-methoxyphenyl)-1,1,1-trichloroethane)
		1-Naphthyl-*N*-methylcarbamate
		O,O-Dimethyl phosphorodithioate of diethyl mercaptosuccinate
		cis-N-Trichloromethylthio-4-cyclohexene-1,2-dicarboximide
005887–00171	Rose Guard 8-12-6	*O,O*-Diethyl *S*-(2-(ethylthio)ethyl) phosphorodithioate
		Trifluralin (α,α,α-trifluro-2,6-dinitro-*N,N*-dipropyl-*p*-toluidine) (Note: α = alpha)
007501–00054	Gustafson Terraclor Super X 20-5 Dust with Graphite	Pentachloronitrobenzene
		5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole
032802–00015	Betasan 3.6G	*S*-(*O,O*-Diisopropyl phosphorodithioate) ester of *N*-(2-mercaptoethyl)benzenesulfonamide
034704–00701	Clean Crop EPTC 7 EC	*S*-Ethyl dipropylthiocarbamate
050534 AR–90–0001	Bravo 720	Tetrachloroisophthalonitrile
050534 FL–90–0006	Bravo 720	Tetrachloroisophthalonitrile
050534 FL–91–0018	Bravo 720	Tetrachloroisophthalonitrile
050534 FL–95–0005	Bravo 825	Tetrachloroisophthalonitrile
050534 FL–97–0002	Daconil 720 Flowable Fungicide	Tetrachloroisophthalonitrile
050534 FL–97–0003	Daconil SDG	Tetrachloroisophthalonitrile
050534 NY–96–0005	Bravo 720	Tetrachloroisophthalonitrile
050534 OR–00–0022	Daconil SDG	Tetrachloroisophthalonitrile
050534 SC–89–0007	Bravo 720	Tetrachloroisophthalonitrile
050534 SD–96–0005	Bravo ZN	Tetrachloroisophthalonitrile
050534 WI–94–0002	Bravo 720	Tetrachloroisophthalonitrile
051036 WA–94–0035	Dimethoate 4E	*O,O*-Dimethyl *S*-((methylcarbamoyl)methyl) phosphorodithioate
059639 AZ–89–0020	Monitor 4 Spray	*O,S*-Dimethyl phosphoramidothioate
065361 CA–91–0027	Daconil 2787 Flowable Fungicide	Tetrachloroisophthalonitrile
067760 OR–96–0003	Fyfanon ULV	*O,O*-Dimethyl phosphorodithioate of diethyl mercaptosuccinate

Unless a request is withdrawn by the registrant within 180 days (30 days when requested by registrant) of publication of this notice, orders will be issued canceling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant during this comment period.

The following Table 2, includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2. — REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000100	Syngenta Crop Protection, Inc., Box 18300, Greensboro, NC 27419.
000352	E. I. Du Pont De Nemours & Company, Inc., Barley Mill Plaza, Walker's Mill, Wilmington, DE 19880.
000400	Uniroyal Chemical Co, Inc., A Subsidiary of Crompton Corp., 74 Amity Rd, Bethany, CT 06524.
000524	Monsanto Co., 600 13th Street, NW., Suite 660, Washington, DC 20005.
000707	Rohm & Haas Co., Attn: Robert H. Larkin, 100 Independence Mall W., Philadelphia, PA 19106.
000769	Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702.
001381	Agriliance, LLC, Box 64089, St. Paul, MN 55164.
001448	Buckman Laboratories Inc., 1256 North Mclean Blvd, Memphis, TN 38108.
001706	Nalco Chemical Co., One Nalco Center, Naperville,, IL 60563.
001812	Griffin L.L.C., Box 1847, Valdosta, GA 31603.
003125	Bayer Corp., Agriculture Division, 8400 Hawthorn Rd., Box 4913, Kansas City, MO 64120.
004822	S.C. Johnson & Son Inc., 1525 Howe Street, Racine, WI 53403.
005887	Verdant Brands, Inc., Agent For: Verdant Brands, Inc., 213 S.W. Columbia St., Bend, OR 97702.
007501	Gustafson LLC, 1400 Preston Rd., Suite 400, Planos, TX 75093.
032802	Howard Johnson's Enterprises Inc., 700 W. Virginia St., Ste 222, Milwaukee, WI 53204.
034704	Jane Cogswell, Agent For: Platte Chemical Co, Inc., Box 667, Greeley, CO 80632.
050534	GB Biosciences Corp., c/o Zeneca Ag Products, 1800 Concord Pike, Box 15458, Wilmington, DE 19850.
051036	Micro-Flo Co, Box 772099, Memphis, TN 38117.
059639	Valent U.S.A Corp., 1333 N. California Blvd, Ste 600, Walnut Creek, CA 94596.
065361	Glad-A-Way Gardens Inc., 2669 E. Clark Ave., Santa Maria, CA 93455.
067760	Cheminova Inc., Oak Hill Park, 1700 Route 23 - Ste 210, Wayne, NJ 07470.

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before October 22, 2001, unless indicated otherwise. This written withdrawal of the request for cancellation will apply only to the applicable 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit a registrant to sell or distribute existing stocks for 1–year after the date the cancellation request was received by the Agency. This policy is in accordance with the Agency's statement of policy as prescribed in **Federal Register** of June 26, 1991 (56 FR 29362) (FRL 3846–4). Exception to this general rule will be made if a product poses a risk concern, or is in noncompliance with reregistration requirements, or is subject to a data call-in. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Unless the provisions of an earlier order apply, existing stocks already in the hands of dealers or users can be distributed, sold or used legally until they are exhausted, provided that such further sale and use comply with the EPA-approved label and labeling of the affected product(s). Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

List of Subjects

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: April 3, 2001.

Richard D. Schmitt,

Associate Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–10124 Filed 4–24–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1009; FRL–6774–7]

Notice of Filing a Pesticide Petition to Establish a Tolerance fora Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1009, must be received on or before May 25, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1009 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Joanne Miller, Registration

Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305–6224; e-mail address: miller.joanne@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations" and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1009. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1009 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1009. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency

of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives. Pesticides and pests, Reporting and recordkeeping requirements.

April 9, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Dow AgroSciences LLC

PP 0F6089

EPA has received a pesticide petition (0F6089) from Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN 46268 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of cyhalofop-butyl in or on the raw agricultural commodity rice grain, rice hull, rice bran, and polished rice at 0.03 parts per million (ppm) for grain and 8.0 ppm for straw. EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of cyhalofop-butyl in plants (rice) is adequately understood for the purposes of this tolerance. A rotational crop study showed no carryover of significant cyhalofop-butyl related residues in representative test crops.

2. *Analytical method.* An analytical method has been developed and validated to determine the residues of total cyhalofop and the diacid metabolite in rice grain, straw and processed products. The method was based on capillary gas chromatography with mass selective detection (GC/MSD) indicating limits of detection (LOD) and quantitation (LOQ) for each analyte at 0.005–0.006 µg/g and 0.01–0.02 µg/g, respectively.

3. *Magnitude of residues.* Metabolism studies in livestock at exaggerated doses of cyhalofop-butyl (nominal concentration equivalent to 10 ppm in the diet) indicated that about 87–90% of the administered dose was eliminated in the excreta. The low levels of residues (0.001–0.08 ppm) in fat and edible tissues, milk or eggs demonstrate that residues due to cyhalofop-butyl would not accumulate in the animals.

B. Toxicological Profile

1. *Acute toxicity.* The acute toxicity of cyhalofop-butyl is low. The oral and dermal LD_{50s} were greater than 5,000 milligram/kilogram (mg/kg), and the inhalation LC_{50} was greater than 5 mg/L. In addition, cyhalofop-butyl induced only minimal ocular and dermal irritation, and did not cause dermal sensitization.

2. *Neurotoxicity.* Cyhalofop-butyl has been shown to have no neurotoxicologic potential based on acute and subchronic studies.

3. *Genotoxicty.* Genetic toxicity did not occur when cyhalofop-butyl was tested in multiple *in vivo* and *in vitro* tests.

4. *Reproductive and developmental toxicity.* Cyhalofop-butyl did not have any effects on reproductive parameters at dose levels that induced treatment-related effects in parental rats. In addition, a teratogenic potential for cyhalofop-butyl was not demonstrated in either rats or rabbits at dose levels that induced maternal toxicity.

5. *Subchronic and chronic toxicity, and oncogenicity.* Cyhalofop-butyl caused increases in liver and kidney weights, microscopic hepatocellular hypertrophy, renal tubular microscopic effects, and distended gallbladders when given at sufficiently high dose levels to the appropriate species for 13 weeks. Similar increases in liver and kidney weights, hepatocellular hypertrophy, and renal effects were also observed in chronic toxicity studies in rodents. In addition, mice had liver inflammation (microgranulomas). Chronic toxicity in dogs was limited to decreased body weight and the occurrence of concretions in the gallbladder.

Using the Guidelines for Carcinogen Risk Assessment published September 24, 1986 (51 FR 33992), it is proposed that cyhalofop and cyhalofop-butyl be classified as Group E for carcinogenicity (no evidence of carcinogenicity) based on the results of carcinogenicity studies in two species. Dow AgroSciences LLC believes that there was no evidence of carcinogenicity in an 18–mouse feeding study and a 24–month rat feeding study at all dosages tested.

6. *Animal metabolism.* Orally administered cyhalofop-butyl is rapidly absorbed, metabolized and excreted in the rat and dog. Once absorbed, cyhalofop-butyl is hydrolyzed to the acid metabolite (cyhalofop) with no significant quantities of unchanged parent compound present in the plasma, tissues or excreta.

7. *Metabolite toxicology.* Cyhalofop-butyl is rapidly hydrolyzed from the butyl ester to the acid in plants and the environment. Rats and dogs have also been shown to rapidly hydrolyze the ester to the acid. Mammalian toxicity studies that will test specifically the acid (cyhalofop) in animals are not necessary since the animals in the toxicity studies with the butyl ester have already been exposed to large quantities of the acid. Plant metabolism studies have shown the diacid to be the major metabolite thus analyzed in the samples from crop field trials. This metabolite is more polar and less lipid soluble than the acid and, therefore, would be expected to be less toxic than the acid. Processing of the harvested crop does not result in any residues that are not formed in animals, so additional toxicity studies on residues are not required.

8. *Endocrine disruption.* There is no evidence from any of the studies to suggest that cyhalofop-butyl is an endocrine disrupter.

C. Aggregate Exposure

Based on the rapid degradation of cyhalofop-butyl and its high tendency to sorb to soils, no surface water or ground water contamination is expected. This agrees with EPA Tier I modeling carried out on cyhalofop-butyl. Therefore, drinking water will not be a significant route of exposure. Dietary exposure is very low as previously mentioned. In addition, a rotational crop study showed no carryover of cyhalofop-butyl related residues in any representative test crop. There are no residential uses for this compound. As a result, the only potential for exposure is dietary, which is acceptable. Therefore, aggregation of exposures is not necessary.

D. Cumulative Effects

The potential for cumulative effects of cyhalofop-butyl, cyhalofop-acid and

other substances that have a common mechanism of toxicity is also considered. There is no reliable information to indicate that toxic effects produced by cyhalofop-butyl, cyhalofop-acid and cyhalofop-diacid would be cumulative with those of any other pesticide chemical. Thus, it is appropriate to consider only the potential risks of cyhalofop-butyl and cyhalofop-acid in an aggregate exposure assessment.

E. Safety Determination

1. *U.S. population.* Using the conservative exposure assumptions described above, and based on the completeness and reliability of the toxicity data, aggregate exposure to cyhalofop-butyl, as determined under the guidance of the FQPA, will utilize no more than 1.3% of the reference dose (RfD) from the dietary exposure for all subgroups of the U.S. population. Generally, and under the FQPA, EPA has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Therefore, there is a reasonable certainty that no harm will result from exposure to cyhalofop-butyl residues.

2. *Infants and children.* Data from developmental toxicity studies in rats and rabbits and a multigeneration reproduction study in the rat are considered in assessing the potential for additional sensitivity of infants and children to residues of cyhalofop-butyl. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development. Reproduction studies provide information relating to effects from exposure of both parents to the pesticide on the reproductive capability and potential systemic toxicity of mating animals and on various parameters associated with the well-being of offspring. FFDCA section 408 provides that EPA may apply an additional safety factor for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base. Based on the current toxicological data requirements, the data base for cyhalofop-butyl relative to prenatal and postnatal effects for children is complete. Overall, cyhalofop-butyl had no effect on reproduction or embryo-fetal development at any dosage tested. Further, for cyhalofop-butyl, the no observed adverse effect level (NOAEL) in the chronic mouse study (0.3 mg/kg/day), which was used to calculate the RfD (0.003 mg/kg/day), is already lower than the NOAELs from the developmental studies in rats and rabbits. Therefore, an additional FQPA uncertainty factor is not needed and the RfD at 0.003 mg/kg/day is appropriate for assessing risk to infants and children. Using the conservative exposure assumptions previously described, the percent RfD utilized by the potential aggregate exposure to residues of cyhalofop-butyl on rice is about 1.3% for non-nursing infants, the most sensitive population subgroup. Therefore, based on the completeness and reliability of the toxicity data and the conservative exposure assessment, Dow AgroSciences LLC concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to cyhalofop-butyl on rice.

F. International Tolerances

There is no Codex maximum residue level established for residues of cyhalofop-butyl, cyhalofop-acid and cyhalofop-diacid on any food or feed crop.

[FR Doc. 01–10122 Filed 4–24–01; 8:45 am]
BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[PF–1018; FRL–6778–4]

Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket control number PF–1018, must be received on or before May 25, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I.C. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1018 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Leonard Cole, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460: telephone number: (703) 305–5412; e-mail address: cole.leonard@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number PF–1018. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information

claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number PF–1018 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number PF–1018. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 9, 2001.

James Jones,

Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by section 408(d)(3) of the FFDCA. The summary of the petition was prepared by the petitioner and represents the view of the petitioner. EPA is publishing the petition summary verbatim without editing it in any way. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

FMC Corp.

PP 1F6266

EPA has received a pesticide petition (PP 1F6266) from FMC Corp., 1735 Market Street, Philadelphia, PA 19103 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR part 180 by establishing a tolerance for residues of bifenthrin ((2-methyl 1,1′-biphenyl-3-yl) methyl-3-(2-chloro-3,3,3,-trifluoro-1-propenyl)-2,2-dimethylcyclopropanecarboxylate) in or on the raw agricultural commodity citrus fruits at 0.05 parts per million (ppm). EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism.* The metabolism of bifenthrin in plants is adequately understood. Studies have been conducted to delineate the metabolism of radiolabelled bifenthrin in various crops all showing similar results. The residue of concern is the parent compound only.

2. *Analytical method.* There is a practical analytical method for detecting and measuring levels of bifenthrin in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances (Gas Chromatography with Electron Capture Detection (GC/ECD) analytical method P-2132M, PP 0E3921, MRID 41658601).

3. *Magnitude of residues.* Field residue trials meeting EPA study requirements have been conducted at the maximum label rate for the crop subgroup leaf petioles. Results from these trials demonstrate that the highest bifenthrin residues found will not exceed the proposed tolerance of 2.0 ppm when the product is applied following the proposed use directions.

B. Toxicological Profile

1. *Acute toxicity.* For the purposes of assessing acute dietary risk, FMC has used the maternal NOAEL of 1.0 mg/kg/day from the oral developmental toxicity study in rats. The maternal lowest effect level (LEL) of this study of 2.0 mg/kg/day was based on tremors from day 7–17 of dosing. This acute dietary endpoint is used to determine acute dietary risks to all population subgroups.

2. *Genotoxicity.* The following genotoxicity tests were all negative: gene mutation in Salmonella (Ames); chromosomal aberrations in Chinese hamster ovary and rat bone marrow cells; HGPRT locus mutation in mouse lymphoma cells; and unscheduled DNA synthesis in rat hepatocytes.

3. *Reproductive and developmental toxicity*—i.*Rat reproduction study.* Parental toxicity occurred as decreased body weight at 5.0 milligrams/kilograms/day (mg/kg/day) with a no observed adverse effect level (NOAEL) of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

ii. *Postnatal sensitivity.* Based on the absence of pup toxicity up to dose levels which produced toxicity in the parental animals, there is no evidence of special postnatal sensitivity to infants and children in the rat reproduction study.

4. *Subchronic toxicity.* The maternal NOAEL of 1.0 mg/kg/day from the oral developmental toxicity study in rats is also used for short- and intermediate-term margins of exposure (MOE) calculations (as well as acute, discussed in (1) above). The maternal LEL of this study of 2.0 mg/kg/day was based on tremors from day 7–17 of dosing.

5. *Chronic toxicity*—i. The reference dose (RfD) has been established at 0.015 mg/kg/day. This RfD is based on a 1–year oral feeding study in dogs with a NOAEL of 1.5 mg/kg/day, based on intermittent tremors observed at the lowest observed adverse effect level (LOAEL) of 3.0 mg/kg/day; an uncertainty factor of 100 is used.

ii. Bifenthrin is classified as a Group C chemical (possible human carcinogen) based upon urinary bladder tumors in mice; assignment of a Q* has not been recommended.

6. *Animal metabolism.* The metabolism of bifenthrin in animals is adequately understood. Metabolism studies in rats with single doses demonstrated that about 90% of the parent compound and its hydroxylated metabolites are excreted.

7. *Metabolite toxicology.* The Agency has previously determined that the metabolites of bifenthrin are not of toxicological concern and need not be included in the tolerance expression.

8. *Endocrine disruption.* No special studies investigating potential estrogenic or other endocrine effects of bifenthrin have been conducted. However, no evidence of such effects was reported in the standard battery of required toxicology studies, which have been completed and found acceptable. Based on these studies, there is no evidence to suggest that bifenthrin has an adverse effect on the endocrine system.

C. Aggregate Exposure

1. *Dietary exposure*—i. *Food.* Tolerances have been established for the residues of bifenthrin, in or on a variety of raw agricultural commodities. Tolerances, in support of registrations, currently exist for residues of bifenthrin on the following crops: hops, strawberries, corn (grain, forage and fodder), sweet corn, eggplant, cottonseed, artichokes, peppers (bell and non-bell), lettuce (head) and grapes. Also for the crop group cucurbit vegetables and the subgroups edible-podded legume, succulent shelled peas, caneberries and brassica (head and stem). Also, for the livestock commodities of cattle, goats, hogs, horses, sheep, poultry, eggs and milk. Pending tolerances for citrus, bananas, peanuts, pears, potatoes, spinach and the subgroup herbs also exist. For the purposes of assessing the potential dietary exposure for these existing and pending tolerances, FMC has utilized available information on anticipated residues, monitoring data and percent crop treated as follows:

a. *Acute exposure and risk.* Acute dietary exposure risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. For the purposes of assessing acute dietary risk for bifenthrin, the maternal NOAEL of 1.0 mg/kg/day from the oral developmental toxicity study in rats was used. The maternal LEL of this study of 2.0 mg/kg/day was based on tremors from day 7–17 of dosing. This acute dietary endpoint was used to determine acute dietary risks to all population subgroups. Available information on anticipated residues, monitoring data and percent crop treated was incorporated into a Tier 3 analysis; using Monte Carlo modeling for commodities that may be consumed in a single serving. These assessments show that the MOEs are greater than the EPA standard of 100 for all subpopulations. The 99.9th percentile of exposure for the overall U. S. population was estimated to be 0.004291 mg/kg/day (MOE of 233). The 99.9th percentile of exposure for all infants less than 1 year old was estimated to be 0.002903 mg/kg/day (MOE of 344). The 99.9th percentile of exposure for nursing infants less than 1 year old was estimated to be 0.002058 mg/kg/day (MOE of 485). The 99.9th percentile of exposure for non-nursing infants less than 1 year old was estimated to be 0.003030 mg/kg/day (MOE of 330). The 99.9th percentile of exposure for children 1 to 6 years old (the most highly exposed population subgroup) was estimated to be 0.008328 mg/kg/day (MOE of 120). Therefore, FMC concludes that the acute dietary risk of bifenthrin, as estimated by the dietary risk assessment, does not appear to be of concern.

b. *Chronic exposure and risk.* The acceptable RfD is based on a NOAEL of 1.5 mg/kg/day from the chronic dog study and an uncertainty factor of 100 is 0.015 mg/kg/day. The endpoint effect of concern was tremors in both sexes of dogs at the LEL of 3.0 mg/kg/day. A chronic dietary exposure/risk assessment has been performed for bifenthrin using the above RfD. The chronic exposures are estimated to be 0.000165 mg/kg body weight (bwt)/day and utilize 1.1% of the RfD for the overall U.S. population. Children 1-6 years old (subgroups most highly exposed) is estimated to be 0.000342 mg/kg bwt/day and utilizes 2.3% of the RfD. Generally speaking, the EPA has no cause for concern if the total dietary exposure from residues for uses for which there are published and proposed tolerances is less than 100% of the RfD. Therefore, FMC concludes that the chronic dietary risk of bifenthrin, as estimated by the dietary risk

assessment, does not appear to be of concern.

ii. *Drinking water.* Laboratory and field data have demonstrated that bifenthrin is immobile in soil and will not leach into ground water. Other data show that bifenthrin is virtually insoluble in water and extremely lipophilic. As a result, FMC concludes that residues reaching surface waters from field runoff will quickly adsorb to sediment particles and be partitioned from the water column. Further, a screening evaluation of leaching potential of a typical pyrethroid was conducted using EPA's Pesticide Root Zone Model (PRZM3). Based on this screening assessment, the potential concentrations of a pyrethroid in ground water at depths of 1 and 2 meters are essentially zero (<<0.001 parts per billion (ppb)). Surface water concentrations for pyrethroids were estimated using PRZM3 and Exposure Analysis Modeling System (EXAMS) using standard EPA cotton runoff and Mississippi pond scenarios. The maximum concentration predicted in the simulated pond was 0.052 ppb. Concentrations in actual drinking water would be much lower than the levels predicted in the hypothetical, small, stagnant farm pond model since drinking water derived from surface water would normally be treated before consumption. Based on these analyses, the contribution of water to the dietary risk estimate is negligible. Therefore, FMC concludes that together these data indicate that residues are not expected to occur in drinking water.

2. *Non-dietary exposure.* Laboratory and field data have demonstrated that bifenthrin is immobile in soil and will not leach into ground water. Other data show that bifenthrin is virtually insoluble in water and extremely lipophilic. As a result, FMC concludes that residues reaching surface waters from field runoff will quickly adsorb to sediment particles and be partitioned from the water column. Further, a screening evaluation of leaching potential of a typical pyrethroid was conducted using EPA's PRZM3. Based on this screening assessment, the potential concentrations of a pyrethroid in ground water at depths of 1 and 2 meters are essentially zero (<<0.001 parts per billion). Surface water concentrations for pyrethroids were estimated using PRZM3 and EXAMS using standard EPA cotton runoff and Mississippi pond scenarios. The maximum concentration predicted in the simulated pond was 0.052 ppb. Concentrations in actual drinking water would be much lower than the levels predicted in the hypothetical, small, stagnant farm pond model since drinking water derived from surface water would normally be treated before consumption. Based on these analyses, the contribution of water to the dietary risk estimate is negligible. Therefore, FMC concludes that together these data indicate that residues are not expected to occur in drinking water.

D. Cumulative Effects

In consideration of potential cumulative effects of bifenthrin and other substances that may have a common mechanism of toxicity, to our knowledge there are currently no available data or other reliable information indicating that any toxic effects produced by bifenthrin would be cumulative with those of other chemical compounds; thus only the potential risks of bifenthrin have been considered in this assessment of its aggregate exposure. FMC intends to submit information for EPA to consider concerning potential cumulative effects of bifenthrin consistent with the schedule established by EPA at 62 FR 42020 (August 4, 1997) and other EPA publications pursuant to the FQPA.

E. Safety Determination

1. *U.S. population.* For the overall U.S. population, the calculated MOE at the 95th percentile was estimated to be 619; 348 at the 99th percentile; and 176 at the 99.9th percentile. For all infants less than 1 year old, the calculated MOE at the 95th percentile was estimated to be 532; 233 at the 99th percentile; and 169 at the 99.9th percentile. For nursing infants less than 1 year old, the calculated MOE at the 95th percentile was estimated to be 1,309; 450 at the 99th percentile; and 240 at the 99.9th percentile. For non-nursing infants less than 1 year old, the calculated MOE at the 95th percentile was estimated to be 474; 181 at the 99th percentile; and 168 at the 99.9th percentile. For the most highly exposed population subgroup, children1–6 years old, the calculated MOE at the 95th percentile was estimated to be 320; 208 at the 99th percentile; and 100 at the 99.9th percentile. Therefore, FMC concludes that there is reasonable certainty that no harm will result from acute exposure to bifenthrin.

2. *Infants and children*—i. *General.* In assessing the potential for additional sensitivity of infants and children to residues of bifenthrin, FMC considered data from developmental toxicity studies in the rat and rabbit, and a two-generation reproductive study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity. FFDCA section 408 provides that EPA may apply an additional margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base.

ii. *Developmental toxicity studies.* In the rabbit developmental study, there were no developmental effects observed in the fetuses exposed to bifenthrin. The maternal NOAEL was 2.67 mg/kg/day based on head and forelimb twitching at the LOAEL of 4 mg/kg/day. In the rat developmental study, the maternal NOAEL was 1 mg/kg/day, based on tremors at the LOAEL of 2 mg/kg/day. The developmental (pup) NOAEL was also 1 mg/kg/day, based upon increased incidence of hydroureter at the LOAEL 2 mg/kg/day. There was 5/23 (22%) litters affected (5/141 fetuses since each litter only had one affected fetus) in the 2 mg/kg/day group, compared with zero in the control, 1, and 0.5 mg/kg/day groups. According to recent historical data (1992-1994) for this strain of rat, incidence of distended ureter averaged 11% with a maximum incidence of 90%.

iii. *Reproductive toxicity study.* In the rat reproduction study, parental toxicity occurred as decreased body weight at 5.0 mg/kg/day with a NOAEL of 3.0 mg/kg/day. There were no developmental (pup) or reproductive effects up to 5.0 mg/kg/day (highest dose tested).

iv. *Prenatal and postnatal sensitivity*—a.*Prenatal.* Since there was not a dose-related finding of hydroureter in the rat developmental study and in the presence of similar incidences in the recent historical control data, the marginal finding of hydroureter in rat fetuses at 2 mg/kg/day (in the presence of maternal toxicity) is not considered a significant developmental finding. Nor does it provide sufficient evidence of a special dietary risk (either acute or chronic) for infants and children which would require an additional safety factor.

b. *Postnatal.* Based on the absence of pup toxicity up to dose levels, which produced toxicity in the parental animals, there is no evidence of special postnatal sensitivity to infants and children in the rat reproduction study.

v. *Conclusion.* Based on the above, FMC concludes that reliable data support use of the standard 100-fold uncertainty factor, and that an additional uncertainty factor is not

needed to protect the safety of infants and children. As stated above, aggregate exposure assessments utilized less than 10% of the RfD for either the entire U. S. population or any of the 26 population subgroups including infants and children. Therefore, it may be concluded that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to bifenthrin residues.

F. International Tolerances

There are no Codex, Canadian, or Mexican residue limits for the residue of bifenthrin in or on leaf petioles.

[FR Doc. 01–10125 Filed 4–24–01 8:45 am]

BILLING CODE 6560–50–S

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collections Approved by Office of Management and Budget

April 17, 2001.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid control number. For further information contact Shoko B. Hair, Federal Communications Commission, (202) 418–1379.

Federal Communications Commission

OMB Control No.: 3060–0741.

Expiration Date: 4/30/2004.

Title: Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96–98, Second Report and Order and Memorandum Opinion and Order, Second Order on Reconsideration, CC docket No. 99–273, First Report and Order.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 2000 respondents; 114 hours per response (avg.); 228,030 total annual burden hours (for all collections approved under this control number).

Estimated Annual Reporting and Recordkeeping Cost Burden: $60,000.

Frequency of Response: On occasion; Third Party Disclosure.

Description: In the First Report and Order issued in CC Docket No. 99–273 (FCC 01–27), released January 23, 2001, the Commission adopted several of its tentative conclusions. The Commission concluded that the phrase "in any format" found in section 222(e) of the Communications Act of 1934, as amended, brings within the protections of section 222(e) those entities that seek subscriber list information to publish directories on the Internet. That phrase "in any format" makes clear Congress' intent not to restrict the kinds of directories that could be published using subscriber list information obtained pursuant to section 222(e). Internet databases that contain subscriber list information clearly fall within the very broad category of "directories in any format." In order for directory publishers to provide accurate directory listings, it is essential that publishers have access to the subscriber list information local exchange carriers (LECs) acquire from their customers. (*No. of respondents:* 2000; *hours per response:* 8 hours; *total annual burden:* 16,000 hours). The Commission determined that competing directory assistance (DA) providers that offer call completion services for local or toll calls, provide telephone exchange, or telephone toll services, respectively, and thus qualify for nondiscriminatory access to LEC local directory assistance databases. The Commission also determined that because LECs do not have monopoly control over national directory assistance databases that LECs obtain from third parties, that LECs are not required to grant competing directory assistance providers nondiscriminatory access to such non-local directory assistance databases. The Commission concluded that LECs should not be required to provide nondicriminatory access to nonlocal directory listings since third parties have the same opportunities to secure the information directly. However, to the extent that a carrier provides access to national DA information to any other DA provider, including another LEC, it must make that same information available to competing DA providers under nondiscriminatory rates, terms, and conditions. The Commission concluded that when a competitive local exchange carrier (CLEC) or an interexchange carrier (IXC) (having entered an interconnection agreement with the relevant LEC) designates a DA provider to act as their agent, that competing DA provider is entitled to nondiscriminatory access to the providing LEC's local DA database. The DA providers database access will be consistent with the terms of the relevant interconnection agreement and with the terms of the DA providers' separate agreements with its carrier principal. The Commission expects that a DA provider's request for access will be accompanied by a letter or other documentation from the CLEC or IXC evidencing its intent that the DA provider receives database access so that it fulfills its obligations to the CLEC or IXC. (*No. of respondents:* 250; *hours per response:* 36 hours; *total annual burden:* 9000 hours). All of the collections implement the requirements of Sections 251 and/or 222 of the Communications Act of 1934, as amended. *Obligation to respond:* Mandatory.

OMB Control No.: 3060–0756.

Expiration Date: 10/31/2001.

Title: Procedural Requirements and Policies for Commission Processing of Bell Operating Companies Applications for the Provision of In-Region, InterLATA Services Under Section 271 of the Telecommunications Act of 1996.

Form No.: N/A.

Respondents: Business or other for-profit; State, Local or Tribal Government.

Estimated Annual Burden: 75 respondents; 250 hours per response (avg.); 18,820 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Description: In a Public Notice released March 23, 2001 (DA 01–734), the Commission updated the general procedural requirements and policies relating to the Commission processing of Bell Operating Company (BOC) applications to provide in-region, interLATA services pursuant to section 271 of the Communications Act of 1934, as amended, 47 U.S.C. Section 271 (Act). A BOC may decide whether and when to file an application. See Public Notice, DA 01–734. a. *Submission of Applications by the BOCs.* BOCs must file applications which provide information on which the applicant intends to rely in order to satisfy the requirements of section 271. The applications will contain two parts, which include: (1) a stand-alone document entitled Brief in Support of Application by [Bell company name] for Provision of In-region, InterLATA services in [State name] and (2) any supporting documentation. (*Number of respondents:* 4 BOCs) *hours per response:* 125 hours per state; *total annual burden:* 6125 hours). b. *Submission on Written Consultations by the State Regulatory Commissions.* State regulatory commissions will file any written consultation they wish the Commission to consider early in the application process. (*Number of*

respondents: 49; *hours per response:* 120 hours; *total annual burden:* 5880 hours). c. *Submission of Written Consultations by the U.S. Department of Justice.* The Department of Justice will file its written consultation relating to an application on or before a due date set forth by the Commission in the Initial Public Notice. (*Number of respondents:* 1; *hours per response:* 100 hours per state; *total annual burden:* 4900 hours). d. *Submission of Written Comments by Interested Third Parties.* Interested third parties may file comments on the applications on or before a due date set forth by the Commission in the Initial Public Notice. All substantive arguments must be made in a legal brief (i.e., Brief in Support, comments, reply, ex parte comments) and not in affidavits or other supporting documentation. All parties submitting confidential information must identify a contact person who will address inquiries relating to access to that confidential information. Each volume of supporting documentation submitted by a party shall contain a table of contents that lists the subject of each tabbed section of that volume. The party shall include a list of all affidavits and the location of and subjects covered by each of those affidavits. Parties shall not incorporate by reference, in their comment or replies, entire documents or significant portion of documents that were filed in other proceedings, such as comments filed in a previous section 271 proceeding. (*Number of respondents:* 75; *hours per response:* 25 hours; *total annual burden:* 1875 hours). e. *Replies.* All participants in the proceeding may file a reply to any comment made by any other participant, on or before a due date set forth by the Commission in the Initial Public Notice. (*Number of respondents:* 10; *hours per response:* 2 hours; *total annual burden:* 20 hours). f. *Motions.* A dispositive motion filed with the Commission in a section 271 proceeding will be treated as an early-filed pleading and will not be subject to a separate pleading cycle, unless the Commission or Bureau determines otherwise. Non-dispositive motions will be subject to the default pleading cycle in 47 CFR section 1.45, unless the Commission determines otherwise in a public notice. (*No. of respondents:* 10; *hours per response:* 2 hours; *total annual burden:* 20 hours). All of the requirements are used to ensure that BOCs have complied with their obligations under the Communications Act of 1934, as amended, before being authorized to provide in-region, interLATA services pursuant to section 271. *Obligation to respond:* Mandatory.

OMB Control No.: 3060–0854.

Expiration Date: 3/31/2004.

Title: Truth-in-Billing Format, CC Docket No. 98–170.

Form No.: N/A.

Respondents: Business or other for-profit.

Estimated Annual Burden: 3099 respondents; 505.2 hours per response (avg.); 1,565,775 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $9,000,000.

Frequency of Response: On occasion; Third Party Disclosure.

Description: Under Section 201(b) of the Communications Act of 1934, as amended, the charges, practices, and classifications of common carriers must be just and reasonable. The Commission believes that the telephone bill is an integral part of the relationship between a carrier and its customer. The manner in which charges are identified and articulated on the bill is essential to the consumer's understanding of the services that have been rendered, such that a carrier's provision of misleading or deceptive billing information may be unjust and unreasonable practice in violation of Section 201(b). Pursuant to 47 CFR Section 64.201, telephone bills must clearly identify the name of the service provider associated with each charge. (*No. of respondents:* 3099; *hours per response:* 10 hours; *total annual burden:* 30,990 hours). All telephone bills containing wireline common carrier service must (1) separate charges by service provider and (2) clearly and conspicuously identify any change in service providers, including identification of charges from any new service provider. (*No. of respondents:* 2295; *hours per response:* 465 hours; *total annual burden:* 1,067,175 hours). Section 64.201(b) requires that bills for wireline service include for each charge a brief, clear, plain-language description of the services rendered. Section 64.2401(c) requires that, when a bill for local wireline service contains additional carrier charges, the bill must differentiate between those charges for which non-payment could result in termination of local telephone service and those for which it could not. (*No. of respondents:* 2295; *hours per response:* 197 hours; *total annual burden:* 452,115 hours). Section 64.2401(d) requires that all telephone bills contain clear and conspicuous disclosure of any information that the subscriber may need to make inquiries about, or contest, charges on the bill. (*No. of respondents:* 3099; *hours per response:* 5 hours; *total annual burden:* 15,495 hours). The information will be used by consumers to help them understand their telephone bills. Consumers need this information to protect themselves against fraud and to help them resolve billing disputes. Obligation to respond: Required to obtain or retain benefits.

OMB Control No.: 3060–0855.

Expiration Date: 8/31/2001.

Title: Telecommunications Reporting Worksheet and Associated Requirements, CC Docket No. 96–45.

Form No.: FCC Form 499–Q.

Respondents: Business or other for-profit.

Estimated Annual Burden: 5000 respondents; 16.25 hours per response (avg.); 81,250 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: Annually; Quarterly;

Description: In the Report and Order and Order on Reconsideration issued in CC Docket No. 96–45 (FCC 01–85), released March 14, 2001, the Commission modified the existing methodology used to assess contributions that carriers make to the federal universal service support mechanisms. Specifically, the Commission modified the existing contribution methodology to reduce the interval between the accrual of revenues and the assessment of universal service contributions based on those revenues. Currently, contributions to the federal universal service support mechanisms are based on carriers' interstate and international end-user telecommunications revenues from the prior year. With the modification, the Commission shortened the interval between the accrual of revenues and assessment based on those revenues by six months. Under the revised methodology carriers are required to file on a quarterly basis the new FCC Form 499–Q to report their revenues from the prior quarter. Carriers will file the initial FCC Form 499–Q on May 11, 2001, reporting revenue data from the first quarter of 2001. Thereafter, carriers will file FCC Form 499–Q, reporting their revenues for the prior quarter, by the beginning of the second month in each quarter (i.e., February 1, May 1, April 1, and November 1). Carriers will continue to file FCC Form 499–A annually as they are required to do under the existing methodology. (*No. of respondents:* 3500 filing annually and 2000 filing quarterly; *hours per response:* 9.5 hours for the annual filing and 6 hours per respondent for each quarterly filing; *total annual burden:* 81,250). Data filed on the worksheets

will be used to calculate contributions to the universal service support mechanisms. Copies of the worksheets and instructions may be downloaded from the Commission's forms web page (*www.fcc.gov/formpage.html*). Copies may also be obtained from NECA at 973–560–4400. *Obligation to respond:* Mandatory.

OMB Control No.: 3060–0804.

Expiration Date: 9/30/2001.

Title: Universal Service—Health Care Providers Universal Service Program.

Form No.: FCC Forms 465, 466, 466–A, 467, 468.

Respondents: Not-for-profit institutions; Business or other for-profit.

Estimated Annual Burden: 5255 respondents; 1.85 hours per response (avg.); 9755 total annual burden hours.

Estimated Annual Reporting and Recordkeeping Cost Burden: $0.

Frequency of Response: On occasion; Third Party Disclosure.

Description: The Telecommunications Act of 1996 (1996 Act) directed the Commission to initiate a rulemaking reform to our system of universal service so that universal service is preserved and advanced as markets move toward competition. On May 8, 1997, the Commission adopted rules providing, among other things, that rural health care providers receive access to advanced telecommunications services at rates that are reasonably comparable to those available in urban areas. All rural health care providers planning to order eligible telecommunications services at discounted rates under the universal service program must file the following forms: FCC Form 465, Description of Service Requested and Certification. Rural health care providers ordering discounted telecommunications services under the universal service program must submit FCC Form 465, Description of Service Requested and Certification to the Administrator. Rural health care providers must certify their eligibility to receive discounted telecommunications services. 47 CFR Section 54.615(c). The Administrator will then post a description of the services sought on a website for all potential competing service providers to see and respond to as if they were requests for proposals (RFPs). (*No. of respondents:* 1200; *hours per response:* 2.5 hours; *total annual burden:* 300 hours). b. FCC Form 466, Funding Request and Certification. Rural health care providers that have ordered telecommunications under the universal service discount program must file FCC Form 466, Funding Request and Certification Form, with the Administrator. The data reported will be used to ensure that health care providers have selected the most cost-effective method of providing the requested services. 47 CFR Section 54.603(b)(4). (*No. of respondents:* 1350; *hours per response:* 2 hours; *total annual burden:* 2700 hours). c. FCC Form 466–A, Internet Toll Charge Discount Request. If a rural health care provider is only seeking support for toll charges to access the Internet, it must submit FCC Form 466–A. (*No. of respondents:* 5; *hours per response:* 1 hour; *total annual burden:* 5 hours). d. FCC Form 467, Connection Certification. Rural health care providers participating in the universal service support mechanism must submit FCC Form 467 to inform the Administrator that they have begun to receive, or have stopped receiving, the telecommunications services for which universal service support has been allocated. The data reported will be used to ensure that universal service support is distributed to telecommunications carriers serving eligible health care providers pursuant to 47 CFR Section 54.611. (*No. of respondents:* 1350; *hours per response:* 1.5 hours; *total annual burden:* 2025 hours). e. FCC Form 468, Telecommunications Carrier Form. Rural health care providers ordering telecommunications services under the universal service support mechanism must submit FCC Form 468, Telecommunications Carrier Form to the Administrator. The data reported will be used to ensure that the telecommunications carrier receives the appropriate amount of credit for providing telecommunications services to eligible health care providers. 47 CFR Sections 54.605–611. (*No. of respondents;* 1350; *hours per response:* 1.5 hours; *total annual burden:* 2025 hours). FCC Forms 466, 467 and 468 were recently revised. Copies of all the above-mentioned forms may be downloaded from the Administrator's website at (*www.universalservice.org*). Copies of the forms may also be obtained by calling the Universal Service Administrative Corporation, Rural Health Care Division at 1–800–229–5476. Obligation to respond: Required to obtain or retain benefits.

Public reporting burden for the collection of information is as noted above. Send comments regarding the burden estimate or any other aspect of the collections of information, including suggestions for reducing the burden to Performance Evaluation and Records Management, Washington, DC 20554.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–10224 Filed 4–24–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2 p.m. on Thursday, April 26, 2001, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of Title 5, United States Code, to consider matters relating to the Corporation's corporate, resolution, and supervisory activities.

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

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898–6757.

Dated: April 20, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–10334 Filed 4–20–01; 5 pm]

BILLING CODE 6714–01

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Voluntary Establishment of Paternity.

OMB No.: 0970–0175.

Description: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires States to develop procedures for a simple civil process for voluntarily acknowledging paternity under which the State must provide that, before a mother and putative father can sign a voluntary acknowledgement of paternity, the mother and putative father must be given notice, orally and in writing, of the alternatives to, the legal consequences of, and the rights and responsibilities of acknowledging

paternity, and ensure that due process safeguards are afforded.

Respondents: Hospitals, birth record agencies, and other entities participating in a State's voluntary paternity establishment program.

Annual Burden Estimates

TABLE OF BURDEN ESTIMATES FOR INFORMING PARENTS OF THEIR RIGHTS AND RESPONSIBILITIES AND FOR PROVIDING TRAINING

Notifying entity	Number of disclosors	Number of disclosures per disclosor	Average burden hours per disclosure	Average burden hours for training	Total burden hours
Hospital	6,291	35.654	.166	800	38,034
Birth Record Agencies	3,072	3.319	.166	36	1,728
Child Support Agencies	3,072	3.319	.166	36	1,728
Private Health Care Providers	650,000	3.319	.166	36	1,728
Child Care Resource and Referral Centers	500	3.319	.166	36	1,728
Child Care Providers	310,000	3.319	.166	36	1,728
TANF agencies	3,072	36.507	.166	400	19,017
Legal Aid Agencies and Private Attorneys	946,500	3.319	.166	36	1,728
Food Stamp Agencies	3,072	3.319	.166	36	1,728
community Action Agencies	1,158	3.319	.166	36	1,728
Head Start Schools	37,000	3.319	.166	36	1,728
Secondary Schools	23,046	3.319	.166	36	1,728
WIC Centers	1,800	3.319	.166	36	1,728

Estimated Total Annual Burden Hours: 76,059.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: April 20, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–10233 Filed 4–24–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Required Data Elements for Paternity Establishment Affidavits.

OMB No.: 0970–0171.

Description: The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 required the Secretary of the Department of Health and Human Services to Specify the minimum data elements of an affidavit to be used for the voluntary acknowledgment of paternity. States must enact laws requiring the development and use of the affidavit and to give full faith and credit to affidavits signed in any other State according to its procedures.

Respondents: State birth record agencies and State Child Support Offices.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Affidavit	2,000,000	.2243	.166	74,468

Estimated Total Annual Burden Hours: 74,468.

Additional Information: Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: April 20, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–10234 Filed 4–24–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–0053]

Medical Device Inspection Evaluation Report; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a report entitled "Medical Device Inspection Evaluation Report." The report describes the outcomes of the Medical Device Inspection Evaluation pilot conducted between March 1, 1999, and February 29, 2000. The report was prepared by the University of California at Irvine Statistical Consulting Center from the information received on the evaluation forms submitted by medical device manufacturers who were inspected for their compliance with the quality system/good manufacturing practices (QS/GMP) during the time of the pilot.

DATES: Submit written comments on this report at any time.

ADDRESSES: Submit written requests for single copies of the report to the Freedom of Information Office (HFI–35), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Submit written comments on the report to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the report.

FOR FURTHER INFORMATION CONTACT: Denise Dion, Division of Emergency and Investigational Operations (HFC–130), Office of Regional Operations, Office of Regulatory Affairs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–5645, FAX 301–443–6919.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a report entitled "Medical Device Inspection Evaluation Report." In the **Federal Register** of January 28, 1999 (64 FR 4426, January 28, 1999), at the close of all premarket and QS/GMP inspections conducted between March 1, 1999, and February 29, 2000, an FDA investigator provided a survey packet to the device firm's representative. This survey packet included a questionnaire, a postage-paid return envelope, and a cover letter to the company explaining the questionnaire's purpose. FDA officials; industry representatives; and Dr. Anita Iannucci, the survey coordinator/data analyst from the University of California at the Irvine Center for Statistical Consulting, signed this cover letter. To maintain confidentiality, the firms mailed their completed questionnaires directly to the university survey coordinator.

The purpose of the survey was to: (1) Give firms an opportunity to provide feedback to FDA and industry about their inspection experience, (2) compare the consistency of firms' reactions to inspections across different areas (both domestic and international), and (3) determine if the medical device industry initiatives (preannounced inspections and annotated FDA 483s) were being followed. The survey was also designed to determine if the initiative caused officials in medical device firms to view their FDA inspections in a more positive light than they had previously.

FDA's Office of Regulatory Affairs received the complete tabulation of the responses, and purged of all identifying information. FDA will be reviewing the report to determine if areas of future improvement can be identified. The information will be used internally to identify suggestions for training.

An FDA/industry committee consisting of: Nancy Singer, AdvaMed; Denise Dion, FDA; Lauren Andersen, AdvaMed and Andersen Caledonia Ltd.; Elaine Messa, Quintiles Consulting and Former Director of the Los Angeles District Office, FDA; Leif Olsen, AMDM and BioWhittaker; and Susan Reilly, ASQ Biomedical Division and Reilly and Associates, worked with Dr. Iannucci in designing the survey and assisting in the evaluation of the results. The committee members also assisted in the preparation of the final report.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the report at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. A copy of the report and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/ora under the heading "Recent Publications."

Dated: April 18, 2001.

Dennis E. Baker,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 01–10165 Filed 4–24–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub. L. 104–13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

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 or other forms of information technology.

Proposed Project: Project to Assess Race, Ethnicity, and Gender of Clients and Staff at Selected BPHC Supported Programs—New.

The Office of Minority and Women's Health (OMWH), in the Bureau of Primary Health Care (BPHC), Health Resources and Services Administration (HRSA), recognizes that information on the race, ethnicity, and gender of clients and staff employed at BPHC supported programs is important in determining the extent to which BPHC supported programs reflect the populations they serve. HRSA's strategic goal is to assure 100% access to health care and to work

toward the elimination of health disparities in the U.S. The OMWH proposes to conduct a survey for the purpose of obtaining baseline data on the racial, ethnic, and gender composition of both users and staff at its supported programs.

Numerous studies have shown that women and people of diverse racial and ethnic background are more comfortable seeking and receiving health care from providers of their same gender, race, and ethnic background. These studies suggest that women and people of diverse race/ethnicity perceive that their health care is more attuned to their unique health and psychosocial circumstances when diverse providers are available to them. A diverse workforce in BPHC supported programs may contribute significantly to the reduction of a significant psychological barrier to health care for many women and people of color.

The burden estimate for this project is as follows:

Form	Number of respondents	Responses per respondent	Total responses	Hours per response	Total hour burden
Center Directors	150	1	150	.25	38
Center Staff	[1] 150	28	4200	.08	336
Total			4350		374

[1] Sites.

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14–33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: April 17, 2001.

James J. Corrigan,

Associate Administrator for Management and Program Support.

[FR Doc. 01–10228 Filed 4–24–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

HRSA AIDS Advisory Committee; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act(Pub. L. 92–463), announcement is made of the following National Advisory body scheduled to meet during the month of June 2001.

Name: HRSA AIDS Advisory Committee (HAAC).

Date and Time: June 4, 2001; 8:30 a.m.—5 p.m.

Place: Centers for Disease Control and Prevention; Corporate Square; Corporate Blvd., Building 8, first floor; Atlanta, Georgia 30329; Telephone: (404) 639–8008.

Date and Time: June 5, 2001; 8:30 a.m.—3:30 p.m.

Place: Outreach, Inc.; 825 Cascade Ave., SW; Atlanta, GA 30311; Telephone: (404) 755–6700.

The meeting is open to the public.

Agenda: Agenda items for the meeting include a discussion of HIV prevention and care linkages with the Centers for Disease Control and Prevention's Advisory Committee on HIV and STD Prevention and rural issues.

Anyone requiring further information should contact Joan Holloway, HIV/AIDS Bureau, Parklawn Building, Room 7–13, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443–5761.

Dated: April 18, 2001.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–10229 Filed 4–24–01; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Proposed Collection; Comment Request; Multi-Ethnic Study of Atherosclerosis (MESA) Event Surveillance

SUMMARY: 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 National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Multi-Ethnic Study of Atherosclerosis (MESA) Event Surveillance. *Type of Information Request:* New. *Need and Use of Information Collection:* The study, MESA, will identify and quantify factors associated with the presence and progression of subclinical cardiovascular disease (CVD)—that is, atherosclerosis and other forms of CVD that have not produced signs and symptoms. The findings will provide important information on subclinical CVD in individuals of different ethnic backgrounds and provide information for studies on new interventions to prevent CVD. The aspects of the study that concern direct participant evaluation received a clinical exemption from OMB clearance (CE–99–11–08) in April 2000. OMB clearance is being sought for the contact of physicians and participant proxies to obtain information about clinical CVD events that participants experience during the follow-up period. *Frequency of response:* Once per CVD-event. *Affected public:* Individuals. *Types of Respondents:* Physicians and selected proxies of individuals recruited for MESA. The annual reporting burden is as follows: *Estimated Number of Respondents:* 555; *Estimated Number of Responses per respondent:* 1.0; *and Estimated Total Annual Burden Hours Requested:* 42.

There are no capital, operating, or maintenance costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
Physicians	279	1.0	0.20	19
Particpant proxies	276	1.0	0.25	23
Total	555	1.0	0.225	42

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information will have practical utility; (2) the accuracy of the agency's estimate of burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of data collection plans and instruments, contact Dr. Diane Bild, Epidemiology and Biometry Program, Division of Epidemiology and Clinical Applications, NHLBI, NIH, II Rockledge Centre, 6701 Rockledge Drive, MSC #7934, Bethesda, MD 20892–7934, or call non-toll-free number (301) 435–0457, or e-mail your request, including your address to: *bd3@nih.gov*.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before June 25, 2001.

Dated: April 13, 2001.

Peter J. Savage,

Acting Director, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute.

[FR Doc. 01–10205 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel, Molecular Target Drug Discovery for Cancer.

Date: April 18, 2001.

Time: 12:30 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute, 6116 Executive Boulevard, Conference Room 8052, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Joyce C. Pegues, Ph.D., Scientific Review Administrator, Special Review, Referral, and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8084, Bethesda, MD 20892, 301/594–1286.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts. Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: April 17, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10204 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Sickle Cell Disease Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: Sickle Cell Disease Advisory Committee.

Date: June 4, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: Discussion of program policies and issues.

Place: National Institutes of Health, Two Rockledge Center, Conference Room 9112, 9116, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Charles M. Peterson, MD, Director, Blood Diseases Program, Division of Blood Diseases and Resources, National Heart, Lung, and Blood Institute, NIH, Two Rockledge Center, Room 10158, MSC 7950, 6701 Rockledge Drive, Bethesda, MD 20892, 301/435–0050.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10198 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: April 24, 2001.

Time: 7:30 a.m. to 9:30 am.

Agenda: To review and evaluate grant applications.

Place: 6000 Executive Blvd., Rm. 409, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Sean O'Rourke, Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol

Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Center Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10200 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group Kidney, Urologic and Hematologic Diseases D Subcommittee.

Date: June 15, 2001.

Open: 8 a.m. to 8:30 a.m.

Agenda: To review procedures and discuss policies.

Place: Doubletree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

Closed: 8:30 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

Contact Person: Neal A. Musto, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 750, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892–6600, (301) 594–7798, muston@extra.niddk.nih.gov.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group Diabetes, Endocrinology and Metabolic Diseases B Subcommittee.

Date: June 19, 2001.

Open: 7 a.m. to 8 a.m.

Agenda: Discuss committee activities.

Place: Holiday Inn, 1450 Glenarm Place, Denver, CO 80202.

Closed: 8 a.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 1450 Glenarm Place, Denver, CO 80202.

Contact Person: Michele L. Barnard, PhD, Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 657, 6707 Democracy Boulevard, Bethesda, MD 20892, (301) 594-8898.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10201 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel "Telemedicine".

Date: May 8, 2001.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, 301–435–1437.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel "Transdermal THC" and "Development of Placebo Marijuana Cigarettes".

Date: May 10, 2001.

Time: 10 a.m. to 2 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, 301–435–1437.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS).

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10202 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should

notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: May 21, 2001.

Open: 8:30 a.m. to 2 p.m.

Agenda: Discussion of program policies and issues. Agenda: http://www.niehs.nih.gov/dert/c-agenda.htm.

Place: NIEHS, Rodbell Auditorium, Building 101, 111 Alexander Drive, Research Triangle Park, NC 27709.

Closed: 2 p.m. to adjournment.

Agenda: To review and evaluate grant applications.

Place: NIEHS, Rodbell Auditorium, Building 101, 111 Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Anne P. Sassaman, Ph.D., Director, Division of Extramural Research and Training, National Institute of Environmental Health, Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, NC 27709, 919/541–7723.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10203 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: 12 p.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Angela M. Pattatucci-Aragon, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, (301) 435–1775.

This notice is being published less than 15 days prior to the meeting timing due to the limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 21–23, 2001.

Time: 7 p.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: Days Inn Inner Harbor, 100 Hopkins Place, Baltimore, MD 21201.

Contact Person: Eugene Vigil, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435–1025.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333. Clinical Research, 93.333. 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 18, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–10199 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program (NTP); National Institute of Environmental Health Sciences; Center for the Evaluation of Risks to Human Reproduction (CERHR) Solicits Public Comments on Draft Guidelines for CERHR Expert Panel Members

Background

The NTP and the National Institute of Environmental Health Sciences established the NTP Center for the Evaluation of Risks to Human Reproduction (CERHR) in 1998 to serve as an environmental health resource to the public and regulatory and health agencies. The CERHR provides scientifically based, uniform assessments of the potential for adverse effects on reproduction and development caused by agents to which humans may be exposed. The assessments are carried out through rigorous, independent evaluations of the scientific literature on these agents by panels of scientists. The products of these evaluations are Expert Panel Reports.

The Expert Panel Report provides a consensus scientific judgement of the potential human reproductive and developmental toxicity of the chemical agent or mixture. The goals of the evaluations are to:

(1) Evaluate the quality of the available scientific data and identify critical data needs so that research and testing priorities can be established;

(2) Interpret scientific studies for and provide information to the general public about the strength of evidence that a given exposure poses a hazard to reproduction and/or to the health and welfare of the developing child; and

(3) Provide regulatory agencies with objective and scientifically credible evaluations of reproductive/developmental health effects associated with exposure to specific chemicals or classes of chemicals, including descriptions of any uncertainties associated with the assessment of risks.

Availability of Draft Guidelines for CERHR Expert Panel Members

In order to maintain consistency among the expert panel reviews and to provide guidance about these reviews and preparation of Expert Panel Reports, the CERHR has prepared *draft* guidelines for the expert panels and CERHR staff. The Guidelines cover the three phases of the Expert Panel review process: pre-meeting preparation, Expert

Panel Meeting, and completion of the Panel Report.

A copy of the Draft Guidelines for CERHR Expert Panel Members can be obtained electronically from the CERHR web site (*http://cerhr.niehs.nih.gov*). Hard copies can be obtained by contacting: Ms. Irma Velazquez, Special Assistant, CERHR, 111 T.W. Alexander Drive, PO Box 12233, MD EC–32, Research Triangle Park, NC 27709–2233; Telephone: 919–316–4508, Facsimile: 919–316–4511; E-mail: *velazqu2@niehs.nih.gov*.

Request for Public Comment on Draft Guidelines

Written Comments

CERHR invites written public comment on the Draft Guidelines through June 11, 2001. All comments should refer to the specific section of the guidelines being addressed. Persons submitting written comments should include the following information: name, address, affiliation, telephone, fax, e-mail, and sponsoring organization (if any). All comments received will be reviewed by NTP and CERHR staff and considered in making any revisions to the Draft Guidelines. Comments on the Draft Guidelines should be directed to: Michael D. Shelby, Director, CERHR, 111 T.W. Alexander Drive, PO Box 12233, MD EC–32, Research Triangle Park, NC 27709–2233; Telephone: 919–541–3455, Facsimile: 919–316–4511; E-mail: *shelby@niehs.nih.gov*.

Oral Comments

A May 25, 2001 meeting of the NTP Board of Scientific Counselors provides an additional opportunity for public comment on the Draft Guidelines. The NTP Board provides external scientific oversight to CERHR, and an item on the May 25 agenda is presentation and discussion of the Draft Guidelines. This meeting will be held at the National Institute of Environmental Health Sciences (111 T.W. Alexander Drive, Research Triangle Park, NC 27709). For planning purposes, persons wishing to make oral comments are asked to contact the NTP Executive Secretary by May 16; registration will however be accepted at the meeting as well. It is important to contact the Executive Secretary to register, obtain additional details about the meeting, including a draft agenda, and information for members of the public wishing to speak. This information can also be found on the NTP web site (*http://ntp-server.niehs.nih.gov*). Dr. Mary Wolfe, NTP Board Executive Secretary, 111 T.W. Alexander Drive, PO Box 12233, MD A3–07, Research Triangle Park, NC 27709–2233; Telephone: 919–541–3971, Facsimile: 919–541–0295; E-mail: *wolfe@niehs.nih.gov*.

Additional Information About CERHR

Information about CERHR including its chemical nomination and review process, Expert Panel Registry, the recently completed Expert Panel Review on Phthalates, and upcoming reviews can be obtained from the CERHR web site (*http://cerhr.niehs.nih.gov*). The CERHR maintains an expert registry of scientists qualified to participate in its Expert Panel Reviews. If you are interested in being included in the registry, send a description of expertise and curriculum vitae to Dr. Shelby at the address above.

Dated: April 12, 2001.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Services.

[FR Doc. 01–10206 Filed 4–24–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Community Mental Health Centers (CMHC) Construction Grantee Checklist

(OMB No. 0930–0104, Extension, no change)—Recipients of Federal CMHC construction funds are obligated to use the constructed facilities to provide mental health services. The CMHS Act was repealed in 1981 except for the provision requiring grantees to continue using the facilities for mental health purposes for a 20-year period. In order for the Substance Abuse and Mental Health Services Administration's Center for Mental Health Services to monitor compliance of construction grantees the grantees are required to submit an annual report. This annual Checklist enables grantees to supply necessary information efficiently and with a minimum of burden. The following table summarizes the annual burden for this program.

	Annual respondents	Responses/ respondent	Hours per response	Annual burden
CMHS Grantee Construction Checklist [42 CFR 54.209(h), 42 CFR 54.213, 42 CFR 54.214]	[1] 16	1	.42	7

[1] Average over the 3-year approval period as grantees with service obligations continue to complete their period of obligation.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 18, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–10215 Filed 4–24–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–28]

Notice of Submission of Proposed Information Collection to OMB; First National Survey of Environmental Hazards in Child Care Centers

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* May 25, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval number and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of the public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name and telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: First National Survey of Environmental Hazards in Child Care Centers.

OMB Approval Number: 2539–XXXX.

Form Numbers: None.

Description of the Need for the Information and Its Proposed Use:

This survey will estimate existing levels of environmental contaminants in the nation's child care centers. Lead levels in dust, soil and paint, allergy-inducing constituent levels in floor samples, and pesticide levels in soil, floor and play/work surfaces will be determined. Collaboration between HUD, the CPSC, and the EPA serves to reduce study costs and burden to study participants.

Respondents: Businesses or other for-profits, Not-for-profit institutions.

Frequency of Submission: On Occasion.

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Reporting Burden	300		0.5		4.6		700

Total Estimated Burden Hours: 700.

Status: New Collection.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 18, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–10182 Filed 4–24–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4650–N–27]

Notice of Submission of Proposed Information Collection to OMB; Recertification of Family Income and Composition, Section 235(b) and Statistical Report Section 235(b), (i) and (j)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* May 25, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval (2502–0082) and should be sent to: Joseph F. Lackey, Jr., OMB Desk Officer of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Wayne Eddins, Reports Management Officer, Q, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Wayne_Eddins@HUD.gov; telephone (202) 708–2374. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Eddins.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the OMB approval number, if applicable; (4) the description of the need for the information and its proposed use; (5) the agency form number, if applicable; (6) what members of public will be affected by the proposal; (7) how frequently information submissions will be required; (8) an estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (9) whether the proposal is new, an extension, reinstatement, or revision of an information collection requirement; and (10) the name the telephone number of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

This Notice also lists the following information:

Title of Proposal: Recertification of Family Income and Composition, Section 235(b) and Statistical Report Section 235(b), (i) and (j).

OMB Approval Number: 2502–0082.

Form Numbers: HUD–93101 and HUD–93101A.

Description of the Need for the Information and its Proposed Use: Recertification information is submitted by homeowners to mortgagees to

determine their continued eligibility for assistance and to determine the amount of assistance a homeowner is to receive. The information collected is also used by mortgages to report statistical and general program data to HUD.

Respondents: Individuals or households, Businesses or other for-profits.

Frequency of submission: Annually.

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Reporting Burden	77,556		1.29		0.97		97,175

Total Estimated Burden Hours: 97,175.

Status: Reinstatement, with change.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: April 19, 2001.

Wayne Eddins,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 01–10183 Filed 4–24–01; 8:45 am]

BILLING CODE 4210–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4491–N–06]

Notice Draft Environmental Impact Statement; City of West Hollywood, CA; Section 108 Loan Guarantee/ Brownfield Economic Development Initiative Grant

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the National Environmental Policy Act of 1969, 40 CFR parts 1500–1508, and 24 CFR part 58, this announcement gives notice to the public that the Community Development Commission of the County of Los Angeles (Commission), in its capacity as a Responsible Entity, intends to prepare an Environmental Impact Statement (EIS) for the West Hollywood Gateway Project. The proposed project involves acquisition, clearance and development of a 7.75-acre site on the southwest corner of La Brea Avenue and Santa Monica Boulevard in the City of West Hollywood, California, with new multi-story office, retail, restaurant and entertainment uses, and above ground and subterranean parking. The City of West Hollywood has submitted an application to the Commission requesting $8,000,000 in Section 108 Loan Guarantee funds and $2,000,000 in Brownfield Economic Development Initiative funds, which will assist with land acquisition. Upon completion of the environmental clearance process, it is anticipated that the Commission will request the U.S. Department of Housing and Urban Development (HUD) to release Federal funds under Title I of the Housing and Community Development Act of 1974 (Pub. L. 93–383) for this project.

This notice is provided in accordance with regulations of the Council on Environmental Quality as described in 40 CFR parts 1500–1508. Federal agencies having jurisdiction by law, special expertise, or other special interest should report their interests and indicate their readiness to aid in the EIS efforts as a "Cooperating Agency." In particular, information is solicited concerning reports or other environmental studies planned or completed in the project area; other projects to be undertaken within the project area or major issues which the EIS should consider; and recommended mitigation measures and alternatives associated with the proposed project.

A draft EIS will be completed for the proposed action described herein. Comments relating to preparation of the draft EIS are requested and will be accepted by the contact person listed below. When the draft EIS is completed, a notice will be sent to individuals and groups known to be interested in the proposed action. Any person or agency interested in receiving a notice and making comment on the draft EIS should contact the person listed below.

DATES: Comments pertaining to the proposed project should be received by the person and office named below, on or before May 25, 2001 in order for all comments to be considered in the preparation of the draft EIS.

ADDRESSES: All interested agencies, groups and persons are invited to submit written comments on the proposed project to: DeAnn Johnson, Environmental Officer, Community Development Commission of the County of Los Angeles, 2 Coral Circle Monterey Park, California 91755–7425, (323) 890–7186.

SUPPLEMENTARY INFORMATION:

A. Background

The West Hollywood Gateway Project is proposed to be developed in two phases. Phase I development will be constructed on a 4.82 acre parcel and under the preferred alternative, will include 337,232 gross square feet of retail, office, and restaurant uses, and a three-level, subterranean parking structure with 1,410 parking spaces. A "media wall" consisting of a steel frame and a 2,000 square-foot screen standing approximately 80 feet above the plaza for electronic media will also be constructed. Phase II development will be constructed on a 2.93 acre parcel currently owned by Southern California Gas Company, and will include approximately 70,000 gross square feet of sound stages/movie studio space. Approximately 164 parking spaces will be provided in a four-level above ground parking structure. Construction of Phase II will necessitate relocation of the existing Southern California Gas Company facilities currently located on the site.

Pursuant to the provisions of the California Environmental Quality Act (CEQA), a draft Environmental Impact Report (EIR) was prepared for this project by the City of West Hollywood. The Draft EIR was circulated for a 45-day public review and comment period commencing April 18, 2000 and closing June 1, 2000. A Final EIR was prepared and published in September 2000 addressing comments received during the review period. The EIR was certified as complete by the West Hollywood City Council on October 16, 2000. The EIR will be independently reviewed by the Commission, and may provide significant source documentation for the Commission's draft EIS.

Project Alternatives

The draft EIS will address the following project alternatives: (1) Preferred Alternative (407,232 gross square feet of office, retail, restaurant, and entertainment uses); (2) Original Proposal (418,015 gross square feet of office, retail, restaurant, and entertainment uses); (3) Reduced Density Alternative (320,715 gross square feet of office, retail, restaurant, and entertainment uses); (4) Reduced Intensity Alternative (365,115 gross square feet of office, retail, restaurant, and entertainment uses); and (5) No Project Alternative.

B. Need for the EIS

It has been determined that this request for release of funds may constitute an action significantly affecting the quality of the human environment in the areas of traffic, air quality, and historic resources. Therefore, an EIS will be prepared by the Commission in accordance with the National Environmental Policy Act of 1969 (Pub. L. 91–190). Responses to this notice will be used to:

1. Determine significant environmental issues;
2. Identify issues which the EIS should address; and
3. Identify agencies and other parties which will participate in the EIS process and the basis for their involvement.

The draft EIS will be published and distributed on or about June 1, 2001, and a copy will be available for public inspection at the Community Development Commission, 2 Coral Circle, Monterey Park, California 91755; at the West Hollywood City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069; and at the West Hollywood County Library, 715 North San Vincente Boulevard, West Hollywood, California 90069. Copies of the draft EIS may be purchased upon request to DeAnn Johnson at (323) 890–7186, for a price sufficient to cover reproduction costs.

C. Scoping:

This notice is part of the process used for scoping the EIS. Responses will help determine the significant environmental issues, identify issues which the EIS should address, and help identify Cooperating Agencies.

This notice shall be in effect for one year. If one year after the publication of the notice in the **Federal Register** a draft EIS has not been published for the project, then the Notice for the project shall be canceled. If the draft EIS is expected to be published more than one year after the publication of this Notice, a new and updated Notice shall be published.

Dated: April 19, 2001.

Donna M. Abbenante,

Acting General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 01–10254 Filed 4–24–01; 8:45 am]

BILLING CODE 4210–29–U

DEPARTMENT OF THE INTERIOR

Central Utah Project Completion Act

AGENCY: Office of the Assistant Secretary—Water and Science, Department of the Interior.

ACTION: Notice of Intent To Prepare an Environmental Impact Assessment (EA) and Public Scoping Meetings on the Lower Duchesne River Wetlands Mitigation Plan of the Bonneville Unit, Central Utah Project.

SUMMARY: Pursuant to: Section 102(2)(C) of the National Environmental Policy Act of 1969, as amended; Council on Environmental Quality Regulations at 40 CFR 1501.7 and section 315 of Public Law 102–575, Central Utah Project Completion Act (CUPCA), the joint lead agencies are initiating an environmental impact analysis, with public involvement, for the Lower Duchesne River Wetlands Mitigation Plan of the Bonneville Unit, Central Utah Project. The Mitigation Plan includes land and water acquisition, wetland construction, and land and water management alterations, for the creation and enhancement of wetland resources along the lower Duchesne River in eastern Utah. The project is intended to offset the environmental impacts to wetland resources resulting from construction and operation of the Strawberry Aqueduct and Collection System of the Bonneville Unit, Central Utah Project. Many plan features are proposed to occur on lands held in trust by the Secretary of the Interior for the benefit of the Ute Indian Tribe. The Tribe has served as the lead planning entity and the Bureau of Indian Affairs, as Trustee for the Ute Indian Tribe, will serve as a Cooperating Agency, along with the U.S. Fish and Wildlife Service and Bureau of Reclamation, in the preparation of the EA. The EA will evaluate the significant environmental impacts associated with each alternative including the No Action Alternative.

The joint lead agencies will conduct scoping meetings on the Lower Duchesne River Wetlands Mitigation Plan to give the public an opportunity to review project plans and identify the significant environmental impacts associated with the Proposed Action and each alternative. Information obtained through the scoping process will be used to identify the scope and significant issues to be analyzed in depth in the environmental document.

DATES: Three public scoping meetings will be held in the local geographic area of the project to receive input from Federal, State and local governments and agencies and the general public. The meetings will be held in:

Salt Lake City, Utah: Utah State Office, Bureau of Land Management, Conference Room, 4th Floor, 324 South State Street, Salt Lake City, Utah 84138.

Fort Duchesne, Utah: Ute Indian Tribal Headquarters Auditorium, Ft. Duchesne, Utah 84026.

Roosevelt, Utah: Conference Room, Mood Lake Electric Association, 188 West 200 North, Roosevelt, Utah 84066.

The dates and times for each meeting will be announced in local media. The deadline for submitting scoping comments will also be announced.

FOR FURTHER INFORMATION CONTACT: Additional information on matters related to this **Federal Register** notice can be obtained at the address and telephone number set forth below: Mr. Ralph G. Swanson, Department of the Interior, 302 East 1860 South, Provo, Utah 84606–6154, Telephone (801) 379–1254, E-mail: rswanson@uc.usbr.gov.

Dated: April 19, 2001.

Ronald Johnston,

Program Director, Department of the Interior.

Dated: April 19, 2001.

Michael Weland,

Executive Director, Utah Reclamation Mitigation and Conservation Commission.

[FR Doc. 01–10219 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Comprehensive Conservation Plan and Environmental Impact Statement for the Crab Orchard National Wildlife Refuge in Williamson, Jackson, and Union Counties, Illinois

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to prepare a Comprehensive Conservation Plan and Environmental Impact Statement for the Crab Orchard National Wildlife Refuge.

SUMMARY: This notice advises the public that the U.S. Fish and Wildlife Service (Service) intends to gather information necessary to prepare a Comprehensive Conservation Plan (CCP) and Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) and its implementing regulations, for the Crab Orchard National Wildlife Refuge located in Williamson, Jackson, and Union Counties, Illinois.

The Service is furnishing this notice in compliance with the National Wildlife Refuge System Administration Act of 1966, as amended (16 U.S.C. 668dd *et seq.*), to achieve the following:

(1) Advise other agencies and the public of our intentions, and

(2) Obtain additional suggestions and information on the scope of alternative and impacts to be considered.

The Service solicited written comments and held three public open house scoping meetings and three focus group meetings during the scoping phase of the CCP development process. Comments received October 2000 to the present from this previous phase will be incorporated into the scoping for the EIS. The Service is inviting additional written comments on the scope of alternatives and impacts to be considered. In addition, the Service is inviting comments on archeological, historic, and traditional cultural sites in support of the National Historic Preservation Act.

DATES: Special mailings, newspaper articles, and other media announcements will inform people of the opportunities for written input. The public scoring process will continue until May 29, 2001. Written comments submitted by mail or email should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practical.

ADDRESSES: Address comments to: Refuge Manager, Crab Orchard National Wildlife Refuge, 8588 Route 148, Marion, IL 62959; or E-mail: conwr-ccp@fws.gov

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Palmer, Planning Coordinator, Crab Orchard National Wildlife Refuge, U.S. Fish and Wildlife Service, 8588 Route 148, Marion, IL 62959–9970, telephone 618–997–3344, extension 319, *or* Mr. John Schomaker, Refuge Planning Specialist, U.S. Fish and Wildlife Service, RO/AP, BHW Federal Building, 1 Federal Drive, Ft. Snelling, MN 55111, telephone 612–713–5476; *or* E-mail: conwr-ccp@fws.gov

SUPPLEMENTARY INFORMATION: By Federal law, all lands within the National Wildlife Refuge System are to be managed in accordance with an approved CCP. The CCP guides management decisions and identifies refuge goals, long-range objectives, and strategies for achieving refuge purposes.

The CCP planning process will consider many elements, including wildlife and habitat management, habitat protection and acquisition, wilderness preservation, public recreational activities, industrial use, and cultural resource preservation. Public input into this planning process is essential. The CCP will provide other agencies and the public with a clear understanding of the desired conditions for the Refuge and how the Service will implement management strategies.

The Service solicited written comments and held three public open house scoping meetings and three focus group meetings during the scoping phase of the CCP development process. The Service previously notified the public (**FEDERAL REGISTER**/Vol. 65, No. 194/October 5, 2000) that following public scoping of issues, we would determine whether to prepare an EIS or an environmental assessment (EA). The Service has decided to prepare an EIS in accordance with procedures for implementing NEPA found in the Departmental manual 516 DM 6, Appendix 1.

The Service contracted for a cultural resources overview study in support of the comprehensive conservation plan. The professional study has identified known sites on the refuge. We are also asking the public to identify any cultural sites that are important to them.

Review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as Amended (42 U.S.C. 4321 et seq.), NEPA Regulations (40 CFR parts 1500–1508), other appropriate Federal laws and regulations, and Service policies and procedures for compliance with those regulations.

We estimate that the draft environmental documents will be available in summer 2002.

Dated: April 11, 2001.

Marvin E. Moriarty,

Acting Regional Director.

[FR Doc. 01–10217 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Environmental Assessment on the Proposal To Establish Operational/Experimental General Swan Hunting Seasons in the Pacific Flyway

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that a Draft Environmental Assessment on the Continuation of General Swan Hunting Seasons in Portions of the Pacific Flyway is available for public review. Comments and suggestions are requested.

DATES: You must submit comments on the Draft Environmental Assessment by May 25, 2001.

ADDRESSES: Copies of the Draft Environmental Assessment can be obtained by writing to Robert Trost, Pacific Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 911 NE. 11th Avenue, Portland, Oregon 97232–4181. The Draft Environmental Assessment may also be viewed via the Fish and Wildlife Service Home Page at *http://migratorybirds.fws.gov*. Written comments can be sent to the address above. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours at the same address.

FOR FURTHER INFORMATION CONTACT: Robert Trost at: Pacific Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 911 NE. 11th Avenue, Portland, Oregon 97232–4181, (503) 231–6162.

SUPPLEMENTARY INFORMATION: The Draft Environmental Assessment includes a review of the 5-year experimental general swan hunting seasons which took place from 1995 to 2000 as well as a summary of the results of the 2000 hunting season. Information from the most recent breeding season and wintering populations surveys is also included in the new Environmental Assessment. Three alternatives are proposed to address the future of operational and experimental swan hunting seasons in Utah, Nevada and Montana. The issuance of a new Environmental Assessment was prompted by controversy over current management and the need to incorporate experience from the 2000 hunting season and the results of recent population surveys. There were also many requests from individuals, States, and various conservation organizations for a thorough examination of alternatives for swan hunting in the Pacific Flyway in light of continuing concerns for the Rocky Mountain Population of trumpeter swans. The Environmental Assessment focuses on the issue of whether or not to establish an operational approach for swan hunting. Related efforts to address population status and distributional concerns regarding the Rocky Mountain Population of trumpeter swans are also discussed. Three alternatives, including the proposed action, are considered.

Dated: April 18, 2001.

Marshall P. Jones, Jr.,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 01–10258 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–01–1320–EL; COC 62920]

Notice of Public Hearing and Request for Comments on Environmental Assessment, Maximum Economic Recovery Report, and Fair Market Value; Application for Competitive Coal Lease COC 62920; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Hearing.

SUMMARY: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held to receive comments on the environmental assessment, maximum economic recovery, and fair market value of federal coal to be offered. An application for coal lease was filed by National King Coal, LLC, requesting the Bureau of Land Management offer for competitive lease 1,304.51 acres of federal coal in La Plata County, Colorado.

DATES: The public hearing will be held at 7 p.m., May 15, 2001. Written comments should be received no later than May 22, 2001.

ADDRESSES: The public hearing will be held in the San Juan Field Office, Public Lands Center, 15 Burnett Court, Durango, Colorado 81301. Written comments should be addressed to the Bureau of Land Management, Calvin Joyner, San Juan Field Office Manager, San Juan Field Office, 15 Burnett Court, Durango, Colorado 81301.

FOR FURTHER INFORMATION CONTACT: Cal Joyner, Field Office Manager, San Juan Field Office at the address above, or by telephone at 970–247–4874.

SUPPLEMENTARY INFORMATION: Bureau of Land Management, Colorado State Office, Lakewood, Colorado, hereby gives notice that a public hearing will be held on May 15, 1201, at 7 p.m., in the Public Lands Center at the address given above.

An application for coal lease was filed by National King Coal, LLC, requesting the Bureau of Land Management offer for competitive lease federal coal in the lands outside established coal production regions described as:

T. 35 N., R. 11 W., N.M.P.M.
Sec. 19, lots 4, 5, E½SW¼, and SE¼.
T. 35 N., R. 12 W., N.M.P.M.
Sec. 24, lots 1, 2, and SW¼SE¼;
Sec. 25, lots 1, 2, W½NE¼, and W½;
Sec. 26, SE¼NE¼, E½SE¼, and SW¼SE¼;
Sec. 35, NE¼, and N½SE¼.

Containing 1,304.51 acres.

The coal resource to be offered is limited to coal recoverable by underground mining methods.

The purpose of the hearing is to obtain public comments on the environmental assessment and on the following items:

(1) The method of mining to be employed to obtain maximum economic recovery of the coal,

(2) The impact that mining the coal in the proposed leasehold may have on the area, and

(3) The methods of determining the fair market value of the coal to be offered.

Written requests to testify orally at the May 15, 2001, public hearing should be received at the San Juan Field Office prior to the close of business May 15, 2001. Those who indicate they wish to testify when they register at the hearing may have an opportunity if time is available.

In addition, the public is invited to submit written comments concerning the fair market value and maximum economic recovery of the coal resource. Public comments will be utilized in establishing fair market value for the coal resource in the described lands. Comments should address specific factors related to fair market value including, but not limited to:

1. The quality and quantity of the coal resource.

2. The price that the mined coal would bring in the market place.

3. The cost of producing the coal.

4. The interest rate at which anticipated income streams would be discounted.

5. Depreciation and other accounting factors.

6. The mining method or methods which would achieve maximum economic recovery of the coal.

7. Documented information on the terms and conditions of recent and similar coal land transactions in the lease area, and

8. Any comparable sales data of similar coal lands.

Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Written comments on the environmental assessment, maximum economic recovery, and fair market value should be sent to the San Juan Field Office at the above address prior to close of business on May 15, 2001.

Substantive comments, whether written or oral, will receive equal consideration prior to any lease offering.

The Draft Environmental Assessment and Maximum Economic Recovery Report are available from the San Juan Field Office upon request.

A copy of the Draft Environmental Assessment, the Maximum Economic Recovery Report, the case file, and the comments submitted by the public, except those portions identified as proprietary by the commenter and meeting exemptions stated in the Freedom of Information Act, will be available for public inspection at the Colorado State Office, 2850 Youngfield, Lakewood, Colorado, 80215.

Dated: April 9, 2001.

Karen A. Purvis,

Solid Minerals Staff, Resource Services.

[FR Doc. 01–10209 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1430–ES; N–66366]

Realty Action: Recreation and Public Purposes Act Classification; Washoe County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following public land is Washoe County, Nevada has been examined and found suitable for classification for lease/conveyance to Washoe County under the provisions of the Recreation and Public Purposes (R&PP) Act, as amended (43 U.S.C. 869 *et seq.*):

Mt. Diablo Meridian

T. 20 N., R. 20 E.
Sec. 9, S½SW¼SW¼SW¼, SW¼SE¼SW¼SW¼.
Sec. 16, W½NE¼NW¼NW¼, NW¼NW¼NW¼, N½SW¼NW¼NW¼, NW¼SE¼NW¼NW¼.

(containing 30 acres, more or less)

Washoe County proposes to use the land for a community park. The land is located in the eastern portion of Sun Valley, Nevada in the vicinity of Highland Ranch Parkway.

The land is not needed for federal purposes. Lease/conveyance is consistent with current BLM land use planning and would be in the public interest. Issuance of a 5-year lease with a purchase option is proposed. The lease/patent when issued, will be subject to the provisions of the R&PP Act and to all applicable regulations of the Secretary of the Interior, and will

contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All mineral deposits in the land so patented, and to it, or persons authorized by it, the right to prospect, mine and remove such deposits from the same under applicable law and regulations to be established by the Secretary of the Interior.

And will be subject to:

Those rights for road purposes as have been granted to Washoe County its successors or assigns, by right-of-way grant N–60200.

The lands are currently closed to surface entry, except for conveyance under section 206 of the Federal Land Policy and Management Act of 1976 or the Recreation and Public Purposes Act of 1926, and mining, but not mineral leasing. For a period of 45 days after publication of this notice, interested parties may submit comments regarding the proposed lease/conveyance or classification to the Assistant Manager, Non-Renewable Resources, Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701.

Classification Comments

Interested parties may submit comments involving the suitability of the land for a community park. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

Application Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the land for community park.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective June 25, 2001. The land will not be offered for lease/conveyance until after the classification becomes final.

SUPPLEMENTARY INFORMATION: Comments, including names and street addresses of respondents will be available for public review at the Carson City Field Office during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: This 2nd day of April, 2001.

Richard Conrad,

Assistant Manager, Non-Renewable Resources, Carson City Field Office.

[FR Doc. 01–10208 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–010–2810–HT]

Elko and Wells Resource Areas Management Plans, Nevada

AGENCY: Bureau of Land Management, Elko Field Office, Elko, Nevada.

ACTION: Notice of Intent To Amend the Elko and Wells RMPs for Fire Management and Initiate a 30-day Public Review and Comment Period.

SUMMARY: The Elko and Wells Resource Management plans (RMPs) were completed in 1987 and 1983, respectively, for the former Elko and Wells Resource Areas of the Elko District of BLM. These two Resource Areas have since been combined into the Elko District which is managed by the Elko Field Office Since inception, the Wells RMP has been amended for elk, utility corridor, and wild horse issues, while the Elko RMP has never been amended. Neither RMP addresses fire management issues in a comprehensive way, and this lack of coverage has created management challenges for the Elko Field Office in recent years. Neither RMP anticipated the growing importance of the role of wildfire in natural and managed ecosystems, nor the increase in wildfire occurrence, intensity, and numbers of acres burned in the Elko District. This increase in wildfire activity has had serious impacts on natural resources, as well as on public land users who rely on these resources.

The proposed plan amendment to revise the Elko and Well Resource Management plans will provide fire management guidance to address issues raised by local state and federal agencies, county governments, Native Americans, ranchers, and environmental groups. Issues and planning criteria identified to date are listed in this Notice under **SUPPLEMENTARY INFORMATION**.

DATES: Meeting dates and other public participation activities will be announced in public notices, the local media, or in letters sent to interested and potentially affected parties. Persons wishing to participate in this amendment process must notify the Elko Field Office at the address and phone number below. Comments on the proposed issues and planning criteria must be submitted during the public review and comment period from April 23, 2001, to May 23, 2001. The public may review the Elko and Wells RMPs at the address below:

ADDRESSES: All comments concerning the proposed fire management RMP amendment should be sent to the BLM Elko Field Office at 3900 East Idaho Street, Elko, NV 89801.

FOR FURTHER INFORMATION CONTACT: Joe Freeland, Project Manager, Elko BLM Field Office, at the above address or at (775) 753–0308.

SUPPLEMENTARY INFORMATION: This Notice satisfies the requirements in the regulation at 43 CFR 1610.2(c) for amending Resource Management Plan. The 5th Year RMP Evaluation completed in FY 2000 for the Elko RMP identified fire management as an important issue that was not adequately addressed in the RMP, and for which an RMP amendment was recommended. A similar 5th Year RMP Evaluation will be completed for the Wells RMP in FY 2002. However, since the Wells RMP also lacks any substantive coverage of fire management issues, it is reasonable to recommend that a fire management amendment to this RMP be completed during the same process to amend the Elko RMP.

Issues regarding fire management identified to date include:

1. Suppression Strategy: The Elko Field Office RMPs currently offer little guidance on setting suppression strategies to balance maintenance of healthy ecosystems dependant on fire with protection of other resources. While some public land users advocate full fire suppression on all public lands, others feel that wildfire is a natural process that should be allowed in some areas. Many ranchers propose intensive livestock grazing as a strategy to reduce fuels in fire-prone areas, while other advocacy groups are concerned about the impacts from this proposed strategy on native vegetation and wildlife.

2. Prescribed Fire Use: The use of prescribed fire is currently an area of public concern due to recent publicity over escaped burns in Los Alamos and California. The Elko District could benefit from prescribed fire use in high fuel load areas to reduce the potential impacts from severe wildland fire and to improve habitat. Local residents need to be involved with all prescribed fire planning and support any proposed prescribed fire projects.

3. Conversion of Sagebrush Habitat: Wildlife managers throughout the Great Basin are concerned over the precipitous decline in sage grouse numbers in recent years, thus causing an increased demand for the protection of sagebrush habitat throughout Elko District. Wildfire can both improve and devastate sage grouse habitat. Managing this habitat in view of competing resource uses and the spread of invasive, nonnative weeds throughout the district is a challenge for local land managers.

4. Emergency Fire Rehabilitation (EFR): Some EFR procedures are controversial, including fencing recently burned and/or rehabilitated areas to prevent grazing on fragile re-vegetation, as well as seeding with non-native grass species which out-compete noxious weeds and cheatgrass. Fencing burned areas in wild horse Herd Management Areas can disrupt movement of wild horses and are not popular with wild horse advocacy groups. Livestock owners are also concerned about the economic impacts of some EFR projects on their livelihood.

5. Forest Resources: Declining forest resources throughout the district put remaining stands at risk. Some stands need fire to insure forest ecosystem health. However, extensive fuels buildup could cause high intensity fires, leading to stand replacement as well as firefighter safety issues. In addition, Native Americans have concerns over the health of pinyon pine tree stands, since the tree and its fruit are important in maintaining their traditions.

6. Invasive, Nonnative Weeds: The significant resources required to fight noxious weed and cheatgrass invasions requires the cooperation of all landowners in affected areas in the district. Wildfire management is one of the most important factors affecting the spread of these weeds in the Elko District.

7. Fire Suppression Costs and Affect on Local Rural Economies: Although high suppression costs affect all taxpayers, many local rural communities depend heavily on the influx of dollars from fire suppression efforts. Less fire suppression could lead to the saving of tax dollars and the possible improvement of some habitat values, however, several local economies may be negatively impacted by any changes.

8. Community Assistance: Better communication, training, and cooperation with local communities would aid in reducing the threat from wildfire in the wildland urban interface, reduce arson, trespass, and negligence occurrence, and encourage fire prevention.

BLM planning regulations (43 CFR 1610) require preparation of planning criteria to guide development of all resource management plans, revisions, and amendments. Planning criteria are based on: standards prescribed by applicable laws and regulations; agency guidance; the result of consultation and coordination with the public and other Federal, State and local agencies and governmental entities and Native American tribes; analysis of information pertinent to the planning area; and professional judgement. The following preliminary criteria were developed internally and will be reviewed by the public before being used in the amendment/EA process. After analysis of public input, they will become proposed criteria, and can be added to or changed as issues are addressed or new information is presented. The Elko Field Manager will approve all planning criteria, as well as any proposed changes:

—The fire management RMP amendment will be completed in compliance with FLPMA and all other applicable laws and regulations.
—The Elko Field Office Planning Interdisciplinary Team will work cooperatively with the State of Nevada, tribal governments, county and municipal governments, other Federal agencies, and all other interested groups, agencies, and individuals. Public participation will be encouraged throughout the planning process.
—The RMP amendment will establish the fire management guidance upon which the BLM will rely in managing the Elko District, for the life of both the Elko and Wells RMPs.
—The RMP amendment process will include an Environmental Assessment that will comply with all National Environmental Policy Act standards.
—The RMP amendment will emphasize the protection and enhancement of Elko District natural resources, while at the same time providing the public with opportunities for use of these resources.
—The lifestyles and concerns of area residents, including livestock grazing, recreational uses, and other land uses, will be recognized in the amendment.
—Any lands located within the Elko District administrative boundary which are acquired by the BLM, will be managed consistent with the amendment, subject to any constraints associated with the acquisition.
—The amendment will recognize the State's responsibility to manage wildlife.
—The amendment will incorporate the Nevada Rangeland Health Standards and Guidelines and be consistent with the Nevada Sage Grouse Management Guidelines.
—The planning process will involve Native American tribal governments and will provide strategies for the protection of recognized traditional uses.
—Decisions in the amendment will strive to be consistent with the existing plans and policies of adjacent local, State, Tribal and Federal agencies, to the extent consistent with Federal law.

Freedom of Information Act Considerations: Public comments submitted for this planning amendment, including names and street addresses of respondents, will be available for public review and disclosure at the Elko Field Office during regular business hours. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: April 6, 2001.

Helen Hankins,

Elko Field Manager.

[FR Doc. 01–10210 Filed 4–24–01; 8:45am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Banks Lake Drawdown, Columbia Basin Project, Washington

AGENCY: Bureau of Reclamation, Interior.

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

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as amended, the Bureau of Reclamation (Reclamation) proposes to prepare an environmental impact statement (EIS) to evaluate impacts of altering existing operations at Banks Lake to provide for an annual drawdown of up to 10 feet from full pool to enhance flows in the Columbia River during the juvenile out migration of salmonid stocks listed under the Endangered Species Act. The proposed drawdown would occur in August and the elevation of the surface water would remain constant from August 31st through December 31st. This action would constitute a change in existing operations, although it is within existing operating authorization. The proposed drawdown is being evaluated in response to Action item 31 of the Federal Columbia River Power System (FCRPS) Biological Opinion issued by the National Marine Fisheries Service on December 21, 2000.

DATES: A scoping meeting to identify issues to be evaluated in the EIS will be held at:

- Coulee City, WA: May 15, 2001, 7 to 9 p.m.

Written comments will be accepted through May 31, 2001 for inclusion in the scoping summary document. Requests for sign language interpretation for the hearing impaired or other auxiliary aids should be submitted to Jim Blanchard as indicated under **ADDRESSES** by May 8, 2001.

ADDRESSES: Comments and requests to be added to the mailing list may be submitted to Bureau of Reclamation, Ephrata Field Office, Attention: James Blanchard, 32 C Street, Box 815, Ephrata, WA 98823.

The scoping meeting will be held at the following location:

- Coulee City Middle School Gym, 312 E. Main Street, Coulee City, WA.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, 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. 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 disclosure in their entirety.

FOR FURTHER INFORMATION CONTACT: James Blanchard, Bureau of Reclamation, telephone: (509) 754–0226, fax: (509) 754–0239. The hearing impaired may contact Mr. Blanchard at the above number via a toll free TTY relay: (800) 833–6388. The meeting facilities are physically accessible to people with disabilities. Please direct requests for sign language interpretation for the hearing impaired, or other special needs, to James Blanchard at the telephone numbers indicated above by May 8, 2001.

SUPPLEMENTARY INFORMATION:

Background

Banks Lake is operated as a re-regulation reservoir for the Columbia Basin Project (CBP). The reservoir is approximately 27 miles long and contains slightly more than one million acre feet of water at full pool. The water supply for the reservoir is stored behind Grand Coulee Dam and is lifted from Franklin Delano Roosevelt Reservoir into Banks Lake. Water is delivered into the Main Canal at Dry Falls Dam on the southern end of Banks Lake and from there delivered to approximately 670,000 acres. This is just over ½ of the authorized lands for the CBP. Although Reclamation is currently authorized to operate the reservoir down to 5 feet below full pool, for the past 5 years it has been operated at close to full pool throughout the year to increase the generating capability of the pump/generators at Grand Coulee. Previous operations were within the top two feet of full pool during irrigation season and then drawing the reservoir level down five feet during the non-irrigation season.

Action 31 of the FCRPS Biological Opinion calls for the assessment of operation of Banks Lake at up to 10 feet below full pool beginning in August of each year. Refill would occur from January through April. The reduction of pumping into Banks Lake will increase the amount of water available to support endangered salmonid stocks in the Columbia River.

Public Involvement

Reclamation is requesting public comment to help identify the significant issues and reasonable alternatives to be addressed in the EIS. Reclamation will summarize comments received during the scoping meeting and from letters of comment received during the scoping period, identified under **DATES,** into a scoping summary document. This scoping summary will be sent to all who responded during the scoping period, and also will be made available to the public upon request.

Dated: April 19, 2001.

J. Eric Glover,

Acting Regional Director, Pacific Northwest Region.

[FR Doc. 01–10218 Filed 4–24–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Importer of Controlled Substances; Notice of Registration

By notice dated August 18, 2000, and published in the **Federal Register** on September 6, 2000, (65 FR 54071) Salsbury Chemicals, Inc., 1205 11th Street, Charles City, Iowa 50616–3466, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import phenylacetone to manufacture amphetamine for distribution to its customers.

No comments or objections have been received. DEA has considered the factors in title 21, United States Code, section 823(a) and determined that the registration of Salsbury Chemicals, Inc. is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on May 1, 1971, at this time. DEA has investigated Salsbury Chemicals, Inc. to ensure that the company's continued registration is consistent with the public interest. This investigation included inspection and testing of the company's physical security systems, verification of the Company's compliance with state and local laws, and a review of the company's background and history. Therefore, pursuant to section 1008(a) of the Controlled Substances Import and Export Act and in accordance with title 21, Code of Federal Regulations, section 1301.34, the above firm is granted registration as an importer of the basic class of controlled substance listed above.

Dated: April 13, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 01–10257 Filed 4–24–01; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA–215N]

Preventing the Accumulation of Surplus Controlled Substances at Long Term Care Facilities

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice; solicitation of information.

SUMMARY: DEA is soliciting information from the affected industry, Medicare/Medicaid agencies, insurance providers, state regulatory agencies and other interested parties regarding preventing accumulation of controlled substances at long term care facilities (LTCFs). Because of current prescription reimbursement practices by Medicaid and Medicare, excess controlled substances often accumulate at LTCFs as patient medication requirements change. DEA is soliciting comments on proposed alternative solutions, as well as seeking other alternatives to prevent the accumulation of excess controlled substances at LTCFs.

DATES: Written comments must be submitted on or before June 25, 2001.

ADDRESSES: Comments should be submitted in triplicate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Patricia M. Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Telephone (202) 307–7297.

SUPPLEMENTARY INFORMATION:

What Is the Purpose of This Notice?

The disposal of excess controlled substances that accumulate at LTCFs is a continuing problem. DEA has frequently been asked to assist in resolving the matter. The principal concern is to suggest a means to prevent the accumulation of controlled substances that are dispensed but not administered to the patient. The current delivery system requires use of prescriptions written for a specific patient that may only be filled by a pharmacist rather than maintenance of stock at the LTCF for dispensing on an as-needed basis pursuant to a practitioner's order. This is because most LTCFs are not DEA registrants. Therefore, they may not order and maintain institutional stocks of controlled substances for general dispensing pursuant to practitioner medication orders. Instead, the practitioners must issue prescriptions that are dispensed to the specific patients by a provider pharmacy and held by the LTCF in a custodial manner for administration to the patient. Any medications that are not administered are waste that must be disposed of. The purpose of this notice is to solicit comments from state regulatory agencies, affected industries, Medicare/Medicaid, insurance providers, and other interested parties to be used in resolving this problem.

What Has DEA Done To Address This Issue?

DEA addressed this circumstance through the establishment of partial dispensing provisions for Schedule II–V prescriptions (including unit-dose dispensing, if desired), to limit the number of controlled substances dispensed at one time and avoid waste if the treatment was changed or discontinued. According to the pharmacy industry, however, dispensing fees, reimbursement practices, and difficulties in educating practitioners regarding the need to prescribe controlled substances in anticipation of a patient's actual need for the controlled substance have effectively precluded using that approach.

What Do Current DEA Regulations Permit?

Although most LTCFs are not presently registered with DEA, DEA regulations currently allow a LTCF to register with DEA, if licensed by its state to handle controlled substances. DEA issues a registration in one of the following categories based upon the type of license/permit issued by a state and the authorized activities associated with the license/permit:

- Retail pharmacy-A pharmacy located on-site at the LTCF maintains stocks of controlled substances and a pharmacist dispenses patient specific controlled substances to residents of the LTCF pursuant to prescriptions.
- Hospital/clinic—The LTCF maintains institutional stocks of controlled substances for dispensing/administering to residents pursuant to medication orders.
- Mid-Level Practitioner-Controlled substance activities are limited to those authorized by the individual state.
- Practitioner-A practitioner, such as the Medical Director of the LTCF, registers at the site of the LTCF and is responsible for the handling of controlled substances utilized at the LTCF.

What Two Additional Options Is DEA Considering To Address the Continued Problem of Excess Controlled Substances at LTCFs?

To further address the issue of excess controlled substances in LTCFs, DEA is considering two additional options.

- Allow a provider pharmacy to register at the site of the LTCF and store controlled substances in an automated dispensing system. A pharmacist would remotely control access to the controlled substances and dispense at the time of administration pursuant to medication orders.
- Allow a provider pharmacy to register at the site of the LTCF and store controlled substances in an automated dispensing system. A pharmacist would receive a prescription prior to the medication being dispensed to a patient. Medications would be dispensed by LTCF personnel as needed pursuant to an existing prescription.

How Would the Use of an Automated Dispensing System Address This Circumstance?

One way to eliminate the accumulation of unneeded medications is to alter the process so that drugs are not dispensed until they are to be administered. This could be done if the drugs were stored and dispensed by a DEA registrant at the LTCF site. Most definitions of "dispense" under state and federal regulations require or imply that a pharmacist orchestrate the dispensing at the request of the licensed (and, in the case of controlled substances, DEA-registered) practitioner. The most appropriate application of this type of registration would be for the provider pharmacy to use an automated dispensing system (ADS), programmed by a pharmacist according to specific patient prescription orders, that would serve as the LTCF pharmacy. The provider pharmacy would purchase the controlled substances from its primary location for subsequent transfer to the LTCF system. The controlled substances would be stored at the LTCF in the ADS. The pharmacist would "dispense" the controlled substances from a remote location via the ADS. The appropriate staff at the LTCF would then provide the controlled substances to the patient. The controlled substances stored in the ADS are pharmacy stock, have not been dispensed, and would not become waste.

Generally, residents of LTCFs are visited infrequently by their physicians. Consequently, if a nurse determines that

a patient's medications need to be changed, the nurse contacts the physician who authorizes the change. The nurse subsequently calls the pharmacist to relay the change in the treatment. DEA is often advised that physicians consider contacts from provider pharmacies burdensome when they have already communicated the patient's medical needs to nursing staff at the LTCF. However, a pharmacist may only fill an order issued by a physician and communicated by the physician or the physician's agent. Since no legal agency relationship exists between the LTCF nurse and the physician, this widely-used system is not in compliance with legal requirements. If the pharmacist contacts the physician after speaking with the nurse, all requirements will be satisfied, and the physician will receive only one communication. Although it is common practice for the nurse to communicate a patient's needs to the physician, it is suggested the nurse contact the provider pharmacy, and the pharmacist then contact the physician. This procedural change would assist the pharmacist in fulfilling the requirement to communicate with the prescriber prior to filling the prescription. If an ADS were located at the LTCF, the nurse could telephone the pharmacist, who would communicate with the doctor prior to remotely dispensing the new prescription. Schedule III–V controlled substances would be treated as oral prescriptions. Orders for Schedule II controlled substances would have to be provided to the pharmacist by the practitioner in the form of a written, signed prescription or facsimile thereof. This requirement will be mitigated by a pending electronic prescription process. In order to implement this solution, states would need to grant approval for the provider pharmacy to function at the location of the LTCF, allow use of an ADS, and certify the location to DEA for purposes of controlled substance registration. States could define such an operation so as to avoid the many peripheral requirements of traditional pharmacies such as sinks, reference books, etc. Since the provider pharmacy would likely be ordering controlled substances for all of the LTCFs it serviced, current regulations (limiting total distribution to 5% of all controlled substances dispensed in the course of a year) would be amended to provide an exemption to accommodate this activity. Utilization of official order forms (DEA Form-222) for transfer of Schedule II controlled substances would remain necessary due to federal statutory requirements. The future implementation of electronic transmission of order forms would make this transfer easier. Transfers of stock for Schedules III–V controlled substances to the LTCF would have to be documented. Parameters for secure storage of the controlled substances in the absence of a registered pharmacist would also need to be defined. Most can be addressed through security measures of the ADS. When preparing comments, please include the feasibility of applying these parameters in the absence of an ADS.

Why Is DEA in Favor of This Option?

DEA recommends allowing for the use of an automated dispensing system located at the LTCF. Sufficient flexibility exists to accommodate such a system within the existing law and regulations. The key elements of an automated dispensing system would be:

- Issuing DEA registrations to the provider pharmacy at the LTCF as an extension of the current DEA registration;
- Locating pharmacy stock in the automated dispensing units at the LTCF; and
- Establishing the appropriate protocols with respect to access to pharmacy stock by LTCF nursing personnel, secure storage of the controlled substances, transfer of the controlled substances from the primary pharmacy location to the LTCF site, etc.

How Would Registration of LTCFs Address the Waste and Disposal Issues?

Another possible solution to the accumulation of waste controlled substances at LTCFs is to register LTCFs with DEA as institutional practitioners. Registration would address the waste issue, as well as ancillary issues that have been raised regarding the problems associated with prescriptions as opposed to medical orders. As DEA registrants, the LTCFs could order and maintain institutional stocks of controlled substances that could be administered to patients pursuant to medical orders issued by the practitioners. Unlike the present system that relies on prescriptions and patient-specific stock (which becomes excess if not administered), any unadministered medications would remain institutional stock and be available for administration to other patients.

The use of institutional registrations would allow medications to be dispensed pursuant to medication orders rather than prescriptions. With prescriptions, the medications are dispensed when they are delivered by the pharmacy to the LTCF for the patient. The LTCF must maintain the drugs as patient-specific stock and any portion that is not used cannot be re-dispensed. With medication orders, the drugs are not dispensed until they are administered to the patient. Any unused drugs remain institutional stock and are available for dispensing to other patients. The institutional practitioner would be able to dispose of any remaining waste as a registrant. It is conceivable that the use of the automated dispensing system, as described previously, would suffice in this instance as well.

Why Does DEA Believe the Institutional Practitioner Alternative Is Less Likely To Succeed?

DEA believes this option is less likely to succeed and raises a number of problematic issues. If a LTCF is registered as an institutional practitioner, it may need staff pharmacists to dispense medications. In reality, this option tries to compare a LTCF to a hospital—and most hospitals have pharmacists dispense medications. Hospitals operate as one entity with the doctors and pharmacists all working, either as staff members or through contract, for the liable party. In a LTCF, the doctors and pharmacists have no responsibility to the facility or each other, and necessary communication and legal responsibilities are more difficult to define.

Will Medication Delivery Systems Currently Utilized by LTCFs Still Be Allowed?

Yes. DEA is not suggesting that unit dose delivery systems or other medication delivery systems currently utilized by most LTCFs be replaced. DEA recognizes that the cost of an automated dispensing system as well as other requirements associated with its use at a LTCF may not be warranted by every provider pharmacy. Therefore, the utilization of an automated dispensing system for storage and dispensing of controlled substances to residents of LTCFs would be an option available to the provider pharmacy. Any changes to the regulations DEA proposes based upon this solicitation for comment would be in addition to, not a replacement of, the existing regulations, and would be subject to notice and comment.

What Information Is DEA Soliciting?

DEA has identified possible approaches to prevent the accumulation of controlled substances at LTCFs. However, any solution to this problem must fit within state as well as federal regulations. The alternatives suggested in this notice are not meant to exclude

any other possible solutions to this problem. Therefore, DEA is soliciting comments from the affected industries, Medicare/Medicaid agencies, insurance providers, state regulatory agencies, and other interested parties regarding the feasibility of these options, alternative options, and suggestions to resolve the problem of excess controlled substances at LTCFs. DEA is requesting comments in support of allowing controlled substances to be stored at the LTCF and dispensed at the time of administration utilizing an automated dispensing system as well as comments in opposition to this proposed allowance. DEA is specifically seeking information on the following:

1. Do state regulations currently allow for nonpatient-specific medications to be stored and dispensed at a LTCF other than in emergency kits?

2. Do state regulations currently allow, or are states considering allowing, the use of automated dispensing systems at LTCFs? If states allow the use of automated dispensing systems at LTCFs, who is responsible and accountable for the controlled substances stored in those systems?

3. In states that currently allow the use of an automated dispensing system at the LTCF, please comment on any problems associated with utilization of an automated dispensing system for controlled substances and provide any data regarding the amount of excess generated and/or diversion of controlled substances.

4. What are the roles of dispensing pharmacists and consultant pharmacists in LTCFs?

Please submit written comments no later than June 25, 2001 to Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, Attention: Federal Register Representative/CCR.

Dated: April 12, 2001.

Laura M. Nagel,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 01–10256 Filed 4–24–01; 8:45 am]

BILLING CODE 4410–09–U

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of information collection under review; screening requirements of carriers.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until June 25, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information 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 agencies 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 information collection:

(1) *Type of Information Collection:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Screening Requirements of Carriers.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* No Agency Form Number (File No. OMB–16). Inspections Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. This information is used by the Immigration and Naturalization Service to determine whether sufficient steps are taken by a carrier demonstrating improvement in the screening of its passengers in order for the carrier to be eligible for automatic fines mitigation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 65 responses at 100 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 6,500 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, National Place Building, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: April 19, 2001.

Richard A. Sloan,

Department Clearance Officer, Immigration and Naturalization Service, Department of Justice.

[FR Doc. 01–10167 Filed 4–24–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training 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 and Training Administration (ETA) is soliciting comments concerning the proposed

extension on the collection of data contained in the procedures to petition ETA for classification as a Labor Surplus Area (LSA) under exceptional circumstances criteria.

A copy of the proposed information collection request can be obtained by contacting the office below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before June 25, 2001.

ADDRESSES: Address all comments concerning this notice to Gay Gilbert, Division Chief, U.S. Employment Service/ALMIS, Office of Workforce Security, Employment and Training Administration, 200 Constitution Ave., NW., Rm. C–4512, Washington, DC 20210; (202) 693–3046 (not a toll-free number); Internet address: *ggilbert@doleta.gov;* and/or Fax: (202) 693–3229.

SUPPLEMENTARY INFORMATION:

I. Background

20 CFR parts 654, the Secretary of Labor is required to classify labor surplus areas (LSAs) and disseminate this information for the use of all Federal agencies. This information is used by Federal agencies for various purposes including procurement decision, food stamp waiver decisions, certain small business loan decisions, as well as other purposes determined by the agencies. The LSA listings are issued annually, effective October 1 of each year, utilizing data from the Bureau of Labor Statistics. Areas meeting the criteria are classified as Labor Surplus Areas.

The Department's regulations specify that the Department can add other areas to the annual LSA listing under the exceptional circumstance criteria in 20 CFR 654.5. Such additions are based upon information contained in petitions submitted by the State Employment Security Agencies (SESAs) to the national office of the ETA. These petitions contain specific economic information about an area in order to provide ample justification for adding the area to the LSA listing under the exceptional circumstance criteria. Exceptional circumstances as defined in 20 CFR 654.5(a) are catastrophic events, such as natural disasters, plant closings, and contract cancellations expected to have a long-term impact on labor market area conditions, discounting temporary or seasonal factors. This data collection pertains only to data submitted voluntarily by States in exceptional circumstance petitions.

Most of the information contained in the SESA LSA petitions is already available from other sources, *e.g.,* internal reports, statistical programs, newspaper clippings, and other similar information. The petitions are not intended to provide new (unduplicated) information but, rather, are intended to bring various types of information together in a single document in order to make an LSA classification determination. No periodic reporting is required.

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:

This is a request for Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A) of an extension to an existing collection of information previously approved and assigned OMB Control No. 1205–0207. There is a reduction in burden based on an experience rate for the last year of the approved data collection period. During the current OMB approved period, a maximum of five petitions annually have been received and processed. Therefore, a reduction is being reported for the next period.

Type of Review: Extension without change.

Agency: Employment and Training Administration.

Title: Procedures for Classifying Labor Surplus Areas Exceptional Circumstances Reporting.

OMB Number: 1205–0207.

Affected Public: State Employment Security Agencies.

Total Responses: 5.

Average Time Per Response: 4 hours.

Total Burden Hours: 20.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintaining): $0.

Comments submitted in response to this comment request 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: April 17, 2001.

Gay Gilbert,

Division Chief of U.S. Employment Service/ALMIS.

[FR Doc. 01–10245 Filed 4–24–01; 8:45 am]

BILLING CODE 4510–30–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR–1218–0208(2001)]

Anhydrous Ammonia Standard (29 CFR 1910.111); Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits public comment to decrease the existing burden-hour estimate and extend the information-collection requirements specified in the Anhydrous Ammonia Standard (29 CFR 1910.111).

DATE: Submit written comments on or before June 25, 2001.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR–1218–0208(2001), OSHA, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693–1948.

FOR FURTHER INFORMATION CONTACT: Theda Kenney, Directorate of Safety Standards Programs, OSHA, U.S. Department of Labor, Room N–3609, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–2222. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Anhydrous Ammonia Standard is available for inspection and copying in the Docket

Office, or by requesting a copy from Theda Kenney at (202) 693–2222 or Todd Owen at (202) 693–2444. For electronic copies of the ICR, contact OSHA on the Internet at http://www.osha.gov/complinks.html, and select "Information Collection Requests."

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA–95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information-collection burden is correct.

Paragraphs (b)(3) and (b)(4) of the Anhydrous Ammonia Standard have paperwork requirements that apply to nonrefrigerated containers and systems and refrigerated containers, respectively; employers use these containers and systems to store and transfer anhydrous ammonia in the workplace. Paragraph (b)(3) specifies that systems have nameplates if required, and that these nameplates "be permanently attached to the system so as to be readily accessible for inspection. * * *" In addition, this paragraph requires that markings on containers and systems covered by paragraphs (c) ("Systems utilizing stationary, nonrefrigerated storage containers"), (f) ("Tank Motor vehicles for the transportation of ammonia"), (g) ("Systems mounted on farm vehicles other than for the application of ammonia"), and (h) ("Systems mounted on farm vehicles for the application of ammonia") provide information regarding nine specific characteristics of the containers and systems. Similarly, paragraph (b)(4) states that information regarding eight specific characteristics of each container "shall be on the container itself or on a nameplate permanently attached to it."

The required makings ensure that employers use only properly designed and tested containers and systems to store anhydrous ammonia, thereby preventing accidental release of, and exposure of employees to, this highly toxic and corrosive substance. In addition, these requirements provide the most efficient means for an OSHA compliance officer to ensure that the containers and systems are safe.

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

III. Proposed Actions

OSHA proposes to decrease the existing burden-hour estimate, and to extend the Office of Management and Budget's (OMB) approval, of the collection-of-information requirements specified in paragraphs (b)(3) and (b)(4) of the Anhydrous Ammonina Standard (29 CFR 1910.111). In this regard, the Agency is propossing to decrease the current burden-hour estimate from 2,500 hours to 53 hours, a total reduction of 2,447 hours. OSHA will summarize the comments submitted in response to this notice, and will include this summary in its request to OMB to extend the approval of these information-collection requirements.

Type of Review: Extension of a currently-approved information-collection requirement.

Title: Paragraphs (b)(3) and (b)(4) of the Anhydrous Ammonia Standard (29 CFR 1910.111).

OMB Number: 1218–0208.

Affected Public: Business or other for-profit; not-for-profit institutions; farms; Federal government; State, local or tribal governments.

Number of Respondents: 330.

Frequency: Occasionally.

Average Time per Response: 10 minutes (0.16 hours).

Estimated Total Burden Hours: 53 hours.

VI. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 3–2000 (65 FR 50017).

Dated: Signed at Washington, DC on April 19, 2001.

R. Davis Layne,

Acting Assistant Secretary of Labor.

[FR Doc. 01–10213 Filed 4–24–01; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–052]

NASA Advisory Council, Space Flight Advisory Committee (SFAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory CommitteeAct, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA AdvisoryCouncil, Space Flight Advisory Committee.

DATES: Tuesday, May 1, 2001 from 8 a.m. until 4:30 p.m. and on Wednesday, May 2, 2001 from 1 p.m. until 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300E Street, SW., Room MIC 7, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Y. Edgington(Stacey), Code M, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–4519.

SUPPLEMENTARY INFORMATION: The meeting will be closed to the public on Wednesday, May 2, from 8 a.m. until 1 p.m. in accordance with 5 U.S.C. 552b(c)9(B), to hear briefings on the FY 2003 performance metrics. Except for the closed session, the meeting will be open to the public up to seating capacity of the room. The agenda for the meeting is as follows:

—Overview, status of the Office of Space Flight programs.
—International Space Station status.
—Space Shuttle Program status.
—International Space Station status.
—Space Shuttle Program status.
—Shuttle Upgrades Program review.

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 19, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–10170 Filed 4–24–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–053]

NASA Advisory Council (NAC), Earth Systems Science and Applications Advisory Committee (ESSAAC), Technology Subcommittee (TSC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of a NASA Advisory Council, Earth Systems Science and Applications Advisory Committee, Technology Subcommittee.

DATES: Wednesday, May 9, 2001, 8 a.m. to 5 p.m.; and Thursday, May 10,2001, 8:15 a.m. to 1 p.m.

ADDRESSES: NASA/Goddard Space Flight Center (GSFC), Greenbelt Road, Building 32, Room E109, Greenbelt, MD 20771 .

FOR FURTHER INFORMATION CONTACT: Mr. Granville Paules, NationalAeronautics and Space Administration, Washington, DC 20546, 202/358–0706.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Opening/Welcome
—Meeting Logistics
—Review of Agenda and Opening Comments—Chairman of the ESSAAC Technology Subcommittee
—Action Item Status—TSC Members and NASA Leads Super Computing Needs On-orbit vs. Ground Computing
—ESE Vision Initiatives
—Assessment of Principal Investigator (PI) vs. Project Manager (PM) and Earth Systems Laser/Lidar—TSC Members and Technology Managers
—Subcommittee Findings/Enterprise Response
—Earth Science Enterprise (ESE) Program Status
—Earth Science Technology Office (ESTO)
—High Performance Computing and Communications (HPCC)
—New Millennium Program (NMP)
—Action Item Summary
—GSFC Earth Science Overview
—GSFC Focused Technology Briefs

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: April 19, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–10171 Filed 4–24–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Procurement Policies, Practices, and Initiatives; Notice of Meeting

SUMMARY: NASA will conduct an open forum meeting to solicit questions, views and opinions of interested persons or firms concerning NASA's procurement policies, practices, and initiatives. The purpose of the meeting is to have an open discussion between NASA's Associate Administrator for Procurement, industry, and the public.

Note: This is not a meeting about doing business with NASA for new firms, nor does it focus particularly on small businesses or specific contracting opportunities.

DATES: Thursday, May 3, 2001, from 9 a.m. to 11 a.m.

ADDRESSES: The meeting will be held at the NASA George C. Marshall Space Flight Center Morris Auditorium, Bldg. 4200, Huntsville, AL 35812.

FOR FURTHER INFORMATION CONTACT: Joseph Derell Hobson, NASA Marshall Space Flight Center, Mail Code PS01, Huntsville, AL 35812, (256) 544–0375. Auditorium capacity is limited to approximately 90 persons; therefore, a maximum of two representatives per firm is requested. No reservations will be accepted. Questions for the open forum should be presented at the meeting and should not be submitted in advance. Position papers are not being solicited.

SUPPLEMENTARY INFORMATION:

Admittance

Admittance will be on a first-come, first-served basis. Attendees must be a U.S. Citizen or have a valid green card in their possession. Doors will open at a half-hour prior to the presentation.

Format

There will be a presentation by the Associate Administrator for Procurement, followed by a question and answer period. Procurement issues will be discussed, including NASA newest initiatives used in the award and administration of contracts.

Initiatives

In addition to the general discussion mentioned above, NASA invites comments or questions relative to its ongoing Procurement Innovations, some of which include, but are not limited to, the following:

Focus on Safety & Health: This ensures that contractors take all reasonable safety and occupational health measures in performing NASA contracts.

Risk-Based Acquisition Management: This initiative seeks to integrate the principles of risk management throughout the acquisition process by purposefully considering the various aspects of risk when developing the acquisition strategy, selecting sources, choosing contract type, structuring fee incentives, and conducting contractor surveillance.

Consolidated Contracting Initiative: The CCI initiative emphasizes developing, using, and sharing contracts to meet Agency objectives.

Performance Based Contracting: This initiative is focused on structuring an acquisition around the purpose of the work to be performed rather than using broad, imprecise statements or prescribing how the work is to be performed.

Award Term Initiative: This initiative will test a non-traditional method of motivating and rewarding contractor performance. Contractors will receive periodic performance evaluations and scores, which can result in an extension of the term of the contract in return for excellent performance.

Tom Luedtke,

Associate Administrator for Procurement.

[FR Doc. 01–10268 Filed 4–24–01; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel In Human Resource Development; Notice of Meeting

In accordance with the Federal Advisory Committee (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Human Resource Development (#1199).

Date/Time: May 10–11, 2001, 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Ruta Sevo, Program Director, Human Resource Development Division, Room 815, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–4676.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate formal proposals submitted to the Program for Gender Equity in High School, Undergraduate, Teacher and Faculty Development, Educational Technologies.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 19, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–10173 Filed 4–24–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meetings:

Name: Special Emphasis Panel in Materials Research (DMR) #1203.

Dates & Times: May 1, 2001, 8 a.m.–9 p.m., May 2, 2001; 8 a.m.–1 p.m.

Place: Florida A&M University, Tallahassee, Florida.

Type of Meeting: Closed.

Contact Person: Dr. Ulrich Strom, Program Director, Materials Research Science and Engineering Centers, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4938.

Purpose of Meeting: To provide advice and recommendations concerning progress of the Collaborative to Integrate Research and Education (CIRE) between Florida A&M University and Carnegie Mellon University.

Agenda: Review and evaluate progress of the Collaborative to Integrate Research and Education (CIRE) between Florida A&M University and Carnegie Mellon University.

Reason for Closing: The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Reason for Late Notice: Conflicting schedules of members and the necessity to proceed with review of proposals.

Dated: April 19, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–10172 Filed 4–24–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–387 and 50–388]

PPL Susquehanna, LLC, Susquehanna Steam Electric Station, Units 1 and 2; Notice of Consideration of Approval of Application Regarding Proposed Corporate Restructuring and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering the issuance of an order under 10 CFR 50.80 approving the indirect transfer of Facility Operating Licenses Nos. NPF–14 and NPF–22 for the Susquehanna Steam Electric Station (SSES), Units 1 and 2 to the extent held by PPL Susquehanna, LLC (PPL Susquehanna, the licensee). The indirect transfer would result from the establishment of an intermediary parent company that will indirectly own PPL Susquehanna.

PPL Susquehanna is a wholly owned, direct subsidiary of PPL Generation, LLC, which is a wholly owned, direct subsidiary of PPL Energy Funding Corporation. PPL Energy Funding Corporation is a wholly owned, direct subsidiary of PPL Corporation, the ultimate parent of PPL Susquehanna. According to PPL Susquehanna's application dated March 6, 2001, as supplemented on April 4, 2001, PPL Energy Supply, LLC will become an intermediary, indirect parent company of PPL Susquehanna. Specifically, PPL Energy Supply will become a subsidiary of PPL Energy Funding Corporation and the new direct parent of PPL Generation, LLC. The proposed corporate restructuring will not involve any transfer of assets to or from PPL Susquehanna, nor will it affect SSES management, organization, or day-to-day operations. No physical or operational changes to SSES Units 1 and 2 are proposed in the application. The application does not involve Allegheny Electric Cooperative, Inc., the other owner of and co-holder of the licenses for SSES Units 1 and 2.

Pursuant to 10 CFR 50.80, no license, or any right thereunder, shall be transferred, directly or indirectly, through transfer of control of the license, unless the Commission shall give its consent in writing. The Commission will approve an application for the indirect transfer of a license, if the Commission determines that the underlying transaction that will effectuate the indirect transfer will not affect the qualifications of the holder of the license, and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders issued by the Commission pursuant thereto.

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 May 15, 2001, any person whose interest may be affected by the Commission's action on the application may request a hearing and, if not the applicant, 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 John E. Matthews, counsel for PPL Susquehanna, LLC, at Morgan, Lewis & Bockius, LLP, 1800 M Street, NW., Washington, DC 20036–5869 (tel: 202–467–7524; fax: 877–432–9652; e-mail: jematthews@morganlewis.com); the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (e-mail address for filings regarding license transfer cases only: 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 May 25, 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 this **Federal Register** notice.

For further details with respect to this action, see the application dated March 6, 2001, and supplement dated April 4, 2001, available for public inspection at the Commission'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 20th day of April 2001.

For the Nuclear Regulatory Commission.

Robert G. Schaaf,

Project Manager, Section 1, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10244 Filed 4–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–338 and 50–339]

Virginia Electric and Power Company; North Anna Power Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License Nos. NPF–4 and NPF–7, issued to Virginia Electric and Power Company (the licensee), for operation of the North Anna Power Station, Units 1 and 2, located in Louisa County, Virginia.

Environmental Assessment

Identification of the Proposed Action

The proposed action would increase the limit on the fuel enrichment from the current limit of 4.3 weight percent U^{235} to a maximum of 4.6 weight percent U^{235}, establish boron concentration and fuel storage restrictions for the Spent Fuel Pool (SFP), and eliminate the value of uncertainties in the calculation for K_{eff} in the SFP criticality calculation. The proposed action is in accordance with the licensee's application for amendments dated September 27, 2000, as supplemented November 21 and December 18, 2000, and February 2, and March 2, 2001.

The Need for the Proposed Action

The proposed action to increase fuel enrichment will reduce the need for extended periods of reduced power operation at the end of each operating cycle and permit fuel discharge burnups more compatible with the current maximum rod burnup limit of 60,000 MWD/MTU. This action will help optimize fuel cycle costs while satisfying the safety limits. Currently, Technical Specification (TS) 5.3, "Reactor Core," limits the use of reload fuel to a maximum enrichment of 4.3 weight percent U^{235}. Thus, the proposed change to the TS was requested.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the storage and use of fuel enriched with U^{235} up to 4.6 weight percent at North Anna Power Station, Units 1 and 2, is acceptable. The safety considerations associated with higher enrichments have been evaluated by the staff, and the staff has concluded that such changes would not adversely affect plant safety. The proposed changes have no effect on the probability of any accident. There will be no change to the authorized power level. There is no change to the allowable maximum rod burnup limit of 60,000 MWD/MTU, already approved for North Anna Power Station, Units 1 and 2. As a result, there is no significant increase in individual or cumulative radiation exposure.

The environmental impacts of transportation resulting from the use of higher enrichment fuel and extended irradiation are discussed in the staff assessment entitled, "NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation." This assessment was published in the **Federal Register** on August 11, 1988 (53 FR 30355), as corrected on August 24, 1988 (53 FR 32322), in connection with the Shearon Harris Nuclear Power Plant, Unit 1, Environmental Assessment and Finding of No Significant Impact. As indicated therein, the environmental cost contribution of an increase in fuel enrichment of up to 5.0 weight percent U^{235} and irradiation limits up to 60,000 MWD/MTU are either unchanged, or may in fact be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed changes involve systems located within the restricted area as defined in 10 CFR Part 20. The proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no-action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement—Operating License (FES-OL), dated April 1973 for the North Anna Power Station.

Agencies and Persons Consulted

In accordance with its stated policy, on March 22, 2001 the staff consulted with the Virginia State official, Mr. Les Foldesi of the Virginia Department of Health regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed amendments.

For further details with respect to the proposed action, see the licensee's letter dated September 27, 2000, as supplemented November 21 and December 18, 2000, and February 2 and March 2, 2001. 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. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 19th day of April 2001.

For the Nuclear Regulatory Commission.

Stephen R. Monarque,

Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10242 Filed 4–24–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Revision of Operator Licensing Examination Standards for Power Reactors: Notice of Availability

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of availability.

SUMMARY: The Nuclear Regulatory Commission has issued Supplement 1 to Revision 8 of NUREG–1021, "Operator Licensing Examination Standards for Power Reactors," (formerly "Operator Licensing Examiner Standards"). The Commission uses NUREG–1021 to provide policy and guidance for the development, administration, and grading of written examinations and operating tests used to determine the qualifications of individuals who apply for operator and senior operator licenses at nuclear power plants pursuant to part 55 of Title 10 of the *Code of Federal Regulations* (10 CFR part 55). NUREG–1021 provides similar guidance for verifying the continued qualifications of licensed operators when the staff determines that NRC requalification examinations are necessary.

NUREG–1021 has been revised to implement a number of clarifications and enhancements that have been identified since Revision 8 was published in April 1999. A draft of Supplement 1 was issued for comment on March 20, 2000 (65 FR 15020), and an addendum, which extended the comment period until October 31, 2000, was issued on July 17, 2000 (65 FR 44080). A summary of the comments regarding draft Supplement 1 and the NRC staff's response to those comments is available in the NRC Public Electronic Reading Room (*http://www.nrc.gov/NRC/ADAMS/index.html*/Accession Number ML010580481).

The notable changes in Supplement 1 include: (1) Clarified guidance to ensure that the topics and questions for the written examination are selected in a systematic and random manner making it possible to relax the limits on question repetition from recent examinations and to increase the upper limit on the number of questions that may be taken directly from a bank of previously-used questions; (2) updated guidelines related to the training and qualification of operator license applicants in order to conform with Revision 3 of Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," which was published in May 2000; and (3) clarified guidance for documenting NRC staff concerns related to draft examination quality.

Supplement 1 to Revision 8 will become effective for operator licensing examinations that are confirmed 60 or more days after the date of this notice by issuance of an official corporate notification letter or at an earlier date agreed upon by the facility licensee and its NRC Regional Office. After the effective date, facility licensees that elect to prepare their examinations will be expected do so based on the guidance in Supplement 1 to Revision 8 of NUREG–1021, unless the NRC has reviewed and approved the facility licensee's alternative examination procedures.

Copies of Supplement 1 to Revision 8 of NUREG–1021 are being mailed to the plant or site manager at each nuclear power facility regulated by the NRC. A copy is available for inspection and/or copying for a fee in the NRC's Public Document Room, Washington, DC. NUREG–1021 is also electronically available for downloading from the NRC's operator licensing web site (*http://www.nrc.gov/NRC/REACTOR/OL/OLguidance.html*). If you do not have electronic access to NRC documents, you may request a single copy of Supplement 1 by writing to the Office of the Chief Information Officer, Reproduction and Distribution Services Section, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 (facsimile: 301–512–2289). Telephone requests cannot be accommodated. NUREG documents are not copyrighted, and Commission approval is not required to reproduce them.

Dated at Rockville, Maryland, this 17th day of April 2001.

For the Nuclear Regulatory Commission.

Glenn M. Tracy,

Chief, Operator Licensing, Human Performance and Plant Support Branch, Division of Inspection Program Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–10243 Filed 4–24–01; 8:45 am]

BILLING CODE 7590–01–P

OVERSEAS PRIVATE INVESTMENT CORPORATION

Submission for OMB Review; Comment Request

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the **Federal Register** notifying the public that the Agency is preparing an information collection request for OMB review and approval and to request public review and comment on the submission. Comments are being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received on or before June 25, 2001.

ADDRESSES: Copies of the subject form and the request for review prepared for submission to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer.

FOR FURTHER INFORMATION CONTACT: *OPIC Agency Submitting Officer:* Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202/336–8563.

Summary of Form Under Review

Type of Request: Form Renewal.
Title: Project Information Report.
Form Number: OPIC–71.
Frequency of Use: No more than once per contract.
Type of Respondents: Business or other institutions (except farms).
Standard Industrial Classification Codes: All.
Description of Affected Public: U.S. companies investing overseas.
Reporting Hours: 7 hours per project.
Number of Responses: 25 per year.
Federal Cost: $1,600 per year.
Authority for Information Collection: Title 22 U.S.C. 2191(k)(2) and 2199(h) of the Foreign Assistance Act of 1961, as amended.
Abstract (Needs and Uses): The project information report is necessary to elicit and record the information on the developmental, environmental, and U.S. economic effects of OPIC-assisted projects. The information will be used by OPIC's staff and management solely

as a basis for monitoring these projects, and reporting the results in aggregate form, as required by Congress.

Dated: April 19, 2001.

Rumu Sarkar,

Assistant General Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 01–10248 Filed 4–24–01; 8:45 am]

BILLING CODE 3210–01–M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Form Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to publish a Notice in the Federal Register notifying the public that the Agency has prepared an information collection requested for OMB review and approval and has requested public review and comment on the submission. OPIC published its first **Federal Register** Notice on this information collection request on February 14, 2001, in 66 FR 10331, at which time a 60-calendar day comment period was announced. This comment period ended April 16, 2001. No comments were received in response to this notice.

This information collection submission has now been submitted to OMB for review. Comments are again being solicited on the need for the information, its practical utility, the accuracy of the Agency's burden estimate, and on ways to minimize the reporting burden, including automated collection techniques and uses of other forms of technology. The proposed form under review is summarized below.

DATES: Comments must be received on or before May 25, 2001.

ADDRESSES: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT: *OPIC Agency Submitting Officer:* Carol Brock, Records Manager, Overseas Private Investment Corporation, 1100 New York Avenue, NW., Washington, DC 20527; 202/336/8563.

OMB Reviewer; David Rostker, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Officer Building, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503, 202/395–3897.

Summary of Form Under Review

Type of Request: Reinstatement with change, of a previously approved collection for which approval is expiring.

Title: Finance Application.

Form Number: OPIC–115.

Frequency of Use: Once per project.

Type of Respondents: Business or other institutions, individuals.

Standard Industrial Classification Codes: All.

Description of Affected Public: U.S. companies or citizens investing overseas.

Reporting Hours: 3 hours per project.

Number of Responses: 300 per year.

Federal Cost: $14,796 per year.

Authority for Information Collection: Sections 231 and 234 (b) and (c) of the Foreign Assistance Act of 1961, as amended.

Abstract (Needs and Uses): The application is the principal document used by OPIC to determine the investor's and project's eligibility, assess the environmental impact and developmental effects of the project, measure the economic effects for the United States and the host country economy, and collect information for underwriting analysis.

Dated: April 19, 2001.

Rumu Sarkar,

Assistant General Counsel, Administrative Affairs, Department of Legal Affairs.

[FR Doc. 01–10249 Filed 4–24–01; 8:45 am]

BILLING CODE 3210–01–M

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of an Expiring Information Collection: OPM–1386B

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of an expiring information collection. OPM–1386B, Applicant Race and National Origin Questionnaire, is used to gather information concerning the race and national origin of applicants for employment under the Outstanding Scholar provision of the Luevano Consent Decree, 93 F.R.D. 68 (1981).

Approximately 100,000 OPM–1386B forms are completed annually. Each form takes approximately 8 minutes to complete. The annual estimated burden is 13,333 hours.

Comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or e-mail to *mbtoomey@opm.gov*

DATES: Comments on this proposal should be received on or before June 25, 2001.

ADDRESSES: Send or deliver comments to—Suzy M. Barker, Director, Staffing Policy Division, Employment Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 6500, Washington, DC 20415.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–10114 Filed 4–24–01; 8:45 am]

BILLING CODE 6325–01–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27380]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

April 18, 2001.

Notice is hereby given that the following filing(s) has/have been made 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 May 14, 2001, to the Secretary,.

Securities and Exchange Commission, Washington, DC 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 May 14, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Western Resources, Inc. (70–9867)

Western Resources, Inc. ("WRI" or "Applicant"), 818 South Kansas Avenue, Topeka, Kansas 66612, a Kansas public utility holding company claiming an exemption from registration under section 3(a) of the Act by rule 2, has filed an application under sections 9(a)(2) and 10 of the Act.

WRI is engaged in the production, purchase, transmission, distribution and sale of electric energy in the State of Kansas. WRI's utility operations, conducted through KPL, a division of the company,[1] and Kansas Gas and Electric Company ("KGE"), a wholly owned electric public utility subsidiary of WRI, provide electric service to approximately 636,000 customers in 432 communities in the State of Kansas. KGE owns a 47% interest in Wolf Creek Nuclear Operating Corporation ("WC"), which operates the Wolf Creek Generating Station on behalf of its owners.[2] Through its ownership interest in ONEOK Inc.,[3] WRI has an approximately 45% economic interest in a natural gas distribution company that has 1.4 million customers.

Westar Generating, Inc. ("Westar Generating"), a wholly owned subsidiary of WRI, is a Kansas corporation that will hold an undivided 40% ownership interest in a 2X1 F class combined cycle generation facility that is under construction at The Empire District Electric Company State Line station ("State Line"), which is located on the Missouri side of the Kansas-Missouri state line just west of Joplin, Missouri. Westar Generating will hold this interest directly in the real property and assets that make up the generating station. The Empire District Electric Company ("Empire"), a nonaffiliate of WRI, holds the remaining undivided 60% ownership interest and operates the facility under the Agreement for the Construction, Ownership and Operation of State Line Combined Cycle Generating Facility ("Operating Agreement"). Westar Generating and Empire (collectively, "Owners") hold their interests as tenants in common.

WRI entered into the Operating Agreement on July 26, 1999 as a means of acquiring a generation source to meet the generation needs of KPL. Empire is constructing State Line under the Operating Agreement. State Line is not currently operational, and is being upgraded from its original configuration of a single Westinghouse 501–F.C. turbine installed in 1997 to a Westinghouse 501–F.D1. Empire is adding another 501–F.D2, two heat recovery steam generators, a steam turbine, a cooling tower, and associated equipment to create the 2X1 F facility. The new combined cycle facility will have a nominal rating of 500 MW. State Line began operations in June 1997 and was removed from service on September 11, 2000 to facilitate the conversion.

Westar Generating will acquire its interest in State Line in two phases. In the first phase, which has already occurred, Westar Generating acquired a 40% interest in the portion of State Line's assets under construction. The second phase, Westar Generating's acquisition of a 40% interest in the portion of the State Line assets that existed prior to the start of construction, will occur sometimes prior to State Line's resumption of commercial operation. Westar Generating will acquire its 40% interest in the already existing assets in the immediate future and before State Line resumes commercial operation.

WRI is seeking authority to retain its 40% indirect interest in State Line when the plant resumes commercial operation. WRI states that while State Line is under construction, Westar Generating is not an electric utility company, as defined by section 2(a)(3) of the Act. WRI also states that Westar Generating will become an electric utility company upon State Line's resumption of commercial operations. Therefore, Westar Generating will become a wholly owned subsidiary electric public utility company of WRI. The Owners began testing of the combined cycle facility in March 2001 and depending on the success of the trials, anticipate resuming commercial operation as early as May 15, 2001.

WRI and Westar Generating have entered into a power purchase agreement under which Westar Generating will sell its entire 40% entitlement to the output of State Line to WRI under a cost-based tariff which has been submitted for approval to the Federal Energy Regulatory Commission. In turn, WRI will sell State Line's output to KPL's retail customers and other customers. WRI will receive State Line's output at the high voltage side of State Line's step-up transformer and, via a thirty mile 200 MW point-to-point firm ten-year contract path with the Southwest Power Pool, transmit it to WRI's electric grid. WRI states that it will dispatch State Line using the same mechanisms and same system operator as it does to operate its existing generation. WRI will also purchase power generated during the testing of State Line.

Westar Generating also owns a 34% share in nonutility facilities such as offices, maintenance buildings and fire protection equipment.

Westar Generating's cost associated with acquiring its interest in State Line, including its 34% interest in the nonutility assets, will be equal to its share of the costs of constructing State Line. These costs will be approximately $104,292,841.

For the year ended December 31, 2000, WRI reported consolidated revenues of approximately $2,368,476,000 and consolidated utility revenues of $1,829,132,000. WRI's net income reported for the same period was $136,481,000 and WRI's utility operating income was $262,435,000. Consolidated assets and consolidated utility assets of WRI at December 31, 2000 were $7,767,208,000 and $4,632,479,000, respectively.

After State Line commences commercial operation. WRI states that it will continue to claim an exemption under section 3(a) by rule 2.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10231 Filed 4–24–01; 8:45 am]

BILLING CODE 8010–01–M

[1] KPL is the trade name for WRI's electric business.

[2] Applicant states that WC relies on a no-action letter issued by the Commission's staff in 1997 for the proposition that WC should not be classified as a utility. *See* Wolf Creek Operating Corporation, SEC No-Action Letter (November 24, 1997).

[3] WRI's ownership is comprised solely of up to 9.9% of the voting stock and shares of nonvoting convertible preferred stock of ONEOK. WRI states that it has relied on a no-action letter issued by the Commission's staff in 1997 for the proposition that ONEOK is not a subsidiary of WRI and that WRI does not control ONEOK. *See* Western Resources, Inc., SEC No-Action Letter (Nov. 24, 1997).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44194; File No. SR–NYSE–97–18]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Specialists' Entry of Bids and Offers In Electronic Communications Networks and Other Market Centers

April 18, 2001.

I. Introduction

On June 2, 1997, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and Rule 19b–4 thereunder,[2] a proposed rule change to prohibit a specialist from entering bids and offers in electronic communications networks ("ECNs") or other market centers at prices superior to the specialist's quote on the Exchange. On November 19, 1997, the Exchange submitted Amendment No. 1 to the proposed rule change.[3] On February 10, 1999, the Exchange submitted Amendment No. 2 to the proposed rule change.[4]

The proposed rule change, including Amendment Nos. 1 and 2, were published for comment in the **Federal Register** on May 20, 1999.[5] The Commission received three comment letters on the proposal. This order approves the proposed rule change as amended.

II. Description of the Proposal

The proposal would amend NYSE Rule 104.10 to explain that a specialist[6] has a duty to quote his or her best bid and offer on the Exchange. Under the proposed rule, a specialist's bid or offer for a specialty stock on the Exchange could not be inferior to his or her bid or offer in an ECN or another market center.[7] Thus, if a specialist placed a bid or offer in an ECN or on another market center at a price superior to the then disseminated best bid or offer on Exchange, the specialist would be required to communicate[8] such price to the Exchange.

In addition, the proposed rule change would prohibit a specialist from entering a bid or offer for a specialty stock in an ECN or on another market center at a price variation in which the specialist would not be permitted to quote or trade under Exchange rules. The Exchange believes that if the specialist placed a superior priced bid or offer in an ECN[9] or other market center at a variation that could not be quoted or traded on the Exchange, the specialist would be unable to satisfy his or her specialist obligations, *i.e.*, the specialist could not trade at his or her best bid or offer with contra-side marketable orders received on the Exchange. Also, if the specialist placed in an ECN or other market center an inferior bid or offer at a variation not accepted by the Exchange and the order was subsequently executed on the ECN or other market center, the specialist could not satisfy any superior-priced orders on his or her book at the price of his or her trade off the Exchange, consistent with his or her responsibilities as agent.

III. Summary of Comments

The Commission received comment letters from American Century Investment Management ("ACIM") and Archipelago, LLC, opposing the proposed rule change.[10] The Exchange responded to these letters but did not amend the proposed rule change.[11]

In its letter, ACIM suggested that the proposal was an attempt by the NYSE to control the trading of its own member firms to protect the NYSE's monopoly of listed equity trading in the U.S. ACIM urged the Commission to reject the proposal because it limits the competitiveness of the U.S. equity markets, raises the costs for investors, and conflicts with the Order Handling Rules ("OHR")[12] by limiting the choices of specialists in the display and routing of orders. ACIM also questioned how the proposal would be implemented after decimalization, asking: (1) Will the specialist be forced to follow the increment selected by the NYSE, and (2) what happens to orders routed to the NYSE that do not meet the increment guidelines of the NYSE? In addition, ACIM argued that when a specialist faces the possibility of double liability because the specialist has used an ECN to post an order, the NYSE should not be able to mandate procedures for the specialist's behavior; the specialist should be able to make his own investment decisions.

Archipelago also challenged the proposal as anti-competitive. Specifically, Archipelago charged that the proposal violates the 1975 Amendments to the Act[13] and Rule 19c–1[14] because it undermines the concept of the National Market System ("NMS") by severely limiting the ability of specialists to use ECNs in an agency capacity, which in turn prevent specialists from meeting their best execution obligations to customers.[15] In addition, the proposal deprives investors of pricing efficiency and flexibility; specifically the ability to enter competitively priced limit orders in sub-$1/16 increments. Archipelago further commented that the proposal, by limiting the ability of specialists to use ECNs competitively, is an attempt to circumvent the OHR, which require full integration of ECNs into the marketplace. Lastly, Archipelago stated that the NYSE has not provided any meaningful analysis concerning the competitive effects of the proposal as required by Rule 19b–4,[16] offering only perfunctory boilerplate.

In response, the Exchange argued that Archipelago and a ACIM's letters mischaracterized the NYSE's proposal and raised broad policy questions regarding the future evolution of the NMS that are not relevant to the

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[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] In Amendment No. 1, NYSE modified references the Exchange had made to the Commission's Quote Rule.

[4] In Amendment No. 2, NYSE removed all references to the Commission's Quote Rule. NYSE also eliminated its proposed exemption for bids or offers relating to program trading orders entered into an ECN or other market centers by an upstairs trading operation conducted by a specialist member organization.

[5] Securities Exchange Act Release No. 41397 (May 13, 1999), 64 FR 27610.

[6] The Exchange defines "specialist" as an individual specialist on the floor.

[7] "Another market center" means a registered national securities exchange or registered national securities association.

[8] The Exchange views "communicate" in this context to require the specialist to make the price, whether the bid or the offer, available for execution on the Exchange. The specialist would then be liable for executions at this price on both the Exchange and on the ECN or other market center.

[9] The proposed rule applies only to specialists when they add liquidity to an ECN or another market center (*i.e.*, enter a new bid or offer) and not when they remove liquidity (*i.e.*, hit a pre-existing bid or offer) or enter "fill-or-kill" orders.

[10] *See* letter from Mike Cormack, Manager, Equity Trading, ACIM, to Jonathan G. Katz, Secretary, SEC, dated July 28, 1999. The Commission received two substantially similar comment letters from Archipelago. *See* letters from Gerald D. Putnam, CEO, Archipelago, to Jonathan G. Katz, Secretary, SEC, dated July 20 and July 21, 1999.

[11] *See* Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan G. Katz, Secretary, SEC, dated September 23, 1999.

[12] Securities Exchange Act Release No. 37619A (September 6, 1996), 61 FR 48290 (September 12, 1996).

[13] 15 U.S.C. 78k–1.

[14] Rule 19c–1 precludes exchanges from prohibiting exchange members from routing customer orders to off-exchange trading venues. 17 CFR 240.19c–1.

[15] Archipelago also noted that off-exchange restrictions on proprietary specialist trading are inconsistent with the NMS as well.

[16] 17 CFR 240.19b–4.

proposed rule change. Specifically, the NYSE responded that the proposal does not undermine the NMS or Rule 19c–1 because the proposal does not impose any restrictions on the routing of customer orders. The proposal only sets standards for a specialist's market maker bid or offer on the exchange. The NYSE also stated that the proposal is consistent with the OHR because it does not impose any restrictions on a specialist's responsibility to display customer orders.

Further, the NYSE wrote that the proposal does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act with respect to the routing of customer limit orders to ECNs or other market centers. The NYSE opined that the restriction on specialists is appropriate because it is designed to ensure that specialists' dealer capital is committed to meeting their affirmative obligation to maintain fair and orderly markets in the primary market in which they are registered as dealers. Finally, the NYSE argued that each market center would determine its own decimal trading variation. If these variations are the same, then the restriction against bidding or offering at a variation not permitted on the Exchange will not apply. In any event, the NYSE suggested that contra side order flow would seek to trade at whatever variation it chooses.

IV. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of section 6(b)(5) and 6(b)(8).[17] Section 6(b)(5) requires that the rules of an exchange be designated to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.[18] Section 6(b)(8) requires that the rules of an exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Further, the Commission finds that the proposal is consistent with section 11(b) of the Act[19] and Rule 11b–1 thereunder,[20] which allow exchanges to promulgate rules relating to specialists to ensure orderly markets.

Specialists play a crucial role in providing stability, liquidity, and continuity to the trading of securities on the Exchange. In return for the privilege of serving as the only specialist in stocks traded on the NYSE, which as the primary market for listed stocks continues to receive a significant percentage of the order flow, the NYSE improves conditions designed to improve the quality of its market. Among the obligations imposed upon specialists by the Exchange, and by the Act and rules thereunder, is the maintenance of an orderly market in designated securities.[21] To ensure that specialists fulfill these obligations, it is important that the Exchange have the ability to implement rules and develop measures to guide and improve specialists' performance. The Commission believes that the proposal is consistent with the Exchange's objective to promote the maintenance of orderly markets because it enhances the Exchange's ability to encourage improved specialist performance and market quality by clarifying specialists' duty at the NYSE—to quote his or her best bid and offer on the Exchange.

The Commission carefully considered the concerns expressed by Archipelago and AICM in their letters opposing the proposal. Although the proposed rule change places restrictions on specialists, the Commission finds that the restrictions are reasonable. First, NYSE's proposal only applies to the bids and offers of individual specialists on the floor of the Exchange. The Commission notes that the NYSE has amended the proposal so that it no longer applies to affiliates of individual specialists. Therefore, the proposal is limited to the firms that benefit from the privilege of acting as specialists on the NYSE. Second, the proposal is not inconsistent with Rule 19c–1 because it does not impose restrictions on the routing of customer orders. Third, it is not inconsistent with the OHR because it does not impose restrictions on a specialist's responsibility to display customer orders. Specialists will continue to have an obligation under the OHR to display a customer limit order that betters their quote.[22] Fourth, exchanges have historically maintained a minimum increment for quoting and trading listed securities on the exchange in order to ensure fair and orderly trading, including capacity limitations of exchange computer systems.[23] Fifth, as discussed above, exchanges need to have the ability to set standards for specialists' performance. This proposal with allow specialists to meet their obligations by ensuring that if a specialist places a superior priced bid or offer on an ECN or other market center, the specialist can trade at his or her best bid or offer with contra-side marketable orders received on the Exchange.

For these reasons, the Commission finds that the proposal is consistent with the Act, including sections 6(b)(5), 6(b)(8) and 11(b), in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the Act.

V. Conclusion

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[24] that the proposed rule change (SR–NYSE–97–18), as amended, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[25]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–10232 Filed 4–24–01; 8:45 am]

BILLING CODE 8010–01–M

[17] 15 U.S.C. 78f(b)(5) and 78f(b)(8).

[18] In approving this rule, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[19] 15 U.S.C. 78k(b).

[20] 17 CFR 240.11b–1.

[21] See, *e.g.,* 17 CFF 240.11b–1; NYSE Rule 104.

[22] *See supra* note 11 at 48316; *see also* NYSE Rule 79A.

[23] Currently, the exchanges have adopted a minimum price variation of a penny. *See* Securities Exchange Act Release No. 42914 (June 8, 2000).

[24] 15 U.S.C. 78s(b)(2).

[25] 17 CFR 200.30–3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301–121]

Notice of Change In Location of Public Hearing: Intellectual Property Laws and Practices of the Government of Ukraine

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The location of the public hearing scheduled for April 27, 2001 in the Section 302 investigation of the intellectual property laws and practices of the Government of Ukraine has been changed to the Office of the United States Trade Representative, 1724 F Street, NW., Rooms 1 and 2, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Sybia Harrison, Staff Assistant to the Section 301 Committee, (202) 395–3419; or William Busis, Associate General Counsel, (202) 395–3150.

SUPPLEMENTARY INFORMATION: In a notice published on April 6, 2001 (66 FR

18,346), the Office of the United States Trade Representative announced the initiation of a Section 302 investigation of the intellectual property laws and practices of the Government of Ukraine, and scheduled a public hearing for April 27, 2001. The location of the public hearing has been changed to the Office of the United States Trade Representative, 1724 F Street, NW., Rooms 1 and 2, Washington, DC. The hearing will begin at 10 a.m. on April 27, 2001.

William Busis,

Chairman, Section 301 Committee.

[FR Doc. 01–10269 Filed 4–24–01; 8:45 am]

BILLING CODE 3190–01–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Notice of Initiation of Environmental Review and Request for Comment on Scope of Environmental Review of Mandated Multilateral Trade Negotiations on Agriculture and Services in the World Trade Organization

AGENCY: Office of the United States Trade Representative.

ACTION: Notice and request for comments.

SUMMARY: Pursuant to Executive Order 13141 (64 FR 63169), this publication gives notice that the Office of the United States Trade Representative (USTR) is initiating an environmental review of the multilateral trade negotiations on agriculture and services in the World Trade Organization (WTO). The Trade Policy Staff Committee (TPSC) requests written comment from the public concerning what should be included in the scope of the environmental review (including the potential environmental effects that might flow from agreements on agriculture and services and the potential implications for environmental laws, regulations, and other obligations) and the best time to conduct the analysis.

DATES: Public comments should be received no later than July 27, 2001.

FOR FURTHER INFORMATION CONTACT: For procedural questions concerning public comments, contact Gloria Blue, Executive Secretary, TPSC, Office of the USTR, 1724 F Street, NW., Washington, DC 20508, telephone (202) 395–3475. Questions concerning the environmental review should be addressed to Joseph Ferrante, Environment and Natural Resources Section, telephone 202–395–7320.

SUPPLEMENTARY INFORMATION:

Executive Order 13141—Environmental Review of Trade Agreements in November, 1999, 64 FR 13141 (Nov. 16, 1999), and its implementing guidelines, 65 FR 79442 (Dec. 19, 2000), formalize the U.S. policy of conducting environmental reviews for certain major trade agreements. Reviews are used to identify potentially significant environmental impacts (both positive and negative), and information from the review may facilitate consideration of appropriate responses where impacts are identified.

The Executive Order identifies certain types of agreements for which an environmental review is mandatory: Comprehensive multilateral trade rounds; bilateral or plurilateral free trade agreements; and major new trade liberalization agreements in natural resource sectors. For other types of agreements, the Executive Order and guidelines direct USTR, through the TPSC, to determine whether a review is warranted based on such factors as the potential significance of reasonably foreseeable positive and negative environmental impacts.

The World Trade Organization (WTO) Agreement on Agriculture and the General Agreement on Trade in Services (GATS) call for WTO members to undertake further negotiations to liberalize trade in agriculture and services, respectively. The agriculture and services negotiations (known as the "built-in agenda" for agriculture and services) are currently underway in the WTO. USTR provided general background on the negotiations and requested public comment on general U.S. negotiating objectives as well as country and item-specific export priorities for agriculture and services in previous **Federal Register** notices. *See* 65 FR 16450 (Mar. 28, 2000); 66 FR 18141 (April 5, 2001).

In June, 2000, the United States submitted a proposal for long-term, comprehensive agricultural reform in the WTO. The proposal calls for substantial reductions or elimination of tariffs, expansion of remaining tariff-rate quotas, elimination of export subsidies, disciplines on the use of export restrictions on agricultural products, simplification of rules applying to domestic support, and establishment of a ceiling on trade-distorting support that applies equally to all countries. The United States presented a more detailed position on the tariff rate quota element of the proposal. The U.S. proposals are available on USTR's website at *www.ustr.gov*.

In July, 2000, the United States submitted a comprehensive proposal concerning the conduct of the services negotiations and presented 12 detailed negotiating proposals in December, 2000, addressing 11 services sectors (accountancy services; audiovisual and related services; distribution services; education and training services; energy services; environmental services; express delivery services; financial services; legal services; telecommunications, value-added network, and complementary services; and tourism services) and one GATS "mode of supply" (movement of natural persons). The U.S. proposals (also available on the USTR website) seek to remove market access, national treatment, and other restrictions affecting services and services suppliers in these and other areas, while maintaining the ability to regulate in the public interest. Thus, the sectoral coverage of the services negotiations is broad. This notice requests commenters' views, in particular, on which service sectors to address or not to address in the environmental review.

Pursuant to the Executive Order and guidelines, USTR has determined through the TPSC that the built-in agenda negotiations in agriculture and services warrant an environmental review. The volume of trade affected in both agriculture and services is significant. U.S. agricultural trade in 2000 was over $100 billion. U.S. exports of commercial services (*i.e.*, excluding military and government) were $255 billion in 1999, supporting over 4 million services and manufacturing jobs in the United States. Cross-border trade in services accounts for more than 25 percent of world trade, or about $1.4 trillion annually. U.S. commercial services exports have more than doubled over the last 11 years, increasing from $118 billion in 1989 to $255 billion in 1999.

Agricultural trade can be expected to have implications for land resource use, which in turn may have implications for the environment (*e.g.*, water quality and quantity issues). In addition, the United States has previously undertaken analyses that have indicated potential environmental benefits resulting from elimination of agricultural export subsidies, a key U.S. objective in the negotiations. Further examination of this issue might be appropriate in the environmental review.

The Executive Order and guidelines provide flexibility concerning the appropriate time for undertaking the analytical work supporting an environmental review, once it is initiated. In recognition of the fact that the agriculture and services negotiations are still at a preliminary stage, the

public is requested to provide comments with as much specificity as possible concerning both the scope of the review and the appropriate time for conducting the analysis. (Comments received in response to previous notices will also be considered for this purpose.) The scope and timing of the review will also be informed by internal U.S. government economic and environmental analyses. Moreover, as developments in the negotiations further clarify the scope of the potential agreements, USTR anticipates that there will be other opportunities for the public to provide additional input as appropriate.

Written Comments

Persons submitting written comments should provide twenty (20) copies no later than close of business, July 27, 2001, to Gloria Blue at the address noted above. If possible, written comments should be supplemented with a computer disk of the submission. The disk should have a label identifying the software used and the submitter.

Written comments submitted in connection with this request, except for information granted "business confidential" status pursuant to 15 CFR 2003.6, will be available for public inspection in the USTR Reading Room, in Room 3 of the annex of the Office of the United States Trade Representative, 1724 F Street, NW., Washington DC. An appointment to review the file may be made by calling Brenda Webb at (202) 395–6186. The Reading Room is open to the public from 10–12 a.m. and from 1–4 p.m., Monday through Friday.

Business confidential information will be subject to the requirements of 15 CFR 2003.6. If the submission contains business confidential information, it must be accompanied by twenty copies of a public version that does not contain business confidential information. A justification as to why the information contained in the submission should be treated confidentially must be included with the submission. In addition, any submissions containing business confidential information must be clearly marked "Confidential" at the top and bottom of the cover page (or letter) and each succeeding page of the submission. The version that does not contain confidential information should also be clearly marked at the top and bottom of each page "Public Version" or "Non-Confidential."

Carmen Suro-Bredie,

Chair, Trade Policy Staff Committee.

[FR Doc. 01–10207 Filed 4–24–01; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Springfield-Beckley Municipal Airport Springfield, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of one parcel of land totaling approximately 10.30 acres for industrial land use. Current use and present condition is vacant grassland. There are no impacts to the airport by allowing the airport to dispose of this property.

Approval does not constitute a commitment by the FAA to financially assist in the sale of the subject airport property nor a determination that all measures covered by the program are eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the sale of the airport property will be in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. This proposal is for approximately 10.3 acres in total.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose. The proposed land will be used for an industrial park complex, which will provide additional jobs in an economically challenged area and enhance the aesthetics of the surrounding community.

The proceeds from the sale of the land will be used for airport improvements and operations expenses at Springfield-Beckley Municipal Airport.

DATES: Comments must be received on or before May 25, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence C. King, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–670.2, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7293. Documents reflecting this FAA action may be reviewed at this same location or at Springfield-Beckley Municipal Airport, Springfield, Ohio.

SUPPLEMENTARY INFORMATION: Following is a legal description of the property located in Clark County, Ohio and described as follows:

Situate in the State of Ohio, County of Clark, Township of Green, and being part of the North Half of Section 10, Town 4, Range 8, and the South Half of Section 11, Town 4, Range 8, between the Miami Rivers Survey and being further described as follows: Beginning at an iron pin located at the Southwest Corner of Lot 5 of Airpark Ohio Plat Section One, thence South 4°42′28″ West 399.48 feet to a point, thence South 84°12′08″ East 1,045.04 feet to a point, thence North 04°42′28″ East 1,003.52 feet to a point, thence South 14°31′02″ West 611.00 feet to a point, thence North 84°12′08″ West 940.93 feet to the point of beginning of the parcel herein described said parcel containing 10.30 acres of land more or less.

Issued in Belleville, Michigan, March 23, 2001.

James M. Opatrny,

Acting Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 01–10135 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for Waiver of Aeronautical Land-Use Assurance; Willoughby Lost Nation Municipal Airport Willoughby, OH

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of airport land from aeronautical use to non-aeronautical use and to authorize the sale of the airport property. The proposal consists of two parcels of land; one 1.9020-acre parcel and one 1.2780-acre parcel, totaling approximately 3.18 acres for industrial economical development. Current use and present condition is vacant grassland. There are no impacts to the airport by allowing the airport to dispose of the property. The land was acquired under FAA Project No.: AIP–3–39–0090–0387. Approval does not constitute a commitment by the FAA to financially assist in the sale of the subject airport property nor a determination that all measures covered by the program are

eligible for Airport Improvement Program funding from the FAA. The disposition of proceeds from the sale of the airport property will be in accordance with the FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999. Together this proposal is for approximately 3.18 acres in total.

In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose. The proposed land will be used for industrial economical development, which has proven to enhance the economy for many Ohio communities, as well as reduce the financial burden of operating the airport.

The proceeds from the sale of the land will be used for airport improvements and operation expenses at Willoughby Lost Nation Municipal Airport.

DATES: Comments must be received on or before May 25, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Stephanie R. Swann, Federal Aviation Administration, Great Lakes Region, Detroit Airports District Office, DET ADO–670.5, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (734) 487–7277. Documents reflecting this FAA action may be reviewed at this same location or at Willoughby Lost Nation Municipal Airport, Willoughby, Ohio.

SUPPLEMENTARY INFORMATION: Following are legal descriptions of the property:

North Part

Situated in the City of Willoughby, County of Lake, and State of Ohio, and known as being a part of Original Willoughby Township Lot No. 7 in the Douglas Tract, and also being a part of Sublot No. 38 in the Western Reserve Commerce Park Subdivision as shown by plat recorded in Volume 1, Page 39 of the Lake County Plat Records, and is bounded and described as follows:

Beginning in the northerly line of the Willoughby Industrial Park Subdivision as shown by plat recorded in Volume 1, Page 38, of the Lake County Plat Records at its intersection with the westerly line of land conveyed to the City of Willoughby by instrument recorded in Volume 367, Page 387, of the Lake County Official Records; said point of beginning being located 45.50 feet LEFT of Station 117+56.55 in the centerline of survey of Lost Nation Road as recorded in Volume 18, Page 32 of the Lake County Plat Records;

Thence South 88°26′10″ West, along said northerly line of Willoughby Industrial Park Subdivision, 311.29 feet to an iron pin stake set at the principal place of beginning;

Course I: South 88°26′10″ West continuing along said line, 55.46 feet to an iron pin stake set in the westerly line of grantor's land, being the westerly line of the residue parcel of Bruce and Betty J. Huston recorded in Volume 66, Page 323 of Lake County Official Records;

Course II: Thence North 35°48′58″ East, along said line and along the residue parcel of land in said Sublot No. 38 of Bruce and Betty J. Huston recorded in Volume-442, Page 698 of Lake County Official Records, 659.30 feet to an iron pin stake set in the westerly sideline of Lost Nation Road, as widened;

Course III: Thence South 11°30′00″ West, along said sideline 114.60 feet to the northerly line of said land conveyed to the City of Willoughby also being the southerly line of said Sublot No. 38;

Course IV: Thence South 88°24′30″ West along the northerly line of said land of the City of Willoughby 0.13 feet to a northwesterly corner;

Course V: Thence South 2°55′56″ West, along a westerly line of said land of the City of Willoughby, 150.82 feet to an iron pin stake set;

Course VI: Thence South 50°01′12″ West, 416.99 feet to the principal place of beginning and containing 1.278 acres of land according to a survey made in December, 2000 by Richard J Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Engineers and Surveyors.

Bearings used herein are based upon the bearing of the centerline of Lost Nation Road as recorded in Volume 367, Page 387, of the Lake County Official Records.

South Part

Situated in the City of Willoughby, County of Lake and State of Ohio and known as being part of Sublot No. 1 and all of Sublot No. 2 in the Willoughby Industrial Park Subdivision as shown recorded in Volume 1, Page 38 of Lake County Plat Records and is further bound and described as follows:

Beginning at the intersection of the northerly line of said Sublot No. I with the westerly line of land conveyed to the City of Willoughby by deed recorded in Volume 367, Page 387 of Lake County Official Records, said point of beginning being 45.50 feet left of Station 117+56.55 in the centerline survey of Lost Nation Road as recorded in Volume 18, Page 32 of Lake County Plat Records;

Thence South 88°26′10″ West, along said northerly line of Sublot No. 1, 311.29 feet to an iron pin set at the principal place of beginning;

Course I: Thence South 50°01′12″ West, 17.36 feet to an iron pin stake set;

Course II: Thence South 45°41′26″ East, 387.44 feet to an iron pin stake set in the northerly Sideline of Willoughby Parkway, 70 feet wide;

Course III: Thence South 88°26′10″ West, along said sideline, 255.80 feet to a point of curve;

Course IV: Thence westerly along said sideline on an arc deflecting to the left said arc having a radius of 795–72 feet and a chord of 108.11 which bears North 87°40′07″ West 108.19 feet to a point;

Course V: Thence North 83°46′24″ West, continuing along said sideline, 67.05 feet to an iron pin stake set in the easterly line of Sublot No. 3 in said subdivision;

Course VI: Thence North 1°33′50″ West, along said line of Sublot No. 3, 272.46 feet to an iron pin stake set in the northerly line of said subdivision, being also the southerly line of land conveyed to Bruce and Betty J. Huston by deed recorded in Volume 66, Page 323 of Lake County Official Records;

Course VII: Thence North 88°26′10″ East, along said line 173.93 feet to the principal place of beginning and containing 1.902 acres of land according to a survey made in December, 2000 by Richard J. Bilski, Ohio Professional Surveyor No. 5244 of CT Consultants, Inc., Registered Surveyors and Engineers.

Bearings used herein are based upon the bearing of the centerline of Lost Nation Road as recorded in Volume 367, Page 387, of the Lake County Official Records.

Issued in Belleville, Michigan, April 2, 2001.

Irene Porter,

Manager, Detroit Airports District Office Great Lakes Region.

[FR Doc. 01–10136 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Request Approval From the Office of Management and Budget (OMB) for a New Public Collection of Information for National Airspace System (NAS) Data

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

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C.

3501 et seq.), the FAA invites public comment on a new public information collection which will be submitted to OMB for approval.

DATES: Comments must be submitted on or before June 25, 2001.

ADDRESSES: Comments may be mailed or delivered to FAA, at the following address: Ms. Judy Street, Room 613, Federal Aviation Administration, Standards and Information Division, APF–100, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Judy Street, at the above address or on (202) 267–9895.

SUPPLEMENTARY INFORMATION: The FAA solicits comments on the following new collection of information in order to evaluate the necessity of the collection, the accuracy of the agency's estimate of burden, the quality, utility, and clarity of the information to be collected, and possible ways to minimize the burden of collection. The following is a synopsis of the information collection activity which will be submitted to OMB for review and approval:

The FAA is collecting basic vendor information such as name, address, phone number, point of contact, purpose of request, type of data requested, and method of acquiring FAA NAS data. The FAA is collecting this information in order to assess the validity of the data requestor. This is a standardized collection vehicle that will eliminate confusion among the nine FAA regions, and allow electronic tracking of the standard data requested for trend analysis.

The requestors are primarily vendors in private industry who have been contracted by airport authorities to conduct various studies such as noise abatement pollution reduction. Other requestors could be private airport operators who may have a need to study various radar tracks to ascertain aircraft position within their particular airspace.

Typically, the requestor will need an hour and a half to three hours to fill out the form, depending upon the amount of supporting documentation required.

The data requestor is obligated to respond with the information requested in order for the FAA to objectively evaluate the validity of the request. With growing information security concerns, all interested parties who desire access to FAA NAS data must be able to satisfy the FAA that their need for the data will not violate current information security practices.

It is also noted that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. When assigned by OMB, the respondents will be notified of the control number.

Issued in Washington, DC on April 19, 2001.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 01–10241 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–31]

Petitions for Exemption; Summary of 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. 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.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, Sandy Buchanan-Sumter (202) 267–8029, 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 April 18, 2001.

Gary A. Michel,

Acting, Assistant Chief Counsel for Regulations.

Docket No.: FAA–2001–9161.
Petitioner: Mid America Aviation, Inc.
Section of the 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Mid America to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.
Grant, 04/06/2001, Exemption No. 7485.

Docket No.: FAA–2001–9159 (formerly Docket No. 28933).
Petitioner: Omniflight Helicopters, Inc.
Section of the 14 CFR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit Omniflight to operate certain aircraft under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.
Grant, 04/06/2001, Exemption No. 6653B.

Docket No.: FAA–2000–8463 (formerly Docket No. 29515).
Petitioner: Peninsula Airways, Inc.
Section of the 14 CFR Affected: 14 CFR 91.323(b)(4).
Description of Relief Sought/ Disposition: To permit PenAir to operate two Grumman Goose G–21A aircraft (Registration Nos. N641 and N22932) at a maximum weight of 8,920 pounds.
Grant, 04/06/2001, Exemption No. 6963A.

Docket No.: FAA–2001–8762 (formerly Docket No. 26599).
Petitioner: Regional Airline Association.
Section of the 14 CFR Affected: 14 CFR 91.203.
Description of Relief Sought/ Disposition: To permit RAA-member airlines to temporarily operate certain U.S.-registered aircraft in domestic airline operations without the certificates of airworthiness or registration on broad the aircraft.
Grant, 04/06/2001, Exemption No. 5515E.

Docket No.: FAA–2001–9316.
Petitioner: TWA Airlines LLC., and American Airlines, Inc.
Section of the 14 CFR Affected: 14 CFR part 121, appendix I.
Description of Relief Sought/ Disposition: To permit employees performing safety sensitive functions for Trans World Airlines, Inc., to perform identical functions for TWA LLC without being subject to additional pre-employment drug testing.
Grant, 04/06/2001, Exemption No. 7480.

Docket No.: FAA–2001–9350.
Petitioner: TWA Airlines, LLC.
Section of the 14 CFR Affected: 14 CFR 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit a qualified and authorized check airmen, in lieu of an FAA inspector, to observe a qualifying pilot in command who is completing initial or upgrade training specified in § 121.424 during at least one flight leg that includes one takeoff and one landing.
Grant, 04/06/2001, Exemption No. 7479.

Docket No.: FAA–2001–9351.
Petitioner: TWA Airlines, LLC.
Section of the 14 CFR Affected: 14 CFR 145.45(f).
Description of Relief Sought/ Disposition: To allow TWA LLC to make available one copy of its inspection procedures manual to its supervisory and inspection personnel, rather than giving a copy of the manual to each of these individuals.
Grant, 04/06/2001, Exemption No. 7484.

Docket No.: FAA–2001–9349.
Petitioner: TWA Airlines, LLC.
Section of the 14 CFR Affected: 14 CFR 121.433(c)(1)(iii), 121.441(a)(1) and (b)(1), and appendix F to part 121.
Description of Relief Sought/ Disposition: To permit TWA Airlines, LLC., to combine recurrent flight and ground training and proficiency checks for TWA LLC's flight crew members in a single annual training and proficiency evaluation program.
Grant, 04/06/2001, Exemption No. 7481.

Docket No.: FAA–2001–8468 (formerly /Docket No. 28807).
Petitioner: Yankee Air Force, Inc.
Section of the 14 CFR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).
Description of Relief Sought/ Disposition: To permit YAF to operate its former military Boeing B–17G aircraft (Registration No. N3193G, Serial No. 77255), which has a limited category airworthiness certificate, for the purpose of carrying passengers on local flights in return for receiving donations.
Grant, 04/06/2001, Exemption No. 6631B.

Docket No.: FAA–2001–8262.
Petitioner: Airbus Industrie.
Section of the 14 CFR Affected: 14 CFR 25.785(h)(2), 25.807(d)(7), and 25.813(e).
Description of Relief Sought/ Disposition: To permit the installation of flight attendant seats that do not provide direct view of the cabin, to exceed a distance of 60′ between adjacent exits, and to allow installation of interior doors between passenger compartments, provided the airplane is not operated for hire, nor offered for common carriage.
Partial Grant, 04/09/2001, Exemption No. 7489.

Docket No.: FAA–2001–8222.
Petitioner: Mesa Airlines, Inc.
Section of the 14 CFR Affected: 14 CFR 121.434(c)(1)(ii).
Description of Relief Sought/ Disposition: To permit Mesa to substitute a qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command who is completing initial or upgrade training specified in § 121.424 during at least one flight leg that includes a takeoff and a landing.
Grant, 04/06/2001, Exemption No. 7495.

Docket No.: FAA–2001–8740.
Petitioner: Hospital AirTransport, Inc., dba Helicopter AirTransport, Inc.
Section of the 14 CFR Affected: 14 CFR 133.45(e)(1).
Description of Relief Sought/ Disposition: To permit HATI to conduct Class D rotorcraft-load combination operations with an A109E helicopter certificated in the normal category under 14 CFR part 27.
Grant, 04/06/2001, Exemption No. 7486.

[FR Doc. 01–10000 Filed 4–24–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Modesto City—County—Harry Sham Field, Modesto, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Modesto City—County—Harry Sham Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before May 25, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Howard L. Cook, Airport Manager of the Modesto City-County-Harry Sham Field, at the following address: 617 Airport Way, Modesto, CA 95354. Air carriers and foreign air carriers may submit copies of written comments previously provided to the city of Modesto under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone (650) 876–2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Modesto City—County—Harry Sham field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On April 13, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by the city of Modesto was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, not later than July 12, 2001.

The following is a brief overview of the impose and use application No. 01–06–C–00–MOD:

Level of proposed PFC: $3.00.
Proposed charge effective date: September 1, 2001.
Proposed charge expiration date: September 1, 2003.
Total estimated PFC revenue: $124,180.
Brief description of the proposed projects: Replace General Aviation and Terminal Security Lights, Purchase Runway Sweeper and Equipment Shelter, General Aviation and Terminal Service Road Seal, Air Carrier and Transient Aircraft Apron Expansion and Reconstruction, and Conduct Airport Master Plan and Environmental Impact Report.
Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports office located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the city of Modesto.

Issued in Hawthorne, California, on April 13, 2001.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01–10240 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Reports, Forms and Recordkeeping Requirements; Agency Information Collection Activity Under OMB Review

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The nature of the information collection is described as well as its expected burden. The **Federal Register** notice with a 60-day comment period soliciting comments on the following collection of information was published on February 12, 2001. No comments were received.

DATES: Comments must be submitted on or before May 25, 2001.

FOR FURTHER INFORMATION CONTACT: Taylor Jones, Maritime Administration, MAR–250, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–5755 or FAX 202–493–2288.

Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION: Maritime Administration (MARAD).

Title: Merchant Marine Medals and Awards.

OMB Control Number: 2133–0506.

Type of Request: Extension of currently approved collection.

Affected Public: Eligible merchant mariners.

Form(s): None.

Abstract: This information collection provides the Maritime Administration with a method for documenting and processing requests for merchant marine medals and decorations to masters, officers, and crew members of U.S. ships in recognition of their service in areas of danger during World War II, Korean War, Vietnam War and Operation DESERT STORM, and the replacement of previously issued awards.

Annual Estimated Burden Hours: 1500 hours.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention MARAD Desk Officer.

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 will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (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 the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC on April 19, 2001.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–10282 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2000–7798]

Criteria for Granting Waivers of Requirement for Exclusive U.S.-Flag Vessel Carriage of Certain Export Cargoes

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of policy revision.

Statement of Policy on Public Resolution 17—73rd Congress

The Maritime Administrator has authorized the following statement describing the policies and procedures in administration of Public Resolution 17, 73rd Congress, 48 Stat. 500, 46 App. U.S.C. § 1241–1, as it applies to credits of the Export-Import Bank of the United States or similar government instrumentalities.

1. Scope of Applicability

Public Resolution No. 17 provides that where an instrumentality of the Government makes loans or credit guarantees to foster the export of agricultural or other products, such products must be carried exclusively in vessels of the United States unless the Maritime Administration (we, us, or our) certifies to the lending agency that such vessels are not available as to numbers, tonnage capacity, sailing schedule or at reasonable rates. The Resolution is applicable to credits of the Export-Import Bank (Eximbank, government instrumentality) or other Government instrumentalities for the purpose of financing the acquisition and shipment of United States products or services. The government instrumentality must include in such credit agreements a requirement that shipments be made in United States-flag vessels, except to the extent that we grant a waiver of the requirement as outlined in this policy statement. If the government instrumentality receives a request for a waiver, it will refer the request to us.

2. Types of Waivers

The process to be followed for all waiver requests is set forth in Appendix A. Guidelines for the information to be included in the waiver request are set forth in Appendix B. We will post the essential terms of applications for, and status of, all waiver requests and waivers on our web site. If our web site is not available, we will transmit the information to the U.S.-flag carriers and the shipper/applicant. Security access to waiver information will be limited to bona fide U.S.-flag ocean carriers and to the shipper who requests or receives the waiver. MARAD will treat all information submitted by shippers that is not essential for U.S.-flag cargo bookings as "business confidential" and exempt from public disclosure under the Freedom of Information Act (FOIA), section 552 (b)4. MARAD may consult with or request further information from any carrier or shipper or Government Agency to clarify any questions we may have on any topic.

(A) Statutory (Non-Availability) Waiver

When it appears that U.S. vessels will not be available within a reasonable time or at reasonable rates, public or private foreign borrowers, or their representatives or their shippers in the United States may apply directly to our Office of Cargo Preference for waiver of the U.S.-flag requirement. Requests for waivers must follow the format in Appendix B and must have a legal signature. We will make any necessary investigation to determine whether U.S.-flag vessels are available and may request additional information. We will approve or deny the waiver request in writing. Copies of approved waivers or denials will be sent to the appropriate government instrumentality.

Such waivers will apply to the specifically approved cargo movements.

Within thirty (30) calendar days of vessel loading, applicants or their designated representatives in the United States must report the name of the vessel, registry, date of sailing, load and discharge ports, ocean freight amount, FAS value of cargo, gross weight of cargo in kilos, gross volume of cargo in cubic meters, and total revenue tons, in the general form of Appendix F. A copy of the rated bills of lading must be attached to the report. The government instrumentality's Credit Number must be provided to the ocean carrier by the shipper and must be shown clearly on the rated bill of lading issued by the ocean carrier. The Maritime Administration and the government instrumentality will accept only the ocean bill of lading issued by the carrier operating the vessel as proof of export. An NVOCC or freight intermediary bill of lading must be accompanied by a rated ocean carrier bill of lading.

We strongly encourage those public or private foreign borrowers, and/or their United States representatives or their shippers to meet with U.S.-flag carriers and then to meet separately with our Office of Cargo Preference staff. During the meeting, we must receive full and complete information regarding the project, specifically identifying those cargoes for which a waiver might be sought. Appendix C lists the information that must be presented to us and the carriers. Essential waiver information will be posted on our web site for use by bona fide U.S.-flag carriers and the shipper/applicant.

(B) General Waivers

In certain circumstances, although U.S.-flag vessels may be available, recipient nation vessels may be authorized to share in the ocean carriage of government instrumentality financed movements, but not in excess of fifty percent (50%) of the total movement under the credit. Although allowing a recipient nation to share in this type of ocean carriage may reduce the U.S.-flag share, we may allow such participation if the recipient nation gives similar treatment to U.S. vessels in its foreign trade. When public or private foreign borrowers, or their U.S. representatives, or the primary U.S. shipper acting on behalf of the borrower desire a general waiver for partial use of the national flag vessels of the recipient nation, they must apply to our Office of Cargo Preference for a General Waiver for the particular credit. When private interests apply, we may request sponsorship by the government of the recipient nation, to assure the recipient nation's responsibility to maintain fair and equitable treatment for U.S.-flag shipping.

(1) If we grant such waivers, they will apply only to vessels of recipient nation registry to the extent of their capacity to carry the cargo, based on normal flow of the traffic from the interior through ports of shipment, but not in excess of fifty percent of the total movement under the credit. The U.S.-flag portion should be awarded first to ensure the minimum fifty percent (50%) requirement is met.

(2) General Waivers will normally apply throughout the life of the credit, but the government instrumentality or we may reconsider the duration of the General Waiver at any time in light of altered circumstances.

(3) The record of cargo distribution between U.S. and recipient national flag vessels will be based on (a) revenue tons; and/or (b) ocean freight revenue; and/or (c) such other units as appropriate which provide the greatest revenue to U.S.-flag carriers.

(4) Applicants or their representatives in the United States must provide reports of movements to our Office of Cargo Preference, monthly. The reports must include the name of the vessel, registry, date of sailing, load and discharge ports, ocean freight, value of cargo, gross weight of cargo in kilos, gross volume of cargo in cubic meters, and total revenue tons in the general form of Appendix F. From time to time, we may change the data to be included on these reports to meet specific circumstances of the movements. Copies of the rated ocean bills of lading must be attached. The government instrumentality Credit Number must be provided by the shipper to the underlying ocean carrier and must be shown clearly on the rated bill of lading issued by the ocean carrier. The Maritime Administration and the government instrumentality will accept only the ocean bill of lading issued by the carrier operating the vessel as proof of export. An NVOCC or freight intermediary bill of lading must be accompanied by a rated copy of the underlying ocean bill of lading.

(5) We will not grant a General Waiver until our Office of Cargo Preference has received written confirmation of the applicant's agreement to the foregoing terms and conditions and has been advised of the name and address of the designee located in the United States who will be responsible for controlling the routing of the cargo and for providing the required monthly reports.

(6) General Waiver information will be posted on our web site for use by bona fide US-flag carriers and the shipper/applicant.

(C) Compensatory Waivers

When public or private foreign borrowers, or their U.S. representatives, or their shippers in the U.S., prior to a decision to seek a government instrumentality credit agreement, in honest error or through extenuating circumstances as approved by us, move cargo for which a waiver is necessary to meet subsequent government instrumentality financing requirements, the exporter may apply to our Office of Cargo Preference for a Compensatory Waiver. After investigation, we may grant a Compensatory Waiver whereby the exporter contracts in writing with us to move whatever amount of revenue tons of cargo are required to generate an equivalent or greater amount of ocean freight revenue of non-government impelled cargo on U.S.-flag vessels within a specified time period. If our Office of Cargo Preference determines that a U.S.-flag ocean carrier made the primary error and the shipper reasonably could not be expected to have detected the error and achieved compliance, we may issue a retroactive Statutory Waiver.

Waiver recipients or their representatives in the United States must provide reports of such compensatory movements to our Office of Cargo Preference, monthly. The reports must include the name of the vessel, registry, date of sailing, load and discharge ports, ocean freight, value of cargo, gross weight of cargo in kilos, gross volume of cargo in cubic meters, and total revenue tons, in the general form of Appendix F. From time to time, we may change the data to be included on these reports to meet specific circumstances of the movements. Copies of the rated ocean bills of lading must be attached. The Maritime Administration and the government instrumentality will accept only the ocean bill of lading issued by the carrier operating the vessel as proof of export. An NVOCC or freight intermediary bill of lading must be accompanied by a rated ocean bill of lading. All outstanding compensatory waiver amounts and shipper contact information will be published on our web site for use by bona fide U.S.-flag carriers and the shipper/applicant.

(D) Conditional Waivers

Public or private foreign borrowers or their U.S. representatives or their shippers in the U.S. may apply to our Office of Cargo Preference for a Conditional Waiver of the U.S.-flag requirement for specific overdimensional cargoes if they find that no U.S.-flag liner vessel service

capable of accommodating the multiple shipments of their overdimensional cargoes will be available during their proposed project time period. Such Conditional Waiver may be for the length of the project but not greater than two years from the date of any such waiver approval. Also, if during the course of executing a project, U.S.-flag liner vessel service ceases to be available to carry the multiple shipments of their overdimensional cargoes, the borrower or their shippers also may apply for such a Conditional Waiver. Conversely, if a U.S.-flag liner vessel service capable of accommodating the cargoes commences operations, the Conditional Waiver will be withdrawn.

Before we will grant a Conditional Waiver, the exporter must meet with the U.S.-flag carriers and then must meet separately with our Office of Cargo Preference staff, to provide full and complete information regarding the project, specifically identifying those cargoes on which the waiver is sought. Appendix C lists the information that must be presented to us and the carriers.

We will grant a Conditional Waiver only for those trade lanes in which no U.S.-flag liner service capable of accommodating the overdimensional cargo is currently available. A Conditional Waiver will only cover previously identified and pre-approved specific overdimensional cargoes and integral components. If a non-liner U.S.-flag carrier that is willing to provide the shipper at least thirty (30) days notice of their vessel's availability and is willing to carry the cargo at a guideline rate that we calculate (see Appendix D), becomes available after a Conditional Waiver is granted then that U.S.-flag carrier will be entitled to carry the cargo, provided the carrier meets our conditions of carriage. In such case we will not issue the corresponding non-availability waiver letter (see below) for that specific cargo voyage.

Once we grant a Conditional Waiver, in order to meet the needs of the government instrumentality for each voyage made under the terms of the Conditional Waiver, the shipper must provide us with the government instrumentality Credit Number and country, vessel name, registry, sailing date, load port, discharge port, cargo weight in kilos, cargo volume in cubic meters, revenue tons, FAS value of cargo, ocean freight, list of cargoes shipped, and a signed statement certifying these specific cargoes were pre-approved by MARAD for shipment under the Conditional Waiver. We will then issue a standard non-availability waiver letter, for presentation to the government instrumentality for each voyage. This standard non-availability waiver letter will cover only those cargoes specifically identified with projected shipping dates previously agreed to under the Conditional Waiver. A shipper wishing to place any additional cargoes on the same voyage must use the Statutory non-availability waiver procedure, detailed in Appendix A paragraph A, with appropriate notice to the U.S. carriers.

Within 30 days of vessel sailing, the shipper must submit a completed Appendix F form and attach a rated copy of the ocean carriers bill of lading. The government instrumentality's Credit Number must be provided to the ocean carrier by the shipper and must be shown clearly on the rated bill of lading issued by the ocean carrier. We will post essential waiver information on our web site for use by bona fide U.S.-flag carriers and the shipper/applicant.

3. Considerations Influencing Approval of Applications for Waivers

(A) In evaluating applications for Statutory (Non-Availability) Waivers under Paragraph 2(A) we will consider:

(1) Whether the applicant followed the process set forth in Appendix A and provided the waiver information in Appendix B and met with the U.S.-flag carriers and with us at the beginning of the project to provide the information listed in Appendix C;

(2) Whether a carrier's proposed transshipment of Long Lead Time or Critical Item cargoes for cargo that is loose or non-containerizable involves a risk of damage or delay sufficient to constitute non-availability. However, the shipper must provide sufficient documentation acceptable to us such as contracts, certifications, engineering data, etc., to prove the cargoes meet the definition of Long Lead Time or Critical Items (Appendix E). The shipper must certify the foreign-flag carriers will not transship the cargo. MARAD may track vessel voyages.

(3) The national policy of the United States, including the Merchant Marine Act of 1936, as amended, as well as the purpose of the government instrumentality in authorizing the credit.

(B) In evaluating applications for General Waivers under Paragraph 2(B), we will consider:

(1) The treatment given U.S.-flag vessels in the trade with the recipient nation, particularly whether U.S.-flag vessels have equal opportunity compared to national-flag or other foreign-flag vessels to solicit and participate in movements controlled in the foreign nation; parity in the application of consular or other fees, port charges, and facilities; also parity of exchange treatment including the privilege of converting freight collections to dollars as needed, etc. We will seek information from U.S. ship owners and other sources as to their experiences in the particular trade.

(2) The national policy of the United States, including the Merchant Marine Act of 1936, as amended, as well as the purpose of the government instrumentality in authorizing the credit.

(C) In evaluating applications for compensatory waivers under Paragraph 2(C), we will consider:

(1) The circumstances leading to the movement on a foreign-flag vessel;

(2) The prior history of the exporter in shipping its government-impelled and commercial cargoes on U.S.-flag vessels;

(3) Any previous or current compensatory waivers used by the exporter and its efforts to comply with the terms of the previous or existing compensatory waivers; and

(4) The national policy of the United States, including the Merchant Marine Act, 1936, as amended, as well as the purpose of the government instrumentality in authorizing the credit;

(D) In evaluating applications for conditional waivers under Paragraph 2(D) we will consider:

(1) Whether the applicant followed the process set forth in Appendix A and provided the waiver information in Appendix B and met with the U.S.-flag carriers and with us at the beginning of the project to provide the information listed in Appendix C;

(2) Whether a carrier's proposed transshipment of Long Lead Time or Critical Item cargoes for cargo that is loose or non-containerizable involves a risk of damage or delay sufficient to constitute non-availability. However, the shipper must provide sufficient documentation acceptable to us such as contracts, certifications, engineering data, etc., to prove the cargoes meet the definition of Long Lead Time or Critical Items (Appendix E). The shipper must certify the foreign-flag carriers will not transship the cargo. MARAD may track vessel voyages.

(3) Whether a non-liner carrier's refusal to offer service at or below our guideline rate may constitute non-availability. Upon application by the shipper and only for Conditional Waivers, we will calculate a guideline rate for non-liner service. The rate will be expressed as dollars per revenue ton of cargo, as set forth in Appendix D.

(4) The national policy of the United States, including the Merchant Marine Act of 1936, as amended, as well as the purpose of the government instrumentality in authorizing credit.

(E) Providing false information, or concealing facts, or non-compliance with the terms of a waiver may result in the cancellation of the current waiver and/or a refusal to grant future waivers and/or other appropriate actions, including debarment from government loans, guaranties, or contracts. Civil or criminal fraud will be penalized under the appropriate United States Code section. MARAD reserves the right to audit any waiver.

Attachments (these attachments are hereby incorporated into this policy):

Appendix A: Waiver Request Procedures
Appendix B: Waiver Request Required Information
Appendix C: Information and Communication Guide
Appendix D: Guideline Rate Policy
Appendix E: Definitions and Miscellaneous Information
Appendix F: Movement Reports Guide

Appendix A

(OMB No. 2133–0013 applies to this collection of information.)

Waiver Request Procedures

A. Statutory (Non-Availability) Waivers

1. The process begins when public or private foreign borrowers or their United States representative, receives or expects to receive government instrumentality credit approval. (Note: Shipments could begin before the credit approval. See the section on Compensatory Waivers.) In the early stages of the project, either before or when the credit is approved, the shipper should meet with the U.S.-flag carriers and us and discuss the project cargoes detailing the information suggested in Appendix C. We will confirm the government instrumentality Credit Number.

2. The shipper must present its Request for Quotation (RFQ) for ocean service to the carriers at least forty-five (45) calendar days in advance of the intended shipping date. For efficiency, the RFQ also should be sent to the Maritime Administration. The RFQ must be presented at the same time and with the same information to all carriers, both U.S. and foreign. The RFQ must be given to all U.S.-flag carriers who may have service or could initiate service and should contain the most detailed information available regarding the commodities, sizes and weights. The shipper must give carriers at least fourteen (14) calendar days in which to respond.

3. The U.S.-flag carriers must respond to the RFQ within fourteen (14) calendar days either declining the cargo or providing an offer addressing both the rate quotations and the logistical needs expressed in the RFQ.

4. If the shipper cannot obtain service from a U.S.-flag carrier, the shipper may apply for a waiver from us. Such waiver application must be presented at least thirty (30) calendar days in advance of the intended shipping date. The request must contain all the required information as shown in Appendix B.

5. We will review the application, verify the waiver documentation provided by the shipper, investigate or request further information as necessary, and further search the market for U.S.-flag carriers to handle the cargo.

6. We will either approve or deny the waiver in writing.

B. General Waivers

1. As set forth in our Policy Statement at paragraph 2(B), a foreign borrower or primary U.S. exporter who desires to make partial use of registered vessels of the recipient nation for a specific U.S. Government instrumentality credit must send a written request to our Office of Cargo Preference.

2. We will make necessary investigations, including consultations with U.S.-flag carriers, to determine that parity of treatment is extended to U.S.-flag vessels in the foreign trade of that nation.

3. If we do not find discrimination, we will advise the applicant that we may grant a General Waiver upon receipt of written confirmation of the applicant's agreement to the terms and conditions set forth in our Policy Statement at paragraph 2(B). When we receive the written confirmation, we will grant the General Waiver in writing with a copy to the U.S. Government instrumentality.

C. Compensatory Waivers

1. If a Compensatory Waiver is needed (see our Policy Statement paragraph 2(C)), the shipper should apply to us in writing, stating the reasons, identifying the government instrumentality Credit Number and country, and attaching freighted copies of the ocean bills of lading covering the applicable cargoes.

2. If, after investigation, we decide to grant a Compensatory Waiver, we will notify the shipper of the requirements. Those requirements include moving whatever amount of revenue tons of non-government impelled cargo on U.S.-flag vessels are required to generate an equivalent or greater amount of ocean freight revenue within a specified time period. The shipper must then execute a written contract with us affirming they will meet those requirements.

3. Once we receive the written contract from the shipper, we will issue the waiver.

D. Conditional Waivers

1. An applicant for a Conditional Waiver (see our Policy Statement paragraph 2(D)) must fulfill the conditions and information stated in Appendix C and must identify the specific overdimensional and integral component cargoes with projected shipping dates during the waiver time period. The shipper must search the market for U.S.-flag carriers to transport the identified cargoes. If the shipper cannot find such carriers, the shipper may apply in writing to us and must provide the information required in Appendix B and state the requested beginning and ending dates of the conditional waiver period. We must receive the application at least sixty (60) calendar days before the intended start of the requested Conditional Waiver period.

2. We will review the application in light of the information presented at the earlier meeting, consult with the U.S. carriers, and request additional information, as necessary.

2. If no U.S.-flag carrier which can accommodate the multiple shipments of overdimensional cargo can be found, we will grant a Conditional Waiver for the agreed time period, conditions, and specific identified cargoes.

4. We will calculate a Guideline Rate for the specific cargoes covered under the Conditional Waiver, as set forth in Appendix D, and will publish the Guideline Rate on our web site for use by bona fide U.S.-flag carriers and the shipper/applicant.

5. Immediately after each shipment departs the load port, the shipper must give us an update of the remaining project cargoes previously approved under the Conditional Waiver and an update of the projected shipping dates. Forty days prior to the next shipment, the shipper must confirm to us the projected load date, place, and cargo.

6. If at any time during the period of the Conditional Waiver, a U.S.-flag non-liner carrier gives at least a thirty (30) day notice to the shipper and us in which the U.S.-flag non-liner carrier offers to carry the cargo at or below the published guideline rate, the U.S.-flag non-liner carrier will be entitled to do so provided the carrier meets our conditions of carriage. If at any time during the period of the Conditional Waiver, a U.S.-flag liner vessel service capable of accommodating the cargoes commences operations, the Conditional Waiver will be withdrawn.

7. To meet the needs of the government instrumentality for each voyage made under a Conditional Waiver, the shipper must give us the government instrumentality Credit Number and country, vessel name, registry, sailing date, load port, discharge port, cargo weight in kilos, cargo volume in cubic meters, revenue tons, FAS value of cargo, ocean freight, list of cargoes shipped, and a signed statement certifying these cargoes were pre-approved by MARAD for shipment under the Conditional Waver. We will then issue a standard non-availability waiver letter for each voyage for presentation to the government instrumentality. This standard non-availability waiver letter will cover only those cargoes specifically identified and previously agreed to under the Conditional Waiver. A shipper who wishes to place any additional cargoes on the same voyage must use the Statutory non-availability waiver procedure, detailed in Appendix A paragraph A, with appropriate notice to the U.S. carriers. Within 30 days of vessel sailing, the shipper must submit a completed Appendix F form and attach a freighted copy of the ocean carriers bill of lading. We will post essential waiver information on our web site for use by bona fide U.S.-flag carriers.

8. A shipper who needs additional time beyond the original Conditional Waiver period must apply for an extension by following steps 1 through 6 above. After investigation and consultation with the U.S. carriers, we may grant an extension.

Appendix B

(OMB No. 2133–0013 applies to this collection of information.)

PR–17 Waiver Request—Format

The below information is required to process a Statutory or Conditional Waiver request. This information should be mailed or faxed to Office of Cargo Preference, Room 8118, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590. Fax number is 202–366–5522. Electronic mail address is cargo.marad@marad.dot.gov

RE: Government Instrumentality Credit No. (Enter the number)—Country (Enter Country name)

Applicant: (Name of company seeking the waiver. Should be the cargo manufacturer or beneficial owner. If a freight forwarder or other party makes the application, it must clearly state on whose behalf it is seeking the waiver and that it legally represents said party.)

Vessel: (Name of vessel you propose to use. Enter "To Be Named" if unknown. Note that actual vessel must be named before a final waiver can be issued. Shippers should be aware that PL 105–383 prohibits the carriage of preference cargoes on substandard vessels. See the MARAD web site.)

Registry: (Nation of registry of vessel. Enter "To Be Named" if unknown.)

Commodity: (Short, one-line description similar to Acquisition List line items. Attach detailed description as part of packing list or similar document.)

Weight: (Total weight in kilos. Attach details of individual shipping components with dimensions and weights as part of packing list or similar document.)

Volume: (Total volume in cubic meters. Attach details of individual shipping components with dimensions and weights as part of packing list or similar document.)

Revenue Tons: (shipper's estimate of cargo revenue tons.)

Value of Shipment: (FAS value in US dollars.)

Ocean Freight: (Actual or estimated ocean freight charges from the carrier whom the applicant proposes to use.)

Loading Port: (Desired port to load cargo.)

Loading Date: (Date when cargo will be ready to load.)

Discharge Port: (Desired port of destination for ocean carriers.)

Written Reason(s) for the Waiver Request With Documentation Supporting Each Reason Attached

The following language *must be included in any waiver request* above the signatory block:

This application is made for the purpose of inducing the United States of America to grant a waiver of Public Resolution 17 and the policy prescribed to carry out the provisions of PR–17. I have carefully examined the application and all documents submitted in connection therewith and, to the best of my knowledge, information and belief, the statements and representatives contained in said application and related documents are full, complete, accurate and true.

Signature:
Name (typed):
Title:
Date:

The Following Documents Must be Attached:

1. Copy of the "Request for Quotations (RFQ)" package which the shipper sent to the carriers. The RFQ should contain the most detailed information available regarding the commodities, sizes and weights. A packing list is preferable.

2. A list of all carriers, with names of personnel, to whom the RFQ was sent.

3. Copies of responses received from any U.S.-flag carriers.

4. Documentation supporting each reason justifying the need for a waiver. For example, a contract problem requires a copy of the applicable contract clauses; a letter of credit problem requires a copy of the L/C; U.S.-flag service not available requires copies of written declinations by the U.S. carriers; etc.

Note: The essential terms of the waiver application and cargo shipment information will be posted on the Maritime Administration web site but restricted to bona fide U.S.-flag carriers.

Note: The U.S. Criminal Code makes it a criminal offense for any person knowingly to make a false statement or representation to, or to conceal a material fact from, any department or agency of the United States as to any matter within its jurisdiction (18 U.S.C. 1001), or to file a false, fictitious or fraudulent claim against the United States (18 U.S.C. 287). Civil fraud may incur fines of $10,000 plus 3 times damages and expenses of government recovery. Criminal fraud provides up to 5 years imprisonment. In addition, entities may be debarred from further Government contracts.

Appendix C

(OMB No. 2133–0013 applies to this collection of information.)

Information and Communication

At the beginning of a project shippers should (required for Conditional Waivers):

—Meet with the U.S.
—flag ocean carriers
—Meet with the Maritime AdministrationPurpose:
—Lay out project in as much detail as possible
—Discuss contract requirements
—Discuss any unique or expected problem requirements
—Provide best estimates, details, pictures of types of cargo
—Identify any long lead time or critical items
—Discuss what cargoes should move together and why
—Discuss anticipated shipment dates tied to project schedules
—Discuss items which it is doubtful U.S. carriers can handle & alternatives
—Obtain carrier capabilities & alternatives
—Establish and maintain a dialogue with U.S. flag carriers

Note: For Conditional Waivers, the shipper must specify the projected overdimensional cargoes and integral components and specify their projected shipping dates.

In addition, for the Maritime Administration meeting:

—Discuss potential waivers, if applicable
—Discuss reporting requirements
—Establish a working relationship with Maritime Administration

The essential information will be posted on the Maritime Administration web site.

As the project progresses, keep the carriers and Maritime Administration informed of progress related to initial projections and unforeseen problems as they arise.

Increased understanding of each party's objectives and capabilities will establish better communications and create a smoother/faster process.

Appendix D

(OMB No. 2133–0013 and 2133–0514 apply to this collection of information.)

Once a shipper requests a Conditional Waiver of the U.S.-flag requirement of PR–17, we will calculate a guideline rate or rates as part of the waiver process. The guideline rate will be for the proposed movement of a specific cargo or cargoes on a specific voyage or voyages on U.S.-flag non-liner vessels. For the purpose of this PR–17 policy, the guideline rates will be calculated using the basic framework contained in the Maritime Administration regulations at 46 CFR part 382.3, except as follows:

1. We will calculate the guideline rate based on a vessel or group of vessels we determine is most suited to the cargo and destination.

2. Costs will be indexed to the year of cargo carriage.

3. The calculation will assume, unless we determine otherwise, that the cargo occupies seventy percent of the cubic capacity of the selected vessel(s).

4. The rate will be specified in U.S. dollars per revenue ton.

Appendix E

(OMB No. 2133–0013 applies to this collection of information.)

Definitions: The following definitions apply to this PR–17 policy.

Breakbulk Cargo: General "mark and count" cargo that is carried on a ship loose or non-containerized.

Critical Item Cargo: A product whose non-availability to support the required installation date would cause the project to shut down or to incur substantial liquidated damages.

Foreign Borrower: A foreign government, corporation, or person who is the recipient of a loan or credit guarantee by an instrumentality of the United States.

Government Instrumentality: An agency or function of the United States Government which provides loans or credit guarantees or other financial incentives to foster, directly or indirectly, the export of any product or service.

Liner Service: A service provided on an advertised schedule giving relatively frequent sailings between specific U.S. ports or ranges and designated foreign ports or ranges.

Long Lead Time Cargo: A product which, if damaged during shipment, would require more than six (6) months to repair or

remanufacture and which is not available sooner from the shipper's inventory or from any other manufacturer.

Ocean Carrier: The operator of the ocean vessel which carries the cargo between one or more United States ports and one or more foreign ports.

Overdimensional Cargo: A specific piece of cargo is considered overdimensional or out-of-gauge when one or more of its dimensions exceed the interior dimensions of a standard maritime industry forty-foot container or the cargo weight exceeds 39 metric tons and it cannot otherwise be accommodated for safe carriage on a container vessel by the use of other specialized equipment.

Priority of Service: All U.S.-flag service from origin to destination is Priority One service and has first preference for carriage of the cargo. A combination of U.S.-and foreign-flag vessels is Priority Two. If there are competing Priority Two offers, the one with the longest U.S.-flag vessel leg of the voyage has priority. If MARAD agrees that no Priority One service is available then a Priority Two service may be used. If no U.S.-flag service is available then MARAD may approve the use of foreign-flag vessels.

Revenue Ton: A metric ton or cubic meter of cargo, whichever yields the greatest revenue to the ocean carrier.

Shipper: A person or company who is the beneficial owner of the cargo and who contracts with a shipping line or shipowner for the carriage of cargo.

Transshipment: The offloading of breakbulk cargo from one vessel at an intermediate port and reloading the breakbulk cargo on a different vessel for delivery to final destination. It does not include cargo in containers, trailers, or barges or other similar equipment where the entire conveyance is relayed from one vessel to another vessel under a through bill of lading.

BILLING CODE 4910–81–P

APPENDIX F

(OMB No. 2133-0013 applies to this collection of information)

U.S. Department of Transportation **Maritime Administration**	MONTHLY REPORT OF OCEAN SHIPMENTS MOVING UNDER EXPORT-IMPORT BANK FINANCING	OMB NO 2133-0013 Public reporting burden of this collection of information is estimated to average 30 minutes per response. Send comments regarding this burden estimate or any other aspect of this information collection to the Maritime Administration, office of Management Services, 400 Seventh Street, S.W., Room 7225, Washington, DC 20590, and to the Office of Management and Budget, Paperwork Reduction Project (2133-00131), Washington, DC 20503.	SHIPMENT OURING MONTH OF: SHIPMENTS TO: (Name of Country) EXPORT-IMPORT CREDIT NO. DATE OF THIS REPORT: FROM: SUBMITTED:

Loading Date	Load Port	Discharge Port	Name of Vessel	Registry	Brief Description of Cargo	Value of Cargo	Metric Tons 2204 lbs	Cubic Meters	Revenue Tons	Ocean Freight Charges USA $

STATUS OF SHIPMENTS TO DATE

	UNITED STATES FLAG			RECIPIENT FLAG			THIRD FLAG		
	Value of Cargo	Revenue Tons	Ocean Freight Charges	Value of Cargo	Revenue Tons	Ocean Freight Charges	Value of Cargo	Revenue Tons	Ocean Freight Charges
Prior Cumulative Totals									
This Report									
Grand Total									

FORM MA-518 (Rev 7-94)

By Order of the Maritime Administrator.
Dated: April 20, 2001.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–10283 Filed 4–24–01; 8:45 am]

BILLING CODE 4910–81–C

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub-No. 176X)]

Union Pacific Railroad Company—Abandonment Exemption—in Calcasieu Parish, LA

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 2.27-mile line of railroad over the Goss Port Industrial Lead from milepost 694.71 to milepost 696.98 in Lake Charles, Calcasieu Parish, LA. The line traverses United States Postal Service Zip Code 70607.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 25, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by May 7, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 15, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James P. Gatlin, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 30, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by UP's filing of a notice of consummation by April 25, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: April 18, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–10168 Filed 4–24–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Fiscal Year

Surety Companies Acceptable on Federal Bonds: Republic—Franklin Insurance Company

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 15 to the Treasury Department Circular 570; 2000 Revision, published June 30, 2000, at 65 FR 40868.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6507.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2000 Revision, on page 40897 to reflect this addition.

Republic—Franklin Insurance Company. Business Address: P.O. Box 530, Utica, NY 13503–0530. Phone: (315) 734–2000. Underwriting Limitation b/: $2,421,000. Surety Licenses c/: CT, DE, DC, GA, IL, IN, KS, MD, MA, MI, NJ, NY, NC, OH, PA, RI, TN, TX, VA, WI. Incorporated In: Ohio.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at http://www.fms.treas.gov/c570/index.html. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 048–000–00536–5.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: April 9, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–10189 Filed 4–24–01; 8:45 am]

BILLING CODE 4810–35–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–115393–98]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–115393–98 (TD 8816), Roth IRAs (§§ 1.408A–2, 1.408A–4, 1.408A–5 and 1.408A–7).

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Roth IRAs.

OMB Number: 1545–1616.

Regulation Project Number: REG–115393–98.

Abstract: The regulation provides guidance on establishing Roth IRAs, contributions to Roth IRAs, converting amounts to Roth IRAs, recharacterizing IRA contributions, Roth IRA distributions and Roth IRA reporting requirements.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, business or other for-profit organizations, and not-for-profit institutions.

Estimated Number of Respondents: 3,150,000.

Estimated Time Per Respondent: 1 minute for designating an IRA as a Roth IRA and 30 minutes for recharacterizing an IRA contribution.

Estimated Total Annual Burden Hours: 125,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 19, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10270 Filed 4–24–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5306A

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, 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, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5306A, Application for Approval of Prototype Simplified Employee Pension or Savings Incentive Match Plan for Employees of Small Employers.

DATES: Written comments should be received on or before June 25, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue, NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Approval of Prototype Simplified Employee Pension or Savings Incentive Match Plan for Employees of Small Employers.

OMB Number: 1545–0199.

Form Number: 5306A (formerly 5306–SEP).

Abstract: This form is used by banks, credit unions, insurance companies, and trade or professional associations to apply for approval of a simplified employee pension plan or a Savings Incentive Match Plan to be used by more than one employer. The data collected is used to determine if the prototype plan submitted is an approved plan.

Current Actions: The form has been revised to more easily accommodate those financial institutions that want to have their prototype Savings Incentive Match Plan approved by the IRS. A new Part III has been added to the form along with the necessary instructions. The form number and title have been changed to reflect these revisions.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 18 hours, 41 minutes.

Estimated Total Annual Burden Hours: 93,400.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 19, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–10271 Filed 4–24–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Department of Veterans Affairs

Allowance for Private Purchase of an Outer Burial Receptacle in Lieu of a Government-furnished Graveliner for a Grave in a VA National Cemetery

ACTION: Notice.

SUMMARY: Public Law 104–275 was enacted on October 9, 1996. It allowed the Department of Veterans Affairs (VA) to provide a monetary allowance towards the private purchase of an outer burial receptacle for use in a VA national cemetery. Under VA regulation (38 CFR 1.629), the allowance is equal to the average cost of Government-furnished graveliners minus any administrative costs to VA. The law continues to provide a veteran's survivors with the option of selecting a Government-furnished graveliner for use in a VA national cemetery where such use is authorized.

The purpose of this Notice is to notify interested parties of the average cost of Government-furnished graveliners, administrative costs that relate to processing a claim, and the amount of the allowance payable for qualifying interments which occur during calendar year 2001.

FOR FURTHER INFORMATION CONTACT: Karen Barber, Program Analyst, Communications and Regulatory Division (402B1), National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Telephone: 202–273–5183 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Under 38 U.S.C. 501(a) and Public Law 104–275, section 213, VA may provide a monetary allowance for the private purchase of an outer burial receptacle for use in a VA national cemetery where its use is authorized. The allowance for qualified interments which occur during calendar year 2001 is the average cost of Government-furnished graveliners in fiscal year 2000, less the administrative costs incurred by VA in processing and paying the allowance in lieu of the Government-furnished graveliner.

The average cost of Government-furnished graveliners is determined by taking VA's total cost during a fiscal year for single-depth graveliners which were procured for placement at the time of interment and dividing it by the total number of such graveliners procured by VA during that fiscal year. The calculation excludes both graveliners procured and pre-placed in gravesites as part of cemetery gravesite development projects and all double-depth graveliners. Using this method of computation, the average cost was determined to be $151.73 for fiscal year 2000.

The administrative costs incurred by VA consist of those costs that relate to processing and paying an allowance in lieu of the Government-furnished graveliner. These costs have been determined to be $9.50 for calendar year 2001.

The net allowance payable for qualifying interments occurring during calendar year 2001, therefore, is $142.23.

Approved: March 23, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

[FR Doc. 01–10272 Filed 4–24–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; System of Records

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of amendment to system of records.

SUMMARY: The Privacy Act of 1974 (5 U.S.C. 552(e) (4)) requires that all agencies publish in the **Federal Register** a notice of the existence and character of their systems of records. Notice is hereby given that the Department of Veterans Affairs (VA) is amending the system of records currently entitled "Blood Donor File-VA" (04VA113) as set forth in the **Federal Register** 40 FR 38095. VA is amending the system by revising System name and number and the paragraphs for Categories of Individuals; Categories of Records; Authority for Maintenance; Routine Uses of Records Maintained in the System; and Policies and Practices for Storing, Retrieving, Retaining, and Disposing of Records in the System, including Safeguards and Retention and Disposal. VA is republishing the system notice in its entirety.

DATES: Comments on the amendment of this system of records must be received no later than May 25, 2001. If no public comment is received, the amended system will become effective May 25, 2001.

ADDRESSES: Written comments concerning the proposed new system of records may be submitted to the Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Veterans Health Administration (VHA) Privacy Act Officer, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (727) 320–1839.

SUPPLEMENTARY INFORMATION: The name and number of the system is changed from "Blood Donor File-VA" (04VA113) to the "Blood Donor Information-VA"

(04VA115). The change in name and number will more accurately reflect the new designation of the Pathology and Laboratory Medicine Services. The change in name gives a clear picture of the types of data contained in the system.

The purpose for the system of records is to maintain vital blood donor information. Information gathered is necessary in order to track the donor from registration to the final disposition of blood and/or blood components produced from the donation. The categories of individuals have been revised to no longer cover individuals who donate blood to Red Cross. The records and information maintained in the system may be used to track the donor medical history, donation interval(s), results of donor testing, and blood and/or blood components produced from the donation. The authority for maintaining the system was updated to reflect current Federal law and regulations. A few routine use disclosures have been amended and one added, as described below:

- Routine Use One has been revised and amended to accurately reflect the current needs of the various medical facilities and practitioners to meet patient care requirements.
- Routine Use Two has been revised and amended to address the needs of all blood donor coordinators to maintain adequate inventories.
- Routine Use Four is being deleted. The routine use disclosure statements will be renumbered.
- Routine Use Seven has been revised and amended by separating it into two routine use disclosures. Routine Uses Six and Seven distinguish the two separate agencies that are authorized use of the system based on the same authority.
- Routine Use Eight has been added to allow the disclosure of relevant information to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement. VA occasionally contracts out certain of its functions when this would contribute to effective and efficient operations. VA must be able to give a contractor whatever information is necessary for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract.

Safeguards were updated to reflect the stricter security policies. The Retention and Disposal section of this system has been amended to comply with current regulatory statutes. The types of information that fall into this category have been identified.

The notice of intent to publish and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (61 FR 6428), February 20, 1996.

Approved: April 5, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

04VA115

SYSTEM NAME:

Blood Donor Information-VA.

SYSTEM LOCATION:

Blood Donor records are maintained at each of the Department of Veterans Affairs (VA) health care facilities. Addresses are listed in VA Appendix I of the biennial publication of Privacy Act Issuances.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have donated blood to a Veterans Health Administration (VHA) health care facility, blood bank, government or private agencies to be issued for patient care under routine or emergency conditions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Blood donor records contain sufficient information (i.e., donor name, social security number, date of donation, type of donation, type of components produced by the donation, mandated tests results, and disposition of the blood or blood component) to provide a mechanism to track a donated blood product from the time of donor registration through the final disposition of each component prepared from that donation. A record of the individual to whom the blood or blood component was transfused and the medical facility where the product was transfused and/or stored is maintained.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

1. Title 38, United States Code, sections 501(a) and 501(b). 2. Title 21, Code of Federal Regulations, parts 200–299 and Parts 600–680. 3. Title 42, Code of Federal Regulations, § 493.1107.

PURPOSE(S):

The information and records are used to track the donor medical history, donation interval(s), results of donor testing, report positive or abnormal test results, and blood and/or blood components produced from the donation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. Disclosure may be made to answer requests for information from Federal, state, local, and tribal medical facilities regarding the source from which blood was received. Such requests may be initiated by a qualified medical practitioner in the event that a donor's or patient's medical condition warrants it.

2. Disclosure may be made of blood availability, location, quantity on hand, and blood type for use by the area donor collection coordinators to answer and fill requests from health care facilities in need of type-specific blood.

3. In the event that a system of records maintained by this component to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

4. A record from a system of records maintained by this component may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Disclosure from a system of records maintained by this component may be made to a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

6. A record from a system of records maintained by this component may be disclosed as a routine use to the General Services Administration for the purpose of records management inspections conducted under authority of Title 44 United States Code.

7. A record from a system of records maintained by this component may be disclosed as a routine use to the National Archives and Records Administration for the purpose of records management inspections conducted under authority of Title 44 United States Code.

8. Disclosure of relevant information may be made to individuals, organizations, private or public agencies, etc., with whom VA has a contract or agreement to perform such services as VA may deem practicable for the purposes of laws administered by VA, in order for the contractor or subcontractor to perform the services of the contract or agreement.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper documents, magnetic tape, disk.

RETRIEVABILITY:

1. All VA blood donor manual records are indexed by name and social security number of donor, cross-indexed by blood type. 2. Automated records are indexed by name, social security number, blood type, antibodies and date of last donation.

SAFEGUARDS:

1. Access to VA working space and medical record storage areas is restricted to VA employees on a "need to know" basis. Generally, VA file areas are locked after normal duty hours and are protected from outside access by the Federal Protective Service. Employee file records and file records of public figures or otherwise sensitive medical record files are stored in separate locked files. Strict control measures are enforced to ensure that disclosure is limited to a "need to know" basis.

2. Strict control measures are enforced to ensure that access to and disclosure from all records including electronic files are limited to VA employees whose official duties warrant access to those files. The system recognizes authorized employees by a series of individually-unique passwords/codes, and the employees are limited to only that information in the file, which is needed in the performance of their official duties.

RETENTION AND DISPOSAL:

Records are maintained and disposed of in accordance with the record disposition authority approved by the Archivist of the United States, National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Consultant, Diagnostic Services SHG (115), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence and/or content of a blood donor information record pertaining to themselves must submit a written request or apply in person to the VA health care facility where the donation occurred. All inquiries must reasonably identify the portion of the blood donor information record desired and the approximate date(s) that service was provided. Additionally, inquiries should include the individual's full name, social security number, and home address at the time of medical service, if known.

RECORD ACCESS PROCEDURES:

Blood donors, patients of VA medical care facilities or duly authorized representatives seeking information regarding access to or who are contesting VA health facility records may write, call or visit the VHA facility where medical service was provided or volunteered.

CONTESTING RECORD PROCEDURES:(SEE RECORD ACCESS PROCEDURES ABOVE)

RECORD SOURCE CATEGORIES:

1. The blood donor. 2. Private hospitals and local blood banks. 3. Private physicians. 4. Non-VA Laboratories.

[FR Doc. 01–10273 Filed 4–24–01; 8:45 am]
BILLING CODE 8320–01–U

Corrections

Federal Register
Vol. 66, No. 80
Wednesday, April 25, 2001

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.

FEDERAL RESERVE SYSTEM

12 CFR Part 261a

[Docket No. R–1102]

Rules Regarding Access to Personal Information Under the Privacy Act

Correction

In rule document 01–9432, beginning on page 19717 in the issue of Tuesday, April 17, 2001, make the following corrections:

§261a.13 [Corrected]

1. On page 19718, in the first column, in amendatory instruction 2., in the second line, "(e)(11)" should read "(c)(11)".

2. On the same page, in the first column, in **§261a.13**, "paragraph (a)" should read "(b)".

[FR Doc. C1–9432 Filed 4–24–01; 8:45 am]
BILLING CODE 1505–01–D

GENERAL SERVICES ADMINISTRATION

Public Building Services, Technical Support Division; Notice of Availability of Record of Decision

Correction

In notice document 01–8742 beginning on page 18641 in the issue of Tuesday, April 10, 2001, make the following correction:

On page 18641, in the third column, in the first paragraph, in the fourth line, the word "Inspection" should read "Intersection".

[FR Doc. C1–8742 Filed 4–24–01; 8:45 am]
BILLING CODE 1505–01–D

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44167; File No. SR-CHX-2001-05]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Incorporated, Relating to the Exchange's SuperMAX 2000 Price Improvement Algorithm

Correction

In notice document 01–9170 beginning on page 19265 in the issue of Friday, April 13, 2001, the release number is corrected as set forth above.

[FR Doc. C1–9170 Filed 4–24–01; 8:45 am]
BILLING CODE 1505–01–D

Federal Register

Wednesday,
April 25, 2001

Part II

Department of Education

National Institute on Disability and Rehabilitation Research

Notice of Proposed Funding Priorities for Fiscal Years (FYs) 2001–2003 for Two Rehabilitation Research and Training Centers; Notice

DEPARTMENT OF EDUCATION

National Institute on Disability and Rehabilitation Research

Notice of Proposed Funding Priorities for Fiscal Years (FYs) 2001–2003 for Two Rehabilitation Research and Training Centers

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice of Proposed Funding Priorities for Fiscal Years (FYs) 2001–2003 for two Rehabilitation Research and Training Centers.

SUMMARY: We propose funding priorities for two Rehabilitation Research and Training Centers (RRTC) under the National Institute on Disability and Rehabilitation Research (NIDRR) for FY 2001–2003: One on Rehabilitation of Persons who are Blind or Visually Impaired and one on Rehabilitation of Persons who are Deaf or Hard of Hearing. We may use these priorities for competitions in FY 2001 and later years. We take this action to focus research attention on areas of national need. We intend these priorities to improve the rehabilitation services and outcomes for individuals with disabilities.

DATES: We must receive your comments on or before May 25, 2001.

ADDRESSES: All comments concerning these proposed priorities should be addressed to Donna Nangle, U.S. Department of Education, 400 Maryland Avenue, SW., room 3414, Switzer Building, Washington, DC 20202–2645. Comments may also be sent through the Internet: Donna.nangle@ed.gov.

FOR FURTHER INFORMATION CONTACT: Donna Nangle. Telephone: (202) 205–5880. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–4475.

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 person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Invitation To Comment

We invite you to submit comments regarding these proposed priorities.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed priorities. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these priorities in Room 3414, Switzer Building, 330 C Street SW., Washington, DC, between the hours of 8 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability that needs assistance to review the comments or other documents in the public rulemaking record for these proposed priorities. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

National Education Goals

These proposed priorities will address the National Education Goal that every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

The authority for the program to establish research priorities by reserving funds to support particular research activities is contained in sections 202(g) and 204 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 762(g) and 764(b)). Regulations governing this program are found in 34 CFR part 350.

We will announce the final priorities in a notice in the **Federal Register**. We will determine the final priorities after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing or funding additional priorities, subject to meeting applicable rulemaking requirements.

Note: This notice does *not* solicit applications. In any year in which we choose to use these proposed priorities, we invite applications through a notice published in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational.

The proposed priorities refer to NIDRR's Long-Range Plan that can be accessed on the World Wide Web at: (*http://www.ed.gov/offices/OSERS/NIDRR/#LRP*).

Authority for Rehabilitation Research and Training Centers

The authority for the RRTC program is contained in section 204(b)(2) of the Rehabilitation Act of 1973, as amended (29 U.S.C. 764(b)(2)). Under this program the Secretary makes awards to public and private organizations, including institutions of higher education and Indian tribes or tribal organizations for coordinated research and training activities. These entities must be of sufficient size, scope, and quality to effectively carry out the activities of the Center in an efficient manner consistent with appropriate State and Federal laws. They must demonstrate the ability to carry out the training activities either directly or through another entity that can provide that training. The Secretary may make awards for up to 60 months through grants or cooperative agreements. The purpose of the awards is for planning and conducting research, training, demonstrations, and related activities leading to the development of methods, procedures, and devices that will benefit individuals with disabilities, especially those with the most severe disabilities.

Description of Rehabilitation Research and Training Centers

RRTCs are operated in collaboration with institutions of higher education or providers of rehabilitation services or other appropriate services. RRTCs serve as centers of national excellence and national or regional resources for providers and individuals with disabilities and the parents, family members, guardians, advocates or authorized representatives of the individuals.

RRTCs conduct coordinated, integrated, and advanced programs of research in rehabilitation targeted toward the production of new knowledge to improve rehabilitation methodology and service delivery systems, to alleviate or stabilize disabling conditions, and to promote maximum social and economic independence of individuals with disabilities.

RRTCs provide training, including graduate, pre-service, and in-service training, to assist individuals to more effectively provide rehabilitation services. They also provide training including graduate, pre-service, and in-service training, for rehabilitation research personnel and other rehabilitation personnel.

RRTCs serve as informational and technical assistance resources to providers, individuals with disabilities,

and the parents, family members, guardians, advocates, or authorized representatives of these individuals through conferences, workshops, public education programs, in-service training programs and similar activities.

RRTCs disseminate materials in alternative formats to ensure that they are accessible to individuals with a range of disabling conditions.

NIDRR encourages all Centers to involve individuals with disabilities and individuals from minority backgrounds as recipients of research training, as well as clinical training.

The Department is particularly interested in ensuring that the expenditure of public funds is justified by the execution of intended activities and the advancement of knowledge and, thus, has built this accountability into the selection criteria. Not later than three years after the establishment of any RRTC, NIDRR will conduct one or more reviews of the activities and achievements of the Center. In accordance with the provisions of 34 CFR 75.253(a), continued funding depends at all times on satisfactory performance and accomplishment.

Proposed Priority 1: Rehabilitation of Persons Who Are Blind or Visually Impaired

Background

Based on 1996 worldwide population estimates, approximately 45 million persons are blind and 135 million have low vision (World Health Organization Programs for the Prevention of Blindness and Deafness, 1997). One in six Americans (17 percent, 45 years or older, representing 13.5 million middle-aged and older adults) reports some form of vision impairment even when wearing glasses or contact lenses (The Lighthouse Inc., 1995). Nationally among persons age 21 to 64 who are visually impaired, defined as difficulty or inability to see words and letters, only 43.7 percent are employed. Among individuals unable to see words and letters, the figure decreases to 30.6 percent. This proportion is significantly lower than the estimated 80 percent of persons without disabilities in this age group who are employed (based on 1994–1995 estimates: McNeil, 1997; personal communication, November 16, 1996).

NIDRR published a Long-Range Plan (The Plan) which is based on a paradigm for rehabilitation that identifies disability in terms of its relationship between the individual and the natural, built, cultural, and social environment (63 FR 57189–57219). The Plan focuses on both individual and systemic factors that have an impact on the ability of individuals with disabilities to function.

In accord with this Plan, there is an ongoing need to maintain and improve successful employment and career outcomes for individuals who are blind or have visual impairments through vocational rehabilitation, community rehabilitation, postsecondary education, and independent living services for individuals who are blind or have visual impairments. Research and training activities under this RRTC must clearly focus on the vocational rehabilitation needs of adults, who, by definition, are the primary recipients of vocational rehabilitation services. Likewise, the thrust of the RRTC should focus on individuals who are blind or have severe visual impairment as opposed to those who have minimal vision loss.

With the passage of legislation such as the Workforce Investment Act of 1998 (WIA) and the Work Incentive Improvement Act, the expertise of vocational rehabilitation agencies in developing community partnerships will play a role in establishing vocational rehabilitation as a major partner in the workforce development system and the one-stop centers. Vocational rehabilitation now collaborates with welfare to work programs, independent living centers, and colleges and technical schools. The influence of such collaboration upon vocational outcomes for individuals who are blind or have visual impairments remains unknown. Thus, there is a need to investigate and document the impact of any changes in disability and employment legislation on addressing the unique employment needs of individuals who are blind and have visual impairments. Research should identify barriers that hinder the participation of individuals who are blind or have visual impairments in these evolving systems and develop and document effective strategies to eliminate such barriers.

Understanding the ongoing employment problems of individuals who are blind or have visual impairments has been hampered by the virtual absence of salient data such as work history, use of assistive techniques, transportation, and other environmental features. A subtle constraint is the tendency to "over attribute" problems to individuals' vision status without seriously examining the dynamics of vision loss in relation to other characteristics of the work they do or seek to do, and characteristics of their work settings. Thus, there is a serious need to identify and document salient demographic and employment-related characteristics associated with working-age adults who are blind or have visual impairments, including but not limited to highlighting differences among this group, as well as general differences between working-age adults with disabilities and working-age adults without disabilities. Research that results in contemporary and accurate data on employment status and an improved understanding of employment issues is critically important to the development of a national agenda and strategies to achieve full employment for individuals who are blind or have visual impairments.

New computer technologies and the growing trend toward home-based work appear to enhance especially the employment outcomes and earning potential of individuals with disabilities. New computer and information technologies place a premium on intellectual and interpersonal skills and offer solid employment opportunities for individuals with disabilities who remain current with the changing work environment. Efforts to support individuals who are blind or have visual impairments can be enhanced by using emerging technologies to improve access to services (particularly for individuals in remote areas), reduce information dissemination barriers, improve employment training and job opportunities, and facilitate improved training options for service providers. Research should be focused on determining how computer technology can be effectively used to improve the independence of individuals who are blind or visually impaired, identifying barriers that prevent access and expanded use of technology, and, increasing service provider knowledge of and experience with using technology to support rehabilitation service efforts.

Computer and information technology is changing rapidly. Rehabilitation professionals must have state-of-the-art knowledge of accessible computer and information technology for individuals who are blind or visually impaired. To address such a need, this RRTC will facilitate collaboration between the Rehabilitation Services Administration (RSA) and NIDRR to support the training of State vocational rehabilitation agency staff through use of a trainer model.

Since 1936 the Randolph-Sheppard Act has been a source of employment for individuals who are blind. This program enables individuals who are blind to become licensed facility managers and operate vending facilities on Federal and State property.

According to RSA, in fiscal year 1999, 2,809 blind vendors operated 3,352 vending facilities under the Randolph-Sheppard Act Program. The program generated $448.1 million in gross earnings with individual vendors averaging an annual income of $32,544. The RRTC should undertake an assessment to identify areas of the program that may be improved by training Business Enterprise Program counselors and licensed managers. The training is intended to foster the acquisition of improved skills by counselors and licensed managers and increase the capacity of the Business Enterprise Program to be competitive with other vending facilities.

Priority

We propose to establish a RRTC on improving vocational services for individuals who are blind or have visual impairments. In carrying out this purpose, the Center must:

(a) Investigate and document the impact of changes in disability and employment legislation to address the unique employment-related needs of individuals who are blind or have visual impairments;

(b) Investigate, document, and analyze existent State and Federal data sets (e.g., RSA 911 data, NCHS data sets on population health conditions, the national Independent Living Center survey and, the annual State-by-State VR agency data sets detailing performance outcomes), including client and service provider characteristics (e.g., age of onset of blindness or visual impairment relative to successful employment outcomes), to determine different employment outcomes for persons who are blind or have visual impairments;

(c) Investigate and document how State vocational rehabilitation agencies, other public agencies, and private service providers overcome environmental barriers (e.g., using assistive technology and jobsite modifications) in order to improve employment outcomes for individuals who are blind or have visual impairments; and

(d) Develop a national information and resource referral data base for the training needs of State business enterprise program facilities; develop and deliver training programs to meet the identified training needs; and develop measures that can be applied to evaluate the efficacy of the training.

In carrying out the purposes of the priority, the RRTC must conduct at least three conferences to train vocational rehabilitation staff on state-of-the-art information and computer technology for individuals who are blind or have visual impairments.

In addition to the activities proposed by the applicant to carry out these purposes, the RRTC must:

- Involve individuals who are blind or have visual impairments and, if appropriate, their representatives, in planning, developing, and implementing the research, training, dissemination and evaluation activities of the RRTC;
- Coordinate with appropriate Federally funded projects; and
- Identify coordination responsibilities through consultation with the assigned NIDRR Project Officer; these responsibilities may include outreach to specific NIDRR Disability and Rehabilitation Research Projects, Rehabilitation Engineering and Research Centers, RRTCs, Disability Business and Technical Assistance Centers, Assistive Technology projects, Office of Special Education programs, and RSA projects.

Proposed Priority 2: Vocational Rehabilitation Services for Individuals Who Are Deaf or Hard of Hearing

Background

According to the National Center for Health Statistics, approximately 8.6 percent of the national population experience hearing loss (Ries, Vital and Health Statistics, 10, 1995). Using population projections for the year 2000 and adjusting for the increase in prevalence of hearing loss due to aging, it is estimated that approximately 26.5 million persons experience hearing loss. Of these persons, 80 percent experience permanent, irreversible hearing damage (National Strategic Research Plan for Hearing and Hearing Impairment and Voice and Voice Disorders, National Institute on Deafness and Communicative Disorders, 1992). Furthermore, this population is quite heterogeneous, varying with respect to degree and type of hearing loss, age at onset, individual communication mode, level of personal or employment functionality and race or ethnic background. As a result, the population needs diverse vocational rehabilitation (VR) services.

Degree of hearing loss functionally distinguishes persons who are hard of hearing and persons who are deaf. Persons identified as hard of hearing may understand conversational speech with or without amplification and are not primarily dependent on visual communication (Rehabilitation Services Administration, 1995). Estimates indicate there are more than 10.5 million hard of hearing individuals of working age. Persons who are deaf are primarily dependent upon visual communication such as writing, text reading (also known as CART or computer-aided real-time translation), speech reading, sign language, and sign language interpreting. This population includes persons who are born deaf as well as those who become deaf later in life.

The age at which one becomes deaf strongly influences their language, academic and vocational development, and therefore figures prominently in that person's VR needs. Persons born deaf or who become deaf during early childhood are likely to need specialized services such as access to service providers who can communicate using American Sign Language or other visual-gesture languages and vocational assistance to enhance their employment prospects (Easterbrooks & Baker-Hawkins, Deaf and Hard of Hearing Students Educational Service Guidelines, National Association of State Directors of Special Education). Estimates indicate that there are approximately 479,000 deaf individuals of working age (18–64) who became deaf during early childhood.

Yet another category of individuals is those persons who become deaf after having experienced hearing as well as speech and language development. Members of this group may include people who have already completed substantial formal education, maintained a career, and generally functioned as a hearing person before being deafened. While these individuals already possess speech and language, they will be dependent primarily on visual receptive communication. Estimates indicate that there are approximately 2.8 million such individuals in the United States.

The population of persons who are deaf also includes a subgroup identified largely on the basis of functional needs in addition to hearing loss. This group of deaf persons has been described as "low functioning." (Serving Individuals Who Are Low Functioning Deaf, 25th Institute on Rehabilitation Issues, Rehabilitation Services Administration, 1999). Persons who are deaf and low functioning vary with respect to rehabilitation needs due to a diagnosed secondary disability or related academic, language, or behavioral factors. Those individuals may require rehabilitation assistance in areas such as communication, education, independent living skills, and a full continuum of employment preparation, entry, and ongoing supports. Estimates of the population indicate that there are approximately 144,000 individuals of working age who are deaf and low

functioning (25th Institute on Rehabilitation Issues, 1999).

When provided appropriate and effective VR services, deaf individuals whose level of social and vocational function is severely limited can obtain and maintain employment (Conway, Work Place Issues, Career Opportunities, Advancement and Deafness, Volta Review, 1995). Often, however, a broad range of services are needed, and these services must be provided in an accessible manner that recognizes individual communication needs and preferences (Conway, 1995). Among the cases closed by State VR agencies were 17,863, or 72.9 percent closed as rehabilitated and 6,627, or 27.1 percent closed as non-rehabilitated. Of the "rehabilitated" group closures, 77.4 percent were in competitive employment; 1.9 percent in extended employment, 2.6 percent in self-employment and the balance in other employment sectors (RSA, Caseload Services data, 1996). Interestingly, close examination of closure rates for specific target groups indicate that deaf persons achieve employment at significantly lower percentages than their hard of hearing counterparts. Research is needed to address different services in order to obtain optimal outcomes. Despite this disparity in outcome, these data clearly document the role and contributions of the State and Federal VR system in providing services that lead to employment outcomes for significant numbers of individuals who are deaf.

Currently, the State and Federal VR system is undergoing significant change in response to conditions occurring in the labor market and the resulting need for workers. The labor force is characterized by economic growth, a low rate of unemployment, technological advances, and demand for jobs that require higher education and training. Plans to meet the State and local workforce needs of persons with disabilities, including persons who are deaf or hard of hearing, must be responsive to current thrusts in service delivery policy such as presumptive eligibility, continuing emphasis on order of selection, informed choice, one-stop service delivery, and increased demands for new approaches in training and personnel preparation (25th Institute on Rehabilitation Issues, 1999).

It is clear that agencies will require significant technical assistance and resources in developing service models and approaches for serving special populations such as deaf and hard of hearing persons in response to these changes (Hopkins & Walter, 1999; PEPNet Needs Assessment: Summary of Findings, In Kolvitz, (Ed.), Empowerment through partnerships: PEPNet 1998; Boone & Watson, Identifying the Technical Assistance Needs of Community Based Rehabilitation Centers Serving Persons who are Deaf or Hard of Hearing, 1999). Research is needed to identify service delivery needs of persons who are deaf or hard of hearing and to develop interventions that result in satisfactory employment outcomes.

There is a clear need for ongoing research to maintain and improve successful employment and career outcomes resulting from VR, community rehabilitation, postsecondary education, and independent living services for persons who are deaf (NIDRR Long-Range Plan, 63 FR 57189–57219). Research under this competition must clearly focus on the VR needs of deaf individuals, including subgroups within this population with prevocational and post-vocational hearing loss, and those individuals identified as low functioning. There is need to examine decisionmaking processes as they impact upon deaf individuals and relevant others such as service providers, advocates, advisors, and family members, in relation to issues of access and participation by deaf and hard of hearing individuals in appropriate VR, postsecondary training, and independent living services. When such research analysis or mapping of decision processes and information sharing reveals problems, then appropriate resource development activities must be pursued, such as development of curriculum materials, training, evaluation, and technical assistance. In particular, strategies will be needed to involve new partners such as "one-stops" and centers for independent living, and underserved subgroups within the deaf and hard of hearing populations, such as those individuals described as low functioning and others with special needs. Research must investigate variables related to specific deafness and hard of hearing subgroups, services settings, measures of program participation, and measures of success within the changing policy, labor market, and service delivery environments.

Priority

We propose to establish an RRTC on VR services for individuals who are deaf or hard of hearing that will conduct research and training activities and develop and evaluate model approaches to improve the employment outcomes for such individuals. In carrying out this purpose, the center must:

(a) Investigate and document the impact of changes in disability and employment legislation (*e.g.*, Workforce Investment Act of 1998, Rehabilitation Act Amendments of 1998) and service delivery options and policy (*e.g.*, State and Federal VR, Community Rehabilitation Programs, One-Stop Centers, presumptive eligibility, order of selection, informed choice, CSPD) using formal research protocols on workforce participation and employment outcomes achieved by persons who are deaf or hard of hearing (including those identified as low functioning) and considering such factors as age, gender, race or ethnic background, education, severity of impairment, and secondary disability;

(b) Identify, evaluate, and document contemporary business policies and practices that contribute to accessible work, workplace supports, and environments to enhance the employment of persons who are deaf or hard of hearing;

(c) Identify, develop, and measure the impact of innovative rehabilitation practices, resource materials, post-secondary training, and technology (for State and Federal VR, Independent Living, and Community-based Rehabilitation Programs) that will enhance the workforce participation, employment, and community living outcomes achieved by persons who are deaf or hard of hearing; and

(d) Develop and disseminate resources through a national technical assistance, information and referral network for consumers who are deaf or hard of hearing (including those referred to as low functioning deaf), their employers, advocates, family members, and rehabilitation service providers.

In carrying out these purposes, the center must:

- Coordinate the activities of this Center with the efforts of grantees from NIDRR, the Office of Special Education Programs (OSEP), or RSA who are involved in postsecondary training, transition, job-related or vocational and career studies, independent living needs, and aspects of rehabilitation technology addressing the needs of persons who are deaf, particularly those referred to as low functioning deaf;
- Solicit, maximize, and utilize direct input from persons who are deaf, their service providers, and their employers as part of the ongoing planning, development, and implementation of the Center's research activities;
- Construct scientific and measurable techniques for each research project;
- Provide dissemination to rehabilitation professionals, through training and technical assistance of new

and effective rehabilitation techniques and practices that may enhance service delivery, quality employment, and community integration findings; and

• Develop sources for supplementary funding that will permit the Center more latitude in exploring additional related studies, in addition to the Federal monies available from this RRTC grant.

Applicable Program Regulations: 34 CFR part 350.

Program Authority: 29 U.S.C. 762(g) and 764(b)(2).

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 the following site: www.ed.gov/legislation/FedRegister.

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(Catalog of Federal Domestic Assistance Number: 84.133B, Rehabilitation Research and Training Centers Program)

Dated: April 19, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation, Research.

[FR Doc. 01–10196 Filed 4–24–01; 8:45 am]

BILLING CODE 4000–01–P

Federal Register

Wednesday,
April 25, 2001

Part III

Department of Education

Bilingual Education: State Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.194Q]

Bilingual Education: State Grant Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for an award under this program. The statutory authorization for this program, and the application requirements that apply to this competition, are contained in section 7134 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Pub. L. 103–382, enacted October 20, 1994 (the Act) (20 U.S.C. 7454)).

Purpose of Program: This program provides grants to State educational agencies to: (1) Assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation; and (2) collect data on the State's limited English proficient (LEP) population and the educational programs and services available to that population. However, a State is exempt from the requirement to collect data if it did not, as of October 20, 1994, have a system in place for collecting the data.

Eligible Applicants: State educational agencies.

Deadline for Transmittal of Applications: May 30, 2001.

Deadline for Intergovernmental Review: July 30, 2001.

Available Funds: $6 million.

Estimated Number of Awards: 40.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, and 99. (b) The regulations in 34 CFR part 299.

Description of Program

Funds under this program are to be used to assist local educational agencies in the State with program design, capacity building, assessment of student performance, and program evaluation. In addition, grantees are required to collect data on the State's LEP population and the educational programs and services available to that population unless a grantee's State did not, as of October 20, 1994, have a system for collecting data in place. However, a State that develops a system for collecting data on the educational programs and services available to all LEP students in the State subsequent to October 20, 1994 must meet this requirement. A grantee may also use funds provided under this program for the training of State educational agency personnel in educational issues affecting LEP children and youth.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria under 34 CFR 75.209 and 34 CFR 75.210 and section 7134 of the Act to evaluate applications for new grants under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria*—(1) *Providing for the education of children and youth with limited English proficiency.* (20 points) The Secretary reviews each application to determine how effectively the applicant provides, through its own programs and other Federal education programs, for the education of limited English proficient children and youth within its State.

(Authority: 20 U.S.C. 7454(a))

(2) *Need for the project.* (15 points) (i) The Secretary considers the need for the proposed project.

(ii) In determining the need for the proposed project, the Secretary considers the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(Authority: 34 CFR 75.210(a)(1) and (2)(ii))

(3) *Quality of the project design.* (25 points) (i) The Secretary considers the quality of the design of the proposed project.

(ii) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(A) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(B) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(C) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.

(Authority: 34 CFR 75.210(c)(1)–(2)(i), (xii), and (xvi))

(4) *Quality of project services.* (15 points) (i) The Secretary considers the quality of the services to be provided by the proposed project.

(ii) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The extent to which the services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(B) The extent to which entities that are to be served by the proposed technical assistance project demonstrate support for the project.

(C) The extent to which the technical assistance services to be provided by the proposed project involve the use of efficient strategies, including the use of technology, as appropriate, and the leveraging of non-project resources. (Authority: 34 CFR 75.210(d)(1)–(3)(i), (ii), and (x))

(5) *Quality of project personnel.* (10 points) (i) The Secretary considers the quality of the personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The qualifications, including relevant training and experience, of the project director.

(B) The qualifications, including relevant training and experience, of key project personnel.

(Authority: 34 CFR 75.210(e) (1)–(3)(i)–(ii))

(6) *Adequacy of resources:* (5 points) (i) The Secretary considers the adequacy of resources for the proposed project.

(ii) In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(A) The adequacy of support, including facilities, equipment, supplies, and other resources, from the applicant organization or the lead applicant organization.

(B) The extent to which the budget is adequate to support the proposed project.

(C) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(Authority: 34 CFR 75.210(f) (1)–(2)(i), (iii)–(iv))

(7) *Quality of the project evaluation.* (10 points) (i) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(ii) In determining the quality of the evaluation, the Secretary considers the following factors:

(A) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(B) The extent to which the methods of evaluation are appropriate to the context within which the project operates.

(Authority: 34 CFR 75.210(h) (1)–(2)(i)–(ii))

Intergovernmental Review of Federal Programs:

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and to strengthen federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

If you are an applicant, you must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. If you propose to perform activities in more than one State, you should immediately contact the SPOC for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any SPOC, see the latest official SPOC list on the Web site of the Office of Management and Budget at the following address: http://www.whitehouse.gov/omb/grants.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a SPOC and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this application notice to the following address: The Secretary, E.O. 12372—CFDA# 84.194Q, U.S. Department of Education, 400 Maryland Avenue, SW., Room 7E200, Washington, DC 20202–0125.

We will determine proof of mailing under 34 CFR 75.102 (Deadline date for applications). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH AN APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

Instructions for Transmittal of Applications

Note: Some of the procedures in these instructions for transmitting 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 Bilingual Education State Grant Program (CFDA No. 84.194Q) is one of the programs included in the pilot project. If you are an applicant under the Bilingual Education State Grant Program, 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 Application for Federal Education Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Fax a signed copy of the Application for Federal Education Assistance (ED 424) after following these steps:

1. Print ED 424 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 ED 424.
5. Fax ED 424 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 Bilingual Education State Grant Program 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) elsewhere in this notice.

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements.

(A) If You Send Your Application by Mail

You must mail the original and one copy of the application on or before the deadline date to: U.S. Department of Education, Application Control Center,Attention: CFDA No. 84.194Q, Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(B) If You Deliver Your Application by Hand

You or your courier must hand-deliver the original and one copy of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.194Q, Room 3633, Regional Office Building 3, 7th and D Streets, SW., Washington, DC.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(C) If You Submit Your Application Electronically

You must submit your grant application through the Internet using the software provided on the e-Grants Web site (http://e-grants.ed.gov) by 4:30 p.m. (Washington, DC time) on the deadline date.

The regular hours of operation of the e-Grants Web site are 6:00 a.m. until 12:00 midnight (Washington, DC time) Monday—Friday and 6:00 a.m. until 7:00 p.m. Saturdays. The system is unavailable on the second Saturday of every month, Sundays, and Federal holidays. Please note that on Wednesdays the Web site is closed for maintenance at 7:00 p.m. (Washington, DC time).

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(2) If you send your application by mail or deliver it by hand or by a courier service, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 4 of the Application for Federal Education Assistance (ED 424; revised November 12, 1999) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(4) If you submit your application through the Internet via the e-Grants Web site, you will receive an automatic acknowledgment when we receive your application.

Application Instructions and Forms:

The appendix to this application notice contains the following forms, instructions, assurances, certifications, and notices:

a. Estimated Public Reporting Burden Statement.

b. Application Instructions.

c. Checklist for Applicants.

d. Application for Federal Education Assistance (ED 424) and Instructions.

e. Budget Information—Non-Construction Programs (ED 524) and Instructions.

f. Assurances—Non-Construction Programs (Standard Form 424B) and Instructions.

g. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and Instructions.

h. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (ED 80–0014) and Instructions.

i. Disclosure of Lobbying Activities (Standard Form LLL) and Instructions.

j. Notice to All Applicants (regarding compliance with section 427 of the General Education Provisions Act (GEPA) (OMB No. 1801–0004).

An applicant may submit information on a photostatic copy of the application forms, assurances, and certifications. However, if an application is submitted in conventional paper form, one copy of the application forms, assurances, and certifications must have an original signature.

All applicants submitting their applications in conventional paper form must submit ONE original signed application, including ink signatures on all forms and assurances, and ONE copy of the application. Please mark each application as *original* or *copy*. No grant may be awarded unless a complete application has been received.

FOR FURTHER INFORMATION CONTACT: Harry Logel, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5086, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–5530. E-mail: Harry_Logel@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 between 8 a.m. and 8 p.m. (Washington, DC time), Monday through Friday.

Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed above. Please note, however, that the Department is not able to reproduce in an alternative format the standard forms included in the notice.

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 the following site: http://www.ed.gov/legislation/FedRegister.

To use PDF you must have Adobe Acrobat Reader, which is available free at the preceding site. 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. 7454.

Dated: April 19, 2001.

Arthur M. Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

Appendix—Estimated Public Reporting Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0541 (Exp. 12/31/2001). The time required to complete this information collection is estimated to average 60 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. *If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to:* U. S. Department of Education, Washington, DC 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs,U.S. Department of Education, 400 Maryland Avenue, SW.,Room 5086, Switzer Building, Washington, DC 20202–6510.

Application Instructions

Parity Guidelines between Paper and Electronic Applications

The Department of Education is expanding the pilot project, which began in FY 2000, that allows applicants to use an Internet-based electronic system for submitting applications. This competition is among those that have an electronic submission option available to all applicants. The system, called e-APPLICATION, formerly e-

GAPS (Electronic Grant Application Package System), allows an applicant to submit a grant application to us electronically, using a current version of the applicant's Internet browser. To see e-APPLICATION visit the following address: http://e-grants.ed.gov.

In an effort to ensure parity and a similar look between applications transmitted electronically and applications submitted in conventional paper form, e-APPLICATION has an impact on all applicants under this competition.

Users of e-APPLICATION, a data driven system, will be entering data on-line while completing their applications. This will be more interactive than just e-mailing a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will go into a database and ultimately will be accessible in electronic form to our reviewers.

This pilot project is another step in the Department's transition to an electronic grant award process. In addition to e-APPLICATION, the Department is conducting a limited pilot of electronic peer review (e-READER) and electronic annual performance reporting (e-REPORTS).

To help ensure parity and a similar look between electronic and paper copies of grant applications, we are asking each applicant that submits a paper application to adhere to the following guidelines:

- Submit your application on 8½" by 11" paper.
- Leave a 1-inch margin on all sides.
- Use consistent font throughout your document. You may also use boldface type, underlining, and italics. However, please do not use colored text.
- Please use black and white, also, for illustrations, including charts, tables, graphs, and pictures.
- For the narrative component, your application should consist of the number and the heading of each selection criterion followed by the narrative.
- Place a page number at the bottom right of each page of the narrative component, beginning with 1; and number your pages consecutively throughout the narrative component.

Abstract

The narrative component should be preceded by a one-page abstract that includes a short description of the LEP population in the State, project objectives, and planned project activities.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria.

GPRA Program Performance Indicators

The Government Performance and Results Act (GPRA) of 1993 directs Federal agencies to improve the effectiveness of their programs by setting outcome-related goals for programs and measuring program results against those goals. One of the steps taken by the U.S. Department of Education to implement this Act is to ask its grantees to report annually their progress toward meeting the objectives of their projects in relation to the GPRA program performance indicators. Therefore applicants for new grants should ensure that the project goals and objectives they propose in the narrative component of their applications include outcome-oriented performance goals and objectives that are measurable and reportable in relation to the GPRA performance indicators for the particular program under which they are seeking Federal assistance.

Applicants under the Bilingual Education State Grant Program should, in devising project goals and objectives, take into account the following GPRA performance indicator for this program:

More specific reporting: All States will increase their capacity to plan for and provide technical assistance by reporting more specifically on LEP programs designed to meet the educational needs of LEP students, their academic test performance, and grade retention rates.

Table of Contents

The application should include a table of contents listing the various parts of the narrative in the order of the selection criteria. The table should include the page numbers where these parts are found.

Budget

A separate budget summary and cost itemization must be provided on the Budget Information Form (ED 524) and in the itemized budget for the project year. Budget line items should be directly related to the activities that are proposed to achieve the goals and objectives of the project.

Final Application Preparation

Use the Checklist for Applicants provided below to verify that your application is complete. If you submit your application in conventional paper form, provide two copies of the application, including one copy with an original signature on each form that requires the signature of the authorized representative. Do not use elaborate bindings, notebooks, or covers. If you mail your application, the application must be postmarked by the application deadline date.

Checklist for Applicants

Application Forms and Other Items

1. Application for Federal Education Assistance Form (ED 424).
2. Budget Information Form (ED 524).
3. Itemized budget.
4. Assurances—Non-Construction Programs Form (SF 424B).
5. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements Form (ED 80–0013).
6. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions Form (ED 80–0014) (if applicable).
7. Disclosure of Lobbying Activities Form (SF–LLL).
8. Notice to All Applicants (GEPA requirement) (OMB No. 1801–0004).
9. One-page abstract.
10. Table of contents.
11. Application narrative.

Application Transmittal

1. By mail or hand delivery: one original and one copy of the application to the U.S. Department of Education Application Control Center; *or* by electronic transmission: software provided on the e-Grants Web site.
2. One copy to the appropriate State Single Point of Contact (if applicable).

BILLING CODE 4000–01–P

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:_____
Address: _____
_____
City _____ State _____ County _____ ZIP Code + 4 _____-_____

Organizational Unit

2. Applicant's D-U-N-S Number: |__|__|__|__|__|__|__|__|__|

3. Applicant's T-I-N |__|__|-|__|__|__|__|__|__|__|

4. Catalog of Federal Domestic Assistance #: **84.__1__|__9__|__4__|__Q__|** →

Title: **Bilingual Education: State Grant Program**

5. Project Director:_____

Address:_____

City _____ State _____ Zip code + 4 _____
Tel. #: ( )_____-_____ Fax #: ( )_____-_____

E-Mail Address:_____

6. Is the applicant delinquent on any Federal debt? __Yes __No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)* |____|

A - State	H - Independent School District
B - County	I - Public College or University
C - Municipal	J - Private, Non-Profit College or University
D - Township	K - Indian Tribe
E - Interstate	L - Individual
F - Intermunicipal	M - Private, Profit-Making Organization
G - Special District	N - Other *(Specify):*_____

8. Novice Applicant ____Yes ____No

Application Information

9. Type of Submission:

-PreApplication	*-Application*
____Construction	____Construction
____Non-Construction	__X__Non-Construction

10. Is application subject to review by Executive Order 12372 process?
____ Yes *(Date made available to the Executive Order 12372 process for review):* ____/____/_____

____ No *(If "No," check appropriate box below.)*
____ Program is not covered by E.O. 12372.
____ Program has not been selected by State for review.

11. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

12. Are any research activities involving human subjects planned at any time during the proposed project period? ____Yes _____No
a. If "Yes," Exemption(s) #: b. Assurance of Compliance #:

_____ ***OR*** _____

c. IRB approval date: ____ Full IRB or
_____ ____ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$_____	**.00**
b. Applicant	$_____	**.00**
c. State	$_____	**.00**
d. Local	$_____	**.00**
e. Other	$_____	**.00**
f. Program Income	$_____	**.00**
g. **TOTAL**	$_____	**.00**

ED 424 (rev 11/12/99)

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative

_____

b. Title: _____

c. Tel. #: ( )_____-_____ Fax #: ( )_____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date: ___/___/_____

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" or "No" If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor.

Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725

Protection of Human Subjects in Research (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned.

If you marked item 12 on the application "Yes" and designated exemptions in 12a , **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an

individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of *exemptions* are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedurcs involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. ээ276a to 276a-7), the Copeland Act (40 U.S.C. э276c and 18 U.S.C. ээ874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. ээ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11 Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. ээ1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. ээ7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12 Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. ээ1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. э470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. ээ469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. ээ2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. ээ4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, AAudits of States, Local Governments, and Non-Profit Organizations.≅

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. **LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. **DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. **DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE
(GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled ACertification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,≅ without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

[FR Doc. 01–10197 Filed 4–24–01; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Wednesday,
April 25, 2001

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 2, et al.

48 CFR Chapter 1

Federal Acquisition Regulations; Electronic and Information Technology Accessibility and Small Entity Compliance Guide; Federal Acquisition Cirular 97–27, FAR Case 1999–607; Final Rules

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 2, 7, 10, 11, 12, and 39

[FAC 97–27; FAR Case 1999–607]

RIN 9000–AI69

Federal Acquisition Regulations; Electronic and Information Technology Accessibility

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) have agreed on a final rule amending the Federal Acquisition Regulations (FAR) to implement Section 508 of the Rehabilitation Act of 1973. Subsection 508(a)(3) requires the FAR to be revised to incorporate standards developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the "Access Board").

DATES: *Effective Date:* June 25, 2001.

Applicability Date: For other than indefinite-quantity contracts, this amendment applies to contracts awarded on or after the effective date. For indefinite-quantity contracts, it is applicable to delivery orders or task orders issued on or after the effective date.

FOR FURTHER INFORMATION CONTACT: The FAR Secretariat, Room 4035, GS Building, Washington, DC 20405, (202) 501–4755, for information pertaining to status or publication schedules. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, at (202) 501–1900. Please cite FAC 97–27, FAR case 1999–607.

SUPPLEMENTARY INFORMATION:

A. Background

The Workforce Investment Act of 1998, Public Law 105–220, was enacted on August 7, 1998. Title IV of the Act is the Rehabilitation Act Amendments of 1998. Subsection 408(b) amended section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d). Subsection 508(a)(1) requires that when Federal departments or agencies develop, procure, maintain, or use Electronic and Information Technology (EIT), they must ensure that the EIT allows Federal employees with disabilities to have access to and use of information and data that is comparable to the access to and use of information and data by other Federal employees. Section 508 also requires that individuals with disabilities, who are members of the public seeking information or services from a Federal department or agency, have access to and use of information and data that is comparable to that provided to the public without disabilities. Comparable access is not required if it would impose an undue burden.

Subsection 508(a)(2)(A) required the Access Board to publish standards setting forth a definition of EIT and the technical and functional performance criteria necessary for accessibility for such technology by February 7, 2000. Subsection 508(a)(3) required the Federal Acquisition Regulatory Council to revise the FAR to incorporate the Access Board's standards not later than 6 months after the Access Board regulations were published. The Access Board published the final standards in the **Federal Register** at 65 FR 80500, December 21, 2000.

A proposed rule to amend the FAR was published in the **Federal Register** at 66 FR 7166, January 22, 2001. The 60-day comment period ended March 23, 2001.

This final rule implements the Access Board's regulations by—

- Including the definition of the term "electronic and information technology," a term created by the statute;
- Incorporating the EIT Standards in acquisition planning, market research, and when describing agency needs; and
- Adding a new Subpart 39.2.

Applicability

The proposed rule did not address the issue of whether the new rule would apply to contracts already in existence. A number of public commentors asked for clarification about the applicability of the rule.

For other than indefinite-quantity contracts, this amendment applies to contracts awarded on or after the effective date. For indefinite-quantity contracts, it is applicable to delivery orders or task orders issued on or after the effective date. Indefinite-quantity contracts may include Federal Supply Schedule contracts, governmentwide acquisition contracts (GWACs), multi-agency contracts (MACs), and other interagency acquisitions. Exception determinations are not required for award of the underlying indefinite-quantity contracts, except for requirements that are to be satisfied by initial award. Indefinite-quantity contracts may include noncompliant items, provided that any task or delivery order issued for noncompliant EIT meets an applicable exception. Accordingly, requiring activities must ensure compliance with the EIT accessibility standards at 36 CFR part 1194 (or that an exception applies) at time of issuance of task or delivery orders.

Contracting offices that award indefinite-quantity contracts must indicate to ordering offices which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (*e.g.*, vendor's or other exact web page location).

The Access Board's EIT standards at 36 CFR part 1194 do not apply to—

- Taking delivery for items ordered prior to the effective date of this rule;
- Within-scope modifications of contracts awarded before the effective date of this rule;
- Exercising unilateral options for contracts awarded before the effective date of this rule; or
- Multiyear contracts awarded before the effective date of this rule.

Exceptions

Unless an exception at FAR 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR part 1194. The exceptions in 39.204 include—

- Micro-purchases, prior to January 1, 2003. However, for micro-purchases, contracting officers and other individuals designated in accordance with 1.603–3 are strongly encouraged to comply with the applicable accessibility standards to the maximum extent practicable;
- EIT for a national security system;
- EIT acquired by a contractor incidental to a contract;
- EIT located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; and
- EIT that would impose an undue burden on the agency.

Micro-purchases

The exception for micro-purchases was in the proposed rule. It was made in recognition of the fact that almost all micro-purchases are made using the Governmentwide commercial purchase card. Government personnel, who are not warranted contracting officers, use the purchase card to purchase commercial-off-the-shelf items. Use of the purchase card makes it generally

impractical to comply with the EIT accessibility standards unless commercial-off-the-shelf products are labeled for standards compliance. Manufacturers are continuing to develop products that comply with the EIT accessibility standards. It is expected that almost all products will comply with the standards within the next two years, and be labeled by the manufacturer accordingly. Therefore, we have established a sunset date of January 1, 2003, for the micro-purchase exemption. Prior to that date, the Government will revisit the state of technology and the pace at which manufacturers have conformed to the required standards.

The micro-purchase exception does not exempt all products that cost under $2,500. Some commentors were confused about this. The exception is for a one-time purchase that totals $2,500 or less, made on the open market rather than under an existing contract. A software package that costs $1,800 is not a micro-purchase if it is part of a $3,000 purchase, or part of a $3,000,000 purchase. Regardless of purchase price, there still is an agency requirement to give reasonable accommodation for the disabled under section 504 of the Rehabilitation Act of 1973. The current micro-purchase limit is $2,500, set by statute. If the threshold is increased by a statutory change, the FAR Council will consider keeping the FAR Subpart 39.2 limit at $2,500.

In addition, GSA will recommend that agencies modify cardholder training to remind purchase cardholders of EIT accessibility requirements.

Undue Burden

Another set of comments wanted the FAR to elaborate on undue burden. The Access Board discussed undue burden in its final rule preamble (at 65 FR 80506 of the **Federal Register**). Substantial case law exists on this term, which comes from disability law. The Access Board chose not to disturb the existing understanding of the term by trying to define it. The FAR Council agrees with this approach. Agencies are required by statute to document the basis for an undue burden. Requiring officials should be aware that when there is an undue burden, the statute requires an alternative means of access to be provided to individuals with disabilities.

Clauses

Some commentors asked for a clause, pointing out that unless the FAR prescribes a clause, agencies may produce different clauses, resulting in inconsistent coverage across the Government. Some procurement offices want a clause to help address their lack of experience with the Access Board standards. No clauses were in the January proposed rule. The FAR Council is carefully considering whether clauses are needed and welcomes comments on this issue that would inform a potential rulemaking.

Other Issues

A topic of concern to commentors was the play between the definition of EIT and a contractor's incidental use of EIT. The rule was not intended to automatically apply to a contractor's internal workplaces. For example, EIT neither used nor accessed by Federal employees or members of the public is not subject to the Access Board's standards(contractor employees in their professional capacity are not members of the public for purposes of section 508).

Commentors asked for further information on section 508 product compliance. There is a website at http://www.section508.gov, providing information from manufacturers and vendors on how they meet Access Board standards. The website reference has been added to the FAR language at Subpart 39.2.

Commentors asked whether the Committee for Purchase from People Who Are Blind or Severely Disabled, and Federal Prison Industries (UNICOR) were covered. These are required sources for certain items. Agencies must consider noncompliant EIT items from these sources the same way that they would consider items from commercial sources, *i.e.*, whether purchasing the item would come under an exception. As a matter of policy, purchases from the Committee for Purchase from People Who Are Blind or Severely Disabled and Federal Prison Industries are to be treated as procurements.

The current status of compliance testing also was discussed in comments. Currently there is no uniform testing. However, there is an industry-led, Government-sponsored, program in the works, Accessibility for People with Disabilities through Standards Interoperability and Testing (ADIT). See the Section 508 website for information.

Questions arose on draft rule section 39.X03, Applicability, on the interpretation of standards available in the marketplace. The rule intended to recognize that initially there will be many products that do not meet all the Access Board's technical standards. Agencies may need to acquire these products. When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies and services available in the commercial marketplace in time to meet the agency's delivery requirements. Individual standards that cannot be met would be documented by the requiring official, with a copy to the contract file. If products are available that meet some, but not all applicable standards, agencies cannot claim a product as a whole is nonavailable just because it does not meet all of the standards.

Requirements Development, Market Research, and Solicitations

The requiring official must identify which standards apply to the procurement, using the Access Board's EIT Accessibility Standards at 36 CFR part 1194. Then the requiring official must perform market research to determine the availability of compliant products and services; vendor websites and the Section 508 website would be helpful here. The requiring official must then identify which standards, if any, would not apply in this procurement because of, for example, nonavailability (FAR 39.203) or undue burden (FAR 39.204(e)). Technical specifications and minimum requirements would be developed based on the market research results and agency needs. This information would be submitted with the purchase request. The solicitation would then be drafted, or a task order or delivery order would be placed. Proposal evaluation may yield additional information that could require reconsideration of the need for an exception.

B. Executive Order 12866

The Access Board determined that their December 21,2000, final rule was an economically significant regulatory action under E.O. 12866, and was a major rule under 5 U.S.C. 804. An economic assessment was accomplished and was placed on the Access Board's website at http://www.accessboard.gov/sec508/assessment.htm. A copy can be obtained from the Access Board. The FAR Council has determined that the assessment conducted by the Access Board provides an adequate economic assessment of both the Access Board rule and this change to the FAR. Accordingly, the Access Board's regulatory assessment meets the requirement of performing a regulatory assessment for this change to the FAR and no further assessment is necessary.

This is an economically significant regulatory action and was subject to review under Section 6(b) of Executive Order 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is a major rule under 5 U.S.C. 804.

C. Regulatory Flexibility Act

This rule has a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because small businesses that choose to market their products to the Federal Government must ensure that their electronic and information technology supplies or services meet the substantive requirements of the Access Board's standards. Since this may result in increased costs of producing and selling their products, a Final Regulatory FlexibilityAnalysis (FRFA) has been performed and the analysis is summarized as follows:

The objective of this rule is to revise the FAR to improve the accessibility of electronic and information technology used by the Federal Government. The standards developed by the Access Board affect Federal employees with disabilities as well as members of the public with disabilities who seek to use Federal electronic and information technologies to access information. This increased access reduces barriers to employment in the Federal Government for individuals with disabilities and reduces the probability that Federal employees with disabilities will be under-employed. The EIT standards developed for the Federal Government may result in benefiting people outside the Federal workforce, both with and without disabilities. The accessible technology from the Federal Government may spill over to the rest of society.

Section 508 uses the Federal procurement process to ensure that technology acquired by the Federal Government is accessible. Failure of an agency to purchase electronic and information technology that complies with the standards promulgated at 36 CFR part 1194, may result in an individual with a disability filing a complaint alleging that a Federal agency has not complied with the standards. Individuals may also file a civil action against an agency. The enforcement provision of section 508 takes effect June 21, 2001.

This rule establishes that contractors must manufacture, sell, or lease electronic and information technology supplies or services that comply with standards promulgated at 36 CFR part 1194. For many contractors, this may simply involve a review of the supply or service with the standards to confirm compliance. For other contractors, these standards could require redesign of a supply or service before it can be sold to the Federal Government. According to the Federal Procurement Data System in fiscal year 2000, we estimate that there are approximately 17,550 contractors to which the rule will apply. Approximately, 58 percent, or 10,150, of these contractors are small businesses.

Small businesses will have to analyze whether the electronic and information technology they or their customers plan to sell to the Federal Government complies with the standards. Manufacturers may want to redesign to make their supplies and services compliant, to have a better chance for their items to be purchased by the Government. Retailers will need to coordinate with the manufacturers. The statute will decrease demand for some supplies and services that are not compliant, leading to decreased sales for small entities manufacturing or selling those items. Conversely, the statute will increase demand for some supplies and services that are compliant, leading to increased sales for small entities manufacturing or selling those items.

Since the statute imposes private enforcement, where individuals with disabilities can file civil rights lawsuits, the Government has little flexibility for alternatives in writing this regulation. To meet the requirements of the law, we cannot exempt small businesses from any part of the rule.

The FAR Secretariat has submitted a copy of the FRFA to the Chief Counsel for Advocacy of the Small BusinessAdministration. A copy of the FRFA may be obtained from the FAR Secretariat. The Councils will consider comments from small entities concerning the affected FAR parts in accordance with 5 U.S.C. 610. Comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 1999–607), in correspondence.

D. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the changes to the FAR do not impose information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 2, 7, 10, 11, 12, and 39

Government procurement.

Dated: April 20, 2001.

Al Matera,

Director, Acquisition Policy Division.

Federal Acquisition Circular

Federal Acquisition Circular (FAC) 97–27 is issued under the authority of the Secretary of Defense, the Administrator of Aeronautics and Space Administration.

All Federal Acquisition Regulation (FAR) changes and other directive material contained in FAC 97–27 are effective June 25, 2001.

Dated: April 19, 2001.

Deidre A. Lee,

Director, Defense Procurement.

Dated: April 16, 2001.

David A. Drabkin,

Deputy Associate Administrator, Office of Acquisition Policy, General Services Administration.

Dated: April 16, 2001.

Tom Luedtke,

Associate Administrator for Procurement, National Aeronautics and Space Administration.

Therefore, DoD, GSA, and NASA amend 48 CFR parts 2, 7, 10, 11, 12, and 39 as set forth below:

1. The authority citation for 48 CFR parts 2, 7, 10, 11, 12, and 39 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c)..

PART 2—DEFINITIONS OF WORDS AND TERMS

2. In section 2.101, add in alphabetical order, the definition "Electronic and information technology (EIT)" to read as follows:

2.101 Definitions.

* * * * *

Electronic and information technology (EIT) has the same meaning as "information technology" except EIT also includes any equipment or interconnected system or subsystem of equipment that is used in the creation, conversion, or duplication of data or information. The term EIT, includes, but is not limited to, telecommunication products (such as telephones), information kiosks and transaction machines, worldwide websites, multimedia, and office equipment (such as copiers and fax machines).

* * * * *

PART 7—ACQUISITION PLANNING

3. In section 7.103, redesignate paragraphs (o) through (r) as (p) through (s), respectively; and add a new paragraph (o) to read as follows:

7.103 Agency-head responsibilities.

* * * * *

(o) Ensuring that acquisition planners specify needs and develop plans, drawings, work statements, specifications, or other product descriptions that address Electronic and Information Technology Accessibility Standards (see 36 CFR part 1194) in proposed acquisitions (see 11.002(e)) and that these standards are included in requirements planning, as appropriate (see subpart 39.2).

* * * * *

PART 10—MARKET RESEARCH

4. In section 10.001, add paragraph (a)(3)(vii) to read as follows:

10.001 Policy.

(a) * * *

(3) * * *

(vii) Assess the availability of electronic and information technology

that meets all or part of the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194(see Subpart 39.2).

* * * * *

PART 11—DESCRIBING AGENCY NEEDS

5. In section 11.002, add paragraph (f) to read as follows:

11.002 Policy.

* * * * *

(f) In accordance with Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), requiring activities must prepare requirements documents for electronic and information technology that comply with the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194 (see subpart 39.2).

PART 12—ACQUISITION OF COMMERCIAL ITEMS

6. Amend section 12.202 by adding a new paragraph (d) to read as follows:

12.202 Market research and description of agency need.

* * * * *

(d) Requirements documents for electronic and information technology must comply with the applicable accessibility standards issued by the Architectural and Transportation Barriers Compliance Board at 36 CFR part 1194 (see subpart 39.2).

PART 39—ACQUISITION OF INFORMATION TECHNOLOGY

7. Revise section 39.000 to read as follows:

39.000 Scope of part.

This part prescribes acquisition policies and procedures for use in acquiring—

(a) Information technology, including financial management systems, consistent with other parts of this regulation, OMB Circular No. A–127, Financial Management Systems, and OMB Circular No. A–130, Management of Federal Information Resources; and

(b) Electronic and information technology.

8. Add Subpart 39.2, consisting of sections 39.201 through 39.204, to read as follows:

Subpart 39.2—Electronic and Information Technology

Sec.

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

39.201 Scope of subpart.

(a) This subpart implements section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d), and the Architectural and Transportation Barriers Compliance Board Electronic and Information Technology (EIT) Accessibility Standards (36 CFR part 1194).

(b) Further information on section 508 is available via the Internet at http://www.section508.gov.

(c) When acquiring EIT, agencies must ensure that—

(1) Federal employees with disabilities have access to and use of information and data that is comparable to the access and use by Federal employees who are not individuals with disabilities; and

(2) Members of the public with disabilities seeking information or services from an agency have access to and use of information and data that is comparable to the access to and use of information and data by members of the public who are not individuals with disabilities.

39.202 Definition.

Undue burden, as used in this subpart, means a significant difficulty or expense.

39.203 Applicability.

(a) Unless an exception at 39.204 applies, acquisitions of EIT supplies and services must meet the applicable accessibility standards at 36 CFR part 1194.

(b)(1) Exception determinations are required prior to contract award, except for indefinite-quantity contracts (see paragraph (b)(2) of this section).

(2) Exception determinations are not required prior to award of indefinite-quantity contracts, except for requirements that are to be satisfied by initial award. Contracting offices that award indefinite-quantity contracts must indicate to requiring and ordering activities which supplies and services the contractor indicates as compliant, and show where full details of compliance can be found (*e.g.*, vendor's or other exact website location).

(3) Requiring and ordering activities must ensure supplies or services meet the applicable accessibility standards at 36 CFR part 1194, unless an exception applies, at the time of issuance of task or delivery orders. Accordingly, indefinite-quantity contracts may include noncompliant items; however, any task or delivery order issued for noncompliant items must meet an applicable exception.

(c)(1) When acquiring commercial items, an agency must comply with those accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet the agency's delivery requirements.

(2) The requiring official must document in writing the nonavailability, including a description of market research performed and which standards cannot be met, and provide documentation to the contracting officer for inclusion in the contract file.

39.204 Exceptions.

The requirements in 39.203 do not apply to EIT that—

(a) Is purchased in accordance with Subpart 13.2 (micro-purchases) prior to January 1, 2003. However, for micro-purchases, contracting officers and other individuals designated in accordance with 1.603–3 are strongly encouraged to comply with the applicable accessibility standards to the maximum extent practicable;

(b) Is for a national security system;

(c) Is acquired by a contractor incidental to a contract;

(d) Is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment; or

(e) Would impose an undue burden on the agency.

(1) *Basis.* In determining whether compliance with all or part of the applicable accessibility standards in 36 CFR part 1194 would be an undue burden, an agency must consider—

(i) The difficulty or expense of compliance; and

(ii) Agency resources available to its program or component for which the supply or service is being acquired.

(2) *Documentation.* (i) The requiring official must document in writing the basis for an undue burden decision and provide the documentation to the contracting officer for inclusion in the contract file.

(ii) When acquiring commercial items, an undue burden determination is not required to address individual standards that cannot be met with supplies or service available in the commercial marketplace in time to meet the agency delivery requirements (see 39.203(c)(2) regarding documentation of nonavailability).

[FR Doc. 01–10408 Filed 4–24–01; 8:45 am]
BILLING CODE 6820–EP–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Chapter 1

Federal Acquisition Regulation; Small Entity Compliance Guide; Federal Acquisition Circular 97–27, FAR Case 1999–607, Electronic and Information Technology Accessibility

AGENCIES: Department of Defense (DoD), General ServicesAdministration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Small Entity Compliance Guide.

SUMMARY: This document is issued under the joint authority of the Secretary of Defense, the Administrator of General Services and the Administrator for the National Aeronautics and Space Administration. This *Small Entity Compliance Guide* has been prepared in accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (PublicLaw 104–121). It consists of a summary of the rule appearing in Federal Acquisition Circular (FAC) 97–27 which amends the FAR. A regulatory flexibility analysis has been prepared in accordance with 5 U.S.C. 604. Interested parties may obtain further information regarding this rule by referring to FAC 97–27 which precedes this document. This document is also available via the Internet at http://www.arnet.gov/far.

FOR FURTHER INFORMATION CONTACT: Laurie Duarte, FAR Secretariat, (202) 501–4225. For clarification of content, contact Ms. Linda Nelson, Procurement Analyst, General Services Administration, at (202) 501–1900.

Electronic and Information Technology Accessibility (FAR Case 1999–607)

The final rule amends the FAR to implement Section 508 of the Rehabilitation Act of 1973. Subsection 508(a)(3) requires the FAR to be revised to incorporate standards developed by the Architectural and Transportation Barriers Compliance Board (also referred to as the Access Board). The final rule amends the FAR by—

- Including the definition of the term "electronic and information technology", a term created by the statute;
- Incorporating the EIT Standards in acquisition planning, market research, and when describing agency needs; and
- Adding a new Subpart 39.2.

The requiring official must identify which standards would apply to the procurement, using the Access Board's EIT Accessibility Standards at 36 CFR part 1194. Then the requiring official must perform market research to determine the availability of compliant products and services; vendor websites and the GSA section 508 website would be helpful here. The requiring official must then identify which standards, if any, would not apply in this procurement because of, *e.g.*, nonavailability (39.203) or undue burden (39.204(e)). Technical specifications and minimum requirements would be developed based on the market research results and agency needs. This information would be submitted with the purchase request. The solicitation would then be drafted, or task order or delivery order would be placed. Proposal evaluation may yield additional information that could require reconsideration of the need for an exception.

Exception determinations are not required for award of underlying indefinite-quantity contracts, except for requirements that are to be satisfied by initial award. Accordingly, indefinite-quantity contracts may include noncompliant items; however, any task or delivery order issued for noncompliant items must meet an applicable exception.

Dated: April 20, 2001.

Al Matera,

Director, Federal Acquisition Policy Division.

[FR Doc. 01–10409 Filed 4–24–01; 8:45 am]

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LIST OF PUBLIC LAWS

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H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the "Goro Hokama Post Office Building". (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the "Ronald W. Reagan Post Office of West Melbourne, Florida". (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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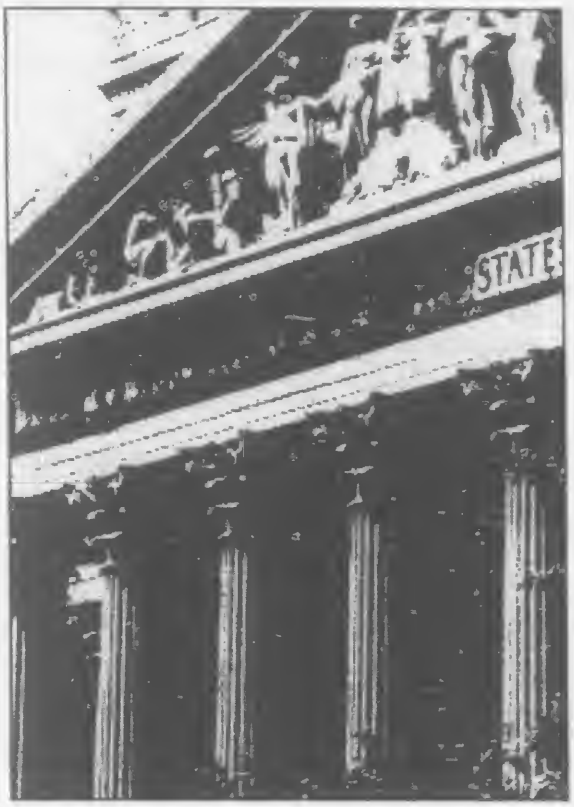

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106th Congress, 2nd Session, 2000

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