

rule may be finalized in the event the direct final rule is withdrawn because of significant adverse comment. The comment period for the direct final rule runs concurrently with that of the companion proposed rule. Any comments received under the companion proposed rule will be treated as comments regarding the direct final rule. Likewise, significant adverse comments submitted to the direct final rule will be considered as comments to the companion proposed rule and the agency will consider such comments in developing a final rule. FDA will not provide additional opportunity for comment on the companion proposed rule.

If a significant adverse comment applies to part of this rule and that part may be severed from the remainder of the rule, FDA may adopt as final those parts of the rule that are not the subject of a significant adverse comment. A full description of FDA's policy on direct final rule procedures may be found in a guidance document published in the **Federal Register** of November 21, 1997 (62 FR 62466).

III. Environmental Impact

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Analysis of Impacts

FDA has examined the impacts of this direct final rule under Executive Order 12866, the Regulatory Flexibility Act (5 U.S.C. 601-612), and the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 *et seq.*). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866 and in the other two statutes. This rule is not a significant regulatory action as defined by the Executive order.

Under the Regulatory Flexibility Act, if a rule has a significant impact on a substantial number of small entities, an agency must analyze regulatory options that would minimize any significant impact of the rule on small entities. The

agency has considered the effect that this rule will have on small entities. Because the rule amends only internal agency procedures, the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 (Public Law 104-4) requires that agencies prepare a written statement of anticipated costs and benefits before proposing any rule that may result in an expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million in any one year (adjusted annually for inflation). FDA is not required to prepare a statement of the costs and benefits of this rule because the rule is not expected to result in any 1-year expenditure that would exceed \$100 million adjusted for inflation. The current inflation-adjusted statutory threshold is \$110 million.

V. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the final rule does not contain policies that have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, the agency has concluded that the final rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

VI. Paperwork Reduction Act of 1995

This direct final rule does not require information collections and, thus, is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

VII. Request for Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this rule by March 26, 2001. 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. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 14

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended to read as follows:

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

1. The authority citation for 21 CFR part 14 is revised to read as follows:

Authority: 5 U.S.C. App. 2; 15 U.S.C. 1451-1461; 21 U.S.C. 41-50, 141-149, 321-394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264.

2. Section 14.75 is amended by revising paragraph (a)(1) to read as follows:

§ 14.75 Examination of administrative record and other advisory committee records.

(a) * * *

(1) The written information for consideration by the committee at any meeting: Whenever practicable, before or at the time of the meeting.

* * * * *

Dated: December 29, 2000.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01-389 Filed 1-5-01; 8:45 am]

BILLING CODE 4160-01-F

COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

28 CFR Chapter VIII

[CSOSA-0001]

RIN 3225-ZA00

Organization and Functions

AGENCY: Court Services and Offender Supervision Agency for the District of Columbia.

ACTION: Final rule.

SUMMARY: The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") is issuing regulations describing its organization and general functions. This description includes information on the District of Columbia Pretrial Services Agency ("PSA"), an independent entity within CSOSA. CSOSA provides supervisory and treatment services to individuals on probation, parole and supervised release for District of Columbia Code violations. CSOSA also

provides supervisory and treatment services to offenders from other jurisdictions in accordance with the Interstate Parole and Probation Compact. PSA supervises, monitors and provides treatment services to defendants in the U.S. District Court and the United States Court of Appeals for the District of Columbia Circuit and to individuals on pretrial release for District of Columbia Code violations.

EFFECTIVE DATE: January 8, 2001.

ADDRESSES: Office of General Counsel, CSOSA, Room 1253, 633 Indiana Avenue, NW., Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Records Manager; telephone (202) 220-5359; e-mail roy.nanovic@csosa.gov.

SUPPLEMENTARY INFORMATION: The Court Services and Offender Supervision Agency for the District of Columbia ("CSOSA") was established within the Executive Branch of the Federal Government by the National Capital Revitalization and Self-Government Improvement Act of 1997 ("Revitalization Act"), Pub. L. 105-33, 111 Stat. 251, 712 (D.C. Code 24-1232, 24-1233). On August 4, 2000, CSOSA was certified by the Attorney General as an independent Federal agency.

The Revitalization Act requires CSOSA to provide supervision, through qualified supervision officers, to offenders on probation, parole, and supervised release for violation of District of Columbia Code offenses. Accordingly, CSOSA supervises all offenders placed on probation by the Superior Court of the District of Columbia, and all individuals on parole pursuant to the District of Columbia Code. CSOSA provides supervision to offenders from other jurisdictions in accordance with the provisions of the Interstate Parole and Probation Compact. In accordance with its supervisory functions and as authorized by the Sex Offender Registration Act of 1999 (DC Law 13-137, D.C. Code 24-1101 et seq.), CSOSA operates and maintains the sex offender registry for the District of Columbia.

The DC Pretrial Services Agency ("PSA"), an independent entity within CSOSA, assists the trial and appellate levels of both the federal and local courts in determining eligibility for pretrial release by providing verified background information and criminal histories on all arrestees and recommendations about available release options. PSA is further responsible for supervising defendants released from custody during the pretrial period by monitoring

compliance with conditions of release and by ensuring that they appear for scheduled court hearings. PSA also provides defendants with the opportunity to participate in a variety of social intervention programs that decrease the likelihood of future criminal behavior.

CSOSA's mission is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community. Law enforcement agencies, the courts, corrections, and parole authorities each play critical roles in addressing crime and ensuring public safety. CSOSA, together with PSA, coordinates closely with these entities to fulfill its role in the criminal justice process by providing supervisory and treatment services to individuals on pretrial release, probation, parole and supervised release, and by assisting federal and local courts in determining eligibility for release.

CSOSA's regulations are being codified in Chapter VIII of Title 28 of the Code of Federal Regulations. Part 800 consists of a general statement of organization and functions, including addresses for CSOSA's and PSA's central and field offices, and addresses for submitting Freedom of Information Act/Privacy Act requests, legal process, and tort claims. A more detailed statement of organization and functions will appear in the "United States Government Manual."

Matters of Regulatory Procedure

Administrative Procedure Act

Because this rule pertains to agency organization, CSOSA is issuing the rule as final without general notice of proposed rulemaking and without any delay in its effectiveness. Any interested person, however, who wishes to submit comments on the rule may do so by writing or e-mailing the agency at the addresses given above in the "Addresses" and "For Further Information Contact" captions.

Executive Order 12866

This rule falls within a category of actions that the Office of Management and Budget (OMB) has determined not to constitute "significant regulatory actions" under section 3(f) of Executive Order 12866 and, accordingly, CSOSA did not formally submit it to OMB for review.

Executive Order 13132

This rule will not have substantial direct effects on the States, on the

relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 13132, the Director of CSOSA has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

The Director of CSOSA, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule and by approving it certifies that this rule will not have a significant economic impact upon a substantial number of small entities. This rule pertains to agency management, and its economic impact is limited to the agency's appropriated funds.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, the Director of CSOSA has determined that no actions are necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This rule will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Plain Language Instructions

We want to make CSOSA's documents easy to read and understand. If you have suggestions on how to improve the clarity of these regulations, write, e-mail, or call CSOSA's Records Manager (Roy Nanovic), at the address or telephone number given above in the "Addresses" and "For Further Information Contact" captions.

List of Subjects in 28 CFR Part 800

Organization and Functions
(Government Agencies); Probation and Parole.

Jasper Ormond,
Interim Director.

Accordingly, we amend Title 28 of the Code of Federal Regulations by adding a new chapter VIII, consisting of Part 800 to read as follows:

Chapter VIII—Court Services and Offender Supervision Agency for the District of Columbia

PART 800—ORGANIZATION AND FUNCTIONS

Sec.

800.1 Statutory authorization.

800.2 Mission.

800.3 Functions and responsibilities.

800.4 Director.

800.5 Agency components.

Appendix A.

Authority: 5 U.S.C. 301; Pub. L. 105–33, 111 Stat. 251, 712 (D.C. Code 24–1232, 24–1233).

§ 800.1 Statutory authorization.

The National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”) established the Court Services and Offender Supervision Agency for the District of Columbia (“CSOSA”) within the federal government as an independent executive branch agency and placed the District of Columbia Pretrial Services Agency as an independent entity within CSOSA. In addition, the District of Columbia Public Defender Service, an independent District of Columbia agency, receives its appropriated federal funds through a transfer from CSOSA.

§ 800.2 Mission.

CSOSA’s mission is to increase public safety, prevent crime, reduce recidivism, and support the fair administration of justice in close collaboration with the community.

§ 800.3 Functions and responsibilities.

(a) *Community Supervision Services.*
(1) The Revitalization Act requires CSOSA to provide supervision, through qualified supervision officers, to offenders on probation, parole, and supervised release for violation of District of Columbia Code offenses. The Agency carries out its responsibilities on behalf of the court or agency having jurisdiction over the person being supervised. Accordingly, CSOSA supervises all offenders placed on probation by the Superior Court of the District of Columbia, and all individuals

on parole pursuant to the District of Columbia Code. CSOSA supervises offenders from other jurisdictions in accordance with the provisions of the Interstate Parole and Probation Compact.

(2) CSOSA is also required to determine uniform supervision and reporting practices, develop and operate intermediate sanctions programs for sentenced offenders, and arrange for the supervision of District of Columbia Code offenders in jurisdictions outside the District of Columbia.

(3) In accordance with its supervisory functions and as authorized by the Sex Offender Registration Act of 1999 (D.C. Law 13–137, D.C. Code 24–1101 *et seq.*), CSOSA operates and maintains the sex offender registry for the District of Columbia.

(b) *Pretrial Services.* (1) The District of Columbia Pretrial Services Agency (“PSA”) assists the trial and appellate levels of both the federal and local courts in determining eligibility for pretrial release by providing verified background information and criminal histories on all arrestees and recommendations about available release options.

(2) PSA is further responsible for supervising defendants released from custody during the pretrial period by monitoring compliance with conditions of release and by ensuring that they appear for scheduled court hearings.

(3) PSA also provides defendants with the opportunity to participate in a variety of social intervention programs that decrease the likelihood of future criminal behavior.

§ 800.4 Director.

(a) CSOSA is headed by a Director appointed by the President, by and with the advice and consent of the Senate, for a term of six years.

(b) PSA is headed by a Director appointed by the Chief Judge of the United States Court of Appeals for the District of Columbia Circuit and the Chief Judge of the United States District Court for the District of Columbia in consultation with an Executive Committee. The Executive Committee includes the four chief judges of the local and Federal trial and appellate courts, the United States Attorney for the District of Columbia, the Director of the District of Columbia Public Defender Service, and the Director of CSOSA.

§ 800.5 Agency components.

(a) *CSOSA.*

(1) Office of the Director (including the Deputy Director).

(2) Office of the General Counsel.

(3) Community Supervision Services.

(4) Office of Community Justice Programs.

(5) Special Criminal Justice Projects.

(6) Office of Planning and Evaluation.

(7) Office of Professional

Responsibility.

(8) Equal Employment Opportunity, Diversity, and Special Programs.

(9) Office of Legislative,

Intergovernmental, and Public Affairs.

(10) Information Technology Services.

(11) Office of Management and Administration.

(12) Office of Human Resources.

(b) *PSA.*

(1) Office of the Director (including the Deputy Director).

(2) Planning, Analysis and Evaluation.

(3) Community Justice Programs.

(4) Office of Operations (including Information Technology and Forensic Toxicology and Drug Testing Laboratory).

(5) Human Resources Management.

(6) Finance and Administration.

Appendix A to Part 800—Agency Addresses

I. Central Offices

Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

CSOSA Community Supervision Services, 300 Indiana Avenue, NW., Washington, DC 20001

District of Columbia Pretrial Services Agency, 633 Indiana Avenue, NW., Washington, DC 20004

II. Field Offices

Court Services and Offender Supervision Agency for the District of Columbia/Community Supervision Services

CSS Field Office, 409 E. Street, NW., Washington, DC 20001

CSS Field Office, 401 New York Avenue, NE., Washington, DC 20002

CSS Field Office, 1707 Kalorama Road, NW., Washington, DC 20009

CSS Field Office, 1418 Good Hope Road, SE., Washington, DC 20020

CSS Field Office, 3850 S. Capitol Street, SE., Washington, DC 20032

CSS Field Office, 1230 Taylor Street, NW., Washington, DC 20011

District of Columbia Pretrial Services Agency

Office of Operations Branch, 300 Indiana Avenue, NW., Washington, DC 20001

Office of Operations Branch, 500 Indiana Avenue, NW., Washington, DC 20001

Office of Operations Branch, 333 Constitution Avenue, NW., Washington, DC 20001

Office of Operations Branch, 601 Indiana Avenue, NW., Washington, DC 20004

IV. FOIA/PA Requests (CSOSA and PSA)

Office of the General Counsel (FOIA), Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

IV. Service of Process (CSOSA and PSA, except for PSA subpoenas)

Office of the General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

V. Tort Claims (CSOSA and PSA)

Office of the General Counsel, Court Services and Offender Supervision Agency for the District of Columbia, 633 Indiana Avenue, NW., Washington, DC 20004

[FR Doc. 01-395 Filed 1-5-01; 8:45 am]

BILLING CODE 3129-01-P

DEPARTMENT OF TRANSPORTATION**Coast Guard****33 CFR Part 117**

[CGD08-00-029]

RIN 2115-AE47

Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois

AGENCY: Coast Guard, DOT.

ACTION: Temporary deviation.

SUMMARY: The Commander, Eighth Coast Guard District, has authorized a deviation from the regulation governing the Burlington Railroad Drawbridge, Mile 403.1, Upper Mississippi River at Burlington, Iowa. This deviation allows the drawbridge to remain closed-to-navigation for 60 days from 12:01 a.m., December 31, 2000, until 12:01 a.m., March 1, 2001. The drawbridge will open on signal if at least six (6) hours advance notice is given.

DATES: This temporary deviation is effective from 12:01 a.m., December 31, 2000, until 12:01 a.m., March 1, 2001.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Commander (obr), Eighth Coast Guard District, 1222 Spruce Street, St. Louis, MO 63103-2832, (314) 539-3900, extension 378.

SUPPLEMENTARY INFORMATION: The Burlington Railroad Drawbridge provides a vertical clearance of 21.5 feet above normal pool in the closed to navigation position. Navigation on the waterway consists primarily of commercial tows and recreational watercraft. This deviation has been coordinated with waterway users who do not object.

This deviation allows the bridge to remain closed-to-navigation from 12:01 a.m., December 31, 2000, to 12:01 a.m., March 1, 2001, with openings provided upon receipt of six (6) hours advance notice. Advance notice may be given by calling Mr. Al Poole, (309) 345-6103

during work hours and Mr. Larry Moll, (309) 752-5244, after hours. The drawbridge normally opens on signal.

Dated: December 28, 2000

K.J. Eldridge,

Captain, U.S. Coast Guard, Acting Commander, Eighth Coast Guard District.

[FR Doc. 01-436 Filed 1-5-01; 8:45 am]

BILLING CODE 4910-15-U

DEPARTMENT OF EDUCATION**34 CFR Part 606****Developing Hispanic-Serving Institutions Program**

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Final regulations.

SUMMARY: When we published final regulations for the Developing Hispanic-Serving Institutions (HSI) Program in the **Federal Register** of December 15, 1999, it appears that one of the regulatory provisions, dealing with the eligibility of branch campuses to receive grants, could be viewed in a manner that would result in an unintended change of policy. To rectify this problem, we are revising that regulation to more clearly reflect our long standing policy that a branch campus is eligible to apply for an HSI grant if the branch campus serves the appropriate number of Hispanic students even if the main campus does not.

DATES: These regulations are effective February 7, 2001.

FOR FURTHER INFORMATION CONTACT:

Sophia McArdle, U.S. Department of Education, 1990 K Street, NW., Room 6061, Washington, DC 20006-8512. Telephone: (202) 219-7078. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

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 under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION:**Background**

The Higher Education Amendments of 1992, Pub. Law 102-325, amended the Higher Education Act of 1965, as amended (HEA), by adding the Developing Hispanic Serving-Institutions (HSI) Program as an authorized program under Title III, Part A of the HEA. The HSI Program was

authorized in section 316 of Title III of the HEA.

Under section 316, in general, an HSI institution was an institution that satisfied the statutory definition of an "eligible institution" contained in section 312 of the HEA, and had at least 25 percent of its enrollment consist of Hispanic students. An eligible institution under section 312 of the HEA basically satisfied four conditions. Two of the conditions related to accreditation and licensure. The other two required the institution to have a high percentage of low income students and low education and general (E&G) expenditures.

Under section 312, a branch campus of an eligible institution also qualified as an eligible institution if its main campus satisfied all four conditions and it, on its own, satisfied the last two.

Regulations that we promulgated to implement these institutional eligibility requirements were codified in 34 CFR 607.2(b) and (d). The regulations did not specifically address whether the main campus of a branch campus that applied for an HSI Program grant had to satisfy the Hispanic student enrollment requirement. However, it was the Department's policy that a main campus did not have to qualify as an eligible HSI institution in terms of student enrollment if the branch campus is qualified.

In the Higher Education Amendments of 1998, Public Law 105-244, the Congress moved the HSI Program into Title V of the HEA and reenacted, in that title, all the relevant provisions that governed that program while it was part of Title III of the HEA. To accommodate that statutory change, we codified all the HSI Program requirements in a new part, 34 CFR Part 606. The recodification was technical in nature and did not involve any change in policy. Therefore, when we published Part 606 in the **Federal Register** on December 15, 1999, we waived rulemaking. However, it has recently come to our attention that one of the recodified regulatory provisions has been read by some as though it, in fact, made a change in policy. That provision was § 606.2(b), relating to the eligibility of a branch campus to qualify as an eligible HSI institution.

As presently written, it could be viewed that in order for a branch campus to qualify as an eligible HSI institution, it and its main campus must have an enrollment of at least 25 percent Hispanic students. As described above, however, such a reading would be inconsistent with the Department's policy that the main campus does not have to satisfy that requirement along