AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

1–23–01 Tuesday
Vol. 66 No. 15 Jan. 23, 2001
Pages 7373–7564

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 66 FR 12345.

Printed on recycled paper.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: February 20, 2001, from 9:00 a.m. to Noon (E.S.T.)

WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Contents

Federal Register

Vol. 66, No. 15

Tuesday, January 23, 2001

Agency for Toxic Substances and Disease Registry
NOTICES
Superfund program:
Tremolite-related asbestos; chemical specific consultation; availability, 7495

Agricultural Marketing Service
NOTICES
Swiss and Emmentaler cheese; grade standards, 7458–7460

Agriculture Department
See Agricultural Marketing Service
See Cooperative State Research, Education, and Extension Service
See Food and Nutrition Service
See Forest Service
See Rural Telephone Bank

Army Department
See Engineers Corps
NOTICES
Meetings:
Scientific Advisory Board, 7470
Patent licenses; non-exclusive, exclusive, or partially exclusive:
Hybridized biological microbolometer, 7470
Laser-based photoacoustic sensor and method for trace detection and differentiation of atmospheric NO and N02, 7470–7471

Centers for Disease Control and Prevention
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7495–7497

Coast Guard
RULES
Drawbridge operations:
California, 7402

Commerce Department
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 7467

Cooperative State Research, Education, and Extension Service
NOTICES
Grants and cooperative agreements; availability, etc.:
1890 Institution Teaching and Research Capacity Building Program, 7555–7560

Corporation for National and Community Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7467–7468

Customs Service
RULES
Merchandise, special classes:
Archaeological and ethnological material from—
Italy; pre-Classical, Classical, and Imperial Roman periods, 7399–7402

Defense Department
See Army Department
See Engineers Corps
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 7468–7469
Meetings:
Science Board, 7469–7470
Women in Services Advisory Committee, 7469

Education Department
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7472
Grants and cooperative agreements; availability, etc.:
Field-initiated Studies Education Research Program, 7561–7563
Postsecondary education—
Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions Programs, 7472–7474
Special education and rehabilitative services—
Disability and Rehabilitation Research Projects and Centers Program; correction, 7474–7475

Employment and Training Administration
NOTICES
Adjustment assistance:
Avoca Manufacturing, 7510
Binns Machinery Products, 7510
Copper Range Co., 7510
Country Roads, Inc., et al., 7510–7511
Eaton Corp., 7511
Eel River Sawmills, Inc., 7511–7512
Facemate Corp., 7512
Harriet & Henderson Yarns, Inc., 7512
O/Z GEDNEY, 7512
Quality Veneer & Lumber, 7512
United States Leather, Lackawanna Leather, 7512–7513
NAFTA transitional adjustment assistance
United States Leather, Lackawanna Leather, 7509

Employment Standards Administration
See Wage and Hour Division

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Grants and cooperative agreements; availability, etc.:
Microbial Cell Project, 7475–7478
Meetings:
Environmental Management Site-Specific Advisory Board—
Oak Ridge Reservation, TN, 7478

Engineers Corps
PROPOSED RULES
Navigation regulations:
St. Marys Falls Canal and Soo Locks, MI; administration and navigation, 7436–7437
NOTICES
Environmental statements; notice of intent:
Los Angeles County, CA; Pier J South Marine Terminal expansion, 7471–7472

Environmental Protection Agency
NOTICES
Air pollution control; new and in-use motor vehicles and engines:
International Center for Technology Assessment; emissions control petition, 7486–7487
Grants and cooperative agreements; availability, etc.:
Chesapeake Bay Program
Modeling, GIS, data analysis, and information management support; qualifications statement request, 7488
Hazardous waste:
Land disposal restrictions; exemptions—
E.I. du Pont de Nemours & Co., Inc., 7489
Meetings:
Local Government Advisory Committee, 7487–7488
Toxic and hazardous substances control:
Premanufacture notices review, 7488

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Export Administration Bureau
NOTICES
Meetings:
Information Systems Technical Advisory Committee, 7462
Transportation and Related Equipment Technical Advisory Committee, 7462–7463

Federal Aviation Administration
PROPOSED RULES
Airworthiness directives:
Boeing, 7433–7435
Class E airspace, 7435–7436
NOTICES
Civil penalty actions; Administrator's decisions and orders; index availability, 7532–7550
Grants and cooperative agreements; availability, etc.:
Military Airport Program, 7529–7532
Passenger facility charges; applications, etc.:
Ford Airport, MI, 7550
Long Island MacArthur Airport, NY, 7550–7551

Federal Communications Commission
RULES
Frequency allocations and radio treaty matters:
50.2-50.4 and 51.4-71.0 realignment, 7402–7409
Television broadcasting:
Satellite Home Viewer Improvement Act implementation; broadcast signal carriage and retransmission consent issues, 7410–7432
PROPOSED RULES
Frequency allocations and radio treaty matters:
27 MHz of spectrum transferred from Federal government use to non-government services; reallocation, 7443–7457
New advanced wireless services, 7438–7443
NOTICES
Meetings:
Emergency Alert System National Advisory Committee, 7489

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
Central Hudson Gas & Electric Corp. et al., 7480–7481
Environmental statements; availability, etc.:
Southern Natural Gas Co., 7481–7482
Hydroelectric applications, 7482–7486
Applications, hearings, determinations, etc.:
Boundary Gas Inc., 7478
Northern Natural Gas Co., 7478–7479
Northwest Pipeline Corp., 7479
Overthrust Pipeline Co., 7479
San Diego Gas & Electric Co., 7479–7480

Federal Railroad Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7551–7552

Federal Reserve System
NOTICES
Banks and bank holding companies:
Change in bank control, 7489–7490
Formations, acquisitions, and mergers, 7490
Formations, acquisitions, and mergers; correction, 7490
Permissible nonbanking activities, 7491

Federal Trade Commission
NOTICES
Interlocking directorates:
Clayton Act; Section 8 jurisidictional thresholds, 7491
Meetings:
On-line business-to-consumer contracts; dispute resolution; public roundtable, 7491–7492
Premerger notification waiting periods; early terminations, 7492–7494

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 7503
Marine mammal permit applications, 7503

Food and Drug Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7497–7498
Food additive petitions:
Avecia, Inc., 7498

Food and Nutrition Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7460–7461

Forest Service
NOTICES
Meetings:
California Coast Provincial Advisory Committee, 7461
Eastern Washington Cascades Provincial Advisory Committee et al., 7461–7462

General Services Administration
NOTICES
Acquisition regulations:
Purchase order, receiving report and voucher (OF 206); form cancellation, 7494
Telegraphic message (SF 14); form cancellation, 7495
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 7468–7469
Meetings:
Women's Progress Commemoration Commission, 7495

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Immigration and Naturalization Service
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 7508–7509

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See National Park Service
See Reclamation Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
Glen Canyon Dam Adaptive Management Work Group, 7499
Grants and cooperative agreements; availability, etc.:
Tribal self-governance program—
Programs eligible for inclusion in 2002 FY annual funding agreements; non-BIA bureaus, 7499–7503

International Trade Administration
NOTICES
Antidumping:
Corrosion-resistant carbon steel flat products from—
Japan, 7463–7465
Export trade certificates of review, 7465–7466

Justice Department
See Immigration and Naturalization Service
NOTICES
Pollution control; consent judgments:
TRW Vehicle Safety Systems Inc., 7508

Labor Department
See Employment and Training Administration
See Pension and Welfare Benefits Administration
See Wage and Hour Division

Land Management Bureau
NOTICES
Environmental statements; availability, etc.:
Red Rock Canyon National Conservation Area, NV, 7503–7504
Withdrawal and reservation of lands:
California, 7504–7505

National Aeronautics and Space Administration
NOTICES
Federal Acquisition Regulation (FAR):
Agency information collection activities—
Proposed collection; comment request, 7468–7469

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Nonconforming vehicles—
Importation eligibility; determinations, 7552–7553

National Oceanic and Atmospheric Administration
NOTICES
Environmental statements; notice of intent:
National Estuarine Research Reserve System—
South Slough National Estuarine Research Reserve, Coos Bay Estuary, OR, 7466–7467

National Park Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7505–7507
Reports and guidance documents; availability, etc.:
Director's Order 12; conservation planning, environmental impact analysis and decision-making, and final handbook, 7507–7508

National Science Foundation
NOTICES
Meetings:
Alan T. Waterman Award Committee, 7514
Biological Sciences Special Emphasis Panel, 7514–7515
Chemical and Transport Systems Special Emphasis Panel, 7515
Computing-Communications Research Special Emphasis Panel, 7515
Electrical and Communications Systems Special Emphasis Panel, 7515
Equal Opportunities in Science and Engineering Committee, 7515–7516
Graduate Education Special Emphasis Panel, 7516
International Arctic Research Center Oversight Council, 7516
Physics Special Emphasis Panel, 7516–7517

Nuclear Regulatory Commission
NOTICES
Meetings; Sunshine Act, 7517
Reports and guidance documents; availability, etc.:
Materials licenses, consolidated guidance—
Byproduct, source, or special nuclear material licenses; change of control and bankruptcy; program-specific guidance, 7518
Spent fuel pool accident risk at decommissioning nuclear power plants; technical study, 7518

Office of United States Trade Representative
See Trade Representative, Office of United States

Pension and Welfare Benefits Administration
NOTICES
Employee Retirement Income Security Act:
Disclosure obligations of fiduciaries of employee benefit plans governed by ERISA; information request, 7513

Personnel Management Office
NOTICES
Agency information collection activities:
Proposed collection; comment request, 7519–7520
Submission for OMB review; comment request, 7519–7520

Presidential Documents
PROCLAMATIONS
Trade:
North American Free Trade Agreement; implementation of accelerated schedule of duty elimination (Proc. 7401), 7375–7377
Swaziland; designation as a beneficiary Sub-Saharan African country (Proc. 7400), 7373–7374
EXECUTIVE ORDERS
Federal Republic of Yugoslavia (Serbia and Montenegro); lifting and modifying measures (EO 13192), 7379–7385
Government agencies and employees:
National trails system protection and promotion responsibilities (EO 13195), 7391–7393
Tobacco; global control and prevention measures (EO 13193), 7387–7388
Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve; amendment (EO 13196), 7395–7397
Sierra Leone; prohibiting importation of rough diamonds (EO 13194), 7389–7390

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Reclamation Bureau
NOTICES
Committees; establishment, renewal, termination, etc.:
California Bay-Delta Public Advisory Committee, 7508

Rural Telephone Bank
NOTICES
Meetings; Sunshine Act, 7462

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
Boston Stock Exchange, Inc., 7520–7522
Government Securities Clearing Corp., 7522–7525
New York Stock Exchange, Inc., 7525–7526
Pacific Exchange, Inc., 7526–7527

Small Business Administration
NOTICES
Disaster loan areas:
Arkansas, 7527
Oklahoma, 7527

State Department
NOTICES
Antarctic fishing; conservation measures adoption by Commission for Conservation of Antarctic Marine Living Resources, 7527–7528
Nondiscrimination on basis of sex in federally assisted education programs or activities; Federal financial assistance covered by Title IX, 7528
Privacy Act:
Systems of records, 7528–7529

Substance Abuse and Mental Health Services Administration
NOTICES
Meetings:
Mental Health Services Center National Advisory Council, 7498–7499

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
Delaware Transportation Group, Inc., et al, 7553

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department
See Customs Service

United States Institute of Peace
NOTICES
Grants and cooperative agreements; availability, etc.:
Unsolicited grants—
Spring competition program, 7553

Wage and Hour Division
NOTICES
American Samoa; special industry committee for all industries; appointment, convention, and hearing, 7513–7514

Separate Parts In This Issue

Part II
Department of Agriculture, Cooperative State Research, Education, and Extension Service, 7555–7560

Part III
Department of Education, 7561–7563

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

3 CFR

Proclamations:

7350 (see proc. 7400) 7373
7351 (see proc. 7400) 7373
7388 (see proc. 7400) 7373
7400 7373
7401 7375

Executive orders:

13178 (amended by EO 13196) 7395
13088 (amended by EO 13192) 7379
13121 (see EO 13192)
13192 7379
13193 7387
13194 7389
13195 7391
13196 7395

14 CFR

Proposed Rules:

39 7433
71 7436

19 CFR

12 7399

33 CFR

117 7402

Proposed Rules:

207 7436

47 CFR

2 7402
15 7402
76 7410

Proposed Rules:

2 (2 documents) 7438, 7443
90 7443

Federal Register
Vol. 66, No. 15
Tuesday, January 23, 2001

Presidential Documents

Title 3—

The President

Proclamation 7400 of January 17, 2001

To Designate Swaziland as a Beneficiary Sub-Saharan African Country and for Other Purposes

By the President of the United States of America

A Proclamation

1. Section 506A(a)(1) of the Trade Act of 1974, as amended (the ''1974 Act'') (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (Title I of Public Law 106–200) (AGOA), authorizes the President to designate countries listed in section 107 of the AGOA (19 U.S.C. 3706) as ''beneficiary sub-Saharan African countries.''

2. Section 112(b)(3)(B) of the AGOA (19 U.S.C. 3721(b)(3)(B)) provides special rules for certain apparel articles imported from ''lesser developed beneficiary sub-Saharan African countries.''

3. Proclamation 7350 of October 2, 2000, designated certain countries listed in section 107 of the AGOA as beneficiary sub-Saharan African countries and identified which designated beneficiary sub-Saharan African countries would be considered lesser developed beneficiary sub-Saharan African countries under section 112(b)(3)(B) of the AGOA.

4. Pursuant to section 506A(a)(1) of the 1974 Act, and having due regard for the eligibility criteria set forth therein, I have determined that it is appropriate to designate the Kingdom of Swaziland as a beneficiary sub-Saharan African country.

5. The Kingdom of Swaziland satisfies the criteria for treatment as a lesser developed beneficiary sub-Saharan African country under section 112(b)(3)(B) of the AGOA (19 U.S.C. 3721(b)(3)(B)).

6. Annex II to Proclamation 7388 of December 18, 2000, listed certain products that are eligible for preferential tariff treatment under section 213(b)(3)(A) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(b)(3)(A)), as amended by section 211(a) of the Caribbean Basin Trade Partnership Act (CBTPA) (Title II of Public Law 106–200). Section C of that Annex incorrectly stated the staged rate of duty to be applied to certain imports under subheading 6402.99.70 of the Harmonized Tariff Schedule of the United States (HTS). I have determined that this error should be corrected.

7. Proclamations 7350 and 7351 of October 2, 2000, added new general notes 16 and 17 to the HTS and renumbered other general notes. I have determined that general note 1 to the HTS should be modified to reflect these changes.

8. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including sections 506A and 604 of the 1974 Act, sections 111 and 112 of the AGOA, section 211 of the CBTPA, and section 213 of the CBERA, do proclaim that:

(1) The Kingdom of Swaziland is designated as a beneficiary sub-Saharan African country.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries ''Kingdom of Swaziland''.

(3) For purposes of section 112(b)(3)(B) of the AGOA, the Kingdom of Swaziland shall be considered a lesser developed beneficiary sub-Saharan African country.

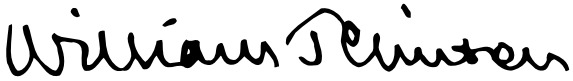
(4) Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2001, HTS subheading 6402.99.70 is modified by deleting the figure ''11.2%'' from the Rates of Duty 1-Special subcolumn and inserting in lieu thereof ''7.5%'' for such special rate. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2002, such subheading is modified by deleting the figure ''7.5%'' and inserting in lieu thereof ''3.7%'' for such special rate.

(5) General note 1 to the HTS is modified by deleting the phrase ''through 14, inclusive, and general note 16'' and by inserting in lieu thereof ''through 18, inclusive''.

(6) Any provisions of previous proclamations and Executive Orders that are inconsistent with this proclamation are superseded to the extent of such inconsistency.

(7) Except as provided in paragraph (4) of this proclamation, the modifications to the HTS made by this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of publication of this proclamation in the **Federal Register**.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



[FR Doc. 01–2136
Filed 1–22–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Proclamation 7401 of January 17, 2001

To Implement an Accelerated Schedule of Duty Elimination Under the North American Free Trade Agreement and for Other Purposes

By the President of the United States of America

A Proclamation

1. On December 17, 1992, the Governments of Canada, Mexico, and the United States of America entered into the North American Free Trade Agreement (NAFTA). The NAFTA was approved by the Congress in section 101(a) of the North American Free Trade Agreement Implementation Act (the ''NAFTA Implementation Act'') (19 U.S.C. 3311(a)) and was implemented with respect to the United States by Presidential Proclamation 6641 of December 15, 1993.

2. Section 201(b) of the NAFTA Implementation Act (19 U.S.C. 3331(b)) authorizes the President, subject to the consultation and layover requirements of section 103(a) of the NAFTA Implementation Act (19 U.S.C. 3313(a)), to proclaim accelerated schedules for duty elimination that the United States may agree to with Mexico or Canada. Consistent with Article 302(3) of the NAFTA, I, through my duly empowered representative, entered into an agreement with the Government of Mexico on November 30, 2000, providing for an accelerated schedule of duty elimination for specific goods of Mexico. The consultation and layover requirements of section 103(a) of the NAFTA Implementation Act with respect to such schedule of duty elimination will be satisfied on December 30, 2000.

3. Pursuant to section 201(b) of the NAFTA Implementation Act, I have determined that the modifications hereinafter proclaimed of duties on goods originating in the territory of a NAFTA party are necessary or appropriate (i) to maintain the general level of reciprocal and mutually advantageous concessions with respect to Mexico provided for by the NAFTA, and (ii) to carry out the agreement with Mexico providing an accelerated schedule of duty elimination for specific goods.

4. Section 213(b)(3)(A) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2703(b)(3)(A)), as amended by section 211(a) of the United States-Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) (CBTPA), provides that the tariff treatment accorded at any time during the transition period defined in section 213(b)(5)(D) of the CBERA (19 U.S.C. 2703(b)(5)(D)), as amended by section 211(a) of the CBTPA, to certain articles that are originating goods of designated CBTPA beneficiary countries shall be identical to the tariff treatment that is accorded at such time under Annex 302.2 of the NAFTA to an article described in the same 8-digit subheading of the Harmonized Tariff Schedule of the United States (HTS) that is a good of Mexico and is imported into the United States. Such articles are described in sub paragraphs (B) through (F) of section 213(b)(1) of the CBERA (19 U.S.C. 2703(b)(1)(B)–(F)), as amended by section 211(a) of the CBTPA.

5. Section 604 of the Trade Act of 1974, as amended (the ''1974 Act'')(19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the relevant provisions of Acts affecting import treatment, and actions

thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including section 201(b) of the NAFTA Implementation Act, section 211 of the CBTPA, section 213 of the CBERA, and section 604 of the 1974 Act, do proclaim that:

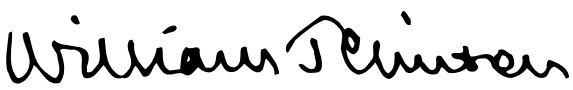
(1) In order to provide for an accelerated schedule of duty elimination for specific goods of Mexico under the NAFTA and to provide identical tariff treatment for originating goods of a CBTPA beneficiary country provided for in the same HTS subheading, the tariff treatment set forth in the HTS is modified as provided in section 1 of the Annex to this proclamation.

(2) In order to provide for an accelerated schedule of duty elimination for specific goods of Mexico under the NAFTA, the tariff treatment set forth in the HTS is modified as provided in section 2 of the Annex to this proclamation.

(3) Any provisions of previous proclamations and Executive orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(4) The amendments made to the HTS by the Annex to this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of January, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



Billing code 3195–01–P

Annex

Modifications to the Harmonized Tariff Schedule of the United States (HTS)

Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2001.

Section 1. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbols "(MX,R)" and the rate preceding the parentheses and by inserting "MX" and "R", in alphabetical order, in the parentheses following the "Free" rate of duty in such subcolumn.

6402.19.05	6403.19.50	6403.59.90	6403.99.90
6402.30.30	6403.40.30	6403.91.30	6405.10.00
6402.91.40	6403.40.60	6403.91.60	6405.20.30
6402.99.05	6403.51.30	6403.91.90	6405.20.90
6402.99.10	6403.51.60	6403.99.20	6405.90.90
6402.99.18	6403.51.90	6403.99.40	
6403.19.10	6403.59.30	6403.99.60	
6403.19.30	6403.59.60	6403.99.75	

Section 2. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "(MX)" and the rate preceding the parentheses and by inserting "MX" in alphabetical order in the parentheses following the "Free" rate of duty in such subcolumn.

2905.17.00
2921.30.10

[FR Doc. 01–2137
Filed 1–22–01; 8:45 am]
Billing code 3195–01–C

Presidential Documents

Executive Order 13192 of January 17, 2001

Lifting and Modifying Measures With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro)

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of l945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 827 of May 25, 1993 (UNSCR 827), and subsequent resolutions,

I, WILLIAM J. CLINTON, President of the United States of America, found in Executive Order 13088 of June 9, 1998, that the actions and policies of the Governments of the Federal Republic of Yugoslavia (Serbia and Montenegro) (the ''FRY (S&M)'') and the Republic of Serbia with respect to Kosovo, by promoting ethnic conflict and human suffering, threatened to destabilize countries of the region and to disrupt progress in Bosnia and Herzegovina in implementing the Dayton peace agreement, and therefore constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. I declared a national emergency to deal with that threat and ordered that economic sanctions be imposed with respect to those governments. I issued Executive Order 13121 of April 30, 1999, in response to the continuing human rights and humanitarian crises in Kosovo. That order revised and substantially expanded the sanctions imposed pursuant to Executive Order 13088.

In view of the peaceful democratic transition begun by President Vojislav Kostunica and other newly elected leaders in the FRY (S&M), the promulgation of UNSCR 827 and subsequent resolutions calling for all states to cooperate fully with the International Criminal Tribunal for the former Yugoslavia, the illegitimate control over FRY (S&M) political institutions and economic resources or enterprises exercised by former President Slobodan Milosevic, his close associates and other persons, and those individuals' capacity to repress democracy or perpetrate or promote further human rights abuses, and in order to take steps to counter the continuing threat to regional stability and implementation of the Dayton peace agreement and to address the national emergency described and declared in Executive Order 13088, I hereby order:

Section 1. *Amendments to Executive Order 13088.* (a) Section 1 of Executive Order 13088 of June 9, 1998, as revised by section 1(a) of Executive Order 13121 of April 30, l999, is revised to read as follows:

''*Section 1.* (a) Except to the extent provided in section 203(b) of IEEPA (50 U.5.C. 1702(b)), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, I hereby order blocked all property and interests in property that are or hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of:

(i) any person listed in the Annex to this order; and

(ii) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State:

(A) to be under open indictment by the International Criminal Tribunal for the former Yugoslavia, subject to applicable laws and procedures;

(B) to have sought, or to be seeking, through repressive measures or otherwise, to maintain or reestablish illegitimate control over the political processes or institutions or the economic resources

or enterprises of the Federal Republic of Yugoslavia, the Republic of Serbia, the Republic of Montenegro, or the territory of Kosovo;

(C) to have provided material support or resources to any person designated in or pursuant to section 1(a) of this order; or

(D) to be owned or controlled by or acting or purporting to act directly or indirectly for or on behalf of any person designated in or pursuant to section 1(a) of this order.

(b) All property and interests in property blocked pursuant to this order prior to 12:01 a.m., eastern standard time, on January 19, 2001, shall remain blocked except as otherwise authorized by the Secretary of the Treasury.''

(b) Section 2 of Executive Order 13088, as replaced by section 1(b) of Executive Order 13121, is revoked and a new section 2 is added to read as follows:

''*Sec. 2.* Further, except to the extent provided in section 203(b) of IEEPA (50 U.S.C. 1702(b)), and in regulations, orders, directives, or licenses that may hereafter be issued pursuant to this order, and notwithstanding any contract entered into or any license or permit granted prior to the effective date, I hereby prohibit any transaction or dealing by a United States person or within the United States in property or interests in property of any person designated in or pursuant to section 1(a) of this order.''

(c) Section 3 of Executive Order 13088 is revoked.

(d) Section 4 of Executive Order 13088, as revised by section 1(c) of Executive Order 13121, is renumbered and revised to read as follows:

''*Sec. 3.* Any transaction by a United States person that evades or avoids, or has the purpose of evading or avoiding,

or attempts to violate, any of the prohibitions set forth in this order is prohibited. Any conspiracy formed to violate the prohibitions of this order is prohibited.''

(e) Section 5 of Executive Order 13088 is renumbered and revised to read as follows:

''*Sec. 4.* For the purposes of this order:

(a) The term ''person'' means an individual or entity;

(b) The term ''entity'' means a partnership, association, trust, joint venture, corporation or other organization; and

(c) The term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States.''

(f) Section 6 of Executive Order 13088 is renumbered and revised to read as follows:

''*Sec. 5.* The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to me by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their statutory authority to carry out the provisions of this order.''

(g) A new section 6 is added to Executive Order 13088 to read as follows:

''*Sec. 6.* The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to remove any person from the Annex to this order as circumstances warrant.''

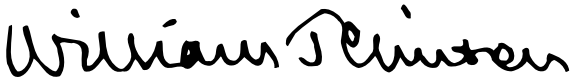
(h) Section 7 of Executive Order 13088, as revised by section 1(d) of Executive Order 13121, is revoked.

Sec. 2. *Preservation of Authorities.* Nothing in this order is intended to affect the continued effectiveness of any rules, regulations, orders, licenses, or other forms of administrative action issued, taken, or continued in effect heretofore or hereafter under Executive Order 13088, Executive Order 13121, or the authority of IEEPA or UNPA, except as hereafter terminated, modified, or suspended by the issuing Federal agency.

Sec. 3. *No Rights or Privileges Conferred.* This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 4. (a) *Effective Date.* This order is effective at 12:01 a.m. eastern standard time on January 19, 2001.

(b) Transmittal; Publication. This order shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,

January 17, 2001.

Billing code 3195–01–P

ANNEX

NAME/DPOB (IF AVAILABLE)	BACKGROUND
1. Acimovic, Slobodan 19 Sep 1951	Asst. Dir., Beogradska Banka (BB)
2. Albunovic, Veljko	GM, Pozarevacka Banka AD
3. Baltovski, Mira	GM for International Operations at BB
4. Banovic, Nenad 28 Oct 1969	ICTY indictee
5. Banovic, Predrag 28 Oct 1969	ICTY indictee
6. Borovnica, Goran 15 Aug 1965	ICTY indictee
7. Bozovic, Radoman 10 Jan 1953	ex-Managing Director, GENEX
8. Budisin, Radmila 3 Mar 1944 Srobobran	Gen Mgr, Legal, BB Browncourt trading
9. Bulatovic, Momir 21 Sep 1956	ex-PM, FRY
10. Cesic, Ranko 5 Sept 1964 Drvar	ICTY indictee
11. Cvetanovic, Ninoslav 1940	General Director, Rudarsko, Also exec of Bor Mining
12. Djakovic, Milan 5 Oct 1937	Director of NIS Jugopetrol
13. Fustar, Dragan 28 Mar 1956	ICTY indictee
14. Gajic-Milosevic, Milica 1970	Milosevic family daughter-in-law
15. Galovic, Predrag	GM Jugobanka AD and ex-Asst. FRY Minister for the Economy
16. Gruban, Momcilo 19 June 1961	ICTY indictee
17. Janjic, Stanisa 10 Mar 1948	Dir of JUMKO Holding, Member, SPS Main Committee
18. Jankovic, Gojko 31 Oct 1954	ICTY indictee
19. Jankovic, Tomislav	Galenika Board President
20. Jocic, Vladislav	GM, Sabacka Banka AD
21. Josic, Milan	GM, Loznicka Banka AD

22.	Karadzic, Radovan 19 June 1945 Petnica, Montenegro	ICTY indicate
23.	Karic, Palmira Bogoljub 17 Jan 1954 Pec, Kosovo	Businessman, ex-Min. without Portfolio, Serbia
24.	Kertes, Mihail 29 Aug 1947 Palanka, Vojvodina	ex-Director, FRY Customs
25.	Klipa, Dusan 9 Apr 1943 Sabac	Dir-Gen, Zorka
26.	Knezevic, Dusan 23 June 1955 Orlovci	ICTY indictee
27.	Lukic, Milan 6 Sep 1967 Foca, Bosnia-Herz.	ICTY indictee
28.	Lukic, Sredoje 5 April 1961 Visegrad, Bosnia-Herz.	ICTY indictee
29.	Maljkovic, Nebojsa 4 Sep 1954	Member, JUL directorate, ex-FRY Dep. PM, ex-FRY Min Cooperation, Pres., Dunav Insurance
30.	Marinic, Zoran 6 June 1963 Busovaca	ICTY indictee
31.	Marjanovic, Mirko 27 Jul 1937 Knin, Croatia	ex-Serbian PM
32.	Markovic, Mirjana 10 Jul 1942	Milosevic family, wife
33.	Markovic, Momir	Private banker, ex-deputy governor of National Bank of Yugoslavia (NBJ), editor of Velika Srbija
34.	Markovic, Radomir 1946 or 1947	Head of RDB, chief of intelligence
35.	Markovic, Vladimir	JUL member, Gen. Dir. Merima Chemical
36.	Markovic, Zoran	Executive Director of BB
37.	Martic, Milan 18 Nov 1954 Zagrovic	ICTY indictee
38.	Mejakic, Zeljko 2 Aug 1964 Petrov Gaj	Other ICTY indictee

39.	Milacic, Borislav 13 May 1953	Minister of Finance, Serbia
40.	Milanovic, Dafina	ex-Pres., Dafiment Bank
41.	Milosevic, Borislav 1936	Milosevic family, brother
42.	Milosevic, Marija 1965	Milosevic family, daughter
43.	Milosevic, Marko 2 Jul 1974	Milosevic family, son
44.	Milosevic, Milanka	Milosevic family, sister-in-law
45.	Milosevic, Slobodan 20 Aug 1941 Pozarevac	ex-President of FRY, ICTY indictee
46.	Milutinovic, Milan 19 Dec 1942 Belgrade	President, Serbia, ICTY indictee
47.	Mitrovic, Borislav	ex-Sec. Gen., President's Secretariat
48.	Mitrovic, Zeljko 31 May 1967	Owner of TV Pink, member, JUL directorate
49.	Mladic, Ratko 12 Mar 1943 Bozinovici, Bosnia-Herz.	ICTY indictee
50.	Mrksic, Milan 20 July 1947	ICTY indictee
51.	Ojdanic, Dragoljub 1 Jun 1941 Ravni, Cajetina	ex-Minister of Defense, ICTY indictee
52.	Paunovic, Radisav	Gen. Mgr of Izvozna Banka AD
53.	Pavkovic, Nebojsa 10 Apr 1946 Senjski Rudnik, Despotovac Mun., Pozarevac	Chief of General Staff, Army
54.	Penezic, Branislav	Gen. Mgr of Dunav Banka AD
55.	Petrovic, Radoje	Gen. Mgr for international payments for BB
56.	Radenkovic, Ljiljana	Anglo-Yugo Bank London, Antexol Trading Ltd, Cyprus
57.	Radic, Miroslav 1 Jan 1961	ICTY indictee
58.	Rahman, Pavle	Gen. Mgr for Funds and Liquidity for Beogradska Banka
59.	Rajic, Ivica 5 May 1958 Johovac	ICTY indictee

60. Raketic, Srdjan	Dir. Gen., Privredna Banka, Pancevo AD
61. Ristic, Ljubisa 8 Feb 1947	President of JUL
62. Ristic, Milorad	Dir. Gen., Niska Banka AD
63. Rodic, Milan 11 Dec 1948	Member of JUL directorate, CEO Serbian Lumber Monopoly
64. Sainovic, Nikola 7 Dec 1948 Bor	ex-Deputy Prime Minister, ICTY Indictee
65. Sekulic, Zarko	Dir Gen of Agrobanka AD
66. Simanovic, Vojislav 23 Sep 1953	Gen Mgr of PKB, Pres. JUL comm. for agr
67. Simic, Blagoje 1 July 1960 Kruskovo Polje	ICTY indictee
68. Slijivancanin, Veselin 13 June 1953	ICTY indictee
69. Sokolovacki, Zivko	member of JUL directorate, Chairman, NIS
70. Stankovic, Radovan 10 Mar 1969 Trebica	ICTY indictee
71. Stankovic, Srboljub 1940,	Dir. of NIS Naftagas, member, JUL directorate
72. Stojiljkovic, Vlajko 1937 Mala Krsna	ex-Min Interior, Serbia ICTY Indictee
73. Tomasevic, Ljiljana	Executive Director, BB
74. Tomovic, Slobodan 1946	SPS regional head Kragujevac, ex-Min. of Energy, member of SPS main committee
75. Unkovic, Slobodan 1938	FRY Ambassador to China,
76. Vasiljevic, Jezdimir 1948	Dir. of failed pyramid scheme based out of Jugoskandik Bank
77. Vlatkovic, Dusan 12 Feb 1938	ex-Gov, NBJ, member, JUL
78. Vucic, Borka 4 Apr 1926	Min for Cooperation with Int Financial Institutions
79. Vukovic, Slobodan 2 Jan 1940	General Manager of Prva Preduzetnicka Banka AD
80. Zecevic, Miodrag	Director, JUBMES Bank
81. Zelenovic, Dragan 12 Feb 1961	ICTY indictee

[FR Doc. 01–2138

Filed 1–22–01; 8:45 am]

Billing code 3195–01–C

Presidential Documents

Executive Order 13193 of January 18, 2001

Federal Leadership on Global Tobacco Control and Prevention

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* It shall be the policy of the executive branch to take strong action to address the potential global epidemic of diseases caused by tobacco use. The executive branch shall undertake activities to increase its capacity to address global tobacco prevention and control issues through coordinated domestic action, limited bilateral assistance to individual nations, and support to multilateral organizations. International activities shall be directed towards deterring children from tobacco use, protecting nonsmokers, and providing information about the adverse health effects of tobacco use and the health benefits of cessation.

Sec. 2. *Responsibilities of Federal Departments and Agencies.* (a) Tobacco Trade Policy. In the implementation of international trade policy, executive departments and agencies shall not promote the sale or export of tobacco or tobacco products, or seek the reduction or removal of foreign government restrictions on the marketing and advertising of such products, provided that such restrictions are applied equally to all tobacco or tobacco products of the same type. Departments and agencies are not precluded from taking necessary actions in accordance with the requirements and remedies available under applicable United States trade laws and international agreements to ensure nondiscriminatory treatment of United States products. Nothing in this Executive Order shall be construed (1) to modify the annual executive branch guidance to United States diplomatic posts on health, trade, and commercial aspects of tobacco, or (2) to affect any negotiating position of the United States on the Framework Convention on Tobacco Control.

(b) The Department of Health and Human Services' (HHS) Role in Tobacco Trade Policy Deliberations. The HHS shall be included in all deliberations of interagency working groups, chaired by the United States Trade Representative (USTR), that address issues relating to trade in tobacco and tobacco products. Through such participation, HHS shall advise the USTR, and other interested Federal agencies, of the potential public health impact of any tobacco-related trade action that is under consideration. Upon conclusion of a trade agreement that includes provisions specifically addressing tobacco or tobacco products, the USTR shall produce and make publicly available a summary describing those provisions.

(c) International Tobacco Control Needs Assessment. The HHS, with the cooperation of the Departments of State, Commerce, and Agriculture, and in consultation with the appropriate national Ministry of Health, shall conduct a pilot assessment of tobacco use in a country other than the United States. Such assessment will be carried out through a compilation and review of surveys and other needs assessments already available and include:

(1) initial estimates of the burden of disease and other public health consequences of tobacco use;

(2) the status of tobacco control regulatory measures in place to curtail tobacco consumption and tobacco related disease; and

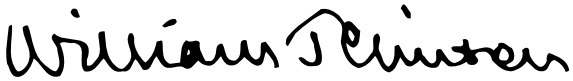
(3) an analysis of the marketing, distribution, and manufacturing practices of tobacco companies in given regions, and the impact of those practices

on smoking rates, particularly among women and children. Such assessment shall be prepared and provided to interested agencies and other parties not later than December 31, 2001, and be updated as practicable.

(d) Research and Training in Tobacco Control. The HHS will develop a research and training program linking institutions in the United States and certain other countries in the field of tobacco control. Emphasis will be placed on the collection of standardized and comparable surveillance data; networks for communication, information and best practices; and the development and evaluation of culturally-targeted approaches to preventing tobacco use and increasing quit rates, especially among women and children.

Sec. 3. *General.* (a) Executive departments and agencies shall carry out the provisions of this order to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(b) This order clarifies and strengthens Administration policy and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its officers or employees, or any other person.



THE WHITE HOUSE,
January 18, 2001.

[FR Doc. 01–2139
Filed 1–22–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13194 of January 18, 2001

Prohibiting the Importation of Rough Diamonds From Sierra Leone

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 5 of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287c) (UNPA), and section 301 of title 3, United States Code, and in view of United Nations Security Council Resolution 1306 of July 5, 2000,

I, WILLIAM J. CLINTON, President of the United States of America, take note that the people of Sierra Leone have suffered the ravages of a brutal civil war for nearly 10 years, and that the United Nations Security Council has determined that the situation in Sierra Leone constitutes a threat to international peace and security in the region and also has expressed concerns regarding the role played by the illicit trade in diamonds in fueling the conflict in Sierra Leone. Sierra Leone's insurgent Revolutionary United Front's (RUF's) illicit trade in diamonds from Sierra Leone to fund its operations and procurement of weapons, the RUF's flagrant violation of the Lome Peace Agreement of July 7, 1999, and its attacks on personnel of the United Nations Mission in Sierra Leone are direct challenges to the United States foreign policy objectives in the region as well as a direct challenge to the rule-based international order which is crucial to the peace and prosperity of the United States. Therefore, I find these actions constitute an unusual and extraordinary threat to the foreign policy of the United States and hereby declare a national emergency to deal with that threat. In order to implement United Nations Security Council Resolution 1306 and to ensure that the direct or indirect importation into the United States of rough diamonds from Sierra Leone will not contribute financial support to aggressive actions by the RUF or to the RUF's procurement of weapons, while at the same time seeking to avoid undermining the legitimate diamond trade or diminishing confidence in the integrity of the legitimate diamond industry, I hereby order:

Section 1. Except to the extent provided in section 2 of this order and to the extent provided in regulations, orders, directives, or licenses issued pursuant to this order, and notwithstanding the existence of any rights or obligations conferred or imposed by any international agreement or any contract entered into or any license or permit granted prior to the effective date of this order, the direct or indirect importation into the United States of all rough diamonds from Sierra Leone on or after the effective date of this order is prohibited.

Sec. 2. The prohibition in section 1 of this order shall not apply to the importation of rough diamonds controlled through the Certificate of Origin regime of the Government of Sierra Leone.

Sec. 3. Any transaction by a United States person or within the United States that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate, any of the prohibitions set forth in this order is prohibited.

Sec. 4. For the purposes of this order:

(a) the term ''person'' means an individual or entity;

(b) the term ''entity'' means a partnership, association, trust, joint venture, corporation, or other organization;

(c) the term ''United States person'' means any United States citizen, permanent resident alien, entity organized under the laws of the United States or any jurisdiction within the United States (including foreign branches), or any person in the United States;

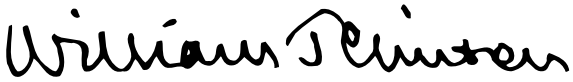
(d) the term ''rough diamond'' means all unworked diamonds classifiable in heading 7102 of the Harmonized Tariff Schedule of the United States; and

(e) the term ''controlled through the Certificate of Origin regime of the Government of Sierra Leone'' means accompanied by a Certificate of Origin or other documentation that demonstrates to the satisfaction of the United States Customs Service (or analogous officials of a United States territory or possession with its own customs administration) that the rough diamonds were legally exported from Sierra Leone with the approval of the Government of Sierra Leone.

Sec. 5. The Secretary of the Treasury, in consultation with the Secretary of State, is hereby authorized to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and UNPA, as may be necessary to carry out the purposes of this order. The Secretary of the Treasury may redelegate any of these functions to other officers and agencies of the United States Government. All agencies of the United States Government are hereby directed to take all appropriate measures within their authority to carry out the provisions of this order.

Sec. 6. This order is not intended to create, nor does it create, any right, benefit, or privilege, substantive or procedural, enforceable at law by a party against the United States, its agencies, officers, or any other person.

Sec. 7. This order is effective at 12:01 a.m. eastern standard time on January 19, 2001.



THE WHITE HOUSE,
January 18, 2001.

[FR Doc. 01–2140
Filed 1–22–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13195 of January 18, 2001

Trails for America in the 21st Century

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in furtherance of purposes of the National Trails System Act of 1968, as amended (16 U.S.C. 1241–1251), the Transportation Equity Act for the 21st Century (Public Law 105–178), and other pertinent statutes, and to achieve the common goal of better establishing and operating America's national system of trails, it is hereby ordered as follows:

Section 1. *Federal Agency Duties.* Federal agencies will, to the extent permitted by law and where practicable—and in cooperation with Tribes, States, local governments, and interested citizen groups—protect, connect, promote, and assist trails of all types throughout the United States. This will be accomplished by:

(a) Providing trail opportunities of all types, with minimum adverse impacts and maximum benefits for natural, cultural, and community resources;

(b) Protecting the trail corridors associated with national scenic trails and the high priority potential sites and segments of national historic trails to the degrees necessary to ensure that the values for which each trail was established remain intact;

(c) Coordinating maps and data for the components of the national trails system and Millennium Trails network to ensure that these trails are connected into a national system and that they benefit from appropriate national programs;

(d) Promoting and registering National Recreation Trails, as authorized in the National Trails System Act, by incorporating where possible the commitments and partners active with Millennium Trails;

(e) Participating in a National Trails Day the first Saturday of June each year, coordinating Federal events with the National Trails Day's sponsoring organization, the American Hiking Society;

(f) Familiarizing Federal agencies that are active in tourism and travel with the components of a national system of trails and the Millennium Trails network and including information about them in Federal promotional and outreach programs;

(g) Fostering volunteer programs and opportunities to engage volunteers in all aspects of trail planning, development, maintenance, management, and education as outlined in 16 U.S.C. 1250;

(h) Encouraging participation of qualified youth conservation or service corps, as outlined in 41 U.S.C. 12572 and 42 U.S.C. 12656, to perform construction and maintenance of trails and trail-related projects, as encouraged in sections 1108(g) and 1112(e) of the Transportation Equity Act for the 21st Century, and also in trail planning protection, operations, and education;

(i) Promoting trails for safe transportation and recreation within communities;

(j) Providing and promoting a wide variety of trail opportunities and experiences for people of all ages and abilities;

(k) Providing historical interpretation of trails and trail sites and enhancing cultural and heritage tourism through special events, artworks, and programs; and

(l) Providing training and information services to provide high-quality information and training opportunities to Federal employees, Tribal, State, and local government agencies, and the other trail partners.

Sec. 2. *The Federal Interagency Council on Trails.* The Federal Interagency Council on Trails (Council), first established by agreement between the Secretaries of Agriculture and the Interior in 1969, is hereby recognized as a long-standing interagency working group. Its core members represent the Department of the Interior's Bureau of Land of Management and National Park Service, the Department of Agriculture's Forest Service, and the Department of Transportation's Federal Highway Administration. Other Federal agencies, such as those representing cultural and heritage interests, are welcome to join this council. Leadership of the Council may rotate among its members as decided among themselves at the start of each fiscal year. The Council's mission is to coordinate information and program decisions, as well as policy recommendations, among all appropriate Federal agencies (in consultation with appropriate nonprofit organizations) to foster the development of America's trails through the following means:

(a) Enhancing federally designated trails of all types (e.g., scenic, historic, recreation, and Millennium) and working to integrate these trails into a fully connected national system;

(b) Coordinating mapping, signs and markers, historical and cultural interpretations, public information, training, and developing plans and recommendations for a national trails registry and database;

(c) Ensuring that trail issues are integrated in Federal agency programs and that technology transfer and education programs are coordinated at the national level; and

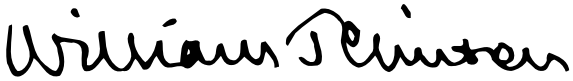
(d) Developing a memorandum of understanding among the agencies to encourage long-term interagency coordination and cooperation to further the spirit and intent of the National Trails System Act and related programs.

Sec. 3. *Issue Resolution and Handbook for Federal Administrators of the National Trails System.* Federal agencies shall together develop a process for resolving interagency issues concerning trails. In addition, reflecting the authorities of the National Trails System Act, participating agencies shall coordinate preparation of (and updates for) an operating handbook for Federal administrators of the National Trails System and others involved in creating a national system of trails. The handbook shall reflect each agencies' governing policies and provide guidance to each agencies' field staff and partners about the roles and responsibilities needed to make each trail in the national system fully operational.

Sec. 4. *Observance of Existing Laws.* Nothing in this Executive Order shall be construed to override existing laws, including those that protect the lands, waters, wildlife habitats, wilderness areas, and cultural values of this Nation.

Sec. 5. *Judicial Review.* This order is intended only to improve the internal management of the executive branch. It does not create any right or benefit,

substantive or procedural, enforceable in law or equity by any party against the United States, its agencies, its officers or employees, or any other person.



THE WHITE HOUSE,
January 18, 2001.

[FR Doc. 01–2141
Filed 1–22–01; 8:45 am]
Billing code 3195–01–P

Presidential Documents

Executive Order 13196 of January 18, 2001

Final Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the National Marine Sanctuaries Act, (16 U.S.C. 1431 *et seq.*), and the National Marine Sanctuaries Amendments Act of 2000, Public Law 106–513, and in furtherance of the purposes of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Marine Protection, Research, and Sanctuaries Act (33 U.S.C. 1401 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act (33 U.S.C. 1251 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), National Wildlife Refuge System Administration Act (16 U.S.C. 668dd–e.e.), and other pertinent statutes, it is ordered as follows:

Sec. 1. *Preamble.* On December 4, 2000, I issued Executive Order 13178 establishing the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve (Reserve) pursuant to my authority under the National Marine Sanctuaries Act, as amended by the National Marine Sanctuary Amendments Act of 2000 (Act). In establishing the Reserve, I set forth a number of conservation measures and created specific Reserve Preservation Areas to protect the coral reef ecosystem and related marine resources and species (resources) of the Reserve. The Act provides that no closure areas can become permanent without adequate notice and comment. Accordingly, I proposed to make permanent the Reserve Preservation Areas and initiated a 30-day comment period on this proposal. I also sought comment on the conservation measures for the Reserve. On my behalf, the Secretary of Commerce received the public comments and held seven public hearings,including six throughout Hawaii. After considering the comments expressed at the hearings and received in writing, I have determined to make permanent the Reserve Preservation Areas with certain modifications set forth below. Further, I have modified certain conservation measures to address concerns raised, particularly regarding commercial and recreational fishing within the Reserve. With this action, the establishment of the Reserve under the Act, including the conservation measures and permanent Reserve Preservation Areas, is complete. The Secretary of Commerce will manage the Reserve pursuant to Executive Order 13178, as modified by this order, under the Act. The Secretary shall also initiate the process to designate the Reserve as a National Marine Sanctuary, as required by the Act.

Sec. 2. *Purpose.* The purpose of this order is to amend Executive Order 13178, and to make permanent Reserve Preservation Areas, as modified below, to ensure the comprehensive, strong, and lasting protection of the resources of the Northwestern Hawaiian Islands.

Sec. 3. *Amendments to Sections 7 of Executive Order 13178.*

1. Section 7(a)(1) of Executive Order 13178 is hereby amended by revising the first sentence to read as follows:

''Commercial Fishing. All currently existing commercial Federal fishing permits and current levels of fishing effort and take, which also includes the non-permitted level of trolling for pelagic species by currently permitted bottom fishers, as determined by the Secretary and pursuant to regulations in effect on December 4, 2000, shall be capped as follows:''

2. Section 7(a)(1)(C) of Executive Order 13178 is hereby revised to read as follows:

''(C) The annual level of aggregate take under all permits of any particular type of fishing may not exceed the aggregate level of take under all permits of that type of fishing as follows:

(1) Bottomfishing—the annual aggregate level for each permitted bottomfisher shall be that permittee's individual average taken over the 5 years preceding December 4, 2000, as determined by the Secretary, provided that the Secretary, in furtherance of the principles of the reserve, may make a one-time reasonable increase to the total aggregate to allow for the use of two Native Hawaiian bottomfishing permits;

(2) All other commercial fishing—the annual aggregate level shall be the permittee's individual take in the year preceding December 4, 2000, as determined by the Secretary.''

3. A new section 7(a)(1)(F) is hereby added to Executive Order 13178 and reads as follows:

''(F) Trolling for pelagic species shall be capped based on reported landings for the year preceding December 4, 2000.''

4. Section 7(b)(4) is revised to read as follows:

''(4) Discharging or depositing any material or other matter into the Reserve, or discharging or depositing any material or other matter outside the Reserve that subsequently enters the Reserve and injures any resource of the Reserve, except:

(A) fish parts (i.e., chumming materia or bait) used in and during fishing operations authorized under this order;

(B) biodegradable effluent incident to vessel use and generated by a marine sanitation device in accordance with section 312 of the Federal Water Pollution Control Act, as amended;

(C) water generated by routine vessel operations (e.g., deck wash down and graywater as defined in section 312 of the Federal Water Pollution Control Act), excluding oily wastes from bilge pumping; or

(D) cooling water from vessels or engine exhaust; and''.

Sec. 4. *Amendments to Sections 8 of Executive Order 13178.*

1. Section 8 of Executive Order 13178 is modified by substituting ''provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, respectively,'' for ''provided that bottomfishing in accordance with the requirements of section 7(a)(1)'' everywhere the latter phrase appears in section 8.

2. Section 8(a)(1)(A) is modified by substituting ''a mean depth of 25 fm'' for ''a mean depth of 10fm.''

3. Section 8(a)(1)(B) is modified by substituting ''a mean depth of 25 fm'' for ''a mean depth of 20fm.''

4. Section 8(a)(1)(D) is modified by substituting ''a mean depth of 25 fm'' for ''a mean depth of 10fm.''

5. Section 8(a)(1)(E) is modified by substituting ''a mean depth of 25 fm'' for ''a mean depth of 20fm.''

6. Section 8(a)(1)(G) is modified by substituting ''a mean depth of 25 fm'' for ''a mean depth of 50fm.''

7. Section 8(a)(1)(I) is revised to read ''Kure Atoll.''

8. Sections 8(a)(2)(D) and (E) are hereby deleted and a new section 8(a)(3) is hereby substituted as follows:

''(3) Twelve nautical miles around the approximate geographical centers of

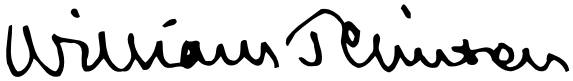
(A) The first bank west of St. Rogation Bank, east of Gardner Pinnacles, provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, shall be allowed to continue for a period of 5 years from the date of this order; and

(B) Raita Bank, provided that commercial bottomfishing and commercial and recreational trolling for pelagic species in accordance with the requirements of sections 7(a)(1) and 7(a)(2) of this order, shall be allowed to continue for a period of 5 years from the date of this order; and

(C) Provided that both banks described above in (3)(A) and (3)(B) shall only continue to allow commercial bottomfishing and commercial and recreational trolling for pelagic species after the 5-year time period if it is determined that continuation of such activities will have no adverse impact on the resources of these banks.''

Sec. 5. *Reserve Preservation Areas.* The Reserve Preservation Areas, as modified in sections 3 and 4 of this order, are hereby made permanent in accordance with the Act.

Sec. 6. *Judicial Review.* This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
January 18, 2001.

[FR Doc. 01–2214
Filed 1–22–01; 8:45 am]
Billing code 3195–01–P

Rules and Regulations

Federal Register

Vol. 66, No. 15

Tuesday, January 23, 2001

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

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

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 01–06]

RIN 1515–AC66

Import Restrictions Imposed on Archaeological Material Originating in Italy and Representing the Pre-Classical, Classical, and Imperial Roman Periods

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the imposition of import restrictions on certain archaeological material originating in Italy and representing the pre-Classical, Classical, and Imperial Roman periods of its cultural heritage, ranging in date from approximately the 9th century B.C. through approximately the 4th century A.D. These restrictions are being imposed pursuant to an agreement between the United States and Italy that has been entered into under the authority of the Convention on Cultural Property Implementation Act in accordance with the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. The document amends the Customs Regulations by adding Italy to the list of countries for which an agreement has been entered into for imposing import restrictions. The document also contains the Designated List of Archaeological Material that describes the types of articles to which the restrictions apply.

EFFECTIVE DATE: January 23, 2001.

FOR FURTHER INFORMATION CONTACT: (Legal Aspects) Joseph Howard, Intellectual Property Rights Branch (202) 927–2336; (Operational Aspects) Al Morawski, Trade Operations (202) 927–0402.

SUPPLEMENTARY INFORMATION:

Background

The value of cultural property, whether archaeological or ethnological in nature, is immeasurable. Such items often constitute the very essence of a society and convey important information concerning a people's origin, history, and traditional setting. The importance and popularity of such items regrettably makes them targets of theft, encourages clandestine looting of archaeological sites, and results in their illegal export and import.

The U.S. shares in the international concern for the need to protect endangered cultural property. The appearance in the U.S. of stolen or illegally exported artifacts from other countries where there has been pillage has, on occasion, strained our foreign and cultural relations. This situation, combined with the concerns of museum, archaeological, and scholarly communities, was recognized by the President and Congress. It became apparent that it was in the national interest for the U.S. to join with other countries to control illegal trafficking of such articles in international commerce.

The U.S. joined international efforts and actively participated in deliberations resulting in the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (823 U.N.T.S. 231 (1972)). U.S. acceptance of the 1970 UNESCO Convention was codified into U.S. law as the ''Convention on Cultural Property Implementation Act'' (Pub. L. 97–446, 19 U.S.C. 2601 *et seq.*) (''the Act''). This was done to promote U.S. leadership in achieving greater international cooperation towards preserving cultural treasures that are of importance to the nations from where they originate and to achieving greater international understanding of mankind's common heritage.

During the past several years, import restrictions have been imposed on archaeological and ethnological artifacts of a number of signatory nations. These restrictions have been imposed as a result of requests for protection received from those nations as well as pursuant to bilateral agreements between the United States and other countries. More information on import restrictions can be found on the International Cultural Property Protection web site (http://exchanges.state.gov/education/culprop).

Import restrictions are now being imposed on certain archaeological material of Italy representing the pre-Classical, Classical, and Imperial Roman periods of its cultural heritage as the result of a bilateral agreement entered into between the United States and Italy. This agreement was entered into on January 19, 2001, pursuant to the provisions of 19 U.S.C. 2602. Accordingly, § 12.104g(a) of the Customs Regulations is being amended to indicate that restrictions have been imposed pursuant to the agreement between the United States and Italy. This document amends the regulations by imposing import restrictions on certain archaeological material from Italy as described below.

Material Encompassed in Import Restrictions

In reaching the decision to recommend protection for Italy's cultural patrimony, the Assistant Secretary of State for Educational and Cultural Affairs, U.S. Department of State, determined that, pursuant to the requirements of the Act, the cultural patrimony of Italy is in jeopardy from the pillage of archaeological materials which represent its pre-Classical, Classical and Imperial Roman heritage, and that such pillage is widespread, definitive, systematic, on-going, and frequently associated with criminal activity. Dating from approximately the 9th century B.C. to approximately the 4th century A.D., categories of restricted artifacts include stone sculpture, metal sculpture, metal vessels, metal ornaments, weapons/armor, inscribed/decorated sheet metal, ceramic sculpture and vessels, glass architectural elements and sculpture, and wall paintings. These materials are of cultural significance because they derive from cultures that developed autonomously in the region of present day Italy that attained a high degree of political, technological, economic, and artistic achievement. The pillage of these materials from their context has prevented the fullest possible understanding of Italian cultural history

by systematically destroying the archaeological record. Furthermore, the cultural patrimony represented by these materials is a source of identity and esteem for the modern Italian nation.

Designated List

The bilateral agreement between Italy and the United States covers the categories of artifacts described in a Designated List of Archaeological Material from Italy, which is set forth below. Importation of articles on this list is restricted unless the articles are accompanied by an appropriate export certificate issued by the Government of the Republic of Italy or documentation demonstrating that the articles left the country of origin prior to the effective date of the import restriction.

Archaeological Material From Italy Representing Pre-Classical, Classical, and Imperial Roman Periods Ranging in Date Approximately From the 9th Century B.C. to the 4th Century A.D.

I. Stone

A. Sculpture

1. *Architectural Elements*—In marble, limestone, steatite, basalt, tufa and other types of stone. Types include abacus, acroterion, antefix, architrave, bacino, base, capital, caryatid, coffer, clipeus, column, crowning, fountain, frieze, pediment, drip molding, pilaster, mask, corbel, metope, mosaic and inlay, pluteus, pulvinar, puteal, jamb, tile, telamon, tympanum, trabeation, transenna, basin, wellhead. Approximate date: 7th century B.C. to 4th century A.D.

2. *Architectural and Non-architectural Relief Sculpture*—In marble and other stone. Types include carved slabs with figural, vegetative, floral, or decorative motifs, sometimes inscribed, and carved relief vases. Used for architectural decoration, funerary, votive, or commemorative monuments. Approximate date: 2nd century B.C. to 4th century A.D.

3. *Monuments*—In marble, limestone, and other types of stone. Types include altar and shrine, cippus, funerary stele, and milestones with figural reliefs or decorative moldings. Some have dedicatory inscriptions. Approximate date: 7th century B.C. to 4th century A.D.

4. *Sepulchers*—In marble, peperino, alabaster, limestone, and tufa. Types of burial containers including urns, caskets, and sarcophagi. Some have figural scenes carved in relief or decorative moldings. Approximate date: 7th century B.C. to 4th century A.D.

5. *Large Statuary*—Primarily in marble, including fragments of statues. Subject matter includes human and animal figures and groups of figures in the round. Common types are large-scale, free-standing statuary from approximately 1 m to 2.5 m in height and life-size busts (head and shoulders of an individual). Approximate date: 6th century B.C. to 4th century A.D.

II. Metal

A. Sculpture

1. *Large Statuary*—Large-scale statues or fragments of statues in bronze or other metals, including animal figures, human and divine figures, and life-size metal busts or portrait heads. Approximate date: 6th century B.C. to 4th century A.D.

2. *Small Statuary*—Iron Age Sardinian (Nuragic) and Etruscan figurines in bronze and other metals. Approximate date: 8th to 3rd century B.C.

B. Vessels

Open and closed vessels in bronze, gold, or silver, often with incised, embossed, and molded decoration in the shape of human or animal figures. Shapes include bowls, buckets, craters, pitchers, cups, and lamps, etc. Approximate date: 8th century B.C. to 4th century A.D.

C. Personal Ornaments

Etruscan and Italic rings, necklaces, earrings, crowns, bracelets, buckles, belts, pins, chains of gold, silver, bronze, and iron Approximate date: 8th to 3rd century B.C.

D. Weapons and Armor

Body armor, including helmets, cuirasses, shin guards, and shields, and horse armor often decorated with elaborate engraved, embossed, or perforated designs. Elaborate horse armor is also produced during the same period. Both launching weapons (spears and javelins) and weapons for hand to hand combat (swords, daggers, etc.). Approximate date: 8th century B.C. to 4th century A.D.

E. Inscribed or Decorated Sheet Metal

Engraved inscriptions often found in funerary contexts and thin metal sheets with engraved or impressed designs often used as attachments to furniture. Approximate date: 7th century B.C. to 4th century A.D.

III. Ceramic

A. Sculpture

1. *Architectural Elements*—Baked clay (terracotta) elements used to decorate buildings. These are most often found in Etruria, Latium, Sicily, and Magna Graecia. Elements include acroteria, antefixes, relief plaques, metopes, and revetments. Approximate date: 7th century to 1st century B.C.

2. *Monuments*—Altars and urns decorated with relief scenes. Approximate date: 5th century B.C. to 4th century A.D.

3. *Large Statuary*—Large-scale human and animal figures, life-size portrait heads, and life-size votive objects, including fragments of statues. These are often found in temples and sanctuaries in Magna Graecia, Etruria, and Latium. Approximate date: 7th century to 1st century B.C.

4. *Objects with Relief Decoration*—Plaques, tables, and other terracotta objects (masks) with relief decoration. Approximate date: 6th to 4th century B.C.

B. Vessels

1. *Local Vessels.* a. *Etruscan*—Decorated ceramic vessels produced by Etruscan culture, including Villanovan; Orientalizing pottery with imitations of Near Eastern designs painted on local hand-made vessels; archaic Etruscan painted pottery with polychrome decoration; archaic Etruscan painted pottery with polychrome decoration; funerary and cinerary vessels; Italo-Geometric pottery where production from local Etruscan workshops imitated Greek Geometric; bucchero made with a characteristic soft black paste and polished surface whose highly decorative shapes often imitate metal vessels; local imitations of black and red figure Attic; Etruscan imitations of Corinthian pottery; pottery with black glaze and orange stripes that imitates Ionic pottery; amphora in the Pontic style with painted figural decoration made by a single workshop of immigrant Ionic potters in Vulci, Etruria; Caeretan hydria attributed to a workshop of Greek immigrants working near Caere, Etruria. Approximate date: 9th century to 3rd century B.C.

b. *South Italian and Italic*—Decorated vessels locally produced, including hand-made Daunian pottery from northern Apulia; Italiote red figure pottery of Attic derivation produced in Apulian, Lucania, Campania, and Paestum; wheel-made pottery with elaborate applied relief and painted decoration made in Centuripe, Catania; pottery with plastic and polychrome decoration produced in Sicily and Magna Graecia; gilded pottery with a characteristic ochre yellow color imitating artifacts in bronze, mainly found in tombs in Apulia; Faliscan pottery in imitation of Attic red figure, often in oversize vessels; Gnathian pottery, named after Egnatia in Apulia

and decorated in white and yellow with touches of red over a black background; overpainted pottery with a shiny black glaze; pottery overpainted with white, yellow, or red designs in imitation of Attic red figure; Messapian pottery, locally produced in Apulia and decorated with monochrome (one color) or bichrome painting (two color). Approximate date: 8th to 3rd century B.C.

2. *Imported Vessels.* a. *Attic Black Figure, Red Figure and White Ground Pottery*—These are made in a specific set of shapes (amphorae, craters, hydriae, oinochoi, kylikes) decorated with black painted figures on a clear clay ground (Black Figure), decorative elements in reserve with background fired black (Red Figure), and multi-colored figures painted on a white ground (White Ground). Attic pottery was widely exported, particularly to southern Italy, where it is commonly found in burials. Approximate date: 6th to 4th century B.C.

b. *Corinthian Pottery*—Painted pottery made in Corinth in a specific range of shapes for perfume and unguents and for drinking or pouring liquids. The very characteristic painted and incised designs depict figural scenes, rows of animals, and floral decoration. Corinthian pottery was exported throughout the Mediterranean, but particularly to Etruria and southern Italy. Approximate date: 8th to 6th century B.C.

IV. Glass

A. Architectural Elements—Mosaics and glass windows. Approximate date: 4th century B.C. to 4th century A.D.

B. Sculpture

1. *Intarsia*—Cut or carved glass decorative elements to inset in furniture. Approximate date: 2nd century B.C. to 4th century A.D.

2. *Small Statuary*—Glass animal statuettes as amulets or knickknacks. Approximate date: 2nd century B.C. to 4th century A.D.

V. Painting

A. Wall Painting

1. *Domestic and Public Wall Painting*—Beginning in about 200 B.C. wall painting in private and public buildings is characterized by imitation of stucco or marble design. Later developments include ''architectural'' style, ''ornamental'' style, and ''fantastic'' style. Triumphal painting in temples and public buildings illustrate military campaigns and conquered lands. Approximate date: 3rd century B.C. to 4th century A.D.

2. *Tomb Paintings*—Early tomb paintings are primarily found in Etruria and Southern Italy. These paintings were directly influenced by Greek painters, but illustrate local style. Scenes often illustrate funerary celebrations, rites, symbols, and daily events. Roman funerary painting is also inspired by Greek painting, but also develops from domestic and public types of wall painting. Approximate date: 6th century B.C. to 4th century A.D.

Inapplicability of Notice and Delayed Effective Date

Because the amendment to the Customs Regulations contained in this document imposing import restrictions on the above-listed cultural property of Italy is being made in response to a bilateral agreement entered into in furtherance of the foreign affairs interests of the United States, pursuant to section 553(a)(1) of the Administrative Procedure Act, (5 U.S.C. 553(a)(1)), no notice of proposed rulemaking or public procedure is necessary. For the same reason, a delayed effective date is not required pursuant to 5 U.S.C. 553(d)(3).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. Accordingly, this final rule is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

This amendment does not meet the criteria of a ''significant regulatory action'' as described in E.O. 12866.

Drafting Information

The principal author of this document was Bill Conrad, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspections, Imports, Cultural property.

Amendment to the Regulations

Accordingly, Part 12 of the Customs Regulations (19 CFR Part 12) is amended as set forth below:

PART 12—[AMENDED]

1. The general authority and specific authority citations for Part 12, in part, continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General Note 22, Harmonized Tariff Schedule of the United States (HTSUS)), 1624;

* * * * *

Sections 12.104 through 12.104i also issued under 19 U.S.C. 2612;

* * * * *

§ 12.104g [Amended]

2. In § 12.104g, paragraph (a), the list of agreements imposing import restrictions on described articles of cultural property of State Parties, is amended by adding Italy in appropriate alphabetical order as follows:

State	Cultural property	T.D. No.
*	* * * * * *	
Italy	Archaeological Material of pre-Classical, Classical, and Imperial Roman periods ranging approximately from the 9th century B.C. to the 4th century A.D..	T.D. 01–06
*	* * * * * *	

* * * * *

Raymond W. Kelly,

Commissioner of Customs.

Timothy E. Skud,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 01–2127 Filed 1–19–01; 1:18 pm]

BILLING CODE 4820–02–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11–01–001]

Drawbridge Operation Regulations; Sacramento River, CA

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District has approved a temporary deviation to the regulations governing the opening of the Meridian drawbridge, mile 135.5, over the Sacramento River at Meridian, CA. The approval specifies that the drawbridge need not open for vessel traffic from January 15 through March 14, 2001. The drawbridge can operate on 24 hours advance notice in the event of an emergency. The purpose of this deviation is to allow the California Department of Transportation to perform essential maintenance on the bridge.

DATES: Effective period of the deviation is 12 a.m. January 15, 2001, through 12 p.m. March 14, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, Building 50–6, Coast Guard Island, Alameda, CA 94501–5100, phone (510) 437–3516.

SUPPLEMENTARY INFORMATION: The Meridian drawbridge, mile 135.5, over the Sacramento River at Meridian, CA provides 10.3 feet vertical clearance above High Water when closed. Vessels that can pass under the bridge without an opening may do so at all times. This deviation has been coordinated with navigation on the waterway. The drawbridge has not been requested to open for navigation for approximately five years. No objections were received. The normal drawbridge regulation requires the bridge to open on signal if at least 12 hours advance notice is given.

In accordance with 33 CFR 117.35(c), this work will be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.189(b) is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: January 12, 2001.

Ernest R. Riutta,

Vice Admiral, Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 01–2043 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 15

[ET Docket No. 99–261; FCC 00–442]

50.2–71 GHz Realignment

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document we realign allocations in the 50.2–50.4 GHz and 51.4–71 GHz frequency bands. This action continues our efforts to facilitate the commercialization of the ''millimeter wave'' spectrum. Until recently, commercial use of this spectrum was not economically viable. However, recent technological advances make this spectrum increasingly usable for commercial services and products. Therefore, we have reexamined potential uses of this spectrum and how best it can be allocated to further the public interest. The realignment of allocations that we adopt today will meet current demands for spectrum in this frequency range and is consistent with the international allocation changes the United States sought and obtained at the 1997 World Radiocommunication Conference.

DATES: Effective February 22, 2001. However, the Table of Frequency Allocation, page 81, United States Table, the non-Federal Government inter-satellite service (''ISS'') allocation in the 65–71 GHz band is applicable January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order* in ET Docket No. 99–261, FCC 00–442, adopted December 19, 2000, and released December 22, 2000. The full text of this Commission decision is available on the Commission's Internet site at http://www.fcc.gov. It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW. Washington, DC 20036.

Summary of the Report and Order

A. Allocation Changes

1. We are providing a net increase of 2.27 gigahertz of spectrum allocated on a primary basis to the fixed and mobile services. This spectrum will be shared by Federal agencies and non-Federal Government licensees. Specifically, we allocate the 51.4–52.6 GHz and 58.2–59 GHz bands to the Federal and non-Federal Government fixed and mobile services, allocate the 64–66 GHz band to the Federal and non-Federal Government fixed and mobile except aeronautical mobile services, and delete the Federal and non-Federal Government fixed and mobile services from the 50.2–50.4 GHz and 54.25–55.78 GHz bands. We anticipate that much of this spectrum will be used by mobile service licensees to connect their base stations together and to connect their systems to other systems.

2. We are also providing separate ISS allocations for Federal agencies and for non-Federal Government (''commercial'') licensees. Specifically, we allocate the 65–71 GHz band to the non-Federal Government ISS and delete the non-Federal Government ISS allocation from the 56.9–57 GHz and 59–64 GHz bands. We also allocate the 64–65 GHz band to the Federal Government ISS. The net result of the ISS allocations and deletions is an increase of 0.9 GHz for commercial ISS and 1 GHz for Federal ISS. The remaining ISS allocations in this frequency range (54.25–56.9 GHz and 57–58.2 GHz) will be available for both Federal and commercial use. These ISS allocations will provide satellite licensees with the spectrum they need to interconnect satellites within their respective networks. The use of inter-satellite links are expected to make satellite networks more efficient, resulting in the provision of more enhanced services like video telephony, medical and technical tele-imaging, high speed data networks and ''bandwidth on demand'' to consumers. In addition, the use of inter-satellite links will enable satellite licensees to provide more efficient interconnections between their service areas.

3. To provide spectrum for the above services, we are reducing the net amount of spectrum allocated to the Earth exploration-satellite (passive) and

space research (passive) services by 1.9 gigahertz and are reducing the amount of spectrum allocated to the radio astronomy service by 4.65 gigahertz. According to the National Telecommunications and Information Administration (''NTIA''), the deleted space research (passive) and radio astronomy allocations are unused and unneeded and the deleted Earth exploration-satellite (passive) allocations are unneeded. In sum, the realignment provides a significant increase in spectrum for fixed, mobile, and inter-satellite services and unlicensed devices, while improving the operation of passive sensors in the Earth exploration-satellite service (''EESS'').[1]

B. Additional Spectrum for Unlicensed Devices

4. We are also making the 57–59 GHz band available for use by Part 15 unlicensed devices. This 2 gigahertz of spectrum and the existing Part 15 unlicensed band at 59–64 GHz will operate under the same technical rules. We anticipate that this additional unlicensed spectrum (used either separately or in conjunction with the 59–64 GHz band) will be useful for very high speed and/or high bandwidth communications over short distances and for networking backbone purposes in congested areas.

5. Because we are expanding the current spectrum etiquette to the 57–59 GHz band, we believe it is appropriate to modify Section 15.255 of our rules. Specifically, Section 15.255(d) reserves the 59–59.05 GHz segment for specific purposes—spurious emissions and a publicly-accessible coordination channel. To enable users unfettered access to contiguous spectrum between 57 GHz and 64 GHz, we move the coordination channel from 59–59.05 GHz to 57–57.05 GHz. This will preserve the goals of setting aside 50 megahertz of spectrum to allow techniques for mitigating or eliminating interference that may occur between different unlicensed transmitters operating in the same frequency band and will provide flexibility in channel widths for unlicensed devices. This change should not affect any existing operations because no unlicensed equipment has been authorized to operate in the 59–64 GHz band. Accordingly, we are revising Section 15.255(g) of our Rules to reflect this decision.

6. In addition, we are modifying the transmitter identification requirement to protect the systems for which it was designed, *i.e.,* transmissions that emanate from inside a building. This minor alteration should protect indoor systems from interference, while not unnecessarily burdening outdoor systems that pose little interference threat to indoor systems or other outdoor systems. Indoor equipment will be required to have the ID because indoor equipment is under the control of the system operator. The system operator knows its equipment and thus can decode the ID information and find out which transmitter is interfering with the rest of its system. In contrast, the victim of interference from outdoor equipment would not be able to determine the identity of the manufacturer and thus, the victim could not decode the ID. This spectrum is likely to be used for point-to-point operations and thus this is not likely to be a problem. Expanding the spectrum etiquette for the 59–64 GHz band to the 57–59 GHz and modifying it as discussed above makes the 57–59 GHz band available immediately without burdening it with potentially unnecessary regulatory requirements.

7. The Table, below, summarizes the existing allocations versus the allocations as realigned in this Order.

EXISTING VS REALIGNED ALLOCATIONS

[Federal and non-Federal Government allocations are identical, unless otherwise specified]

Band (GHz)	Existing allocations	Realigned allocations	Summary of major changes
50.2–50.4	EESS (passive) SPACE RESEARCH (passive) FIXED MOBILE (Passive sensors do not receive protection from fixed & mobile.)	EESS (passive) SPACE RESEARCH (passive) (No stations will be authorized to transmit in this band.)	Reduction of 0.2 GHz for fixed and mobile services.
51.4–54.25	EESS (passive) SPACE RESEARCH (passive) RADIO ASTRONOMY (No stations will be authorized to transmit in this band.)	51.4–52.6 FIXED MOBILE	Additional 1.2 GHz for fixed and mobile services.
		52.6–54.25 EESS (passive) SPACE RESEARCH (passive) (No stations will be authorized to transmit in this band.)	Reductions of 1.2 GHz for EESS and space research and 2.85 GHz for radio astronomy.
54.25–58.2	ISS EESS (passive) SPACE RESEARCH (passive) FIXED MOBILE (aeronautical mobile prohibited from causing interference to ISS) (Passive sensors do not receive protection from fixed & mobile.)	54.25–55.78 ISS EESS (passive) SPACE RESEARCH (passive)	ISS use limited to transmissions between GSO satellites. Reduction of 1.53 GHz for fixed and mobile.

[1] Passive sensor operations in the 54.25–59.3 GHz band are protected by generally limiting the use of the ISS allocations in this band to transmissions between satellites in geostationary orbit and by limiting the energy that can reach the passive sensor satellites, which operate much closer to the Earth's surface.

EXISTING VS REALIGNED ALLOCATIONS—Continued

[Federal and non-Federal Government allocations are identical, unless otherwise specified]

Band (GHz)	Existing allocations	Realigned allocations	Summary of major changes
		55.78–58.2 ISS (55.78–56.9 GHz and 57–58.2 GHz allocated for Federal and non-Federal Government use: 56.9–57 GHz allocated only for Federal Government use) EESS (passive) SPACE RESEARCH (passive) FIXED MOBILE (aeronautical mobile prohibited from causing interference to ISS) Radio astronomy observations may be made on an unprotected basis at 56.24–56.29 GHz (57–58.2 GHz is available for Part 15 unlicensed devices.)	ISS use limited to transmission between GSO satellites, except between GSO satellites, except that additional flexibility is authorized per footnote G128. Additional 1.2 GHz for Part 15 devices. Reduction of 0.1 GHz for commercial ISS.
58.2–59	EESS (passive) SPACE RESEARCH (passsive) RADIO ASTRONOMY (No stations will be authorized to transmit in this band.)	EESS (passive) SPACE RESEARCH (passive) FIXED MOBILE (airborne stations prohibited in 58.422–58.472 GHz) Radio astronomy observations may be made on an unprotected basis at 58.422–58.472 GHz (Available for Part 15 unlicensed devices.)	Additional 0.8 GHz for fixed and mobile services and for Part 15 devices. Reduction of 1 GHz for radio astronomy.
59–64	ISS FIXED MOBILE (aeronautical mobile prohibited from causing interference to ISS) RADIOLOCATION (airborne radars prohibited from causing interference to ISS) 61–61.5 GHz is designated for ISM applications. (Available for Part 15 unlicensed devices.)	Federal Government ISS FIXED MOBILE (aeronautical mobile prohibited from causing interference to ISS) RADIOLOCATION (airborne radars prohibited from causing interference to ISS) EESS (passive; limited to the 59–59.3 GHz band) SPACE RESEARCH (passive; limited to the 59–59.3 GHz band) 61–61.5 GHz is designated for ISM applications. Radio astronomy observations may be made on an unprotected basis at 59.139–59.189 GHz, 59.566–59.616 GHz, 60.281–60.331 GHz, 60.41–60.46 GHz, and 62.461–62.511 GHz. (Available for Part 15 unlicensed devices.)	Additional 0.3 GHz for EESS and space research. Federal Government ISS use limited to transmissions between GSO satellites in the 59–59.3 GHz band. Reduction of 5 GHz for commercial ISS.
64–65	EESS (passive) SPACE RESEARCH (passive) RADIO ASTRONOMY (No stations will be authorized to transmit in this band.)	Federal Government ISS FIXED MOBILE except aeronautical mobile	Additional 1 GHz for fixed and mobile except aeronautical mobile services and for Federal Government ISS. Reduction of 1 GHz for EESS, space research, and radio astronomy.
65–66	EESS SPACE RESEARCH Fixed Mobile	non-Federal Government ISS EESS SPACE RESEARCH FIXED MOBILE except aeronautical mobile	Additional 1GHz for commercial ISS (available to both GSO and NGSO systems). Elevation of 1 GHz for fixed and mobile except aeronautical mobile services from secondary to primary status.

EXISTING VS REALIGNED ALLOCATIONS—Continued

[Federal and non-Federal Government allocations are identical, unless otherwise specified]

Band (GHz)	Existing allocations	Realigned allocations	Summary of major changes
66–71	MSS RADIONAVIGATION-SAT. RADIONAVIGATION MOBILE (land mobile shall not cause interference to in-band space services)	non-Federal Government ISS MSS RADIONAVIGATION-SAT. RADIONAVIGATION MOBILE (land mobile shall not cause interference to in-band space services and aeronautical mobile shall not cause interference to ISS)	Additional 5 GHz for commercial ISS (available to both GSO and NGSO systems).

Final Regulatory Flexibility Certification

8. This Report and Order finalizes the spectrum realignment proposed in the Notice of Proposed Rule Making (''Notice'') issued by the Commission in July of 1999.[2] We received no comments in response to the Initial Regulatory Flexibility Analysis in the Notice. The Regulatory Flexibility Act (''RFA'')[3] requires that a regulatory flexibility analysis be prepared for rulemaking proceedings, unless the agency certifies that ''the rule will not have a significant economic impact on a substantial number of small entities.''[4] The RFA generally defines ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[5] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[6] 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'').[7]

9. In this Report and Order, we realign allocations in the frequency range 50.2–71 GHz. One of the results of this realignment is a net gain of 2.27 gigahertz of spectrum allocated on a primary basis to the fixed and mobile services. We also designate 2 gigahertz of spectrum at 57–59 GHz for Part 15 unlicensed devices. We believe that this net increase in fixed and mobile spectrum and the designation of a new unlicensed band will provide new opportunities for small entities. In addition, the realignment affects allocations for the Earth exploration-satellite (passive), space research (passive), radio astronomy, and inter-satellite services. There are no small entities affected by this action because only Federal agencies currently make use of these services. In addition, future inter-satellite service licensees are not expected to be small entities because of the cost inherent in satellite networks. Because the realignment adopted in this Report and Order provides more spectrum for future fixed and mobile service licensees and for manufacturers of future unlicensed devices and because the realignment does not impact any current non-Federal Government users, we hereby certify that the realignment will not have a significant economic impact on a substantial number of small entities.

10. The Commission will send a copy of this Report and Order, including a copy of this final certification, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996.[8] In addition, this Report and Order and this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration.[9]

11. Accordingly, *It Is Ordered* that pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r), the *Report and Order* is hereby *Adopted.*

12. *It Is Further Ordered* that the amendments to Parts 2 and 15 of the Commission's rules section are effective February 22, 2001. However, the Table of Frequency Allocations, page 81, United States Table, the non-Federal Government ISS allocation in the 65–71 GHz band is applicable January 23, 2001.

List of Subjects

47 CFR Part 2

Radio, Telecommunications.

47 CFR Part 15

Communication equipment, Radio.

Federal Communications Commission.

William F. Caton,

Deputy Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 2 and 15 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, the Table of Frequency Allocations, is amended as follows:

a. Revise pages 79, 80 and 81.

b. Revise, under International Footnotes, New ''S'' Numbering Scheme footnote S5.547 and add footnote S5.557A in numeric order.

c. Revise United States footnotes US246 and US263 and add footnotes US353 and US354 in numeric order.

d. Add Federal Government footnote G128 in numeric order.

The additions and revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

[2] Notice, 64 FR 43643 (August 11, 1999).

[3] The RFA, see 5 U.S.C. 601 et seq., has been amended by the Contract With America Advancement Act of 1996, Public Law 104–121, 110 Stat. 847 (1996) (''CWAAA''). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA'').

[4] 5 U.S.C. 605(b).

[5] 5 U.S.C. 601(6).

[6] 5 U.S.C. 601(3) (incorporating by reference the definition of ''small business concern'' in Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[7] Small Business Act, 15 U.S.C. 632.

[8] See 5 U.S.C. 801(a)(1)(A).

[9] See 5 U.S.C. 605(b).

50.2-65 GHz (EHF) Page 79

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
50.2-50.4 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) S5.340 S5.555A			50.2-50.4 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) US246		
50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE Mobile-satellite (Earth-to-space)			50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) G117	50.4-51.4 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space)	
51.4-52.6 FIXED MOBILE S5.547 S5.556			51.4-52.6 FIXED MOBILE		
52.6-54.25 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) S5.340 S5.556			52.6-54.25 EARTH EXPLORATION-SATELLITE (passive) SPACE RESEARCH (passive) US246		
54.25-55.78 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE S5.556A SPACE RESEARCH (passive) S5.556B			54.25-55.78 EARTH EXPLORATION-SATELLITE (passive) INTER-SATELLITE S5.556A SPACE RESEARCH (passive)		
55.78-56.9 EARTH EXPLORATION-SATELLITE (passive) FIXED S5.557A INTER-SATELLITE S5.556A MOBILE S5.558 SPACE RESEARCH (passive) S5.547 S5.557			55.78-56.9 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.556A MOBILE S5.558 SPACE RESEARCH (passive) US263 US353		
56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.558A MOBILE S5.558 SPACE RESEARCH (passive)			56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE G128 MOBILE S5.558	56.9-57 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE S5.558 SPACE RESEARCH	

S5.547 S5.557	SPACE RESEARCH (passive) US263	(passive) US263	
57-58.2 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.556A MOBILE S5.558 SPACE RESEARCH (passive) S5.547 S5.557	57-58.2 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.556A MOBILE S5.558 SPACE RESEARCH (passive) US263		RF Devices (15)
58.2-59 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) S5.547 S5.556	58.2-59 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE SPACE RESEARCH (passive) US353 US354		
59-59.3 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.556A MOBILE S5.558 RADIOLOCATION S5.559 SPACE RESEARCH (passive)	59-59.3 EARTH EXPLORATION-SATELLITE (passive) FIXED INTER-SATELLITE S5.556A MOBILE S5.558 RADIOLOCATION S5.559 SPACE RESEARCH (passive) US353	59-59.3 EARTH EXPLORATION-SATELLITE (passive) FIXED MOBILE S5.558 RADIOLOCATION S5.559 SPACE RESEARCH (passive) US353	
59.3-64 FIXED INTER-SATELLITE MOBILE S5.558 RADIOLOCATION S5.559 S5.138	59.3-64 FIXED INTER-SATELLITE MOBILE S5.558 RADIOLOCATION S5.559 S5.138 US353	59.3-64 FIXED MOBILE S5.558 RADIOLOCATION S5.559 S5.138 US353	RF Devices (15) ISM Equipment (18)
64-65 FIXED INTER-SATELLITE MOBILE except aeronautical mobile S5.547 S5.556	64-65 FIXED INTER-SATELLITE MOBILE except aeronautical mobile	64-65 FIXED MOBILE except aeronautical mobile	

65-95 GHz (EHF) Page 81

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
65-66 EARTH EXPLORATION-SATELLITE FIXED INTER-SATELLITE MOBILE except aeronautical mobile SPACE RESEARCH S5.547			65-66 EARTH EXPLORATION-SATELLITE FIXED MOBILE except aeronautical mobile SPACE RESEARCH	65-66 EARTH EXPLORATION-SATELLITE FIXED INTER-SATELLITE MOBILE except aeronautical mobile SPACE RESEARCH	
66-71 INTER-SATELLITE MOBILE S5.553 S5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE S5.554			66-71 MOBILE S5.553 S5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE S5.554	66-71 INTER-SATELLITE MOBILE S5.553 S5.558 MOBILE-SATELLITE RADIONAVIGATION RADIONAVIGATION-SATELLITE S5.554	
71-74 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) S5.149 S5.556			71-74 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE MOBILE-SATELLITE (Earth-to-space) US270		
74-75.5 FIXED FIXED-SATELLITE (Earth-to-space) MOBILE Space research (space-to-Earth)			74-75.5 FIXED FIXED-SATELLITE (Earth-to-space) US297 MOBILE		
75.5-76 AMATEUR AMATEUR-SATELLITE Space research (space-to-Earth)			75.5-76	75.5-76 AMATEUR AMATEUR-SATELLITE	Amateur (97)
76-81 RADIOLOCATION Amateur Amateur-satellite Space research (space-to-Earth)			76-81 RADIOLOCATION	76-77 RADIOLOCATION Amateur	RF Devices (15)
				77-77.5 RADIOLOCATION Amateur Amateur-satellite	Amateur (97)

* * * * *

International Footnotes

* * * * *

I. New "S" Numbering Scheme

* * * * *

S5.547 The bands 31.8–33.4 GHz, 37–40 GHz, 40.5–43.5 GHz, 51.4–52.6 GHz, 55.78–59 GHz and 64–66 GHz are available for high-density applications in the fixed service (see Resolutions 75 (WRC–2000) and 79 (WRC–2000)). Administrations should take this into account when considering regulatory provisions in relation to these bands. Because of the potential deployment of high-density applications in the fixed-satellite service in the bands 39.5–40 GHz and 40.5–42 GHz, administrations should further take into account potential constraints to high-density applications in the fixed service, as appropriate (see Resolution 84 (WRC–2000)).

* * * * *

S5.557A In the band 55.78–56.26 GHz, in order to protect stations in the Earth exploration-satellite service (passive), the maximum power density delivered by a transmitter to the antenna of a fixed service station is limited to –26 dB(W/MHz).

* * * * *

United States (US) Footnotes

* * * * *

US246 No station shall be authorized to transmit in the following bands:

608–614 MHz, except for medical telemetry equipment [1],
1400–1427 MHz,
1660.5–1668.4 MHz,
2690–2700 MHz,
4990–5000 MHz,
10.68–10.7 GHz,
15.35–15.4 GHz,
23.6–24 GHz,
31.3–31.8 GHz,
50.2–50.4 GHz,
52.6–54.25 GHz,
86–92 GHz,
100–102 GHz,
105–116 GHz,
164–168 GHz,
182–185 GHz,
217–231 GHz.

* * * * *

US263 In the bands 21.2–21.4 GHz, 22.21–22.5 GHz, 36–37 GHz, 56.26–58.2 GHz, 116–126 GHz, 150–151 GHz, 174.5–176.5 GHz, 200–202 GHz, and 235–238 GHz, the space research and the Earth exploration-satellite services shall not receive protection from the fixed and mobile services operating in accordance with the Table of Frequency Allocations.

* * * * *

US353 In the sub-bands 56.24–56.29 GHz, 58.422–58.472 GHz, 59.139–59.189 GHz, 59.566–59.616 GHz, 60.281–60.331 GHz, 60.41–60.46 GHz, and 62.461–62.511 GHz, space-based radio astronomy observations may be made on an unprotected basis.

US354 In the sub-band 58.422–58.472 GHz, airborne stations and space stations in the space-to-Earth direction shall not be authorized.

* * * * *

Federal Government (G) Footnotes

* * * * *

G128 Use of the band 56.9–57 GHz by inter-satellite systems is limited to transmissions between satellites in geostationary orbit, to transmissions between satellites in geostationary satellite orbit and those in high-Earth orbit, to transmissions from satellites in geostationary satellite orbit to those in low-Earth orbit, and to transmissions from non-geostationary satellites in high-Earth orbit to those in low-Earth orbit. For links between satellites in the geostationary satellite orbit, the single entry power flux-density at all altitudes from 0 km to 1000 km above the Earth's surface, for all conditions and for all methods of modulation, shall not exceed –147 dB (W/m²/100 MHz) for all angles of arrival.

PART 15—RADIO FREQUENCY DEVICES

3. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307 and 544A.

4. Section 15.255 is amended by revising the section heading, paragraph (b) introductory text, the last sentence of paragraph (b)(2), paragraphs (b)(4), (c)(1), (d) including the note, and (e)(2), and the introductory text to paragraph (i) to read as follows:

§ 15.255 Operation within the band 57–64 GHz.

* * * * *

(b) Within the 57–64 GHz band, emission levels shall not exceed the following:

* * * * *

(2) * * * In addition, the average power density of any emission outside of the 61–61.5 GHz band, measured during the transmit interval, but still within the 57–64 GHz band, shall not exceed 9 nW/cm², as measured 3 meters from the radiating structure, and the peak power density of any emission shall not exceed 18 nW/cm², as measured three meters from the radiating structure.

* * * * *

(4) Peak power density shall be measured with an RF detector that has a detection bandwidth that encompasses the 57–64 GHz band and has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

* * * * *

(c) * * *

(1) The power density of any emissions outside the 57–64 GHz band shall consist solely of spurious emissions.

* * * * *

(d) Only spurious emissions and transmissions related to a publicly-accessible coordination channel, whose purpose is to coordinate operation between diverse transmitters with a view towards reducing the probability of interference throughout the 57–64 GHz band, are permitted in the 57–57.05 GHz band.

Note to Paragraph (d): The 57–57.05 GHz is reserved exclusively for a publicly-accessible coordination channel. The development of standards for this channel shall be performed pursuant to authorizations issued under part 5 of this chapter.

(e) * * *

(2) Peak transmitter output power shall be measured with an RF detector that has a detection bandwidth that encompasses the 57–64 GHz band and that has a video bandwidth of at least 10 MHz, or using an equivalent measurement method.

* * * * *

(i) For all transmissions that emanate from inside of a building, within any one second interval of signal transmission, each transmitter with a peak output power equal to or greater than 0.1 mW or a peak power density equal to or greater than 3 nW/cm², as measured 3 meters from the radiating structure, must transmit a transmitter identification at least once. Each application for equipment authorization for equipment that will be used inside of a building must declare that the equipment contains the required transmitter identification feature and must specify a method whereby interested parties can obtain sufficient information, at no cost, to enable them to fully detect and decode this transmitter identification information. Upon the completion of decoding, the transmitter identification data block must provide the following fields:

* * * * *

[FR Doc. 01–1038 Filed 1–22–01; 8:45 am]

BILLING CODE 6712–01–P

[1] Medical telemetry equipment shall not cause harmful interference to radio astronomy operations in the band 608–614 MHz and shall be coordinated under the requirements found in 47 CFR 95.1119.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 00–96; FCC 00–417]

Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues/ Retransmission Consent Issues

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document implements certain aspects of the Satellite Home Viewer Improvement Act of 1999, which was enacted on November 29, 1999. Among other things, the act authorizes satellite carriers to add more local and national broadcast programming to their offerings and seeks to place satellite carriers on an equal footing with cable operators with respect to availability of broadcast programming. This document implements regulations regarding the carriage of local television stations in markets where satellite carriers offer local television service to their subscribers.

DATES: Effective January 23, 2001. Written comments by the public on the new and/or modified information collections are due March 26, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Edward Springer, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW., Washington, DC 20503 or via the Internet to Edward.Springer@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Ben Golant at (202) 418–7111 or via internet at via internet at *bgolant@fcc.gov*. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (''Order''), FCC 00–417, adopted November 29, 2000; released November 30, 2000. The full text of the Commission's Order is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW., Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036, or may be reviewed via internet at *http://www.fcc.gov/csb/*. This *Report and Order* contains new or modified information collections(s) subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection(s) contained in this proceeding.

Synopsis of the Report and Order

I. Introduction

1. Section 338 of the Communications Act of 1934 (''Act''), adopted as part of the Satellite Home Viewer Improvement Act of 1999 (''SHVIA'') requires satellite carriers, by January 1, 2002, ''to carry upon request all local television broadcast stations'' signals in local markets in which the satellite carriers carry at least one television broadcast station signal,'' subject to the other carriage provisions contained in the Act. Until January 1, 2002, satellite carriers are granted a royalty-free copyright license to retransmit television broadcast signals on a station-by-station basis, subject to obtaining a broadcaster's retransmission consent. This transition period is intended to provide the satellite industry with time to begin providing local television signals into local markets, otherwise known as ''local-into-local'' satellite service. In this *Report and Order,* we adopt rules to implement the provisions contained in section 338.

2. In a separate proceeding, the Commission has implemented new amendments to section 325 of the Act per the instructions set forth in the SHVIA. Good faith negotiation regulations and the prohibition on retransmission consent exclusivity are among the requirements the Commission has already adopted. However, the Commission deferred adopting rules concerning the satellite retransmission consent/mandatory carriage election cycle until we considered all of the rules necessary for a local broadcast station to gain carriage on a satellite carrier under both sections 325 and 338 of the Act. Thus, we adopt herein, election cycle rules and related policies for satellite broadcast signal carriage.

II. Satellite Broadcast Signal Carriage

A. Commencing Satellite Broadcast Signal Carriage

3. Satellite carriers have had the right to retransmit local television stations without first obtaining retransmission consent, and without a mandatory carriage obligation, for a six month period from November 29, 1999 to May 28, 2000. Beginning on May 29, 2000 and continuing until December 31, 2001, satellite carriers may carry local television stations on a station-by-station basis if a retransmission consent agreement has been reached. As of January 1, 2002, satellite carriers will have an obligation to carry all local television stations seeking carriage in any market in which they provide local-into-local service. This requirement is not absolute as satellite carriers generally need not carry duplicative television stations in the same market. In addition, a television station in a market where local-into-local service is provided must submit a request to the satellite carrier to gain carriage. Commercial television stations must make an election between retransmission consent and mandatory carriage when requesting carriage. Noncommercial television stations do not have to make an election because they do not have retransmission consent rights. However, a noncommercial television station and a satellite carrier may enter into a voluntary carriage agreement apart from the requirements contained in the Act.

4. We find that section 338 provides a satellite carrier with two options for carrying local television broadcast signals. If a satellite carrier provides its subscribers with the signals of local television stations through reliance on the statutory copyright license, they will have the obligation to carry all of the commercial television signals in that particular market that request carriage. If a satellite carrier provides local television signals pursuant to private copyright arrangements, the section 338 carriage obligations do not apply. In this context, we note that a retransmission consent agreement, in most instances, is not analogous to a private copyright arrangement. Retransmission consent permits an MVPD to retransmit a station's signal, but it does not generally grant copyright clearance for the program content carried by that station. To obtain private clearances for material carried by a particular station, the copyright holders of each of the programs, advertisements, and music

aired by that station must consent to the retransmission. In some cases, however, a television station may have permission from the copyright holders to provide clearances on their behalf. We therefore conclude that unless the retransmission contract clearly provides for all copyright clearances, a carrier retransmitting television stations electing retransmission consent would be subject to the compulsory license and be required to carry all other local market television stations under the provisions set forth in section 338.

1. Election Cycle

5. In *Implementation of the Satellite Home Viewer Improvement Act of 1999—Retransmission Consent Issues,* Report and Order, the Commission promulgated good faith and anti-exclusivity requirements per the provisions amending section 325 of the Act. Retransmission consent and mandatory carriage election cycle requirements for satellite carriers were discussed in the *Notice* in that docket. The *Retransmission Consent Notice* requested comment on whether the Commission should employ the same rules and procedures the Commission adopted in response to the 1992 Cable Act or adopt a different election cycle with different procedures to implement section 325(b)(3)(C)(i). The *Notice* in this proceeding sought comment on how the carriage provisions of section 338 would work with the revised section 325 provisions regarding retransmission consent. Because the issues of retransmission consent and mandatory carriage are intertwined, we believe that a coherent election regime is best effectuated by consolidating the election cycle record from that proceeding with the instant proceeding and determining the unresolved issues here.

6. The SHVIA amended section 325 to provide that no cable system or other multichannel video program distributor shall transmit the signal of a broadcasting station, or any part thereof, except: (A) With the express authority of the originating station; (B) pursuant to section 614, in the case of a station electing to assert the right to carriage by a cable operator; or (C) pursuant to section 338, in the case of a station electing to assert the right to carriage by a satellite carrier. The SHVIA also amended section 325(b) by adding new paragraph (3)(C)(i), which directs the Commission to adopt regulations which shall ''establish election time periods that correspond with those regulations adopted under subparagraph (B) of this paragraph * * *''

7. Section 325(b)(3)(C)(i) instructs the Commission to establish regulations and procedures governing the election process for retransmission consent and mandatory carriage that correspond, as much as possible, with existing section 325(b)(3)(B) of the Act. We find that the length of the first election cycle shall be for a four-year period commencing on January 1, 2002 and ending December 31, 2005. We believe that a four-year timeframe is necessary to align the election cycles among satellite carriers and cable operators so that local television stations would be making retransmission consent/mandatory carriage elections for cable and for satellite on the same cycle. This conclusion is also consistent with many commenters that advocated a synchronized cycle.

8. ALTV, for example, proposed an alternative that would ultimately synchronize the cable and satellite cycles, but by beginning with a one-year cycle, followed by a three year cycle. We find that a four-year cycle is less burdensome for both broadcasters and satellite carriers. We note that certain broadcast interests argue against parallel election cycles because it would be overly burdensome to simultaneously negotiate carriage among cable operators and satellite carriers. We do not believe that the need to negotiate with the limited number of satellite carriers will place an undue burden on broadcasters. We also believe that simultaneous election cycles most effectively equalizes the obligation for satellite carriers and cable operators negotiating retransmission consent.

9. Echostar and DirecTV also favor synchronizing the cable and satellite cycles but note that regulations developed for the cable industry would not sufficiently take into account the distinctive aspects of retransmission consent/mandatory carriage elections for the satellite industry. EchoStar urges the Commission to give satellite carriers at least six months between new retransmission consent/carriage election dates and their respective effective dates. We agree that a satellite carrier needs ample time to commence carriage prior to the first election cycle because of the logistics of adding hundreds of local television stations to its channel line-up. We therefore provide satellite carriers with six months, from July 1, 2001 to December 31, 2001, to complete the carriage process. The election cycle and notification timeframes established for the first cycle, as described are designed to accommodate the initial implementation of section 338. After satellite carriers commence carriage on January 1, 2002, the rationales for extended timeframes no longer apply. Thus, the second election cycle, and all cycles thereafter, shall be for a period of three years (*e.g.* January 1, 2006 through December 31, 2008).

10. In terms of procedure and timing for the second election cycle and all subsequent cycles, commercial television broadcast stations should make their election by October 1st for the election cycle beginning the following January 1st. Satellite carriers shall have 90 days prior to the new election cycle, beginning October 1st and ending December 31st, to negotiate retransmission consent agreements. These are the same timeframes as those established under the cable election rules. If a satellite carrier begins providing local-into-local service in a new market during an election cycle, the carrier and the commercial television stations in that market have 90 days to complete their retransmission consent discussions. In this situation, the election cycle starts at the date a satellite carrier begins local-into-local service and ends on the date the cycle ends under our rules.

11. Under the SHVIA, satellite carriers taking advantage of the compulsory copyright license for local signals are required to carry television broadcast stations ''upon request.'' We note that cable carriage under the Act is an immediate right that vests without request. That is why we initially adopted a default rule in the cable context. We find, however, that there can be no default mandatory carriage requirement under section 338 because a commercial television station must expressly request carriage. Rather, if a commercial television station does not make an election, it defaults to retransmission consent. In this context, we also recognize that carriers need some measure of control in configuring their satellite systems to meet their statutory obligations. Therefore, if an existing television station fails to request carriage by the established deadlines, it is not entitled to mandatory carriage under 338 for the duration of the election cycle. This policy does not apply to new television stations to which different substantive and procedural rules apply.

12. *Consistent Retransmission Consent/Carriage Elections.* Section 76.64(g) requires that broadcasters make consistent retransmission consent/must carry elections between cable operators where franchise areas of cable systems overlap. While the SHVIA does not expressly require such action in the satellite context, in the *Retransmission Consent Notice* we requested comments on whether broadcasters should be

subject to a consistent election requirement between satellite carrier and cable operators. Broadcast industry commenters argue that the SHVIA does not require Commission expansion of the consistent election requirements to satellite carriers as well as cable systems. DirecTV, on the other hand, argues that a consistent election rule should be adopted to prevent broadcasters from unfairly disadvantaging one MVPD competitor over another. We find that section 325, amended by the SHVIA, makes no reference to expanding the consistent election requirement to the satellite context, notwithstanding the fact that the obligation was imposed in the cable context. Absent express statutory language to the contrary, we believe that a consistent election requirement between a cable operator and a satellite carrier should not be imposed.

13. While the absence of statutory language guides our determination, we also note that the service area differences between satellite carriers and cable operators also counsels against implementing such a rule. Television broadcast stations elect retransmission consent or mandatory carriage on a system-by-system basis under the cable carriage requirements. There are many cable systems in a television market. Sometimes, a television broadcast station may choose retransmission consent on one cable system, but select mandatory carriage for a system in an adjacent area. A satellite carrier's service area for local-into-local purposes, on the other hand, encompasses television market areas that are substantially broader in scope. When a television station is carried by a satellite carrier, it is either a retransmission consent station or a mandatory carriage station in the local market area. Given these facts, it is difficult to require consistency between the two MVPDs without also requiring a station to make a uniform election for all local market cable systems in order to match the election choice the station made with regard to the satellite carrier.

2. Initiating Carriage

14. In the *Notice,* we discussed the framework and procedural rules that should be established for implementing section 338. We sought comment regarding the meaning of the phrase ''carry upon request'' and noted that in the cable context, the Commission initially required the cable operator to contact all local broadcast television stations, in writing, on matters relating to their carriage rights. We asked commenters whether we should adopt a similar rule requiring satellite carriers to notify all local broadcasters, in writing, of their carriage rights once any local station in a particular market is being carried. The *Notice* also pointed out that broadcast television stations requesting mandatory carriage as part of the election process must make such carriage requests in writing. The Commission sought comment on whether similar provisions should be adopted in the satellite carriage context.

15. ALTV and others assert that a local television station that elects mandatory carriage under section 338 should be considered to have requested carriage as well. ALTV argues that the additional requirement of a formal carriage request is unnecessary where a local television station already has notified a satellite carrier of its choice between retransmission consent and mandatory carriage. We agree with ALTV. An election made by the television broadcast station shall be treated as the request for carriage. The procedural policy we adopt here is necessary to reduce the paperwork lag time that would impede satellite carriers from complying with its section 338 obligations by January 1, 2002.

16. Commenters propose different approaches to the carriage obligations of satellite carriers and the responsibilities of television broadcast stations when local-into-local service is provided in a television market. Broadcasters generally argue that because a satellite carrier's carriage obligations are triggered only when the carrier decides to avail itself of the local-into-local statutory copyright license, it is appropriate for the carrier to notify local stations, in writing, if it decides to rely on such a license. NAB asserts that imposing an affirmative notification requirement on satellite carriers will help prevent disputes about whether parties understood the other's intentions. Conversely, DirecTV asserts that section 338 places an affirmative burden on television broadcast stations to ''request'' carriage on the satellite carrier's system. EchoStar similarly contends that broadcasters should be required to contact satellite carriers in the first instance, in writing, to request mandatory carriage because broadcasters have actual notice of the satellite carriers providing local-into-local service in their market.

17. We find that television stations have the burden of initiating satellite carriage. DirecTV and Echostar are the only satellite carriers currently operating and providing local-into-local service. It is reasonable to conclude that a television station has actual notice of the local presence of these carriers since satellite subscribers already have access to certain local television stations and a satellite carrier's programming activities are well publicized.

18. We also find that a television broadcast station must notify a satellite carrier, by July 1, 2001, of its carriage intentions if it is located in a market where local-into-local service is provided. Commercial television stations are required to choose between retransmission consent and mandatory carriage on this date. NCE stations must simply request carriage. We believe that a six month timeframe provides satellite carriers with sufficient time to plan for receive facility accommodations and channel line-up changes before January 1, 2002. To facilitate the carriage process, we also find that a satellite carrier must respond to a television station's carriage request by August 1, 2001, and state whether it accepts or denies the carriage request. If the satellite carrier denies the request, it must state the reasons why. In this context, some valid reasons for not commencing carriage of a television station are: (i) Poor quality television signal; (ii) substantial duplication; (iii) non-local station requesting carriage; and (iv) the satellite carrier is offering local-into-local service via private copyright agreements. If the television station's request for carriage is rejected, it may file a complaint pursuant to the rules established in the Remedies section.

19. With regard to the notification procedure, the request made by the television station must be in writing and sent to the satellite carrier's principal place of business, as listed on the carriers' website or official correspondence. The notification must be sent by certified mail, return receipt requested. A station's written notification should include the name of the appropriate station contact person as well as the station's: (i) Call sign; (ii) address for purposes of receiving official correspondence; (iii) community of license; (iv) DMA assignment; and (v) affirmative carriage election. These notification elements are necessary to ensure that a satellite carrier has the base information it needs to commence the carriage of local television stations.

20. *New Local-Into-Local Service.* In the *Notice,* we requested comment on whether separate procedures should be established for new satellite carriers and whether such rules should be similar to those established for cable carriage. Broadcast commenters favor notification requirements for new market entrants. While generally objecting to a notification burden being placed on satellite carriers, DirecTV submits that if one is adopted, the requirement should

only apply to markets in which a satellite carrier commences service after January 1, 2002. We find that a new satellite carrier must notify all local television stations in a given market when it plans to provide local service. Similarly, an existing satellite carrier must provide notice when it provides local-into-local service in a new market. We note that requiring carriers to provide notice in these circumstances is less burdensome because there are far fewer television stations to contend with, at the same time, than in markets with existing local-into-local service. We also believe that advance notice in these situations ensures a level competitive playing field in two respects: (i) all local television stations will know, at the same time, when local-into-local service will be provided in a market and (ii) all local television stations will be able to exercise their carriage rights at the same time.

21. We therefore adopt procedural provisions that substantially replicate the existing requirements for new cable systems under § 76.64. However, we craft the rules in a slightly different manner recognizing that satellite carriers provide a national service. The carriage procedures also provide carriers with adequate preparation time while not unduly delaying the provision of full local-into-local service in a market. We adopt the following guidelines for both new satellite carriers and carriers that offer new local-into-local service for the first time on or after July 1, 2001. First, satellite carriers shall notify local television stations, in writing, at least 60 days before the date it intends to provide new satellite service or intends to enter into a new market. At the same time, the satellite carrier should provide the location of the local receive facility in that particular market. A local television station then must provide its election, in writing, no more than 30 days after receipt of the satellite carrier's notice. If a satellite carrier finds that the television station meets the criteria for carriage under section 338 and our rules, it shall then have 90 days after the election letter was received to negotiate carriage, resolve local receive facility issues, reconfigure its system and channel line-up, notify subscribers of the change in service, and commence carriage of the local television station. If the satellite carrier finds that the station is not qualified for carriage for any of the reasons stated, it shall notify the local station in writing of the reason for such refusal within 30 days of the receipt of the station's election. The television station may either accept the satellite carrier's conclusion or file a carriage complaint.

22. *New Television Stations.* Section 338 requires carriage of cal stations in local markets regardless of when such stations begin broadcasting. Given this statutory directive, we find that new television broadcast stations licensed and providing over-the-air service have carriage rights under the SHVIA. Those stations licensed to provide over-the-air service for the first time on or after July 1, 2001 will be considered new television broadcast stations for satellite carriage purposes. We believe it appropriate to require a new television station to make its initial election between 60 days before commencing broadcast and 30 days after commencing broadcast. This requirement is similar to the cable rules regarding new television stations. If the station meets all of the requirements under section 338 and our rules, the satellite carriers shall commence carriage within 90 days of receiving a carriage request from the television broadcast station or whenever the new television station provides over-the-air service. If the satellite carrier believes that the station is not qualified, it must notify the station of such a determination with 30 days of receiving the election notice. An aggrieved television station may then file a complaint for non-carriage in the appropriate forum under the guidelines established in section 338.

B. Market Definitions

23. Section 338(h)(3) defines the term, ''local market,'' as having the meaning it has under section 122(j) of title 17, United States Code. Section 122(j)(2)(A) defines the term, ''local market,'' in the case of both commercial and noncommercial television broadcast stations, to mean the designated market area in which a station is located, and—(i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area are within the same local market; and (ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.'' In addition to the area described in paragraph (A), a station's local market includes the county in which the station's community of license is located. Section 122(j)(2)(C) defines the term, designated market area to mean the market area, as determined by Nielsen Media Research and published in the 1999–2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication.''

24. We did not receive comments interpreting these provisions. DirecTV, however, did suggest that the Commission adopt a rule expressly allowing satellite carriers, at their discretion, to limit a television station's carriage coverage area to its predicted Grade B service contour within its DMA. ALTV and NAB respond that DirecTV's proposal is antithetical to the language and purpose of the SHVIA. NAB asserts that the geographic scope of the mandatory carriage obligation is precisely the same as the scope of the compulsory license granted by Congress—namely, the ''local market,'' which generally means the DMA.

25. We find that the term ''local market,'' as it is used for satellite carriage purposes, includes all counties within a market, as well as the home county of the television station if that county is not physically located in the DMA. We believe that the satellite compulsory license includes not only television stations licensed to a local market, but also extends to stations licensed in one market but assigned by Nielsen to another market. For example, a television station licensed to a community in Jefferson County, Missouri, which is in the Paducah DMA, but assigned by Nielsen to the St. Louis DMA, would be considered within the St. Louis market under section 338. In this case, Jefferson County is the home county, and such a county should be treated as part of the St. Louis DMA for satellite carriage purposes. Moreover, since this station is licensed to a community in the Paducah market, it may assert its carriage rights in that market as well, if satellite carriers decide to provide local-into-local service there. If there happens to be another television station licensed to a community in Jefferson County, that station will also be considered in the St. Louis DMA and eligible to assert its right to carriage against a satellite carrier. In addition, if a station is licensed to a community that is inside one DMA, but is assigned to another DMA by Nielsen, the station could assert its right to carriage in the market where its community of license is located. For example, KNTV is licensed to San Jose, CA, which is in the San Francisco DMA, but is assigned by Nielsen to the Salinas-Monterey DMA. In this case, KNTV can assert its carriage rights in the San Francisco DMA because that is where its community of license is located. These interpretations are consistent with the SHVIA's goals of

preserving over-the-air broadcasting and providing satellite subscribers with a full complement of local station signals.

26. *Timing of Revisions to Market Definitions.* We sought comment on when to change the reference to the 1999–2000 Nielsen publications to reflect changes in market structure and market conditions. We noted, in the cable context, that the rules account for a market update every three years. We asked whether the rules we implement under this section should be updated on a triennial basis or at another interval. We also noted that cable operators are required to use the 1997–98 Nielsen publications to determine local markets for broadcast signal carriage purposes up until January 1, 2003, yet satellite carriers are obliged to use the 1999–2000 Nielsen publications for carriage purposes. We asked whether satellite carriers and cable operators should be required to use the same annual Nielsen market publications so that both may rely on the same market definition.

27. Our goals here are threefold. We intend to: (i) Implement the language of section 338; (ii) establish comparable timelines and requirements for satellite carriers and cable operators; and (iii) reduce procedural and administrative burdens. BellSouth argues for an extended period between updates to allow for satellite carriers' difficulties in accessing and tuning the satellite equipment used to transport television signals. ALTV and NCTA argue that the Commission should adopt rules allowing for the use of the same Nielsen data by cable systems and satellite carriers as quickly as practicable. NAB asserts that the 1999–2000 lists are the correct ones for the Commission to use to determine markets for the first election cycle commencing in January 1, 2002.

28. We will require satellite carriers to use Nielsen's 1999–2000 DMA market assignments to initially determine their carriage obligations. Satellite carriers and television broadcast stations have been on notice since November 29, 1999, that the 1999–2000 Nielsen publications will be used for section 338 purposes. To avoid overburdening satellite carriers, we will not require market boundaries to be updated on an annual basis. However, we do believe that television markets should be updated triennially, for each election cycle, to better reflect new market conditions and viewership patterns. Satellite carriers may, nevertheless, voluntarily adjust markets based upon county additions found in annual editions of Nielsen DMA market assignment publications. On this point, we agree with DirecTV when it states that section 122(j)(2) allows a local market originally defined in the 1999–2000 Nielsen market assignment to be expanded in accordance with later issues of the relevant Nielsen publications. Satellite carriers may add counties to the markets in which they now provide local-into-local service by referring to the Nielsen 2000–2001 DMA market assignments and future assignments. By adopting this approach, a satellite carrier is able to serve new communities on the basis of each yearly Nielsen DMA market change, if that is what is desirable. Counties that are removed from a market in subsequent Nielsen publications should remain in the market for satellite carriage purposes so that satellite subscribers will not lose local-into-local service. This policy fulfills the SHVIA's goal of furthering the availability of local-into-local service and providing effective competition to incumbent cable systems.

29. *Market Modifications.* In the *Notice,* we pointed out that a statutory device exists to expand or contract the size of a local television market for cable carriage purposes and sought opinion on whether the Commission has the authority to implement a market modification mechanism for satellite carriage purposes. Certain broadcast commenters assert that implementing a market modification mechanism is necessary to promote Congress' goal of protecting free television service, placing satellite and cable on equal terms, and preserve localism by ensuring that satellite carriage markets actually reflect what is truly local. However, BellSouth and DirecTV state that the Commission has no authority to add communities to a broadcaster's television market. They believe that section 122(j) limits a station's satellite carriage rights to the DMA that includes its community of license. DirecTV argues, however, that the Commission can and should adopt market modification procedures that allow a satellite carrier to remove a station from the market if it can demonstrate that the station does not serve the relevant market. Paxson, in contrast, argues that had Congress intended to grant the Commission market modification authority, it would have explicitly done so in the statute just as it did in the cable context.

30. We find that the Act does not permit the Commission to change the shape of a television market. While we recognize the concerns raised, we note that the satellite compulsory license is coterminous with the market in which the satellite carrier provides local-into-local service. Without express language in the Copyright Act or the Communications Act, any attempt to establish a market addition policy under our public interest authority would be moot because a satellite carrier cannot retransmit a local television station under section 338 into another market without subjecting itself to copyright liability under section 122 of the Copyright Act. In addition, there is no explicit provision providing the Commission with the authority to modify markets in the manner permitted under section 614(h). Therefore, we cannot establish a market modification policy on our own motion. We note that the Senate version of the SHVIA had, at one point in time, a market modification provision. This subsection was not adopted by Congress. Thus, any attempt by the Commission to implement a market modification regime would run counter to the express intent of Congress.

31. *Coverage.* Satellite carriers are currently developing spot beam technology where programming can be delivered to a discrete geographical location using a specialized satellite. Spot beam satellites have the potential to increase satellite system channel capacity through the re-use of transponders. DirecTV argues that satellite carriers should be permitted to use spot beams, when they are in operation, for local-into-local service even if the beam does not cover the entire market. We will permit carriers to use spot beam satellites in such a manner. We first observe that section 338 does not require a satellite carrier to serve each and every county in a television market. Rather, it requires that in the areas it does provide local-into-local service, it must carry all local television stations subject to carriage under the statute. In this context, we recognize that there are some markets, such as the Denver DMA encompassing counties in four states, that are geographically expansive. A spot beam may not be able to cover the entire DMA in these instances, and to make the satellite carrier reconfigure its spot beam may deprive it of capacity to serve additional markets with local-into-local coverage.

C. Receive Facilities

32. Section 338(b)(1) states that, ''A television broadcast station asserting its right to carriage under subsection (a) shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.''

Section 338(h)(2), in turn, defines the term ''local receive facility'' as ''the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.'' The *Notice* sought comment on the term ''local receive facility'' and on the parameters under which a satellite carrier may construct and designate a local receive facility. We noted that the statutory language could be read to permit the satellite carrier to establish a regional receive facility that would receive broadcast signals from other markets provided 50% of the relevant broadcasters agreed to the location. We also asked questions concerning the procedures by which a satellite carrier must inform local market television stations of the location of the receive facility, and whether there should be Commission procedures to resolve a broadcaster's complaint if it disputes the receive location selected by the majority of broadcasters.

33. DirecTV agreed with the preliminary statement in the *Notice* that ''the most economically feasible means [of delivery of multiple local broadcast signals] is to aggregate signals in each local market at one point and deliver them over the facilities of an interstate telecommunications carrier to the uplink site(s)'' and co-locate at such a carrier's switching center. DirecTV provided comments detailing the process needed to establish a local receive facility, a process they have used to create 27 local receive sites to provide service to 27 local-into-local markets served since the SHVIA was enacted at the end of November, 1999. According to DirecTV, the parameters for construction and designation of a local receive facility include: (i) Access to multiple long distance common carriers for DS–3 or other high-speed digital fiber circuits; (ii) access to at least one local common carrier that can provide TV1 quality digital fiber circuits to most, if not all, television broadcast stations [in the DMA], and/or local DS–3 circuits, microwave, and broadband analog service as local conditions may require; (iii) access to multiple long distance carriers that can provide a wide area data network up to 256kb/s as well as dial up voice service must also be available; (iv) access to building rooftop with connecting conduits to support, where needed, good quality over-the-air television reception, microwave links, and satellite reception; (v) access to a suitable area with connecting conduits to support a satellite downlink antenna; and (vi) access to a suitable area to install equipment to support all local collection, compression, monitoring, and transmission equipment. This area must be securable against unauthorized access and have stable power source and HVAC. DirecTV also states that local receive facilities must be planned twelve months in advance.

1. Local Receive Facilities

34. In the definition of ''local receive facility'' in section 338(h)(2), the satellite carrier is the entity authorized to designate the placement of a local receive facility. If the satellite carrier designates a local receive facility, the television broadcast stations are required by the statute to bear the costs of delivering a good quality signal to ''the designated local receive facility of the satellite carrier.'' We find that the statute expressly provides that the satellite carrier has the right to determine the location of the local receive facility. We disagree with the proposals offered by AAPTS and Network Affiliates to require a satellite carrier to locate a receive facility either within the Grade B contour or not more than 50 miles from the community of license of each of the local stations in a market. We recognize that in some of the larger DMAs in the western United States, some broadcast stations may be required to provide their signals over hundreds of miles if the receive facility is located beyond a local commercial or non-commercial television station's Grade B signal. We believe this is the reason Congress provided for an alternative receive facility. But, we do not believe it would be consistent with statutory language, which requires the broadcast station to bear the cost of delivering a good quality signal, to require satellite carriers to bear the cost of erecting additional facilities to receive signals from stations that are more than 50 miles away from a designated receive point.

35. With respect to the costs of erecting and maintaining the receive facility itself, we note that in the cable context, the cable operator pays the costs for signal processing at its principal headend. Given that the satellite carrier's local receive facility functions like a headend, and is under the carrier's control, we believe that the satellite carrier has the sole responsibility to pay for the costs of building and maintaining such a facility. We also find that the satellite carrier should pay for the costs of constructing and maintaining an alternative receive facility. This is appropriate particularly if the alternative facility is regional, and the satellite carrier benefits from having fewer facilities to build and maintain.

36. We note that DirecTV and Echostar have already built facilities in a number of television markets where they now provide local-into-local service. While DirecTV states that twelve months is the minimum amount of time necessary to establish a receive facility, we believe that the satellite carriers that are currently providing local-into-local service should not experience any difficulties in carrying local television stations by January 1, 2002 due to buildout issues. In the future, satellite carriers that enter new markets with local-into-local service should be able to fulfill their carriage obligations because section 338 does not impose carriage obligations until the satellite carrier retransmits at least one local television station, which would necessitate that the carrier have a receive facility in place or under development before the carriage requirement is triggered.

37. We also find, as AAPTS and others suggest, that a satellite carrier should designate the same receive facility for both retransmission consent and mandatory carriage television stations so as to avoid any opportunity to assign less convenient facilities to those stations seeking mandatory carriage.

2. Alternative Receive Facility

38. The definition of local receive facility in section 338(h)(2) strongly suggests that Congress intended to permit carriers to designate a single point for all local-into-local stations to be received, processed and retransmitted. However, the second clause of section 338(b)(1) provides that, with respect to the costs of delivering a good quality signal, there may be ''another facility that is acceptable to at least one-half the stations'' to which the television broadcast station delivers a good quality signal. The *Notice* considered this other facility as a facility outside the local DMA, perhaps a facility serving a regional area. Some commenters agreed that this is the likely meaning of this clause. We note, however, that this is not the only possible meaning of ''another facility.'' As DirecTV suggests, the other facility could be an alternative facility, not necessarily a non-local or regional facility. Most of the comments on this subject assumed that the other facility would be a non-local, regional facility established by a satellite carrier and that is acceptable to at least one-half of the stations asserting the right to carriage. We focus here on this interpretation and the necessary rules to implement it, but we do not foreclose the possibility that the creation of an alternative site,

whether local or non-local, can also be consistent with the statutory language. An alternative local receive facility would be one selected after the satellite carrier has chosen its first designated local receive facility.

39. AAPTS states that the consent of at least one local NCE station eligible for carriage in the market should be required before an alternate facility is chosen. Broadcast groups generally assert that non-local receive sites should not be selected unless the majority of stations in each affected market agree to the location of the facility. Echostar argues that it is significantly more burdensome for satellite carriers to seek the agreement of a majority of stations in each locality than the majority of stations in a particular region. ALTV states that a non-local receive facility may be established if half the local stations electing mandatory carriage, rather than retransmission consent, agree to the alternate site.

40. Under our reading of the phrase ''that is acceptable to at least one-half the stations asserting the right to carriage in the local market,'' we find that an alternative receive facility may be established if 50% or more of those stations in a particular market consent to such a site. As the statute uses the term ''local,'' we find that the calculation should be based on the majority of stations entitled to carriage in each affected market, not the aggregate number of stations in all affected markets. Since the ''right to carriage'' under section 338 extends, at least initially, to all local television broadcasters, the calculation includes all stations, whether they elect mandatory carriage or retransmission consent. We disagree, in part, with ALTV, which asserts that a non-local receive facility may be established if half the local stations electing mandatory carriage, rather than retransmission consent, agree to the alternate site. Just as we decide that a satellite carrier should include both retransmission consent and mandatory carriage local stations on the same designated local receive facility, we do not distinguish between retransmission consent and mandatory carriage in the determination of an acceptable alternative receive facility. We note, however, that if a satellite carrier has both a designated local receive facility and a non-local or regional receive facility and can accommodate local stations for retransmission into their local markets at either one, the television station may choose whether to deliver its good quality signal to one or the other, and must notify the satellite carrier to which one of the facilities it will deliver its signal. Each local television broadcast station requesting carriage must bear the cost of delivering its good quality signal to the receive facility.

41. All stations ''asserting a right to carriage,'' either through retransmission consent or mandatory carriage, may participate in the consideration of whether an alternative receive facility is acceptable. We note that television stations that substantially duplicate other local television stations may not ultimately be carried, but should, nevertheless, be counted in the 50% of stations that must find the alternative facility acceptable. For example, if there are 20 stations in a local market that may request carriage, but only 16 that must ultimately be carried, the satellite carrier must notify all 20 stations of a proposed alternative receive site, and at least 10 must find the alternative site acceptable.

42. As several commenters observed, a satellite carrier's local receive facility is the equivalent of a cable system's headend. We do not believe that the statute requires, nor that any party contemplates, that television stations can unilaterally select a site and force a satellite carrier to construct a facility or move its receive facility there. NAB asserts that the Act contemplates negotiations in which a carrier attempts to persuade more than half of the stations eligible for carriage to agree to deliver a good quality signal to a particular location outside the local market. We agree with NAB on this point. If the satellite carrier designates one local receive facility, 50% or more of the local stations may not demand or require that the satellite carrier provide an alternative receive facility. We find that Congress intended that the satellite carrier be part of the negotiation process concerning the establishment of an alternative receive facility. Given the costs and steps involved in creating a receive facility, the satellite carrier is to play a central role in such discussions. Indeed, we expect that in most cases, the satellite carrier will be the initiating party seeking to use a non-local or regional receive facility other than its designated local receive facility and to obtain the consent of at least 50% of the stations asserting the right to carriage.

43. As noted, the statute assigns costs to the broadcaster when providing the satellite carrier with a good quality signal to either a local or alternative facility. We agree, therefore, with BellSouth that a satellite carrier is not obligated to carry a television broadcast station that refuses to pay for the costs of providing a good quality signal. For similar reasons, we disagree with Network Affiliates' proposal that if the carrier uses an alternative facility, which at least half of the local stations find acceptable, then the satellite carrier should pay the incremental costs of delivering each broadcaster's signal if the alternative facility is more than 50 miles from the reference point of the station's community of license.

3. Notification

44. We conclude that a satellite carrier should provide local television stations with information on the location of an existing local receive facility, or where it plans to build a local or alternative receive facility, before the station makes its election. Advance notice of the receive point location is necessary because television stations must make arrangements for delivering good quality signals to the receive site. Advance notice is also desirable to enable the satellite carrier to negotiate with all the local television stations concerning alternative receive facilities. In the event a satellite carrier must select which duplicating station or NCE station to carry from among several that request carriage, nothing in the statute or our rules prevents the satellite carrier from taking into consideration which stations that find the satellite carrier's proposed alternative receive facility acceptable. As described, we consider this to be a fair subject for negotiation amongst the affected parties.

45. We disagree with DirecTV's argument that satellite carriers not be required to inform local broadcast television stations of the location of the receive facility until after such stations have notified the carrier, in writing, that they wish to be carried pursuant to section 338, and it has been established that they are otherwise eligible for such carriage. We see no reason to keep the location of existing designated local receive facilities or planned sites a secret. We agree with the suggestion of other commenters that the satellite carrier should designate the local receive facility in its carriage agreements with local television stations or, in the mandatory carriage situation, provide notice to the affected stations as to the location of the local receive facility.

46. Satellite carriers must be afforded a reasonable period of time to finalize arrangements for the location of the local receive facility in order to meet the January 1, 2002 deadline. Any delays by local television stations will work against a satellite carrier meeting its carriage obligations in a timely manner, which ultimately works against the television stations and viewers, as well. Therefore, when a satellite carrier has a

designated local receive facility to which local stations seeking carriage must deliver a good quality signal, the carrier must make the location of this facility known by June 1, 2001 for the first election cycle, and at least 120 days prior to the commencement of all election cycles thereafter. The means by which television stations are notified is left to the discretion of the satellite carrier.

47. BellSouth suggests that a carrier should give local television stations 90 days notice before it moves a local receive facility in order to protect the legitimate interests of television stations and to avoid service disruption to subscribers. We agree, in principal, with BellSouth's proposal. Generally, a satellite carrier may relocate the designated local receive facility every three years coinciding with the election cycle. We believe that satellite carriers should have the flexibility to change their designated local receive facility or alternative facility, and will require 60 days advance notice to all local stations. We are concerned, however, that the relocation of a local receive facility may make it more difficult for some television stations to pay the costs of delivering a good quality signal. Therefore, if a satellite carrier decides to relocate the designated local receive facility during an election cycle, it should pay the television stations' costs to deliver a good quality signal to the new location. With respect to moving the alternative facility, the new location must be acceptable to at least half of the local stations entitled to carriage in the local market. Obtaining such agreement may require more than 60 days notice, and the satellite carrier may find it necessary to plan for a new alternative facility with additional advance notice. A satellite carrier may not require local stations to deliver their signals to a new alternative facility unless and until at least 50% of the stations agree to the new facility.

4. Process

48. The *Notice* requested comment on the process by which broadcast television stations agree to the establishment and location of an alternative receive facility. NAB urges the Commission to establish a complaint process whereby stations in the minority of a determination of an acceptable alternative receive facility can protest if they believe the designation of a non-local receive facility site would undermine or evade the mandatory carriage requirements. BellSouth disagrees with this suggestion because under section 338(b)(1), the stations' vote decides the issue, and there is no statutory basis for Commission action to review or reverse this process. AAPTS responds by stating the Commission has the authority to create remedial processes that are not expressly mandated by statute.

49. We decline to establish a special complaint standard or process for disputes concerning alternative receive facility disputes. To the extent a television broadcast station believes its right to carriage has been denied because fewer than 50% of the relevant stations agreed to an alternative site, such claims may be raised in a mandatory carriage complaint. If there is no dispute that 50% or more of the local stations that could assert mandatory carriage have agreed to an alternative site, then we see no issue that would require our intervention.

50. We find that the negotiations and arrangements among local television broadcast stations and satellite carriers with respect to agreeing upon an alternative local receive facility are generally intended to be a voluntary process. We also decline to adopt a good faith test to be used in the context of receive point negotiations.

5. Good Quality Signal

51. *Standard.* In the *Notice,* we inquired about the ''good quality signal'' mandate in section 338. Under the current cable carriage regime, television broadcast stations must deliver either a signal level of –45dBm for UHF signals or –49dBm for VHF signals at the input terminals of the signal processing equipment, to be considered eligible for carriage. We sought comment on whether the signal quality parameters under section 614 and the Commission's cable regulations are appropriate in the satellite carriage context.

52. DirecTV states that the Commission should define ''good quality signal'' as one that will facilitate efficient MPEG compression of all channels. DirecTV proposes that the signal must meet the requirements of GR–338 CORE, TV1 for <20 route miles. It states that the ''<20 route miles'' specification contains essential elements that are necessary for the digital video compression equipment used in DBS systems. DirecTV also argues that the Commission should require a television broadcast station to contract with a local telecommunications common carrier to lease a dedicated TV1-quality fiber circuit from the broadcast station to the satellite carrier's local receive facility. We decline to adopt DirecTV's good quality signal proposals for several reasons. First, we believe that the TV1 standard is too rigid a construct. Specifically, a signal-to-noise ratio of +67 dB cannot be easily implemented by most television broadcast stations. Broadcasters do not have to meet such exacting ratios and levels when delivering signals to a cable operator's headend to qualify for carriage. Moreover, as NAB points out, satellite carriers, such as Echostar, have been retransmitting local television signals that they have received over-the-air without much concern about signal quality. We also note that it would be prohibitively expensive for a small television station to lease a dedicated TV1 circuit from a telecommunications carrier. It is not our intention to impose inordinate costs on small television stations that would prevent them from being carried by a satellite carrier.

53. We decide to apply the current good quality signal standards applicable in the cable context to satellite carriers, as suggested by ALTV. The standards that have been applied to cable operators have functioned well since the inception of the statutory cable carriage requirements seven years ago. No evidence has been presented suggesting the cable signal quality standard will not prove equally satisfactory in the satellite context. We believe that the application of the current good quality signal standards will provide parties with a workable, tested standard.

54. Christian Television Network (''CTN'') argues that the good quality signal standard should not be premised on off-air signal strength, but should turn on the quality of the picture delivered by any means. AAPTS also states local stations that cannot provide a good quality signal to the local receive facility over-the-air should be permitted to deliver the signal in another way. We agree with these commenters that television stations may use any delivery method to improve the quality of their signals to the satellite carrier. A television station may use microwave transmissions, fiber optic cable, or telephone lines as long as they pay for the costs of such delivery mechanisms. Such alternative delivery methods are sanctioned under the cable carriage rules and should be applicable in the satellite carriage context.

55. *Carriage of Television Stations With Disputed Signal Quality.* In the *Notice,* we recognized that a broadcaster not providing a good quality signal to a cable system headend is not qualified for carriage. In this situation, a cable system is under no obligation to carry such a signal, but the broadcaster has an opportunity to provide equipment necessary to improve its signal to the requisite level and gain carriage rights. We sought comment on whether

Congress intended the same result for broadcasters that do not provide a good quality signal to the local satellite receive facility.

56. ALTV, AAPTS, and Network Affiliates agree that a satellite carrier may insist that a station cover the costs of delivering a good quality signal; they argue, however, that a satellite carrier cannot refuse to carry a television station just because its signal is less than adequate. NAB comments that satellite carriers operating under section 338, unlike cable systems operating under sections 614 and 615, do not have the option of holding a station's carriage ''hostage'' during a dispute about a good quality signal. It posits that even if the Commission had the power to allow carriers to do so, it should decline that invitation, since a litigious satellite carrier could, as a practical matter, unilaterally postpone the effective date of the section 338 requirements for long periods by dragging out Commission and court enforcement proceedings. Conversely, DirecTV and LTVS assert that a satellite carrier may refuse to carry a station that fails to provide a good quality signal to the local receive facility. LTVS adds that the satellite carrier should first notify the broadcast station of the deficient signal, including measurements and relevant data, and then discontinue carriage if the broadcaster fails to improve the signal quality.

57. We disagree with the broadcast groups on this issue. We first observe that the statute does not affirmatively instruct satellite carriers to carry television stations that do not provide a good quality signal. Rather, section 338 only provides that a television station is responsible for the costs of delivering a good quality signal. Given the absence of a statutory directive, we must interpret section 338 in a manner that is both reasonable and consistent with current law. We also find that it would be contrary to the public interest to require satellite carriers to carry television stations that provide a poor quality signal. The principle reason underlying this decision is that satellite subscribers would not benefit from receiving a television signal that is of poor quality. In this instance, we believe that satellite subscribers would rather subscribe to cable or receive the signals over-the-air rather than pay for inadequate television signals retransmitted by a satellite carrier. Moreover, cable operators are not required to carry poor quality signals under sections 614 and 615 of the Act. Noting the SHVIA's directive in establishing comparable carriage requirements between satellite carriers and cable operators, we should not require the carriage of poor quality signals under section 338. We note that our findings here do not relieve the satellite carrier of its obligations to carry television signals where it provides local-into-local service. Rather, the satellite carrier does not have an obligation to carry television stations until they voluntarily pay and provide a good quality signal.

58. *Good Signal Quality Measurement and Testing.* With respect to the manner of testing for a good quality signal, we note that the Commission has adopted a method for measuring signal strength in the cable carriage context. Generally, if a test measuring signal strength results in an initial reading of less than −51 dBm for a UHF station, at least four readings must be taken over a two-hour period. If the initial readings are between −51 dBm and −45 dBm, inclusive, readings must be taken over a 24-hour period with measurements not more than four hours apart to establish reliable test results. For a VHF station, if the initial readings are less than −55 dBm, at least four readings must be taken over a two-hour period. Where the initial readings are between −55 dBm and −49 dBm, inclusive, readings should be taken over a 24-hour period, with measurements no more than four hours apart to establish reliable test results. The Commission stated that cable operators are further expected to employ sound engineering measurement practices when testing signal strength. We sought comment on whether we should require the same signal testing practices for measuring a broadcaster's signal strength in the satellite context.

59. LTVS states that the signal testing practices used in the cable context should apply in the satellite context. NAB proposes adding ''additional safeguards'' to the signal testing process, such as permitting local stations to observe measurement procedures and requiring use of independent engineers to conduct tests. NAB also advocates that the good quality signal requirements for satellite carriers should incorporate the various findings in Commission rulings in the cable context, such as the requirement that an operator use actual field measurements, rather than computer predictions, to measure a television station's signal. BellSouth argues that NAB provides no support for imposing more stringent requirements on satellite carriers than on cable systems. BellSouth also argues that like cable systems, satellite carriers should cooperate in testing the signal quality delivered by television stations to the satellite carrier's local receive facility.

60. We believe that the signal testing practices in the cable carriage context should be generally applied in the satellite carriage context. The Commission developed its engineering standards through experience in adjudicating signal quality disputes between cable operators and television broadcast stations. In this instance, commenters have not provided any arguments or data suggesting that the cable practices and engineering standards would be unsuited for satellite carriers. As for NAB's call for additional safeguards, we find that such engineering and procedural processes should not be implemented as regulatory requirements. Instead, the parties should look to precedent as useful guidance. With regard to testing fees, we believe that the television broadcast station should pay for signal tests.

61. At the same time, however, we note that the satellite carrier's local receive facility may not have a tower with broadcast station reception equipment mounted onto it like that is found at a cable system's principal headend. It has been standard practice among cable operators and broadcasters to test a television station's signal strength at the tower site. To remedy this situation, we strongly recommend that satellite carriers and broadcasters follow the testing procedures for field strength measurements found in § 73.686(b)(2) of the Commission's rules, in addition to following the good engineering practices established in the cable context. These rules, we believe, will serve as an adequate proxy for conducting signal measurements in lieu of an actual tower.

D. Duplicating Signals

62. *Definition.* Section 338(c)(1) states that:

> Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier within the same local market. * * *

In the *Notice,* we asked several definitional questions concerning this phrase.

63. Section 614(b)(5) provides that a cable operator is not required to carry the signal of any local commercial television station that substantially duplicates the signal of another local commercial television station which is carried on its cable system, or to carry

the signals of more than one local commercial television station affiliated with a particular broadcast network. The Commission decided that, based on the legislative history of this section, two stations ''substantially duplicate'' each other ''if they simultaneously broadcast identical programming for more than 50 percent of the broadcast week.'' For purposes of this definition, identical programming means the identical episode of the same program series. Section 615(e) provides that cable operator with cable system capacity of more than 36 usable activated channels, and carrying the signals of three qualified NCE stations, is not required to carry the signals of additional stations the programming of which substantially duplicates the programming broadcast by another qualified NCE station requesting carriage. The 1992 Cable Act states that substantial duplication was to be defined by the Commission in a manner that promotes access to distinctive noncommercial educational television services. The Commission concluded that an NCE station does not substantially duplicate the programming of another NCE station if at least 50 percent of its typical weekly programming is distinct from programming on the other station either during prime time or during hours other than prime time. We sought comment on whether the Commission should apply the cable carriage duplication definitions to satellite carriers under section 338.

64. DirecTV proposes that the definition of ''substantial duplication,'' as employed in section 338(c), should include identical programming, whether broadcast simultaneously or not, of either 50 percent or more of a television broadcast station's total weekly programming, or 50 percent or more of its prime-time programming. Network Affiliates argue that substantial duplication should be found only where there is an overlap in the Grade B contours of the stations in question. According to Network Affiliates, where there is no Grade B overlap between the stations, the stations' signals should not be deemed to substantially duplicate each other and should be entitled to carriage. We do not find that these commenters have presented persuasive evidence as to why the cable standard is not suited for satellite carriers. Their proposals are also contrary to the purpose of the Act. DirecTV's proposal would winnow away a television station's right to carriage and would unduly expand the substantial duplication exception beyond what was intended by Congress. If the Network Affiliates' suggestion were adopted, we believe that the statutory duplication provision would be eviscerated, as there would be no station in a particular market that would duplicate another.

65. Accordingly, we will apply the duplication standards for commercial television stations, set forth in the cable operator context, to satellite broadcast signal carriage as suggested by ALTV, NCTA, and LTVS. That is, two commercial television stations substantially duplicate each other if they simultaneously broadcast identical programming for more than 50 percent of the broadcast week. The cable duplication provisions for commercial television stations have been in effect for the last seven years, without much controversy, and there is no reason to believe that they will be difficult to implement in the satellite carriage context.

66. We note, however, that due to the fundamental operational differences between cable systems and satellite service, a satellite carrier may choose which duplicating signal it is not required to carry. This policy differs from the cable duplication rules where an operator must carry the station that is closest to its principal headend. Since there are no ''headends'' in the satellite carriage context, that are relevant to the question of which stations in a particular market to carry, comparable rules in this specific instance should not be implemented. Absent an analogous headend standard or statutory guidance, we believe the public interest is best served by permitting satellite carriers to determine which stations to offer their subscribers.

67. DirecTV argues that, in addition to its ability to deny carriage of duplicative stations in the first instance, a satellite carrier should be permitted to remove a television broadcast station from its line-up if it begins to substantially duplicate its programming after carriage of the station has commenced. We agree with DirecTV on this point. If the substantial duplication criteria are satisfied, a satellite carrier is permitted to drop that television station from its channel line-up. If this situation arises, however, we require the satellite carrier to notify the station, and its subscribers, in a timely manner prior to its removal from the relevant local-into-local channel line-up. By the same token, we also find that a satellite carrier must begin carrying a television station that stops duplicating another local television station. When this circumstance presents itself, the station shall use the same procedures to establish carriage as permitted for new television stations under § 76.66.

68. We sought comment on the phrase, ''affiliated with a particular television network.'' In this situation, we asked what definition of ''television network'' applies because that term is not specifically defined in section 338. We asked whether we should implement the definition of television network found in section 339 of the Act, the SHVIA's distant signal carriage provision, for the purposes of administering the section 338 duplication provision. BellSouth, NCTA, and LTVS all agree that the definition in section 339(d) is acceptable. Given the parties assent to the inclusion of the section 339 definition, and the lack of opposition, we adopt this definition for the purpose of the substantial duplication analysis.

69. We now turn to the second part of section 338(c)(1): ''Notwithstanding subsection (a), a satellite carrier shall not be required to carry upon request the signal of any local commercial television broadcast station that substantially duplicates the signal of another local commercial television broadcast station which is secondarily transmitted by the satellite carrier within the same local market or to carry upon request the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different states.'' We find that this part of the provision dictates three results. First, satellite carriers are not obligated to carry more than one network affiliate in a television market when both affiliates are licensed to communities in the same state, even if the affiliates do not substantially duplicate their programming. This is analogous to the cable rule stating that a cable system need only carry the network affiliate closest to the principal headend. In this context, a satellite carrier may select which network affiliate it wants to carry. Second, a satellite carrier must carry network affiliated television stations licensed to different states, but located in the same market, even if they meet the definition of substantial duplication under the Commission's rules. An example of this situation is WMUR and WCVB. Both are ABC network affiliates, but the former is licensed to Manchester, New Hampshire, while the latter is licensed to Boston, Massachusetts. Under section 338(c)(1), the satellite carrier would be obligated to carry both. Third, if two television stations located in different states (but within the same ''local

market'') duplicate each other, but are not network affiliates, the satellite carrier only has to carry one. For example, if there are two Home Shopping Network station affiliates in the same market, but located in different states, the satellite carrier need not carry both because the Home Shopping Network is not a television network under our definitional rule.

70. *Different States Examples.* In the *Notice,* we inquired about the application of the statutory phrase, ''communities in different states.'' Congress stated that this phrase addresses unique and limited cases, including such station pairs as WMUR (Manchester, New Hampshire) and WCVB (Boston, Massachusetts) in the Boston DMA (both ABC affiliates), as well as WPTZ (Plattsburg, New York) and WNNE (White River Junction, Vermont) in the Burlington-Plattsburg DMA (both NBC affiliates), in which mandatory carriage of both duplicating local stations upon request assures that satellite subscribers will not be precluded from receiving the network affiliate that is licensed to a community in the state in which they reside. We asked whether there were other similar situations that must be addressed and accounted for.

71. According to DirecTV, Congress sought to create only a very narrow exception to the general rule that satellite carriers shall not be required to carry duplicative signals—one that applies in ''unique and limited cases.'' DirecTV argues that the Commission must implement this provision in the limited manner that Congress intended—in no case should the Commission infer additional authority to address ''similar situations.'' We infer no such additional authority. NAB asserts that there is no conflict between the Act and the Conference Report on this issue: the Act reaches any instance in which two affiliates of the same network are licensed to different states but within the same local market. According to NAB, while these instances are no doubt ''unique and limited,'' as the Conference Report indicates, the Act is not restricted to the particular examples mentioned in the Conference Report. We agree with NAB. The reference in the legislative history merely states known examples. It cannot be read to limit the phrase's application to only the noted examples.

72. *National Programming.* DirecTV argues that it would make no sense for the Commission to mandate carriage of local affiliates if they substantially duplicate the programming provided by the same channel that is carried nationally. NAB argues that the term ''another local commercial television broadcast station'' in section 338's duplication provision cannot be read to mean a non-local TV station or non-broadcast satellite channel. We disagree with DirecTV's position here. The relevant statutory provision is specifically an intra-market exemption, directly referring to situations where ''local'' television stations duplicate each other. Congress did not intend for national programming to be considered in the duplication analysis, otherwise it would have so stated. If we were to adopt DirecTV's position, local television stations that carry Univision or Telemundo Spanish language programming, for example, would not have to be carried by satellite carriers because their national feeds are already carried. In so doing, we would obviate the statute's focus on localism.

E. Noncommercial Educational Television Station Carriage Issues

73. Section 338(c)(2) states that: ''The Commission shall prescribe regulations limiting the carriage requirements under subsection (a) of satellite carriers with respect to the carriage of multiple local noncommercial television broadcast stations. To the extent possible, such regulation shall provide the same degree of carriage by satellite carriers of such multiple stations as is provided by cable systems under section 615.'' Section 615(l)(1), in turn, provides that a local noncommercial educational television (''NCE'') station qualifies for cable carriage rights if it is licensed by the Commission as an NCE station and if it is owned and operated by a public agency, nonprofit foundation, or corporation or association that is eligible to receive a community service grant from the Corporation for Public Broadcasting. For purposes of cable carriage, an NCE station is considered local if its community of license is within 50 miles of, or the station places a Grade B contour over, the principal headend of the cable system. Cable systems are required to carry local noncommercial educational television stations under a statutory provision based on a cable system's number of usable activated channels. As part of our inquiry regarding section 338's duplication provision, we sought comment on the scope of a satellite carrier's obligations with regard to noncommercial educational television stations. We also asked whether we should adopt procedural rules for the carriage of NCE television stations to mirror the cable carriage requirements.

74. AAPTS argues that the duplication provision is the only limitation on local NCE station carriage contemplated by SHVIA. AAPTS argues that Congress intended for eligible local NCE stations to be carried whenever a satellite carrier system is providing local-into-local service in a particular market. On the opposite side, DirecTV and Echostar assert that the Commission should limit satellite carriage of NCE stations in a manner consistent with a carrier's technical limitations and other factors that differentiate the satellite industry from the cable industry. For example, EchoStar argues that no more than 2% of a satellite carrier's total channel capacity (*i.e.,* 6 channels nationwide for a system of 300 channels) should be devoted to local noncommercial station carriage. DirecTV submits that satellite carriers should only be required to carry a number of NCE stations that would bring the total number of NCE channels (defined to include national educational channels) available in a local market to a maximum of four percent of the local required channels offered by the satellite carrier in the market. According to DirecTV, none of these channels should substantially duplicate programming that is offered on another channel already carried in the market.

75. We find that the NCE carriage formulations proposed by DirecTV and Echostar would deprive satellite subscribers of access to local noncommercial television stations in those markets where local-into-local service is offered. While we recognize that satellite carriers provide a national service, their proposals would vitiate the intent of Congress in promoting carriage of local NCE stations. Instead, we agree with AAPTS that the duplication provision is the only limitation on NCE carriage contemplated by Congress when it promulgated section 338. Therefore, a satellite carrier must carry all non-duplicative NCE stations in markets where they provide local-into-service. Section 338 instructs the Commission to implement NCE station carriage requirements providing the same degree of carriage by satellite carriers as is required by cable systems under section 615 of the Act. Cable systems with more than 36 channels are required to carry all non-duplicative NCE stations. Given that satellite carriers have more than 36 channels, we hold that satellite carriers' NCE station carriage obligations should be comparable to the requirements imposed on cable operators.

76. At the same time, we recognize that section 338 requires the Commission to limit the carriage of multiple NCE stations in markets where local-into-local service is provided. It is important to note that this instruction

was embedded in the NCE duplication provision of section 338. Against this backdrop, we adopt a limitation principle based upon duplicative programming. Using the NCE station duplication definition found in the cable context as a general model, we have developed a two step approach in defining substantial duplication in this context. First, a noncommercial television station substantially duplicates the programming of another noncommercial station if it simultaneously broadcasts the same programming as another noncommercial station for more than for more than 50 percent of prime time, as defined by § 76.5(n), and more than 50 percent outside of prime time over a three month period. After three noncommercial television stations are carried, the test of duplication shall be whether more than 50 percent of prime time programming and more than 50 percent outside of prime time programming is duplicative on a non-simultaneous basis. As for the timeframe of when to measure duplication, we find that the amount of duplicative prime-time weekly programming broadcast should be examined over the course of three-month period. The end of the three-month period must fall within 30 days prior to the date the satellite carrier notifies the NCE station that it is denying or discontinuing carriage based on substantial duplication. The amount of duplicative weekly programming broadcast outside of prime time will be measured over the same period. Only if the station duplicates more than 50 percent of the other station's weekly programming in both of these respects can it be denied carriage. We believe this approach is a reasonable means of achieving the statutory goal of implementing an NCE carriage obligation for satellite carriers that parallels the existing cable carriage requirement, and takes into account, ''to the extent possible,'' the other relevant technical and legal constraints. In reaching this balance, we note in particular that, unlike satellite carriers, cable operators are generally required to carry up to three local noncommercial educational stations regardless of the duplication involved. However, unlike satellite carriers, cable operators need not carry all NCE stations licensed to communities in an expansive DMA, but need only carry those NCE stations within 50 miles of the cable system principal headend or which place a Grade B service contour over the principal headend. The rule adopted attempts to balance these differences in a practical way using the avoidance of duplication mechanism identified in section 338(c) of the SHVIA.

77. *Public Interest Set-Aside.* DirecTV and BellSouth have suggested that local NCE station carriage should be capped by the 4 per cent set-aside requirement pursuant to section 335 of the 1992 Cable Act and the Commission's rules. AAPTS urges the Commission to reject the DBS industry's attempt to use the national public interest set-aside requirement to limit NCE carriage obligations. According to AAPTS, the satellite carriers' attempt to cap their carriage requirements through their public interest obligations confuses two separate statutory schemes: (i) The DBS set-aside for national, noncommercial educational programming, designed primarily to satisfy DBS public interest obligations; and (ii) the satellite carriage obligations, triggered only when a satellite carrier offers local channels to its subscriber's pursuant to the compulsory license.

78. We will not permit satellite carriers to include NCE stations, carried under section 338, in the calculation of the 4 per cent set-aside. We agree with AAPTS that the carriage requirements of the SHVIA have different purposes from the set-aside requirements contained in the satellite public interest provisions. The section 338 provisions further the goals of localism and nondiscriminatory treatment of local television stations while section 335 furthers the goal of program diversity. In this regard, we are concerned that if a satellite carrier were permitted to satisfy the public interest set-aside with NCE stations, programming diversity would be diminished because all programming currently carried to satisfy the set-aside will likely be dropped in lieu of NCE station carriage. Section 335 would also be rendered a nullity if NCE stations, carried under a different statutory section, were allowed to satisfy the set-aside obligations. Moreover, public interest set-aside programming must be made available to all subscribers of a satellite carrier without additional charge. This is a condition that cannot be met through the carriage of NCE stations under the SHVIA because the compulsory license prohibits satellite carriers from offering a local NCE station signal to subscribers in a non-local market. In this context, it is also important to note that cable operators have carriage obligations under Title VI that are mutually exclusive. For example, cable operators have an obligation to establish public, educational, and government access (''PEG'') channels under section 611 of the Act and pursuant to a local franchising agreement. We note that in this context, a cable operator cannot unilaterally satisfy its PEG requirements by carrying NCE stations under section 615.

79. *PBS Feed.* KQED requests the Commission to clarify that satellite carriers may not avoid their local NCE station carriage obligations simply by carrying the national PBS satellite feed. According to KQED, the national PBS feed was intended as an interim measure to facilitate the satellite industry's ability to offer public television service to their subscribers while the industry organized to comply with section 338. On this point, we note that the statutory copyright license for the PBS feed expires on January 1, 2002. This expiration date coincides with the onset of the section 338 obligations for satellite carriers. The SHVIA purposefully instituted a phase-out and phase-in with regard to the two compulsory license provisions so that satellite subscribers, in markets with local-into-local service, would have continuous access to public broadcasting programming.

F. Channel Positioning

80. *Placement.* Section 338(d) of the Communications Act states that:

> No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels and provide access to such station's signals at a nondiscriminatory price and in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.

The Conference Report notes that the obligation to carry local stations on contiguous channels is to ensure that satellite carriers position local stations in a way that is convenient and practically accessible for consumers. We stated in the *Notice* that the statutory directive for channel positioning confirms that satellite carriers are required to present local broadcast channels to satellite subscribers in an uninterrupted series. We sought comment, however, on whether broadcast signals carried under retransmission consent must be contiguous with the television stations carried under section 338 or whether they may be presented to satellite subscribers in a non-contiguous manner.

81. ALTV submits that the signals of all local television stations, including retransmission consent stations, must be

provided on contiguous channels. AAPTS argues that local broadcast signals are to be grouped together regardless of their regulatory status because such grouping makes all local signals more easily accessible to viewers. NAB suggests that all stations should appear on channel numbers that are in the order in which the stations appear to the over-the-air receiver. BellSouth argues against requiring contiguous channel location for retransmission consent stations. It also asserts that section 338(d) is explicit that a satellite carrier cannot be required to provide carry mandatory carriage stations in any particular order.

82. DirecTV urges the Commission to interpret the term ''contiguous'' as allowing satellite carriers to form channel ''neighborhoods'' of local television broadcast stations which consist of contiguous channels, but some of which remain vacant. ALTV believes that this proposal is consistent with the contiguous channel requirement provided that all local stations' signals are carried in an uninterrupted series with no intervening channels of programming. NAB does not object to DirecTV's ''neighborhood'' proposal, provided that: (i) The neighborhood includes all the local television stations, including retransmission consent television stations; (ii) the television stations are listed in the same order as their over-the-air channel numbers, and (iii) the neighborhood includes only local TV stations.

83. Based on the language of the statute, we find that the channel placement provision encompasses all local television stations. Therefore, a satellite carrier is obligated to carry both retransmission consent stations and mandatory carriage stations in a block on the satellite carrier's channel line-up. We find that DirecTV's neighborhood proposal is consistent with the statutory language as long as the local channel block is not interrupted by non-local programming. We do not believe, however, that the statute requires a satellite carrier to place local television stations in any particular order. Such restrictive language is not found in section 338(d).

84. *Nondiscriminatory Program Guide Treatment.* In the *Notice*, we sought comment on the phrase, ''provide access to such station's signals * * * in a nondiscriminatory manner on any navigational device, on-screen program guide, or menu.'' We specifically sought comment on what rules the Commission should develop to ensure that television stations are accessible to satellite subscribers on nondiscriminatory terms. We asked whether there were any existing Commission rules that we may use as a model to develop regulations for this particular situation. We also sought comment on whether Congress meant that electronic program guide information concerning required television station signals should be presented to subscribers in the same fashion as other programming services provided by the satellite carrier.

85. AAPTS urges the Commission to adopt nondiscrimination rules that parallel the open video system (''OVS'') requirements. It argues that such rules should ensure that all television broadcast stations, including NCE stations, are represented in a nondiscriminatory fashion on the electronic program guide, menu, and/or navigation device provided by the satellite carrier. NAB provides a list of suggestions regarding how satellite carriers should treat television stations to achieve the statute's objectives. One of those examples is to ''bar satellite carriers from requiring viewers to take extra steps (*e.g.*, mouse or remote control clicks) to obtain access to particular local stations, or from placing 'carry one, carry all' stations on different screens.'' We find that the broadcasters' suggestions are too restrictive to be implemented. The open video system model, as BellSouth points out, is a statutory creation with unique requirements and characteristics not meant to be transferred to other contexts. The open video system requirements address access to a video delivery platform where two-thirds of system capacity must be made available at a nondiscriminatory price to outside programmers. The OVS provisions do not directly address concerns involved here, such as nondiscriminatory treatment on an electronic program guide. We also find that NAB's proposals involve too much detail to be implemented as rules. We do not believe that Congress meant to bar satellite carriers from requiring viewers to take extra steps to reach a local television station on an electronic program guide, when it promulgated the SHVIA.

86. In this context, we hold that a satellite carrier should treat all local television stations on EPGs in the same manner. Program guide presentation and information about a local independent television station, or an NCE station, should be similar to that given to a local network affiliate carried under retransmission consent. This requirement is similar to the statute's treatment of television station picture quality under the material degradation provisions.

87. *Nondiscriminatory Price.* In the *Notice,* we inquired about the statutory phrase, ''provide access to such station's signals at a nondiscriminatory price,'' and asked whether Congress meant that television station signals carried pursuant to mandatory carriage requests may cost no more per channel to subscribers than packages of retransmission consent television station signals or other satellite service packages. In response to this inquiry, ALTV and NAB assert that all local signals should be included in a single package. AAPTS asserts that NCE mandatory carriage television stations should be offered as part of the existing local broadcast signal package without any additional cost to the subscriber. BellSouth argues that a satellite carrier has the right to place local television signals on a pay tier, an enhanced service tier, or any other tier of service, as long as all local television stations are on this tier and the viewing of no one station costs the viewer more than the viewing of any other station in the DMA. Echostar comments that one of the crucial differences between cable and satellite carriers is that the latter do not have obligations as to the tier in which local signals are to be offered. It states that channel placement requirements of section 338 cannot be used as a lever to impose such obligations on satellite carriers.

88. We do not believe that the statute requires satellite carriers to sell all local television stations as one package to subscribers. As Echostar points out, Congress did not intend to establish a basic service tier-type requirement for satellite carriers when it implemented section 338. Nor did Congress explicitly prohibit the sale of local television station signals on an a la carte basis. Rather, section 338's anti-discrimination language prohibits satellite carriers from implementing pricing schemes that effectively deter subscribers from purchasing some, but not all, local television station signals. Thus, we find that a satellite carrier must offer local television signals, as a package or a la carte, at comparable rates.

89. ALTV and NAB asks the Commission to rule that no new equipment should be required to access some, but not all of the local signals in a market. According to ALTV, such a pronouncement is necessary to prevent discriminatory treatment of mandatory carriage television stations. NAB also suggests that satellite carriers should be barred from placing mandatory carriage television stations on any satellite that would require a subscriber to purchase another dish to receive such signals. BellSouth agrees in principle noting that

the channel placement provisions of section 338 were designed to ensure that dominant stations in a DMA receive no better carriage treatment than other stations. On the other hand, Echostar comments that one of the obligations advocated by the NAB—that the local stations be available from the same orbital location—is tantamount to a provision that had been included in draft legislation prior to the passage of SHVIA. Echostar states that such provision, which was dropped from the final version of section 338, would have barred satellite carriers from transmitting local stations in a manner that would require additional reception equipment. Echostar argues that the Commission cannot implement a rule similar to this provision when Congress decided not to include such a requirement in the SHVIA.

90. We find that the language of section 338(d) covers the additional equipment concerns raised by the parties and bars satellite carriers from requiring subscribers to purchase additional equipment when television stations from one market are segregated and carried on separate satellites. However, we are not prohibiting a satellite carrier from requiring a subscriber to pay for an additional dish in order to receive all television stations from a single market. For example, DirecTV may require an additional dish to receive all television stations from the Baltimore market, but it may not require subscribers to purchase the same to receive some Baltimore stations where the others are available using existing equipment.

G. Content To Be Carried

91. *Programming in the Vertical Blanking Interval.* Section 338(g) states that, ''The regulations prescribed [under section 338] shall include requirements on satellite carriers that are comparable to the requirements on cable operators under sections 614(b)(3) * * * and 615(g)(1).'' Section 614(b)(3) states that:

> A cable operator shall carry in its entirety, on the cable system of that operator, the primary video, accompanying audio, and line 21 closed caption transmission of each of the local commercial television stations carried on the cable system and, to the extent technically feasible, program-related material carried in the vertical blanking interval [''VBI''] or on subcarriers. Retransmission of other nonprogram-related material (including teletext and other subscription and advertiser supported information services) shall be at the discretion of the cable operator. Where appropriate and feasible, operators may delete signal enhancements, such as ghost canceling, from the broadcast signal and employ such enhancements at the system headend or headends.

Section 615(g)(1), which is the noncommercial equivalent of the commercial television station provision in section 614(b)(3), states that:

> A cable operator shall retransmit in its entirety the primary video, accompanying audio, and line 21 closed caption transmission of each qualified local noncommercial educational television station whose signal is carried on the cable system, and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

We sought comment on the applicability of these two similar cable requirements in the satellite carriage context, especially in light of the term ''comparable'' contained in section 338(g). We note that the VBI contained in a television broadcast's signal is composed of many lines of information. Our concern here is with those lines of the VBI where certain types of data, such as closed captioning information, are found. We also note that a satellite carrier does not retransmit VBI information as it is received. Rather, it converts the data from an analog to a digital form and carries such data as a digital stream to the subscriber's home. The set-top box then converts the digital stream and makes the data available for subscriber use.

92. Several commenters argue that the Commission should apply the applicable cable provisions to satellite carriers. NAB comments that satellite carriers should carry whatever information the broadcaster may have embedded in its analog VBI. BellSouth, however, seeks to limit the content-to-be-carried requirements for satellite carriers to only closed captioning information until the technical feasibility of other applications can be tested and agreed to on a case-by-case basis. We will apply the current cable content-to-be-carried requirements to satellite carriers. We are not persuaded that satellite carriers are unable to carry the relevant data currently contained in the VBI. Nor has any satellite carrier proffered a credible argument as to why we should treat them differently from cable operators in this context. We therefore require satellite carriers to carry the same program-related vertical blanking information as cable operators, including but not limited to, closed captioning, Nielsen rating codes, V-chip information and for NCE stations, material necessary for the receipt of programs by people with disabilities as well as education and language-related material. We believe our decisions here will further the goals of the SHVIA and are consistent with the cable television requirements.

93. *Program-Related.* In the *Broadcast Signal Carriage Order*, the Commission decided that the factors enumerated in *WGN Continental Broadcasting, Co.* v. *United Video Inc.* (''WGN'') provide useful guidance for what constitutes program-related material. The WGN case addressed the extent to which the copyright on a television program also included program material in the VBI of the signal. Under the cable carriage rules, all program-related broadcast material must be carried. We sought comment on whether the WGN program-related analysis applies in the context of satellite broadcast signal carriage. Very few parties provided comments on this issue. Of those who did, there were no negative arguments made. BellSouth, for example, has no objection to use of the WGN criteria to determine what content is program related and must be carried. Given the dearth of opposition to the WGN factors and our cable program-related decisions, we hereby incorporate all Commission policies and references regarding the term ''program-related'' into the satellite carriage context. This measure, again, serves to align the carriage requirements imposed both on cable operators and satellite carriers. Moreover, since the WGN case centered on copyright law, and the SHVIA and section 338 are also copyright-based, we believe that adopting such a policy for satellite carriers is reasonable and appropriate.

94. In the *Notice*, we recognized that the Commission has not specifically defined ''primary video'' in the rules and has instead relied on the language of section 614(b)(3)(B) to clarify the scope of the term for purposes of cable broadcast signal carriage. In view of this history, we sought comment on whether a specific definition of primary video is required for satellite carriers to fulfill the requirements contained in section 338. Network Affiliates state that a specific definition of primary video need not be adopted for the satellite carriage rules. Network Affiliates assert that the term has proved self-explanatory and non-controversial as applied to cable carriage of analog signals and should be equally so in the satellite context. AAPTS asserts that the Commission has not further defined primary video for the cable carriage rules, and in the seven years that the rules have been in effect, this lack of definition has not been a problem. We

agree that the primary video concept has worked in the cable carriage context. We therefore incorporate the cable version of primary video into the satellite broadcast signal carriage rules. Given these indicia, and the fact that implementing the cable definition will further the Congressional goal of comparability, we believe our finding serves the public interest. We note that the Act also mandates that, in addition to primary video, accompanying audio must be carried. Therefore, satellite carriers are required to carry the secondary audio programming (''SAP'') material that accompanies many broadcast television programs.

95. *Technical Feasibility.* With regard to the ''technical feasibility'' of the carriage of program-related material in the VBI or on subcarriers, the Commission stated in the Broadcast Signal Carriage Order that such carriage should be considered ''technically feasible'' if it does not require the cable operator to incur additional expenses and to change or add equipment in order to carry such material. The Commission noted that it would consider signal carriage to be ''technically feasible'' if only nominal costs, additions or changes of equipment are necessary. We sought comment on whether the consideration of technical feasibility should be different in the context of satellite broadcast signal carriage.

96. AAPTS states that there is no technical impediment to the carriage of VBI material over satellite; it is simply a question of capacity. LTVS asserts that it is technically possible for a satellite carrier to carry closed captioning information, audience measurement and/or ratings data, and SAP audio. While BellSouth does not dispute that satellite carriers can and do carry, without significant expense, the program-related material which television stations currently deliver through the VBI, it argues that requiring carriage of different, additional or future VBI-carried information may be expensive and may impose significant spectrum capacity burdens. DirecTV asserts that ''billions of dollars'' of additional investment would be required to retrofit its satellite system so that it could carry additional material on the VBI and allow consumers to view the additional material. AAPTS asserts that, given the widely divergent viewpoints on this issue within the satellite industry, the Commission cannot accept DirecTV's contention that it is not technically feasible for carriers to retransmit program-related material in the VBI. AAPTS further asserts that DirecTV's satellite systems are already being designed to deliver data and that even the first DBS receivers had both a wide-band and a low-speed data port.

97. Based on the arguments presented, we find that it is technically feasible for satellite carriers to carry the current program-related material contained in a television station's VBI. DirecTV has not provided detailed evidence to support its claim that it will incur financial hardship if it were required to carry such program content. We also find it significant that LTVS, a future satellite carrier, admits that it would have no difficulty in carrying VBI information. With regard to BellSouth's argument, there could be new kinds of program-related data in the VBI that would cause the satellite carrier to incur inordinate expenses and to change or add a substantial amount of equipment. We will address such issues on a case-by-case basis in the future.

98. In this context, DirecTV and LTVS also urge the Commission to recognize that satellite systems must be designed and constructed far in advance of the date for commencement of service. They state that once the systems are deployed in orbit, few changes can be made without necessitating the complete replacement of the satellite systems at issue. While we understand the challenges involved in constructing, designing, and launching new satellites, the arguments expressed by the satellite carriers' are unrelated to our discussion here. The underlying concern of the carriers is that the carriage of VBI information requires channel capacity. On this point, Congress was cognizant of channel capacity concerns when the SHVIA was being drafted, yet it still instructed the Commission to apply the cable content-to-be carried requirements to satellite carriers. We cannot relieve satellite carriers of the carriage obligations Congress imposed in the SHVIA in this instance.

H. Material Degradation

99. *Picture Quality.* Section 338(g) states that, ''The regulations prescribed [by the Commission under section 338] shall include requirements on satellite carriers that are comparable to the requirements on cable operators under sections 614(b)(4) * * * and 615(g)(2).'' Section 614(b)(4)(A) states that:

> The signals of local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of local commercial television stations will be no less than that provided by the system for carriage of any other type of signal.

Section 615(g)(2), which is the noncommercial equivalent of the commercial television station provision in section 614(b)(4), states that:

> A cable operator shall provide each qualified local noncommercial educational television station whose signal is carried in accordance with this section with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

100. When implementing the material degradation provision for cable carriage, the Commission relied on the technical standards as updated in the *Cable Television Technical and Operational Requirements Report and Order*, in defining the scope of the requirement. The *Cable Technical Report and Order* specifically addressed the issue of preventing material degradation of local television signals carried on cable systems by adopting a number of technical standards and providing that cable operators must make reasonable efforts and use good engineering practices and proper equipment to guard against unnecessary degradation in the signal received and delivered to the cable subscriber. The Commission stated that the standards adopted in the *Cable Technical Report and Order* were sufficient to satisfy the material degradation requirements contained in the 1992 Cable Act. In declining to adopt regulations in addition to those found in the *Cable Technical Report and Order*, the Commission stated that further rules may have the unwarranted effect of impeding technological advances and experimentation in the cable industry. Standards specific to digital transmission were not adopted. We sought comment on whether reliance on Commission precedent in the cable carriage context regarding material degradation was appropriate and whether technical standards mirroring those in the cable television field would be warranted. We also asked whether there were certain compression ratios or encoding techniques that should be prohibited because their use would result in material degradation.

101. Commenters have proposed a variety of ways to determine picture quality standards. LTVS argues that the definition of material degradation should include any instance where a television broadcast station freezes, tiles, or looks ''dirty'' due to a satellite carrier's choice of encoding and compression techniques. AAPTS advocates a rule requiring satellite carriers to maintain local television stations at a TASO Grade 2 level to

avoid material degradation of these signals. DirecTV urges the Commission to refrain from setting standards for material degradation until two industry committees devoted to video picture quality, IEEE G–2.1.6 and ITU VQEG, complete their work. HBO argues that because of the rapid changes in digital technology, there is significant danger that any standards adopted today would quickly be obsolete, or worse, would prevent beneficial changes in transmission parameters as technology improves. We decline to adopt specific picture quality standards at this time. As we stated in the *Notice,* analog degradation standards for the cable industry were developed over the course of several years and evolved as technology changed and improved. The Commission has not had a significant opportunity to evaluate satellite delivery of broadcast signals. We agree with DirecTV that it would be premature for the Commission to adopt specific picture quality standards at this time.

102. The Conference Report noted that because of constraints on the use of satellite spectrum, satellite carriers may initially be limited in their ability to deliver must carry signals into multiple markets. According to the Conference Report: ''New compression technologies, such as video streaming, may help overcome these barriers, and if deployed, could enable satellite carriers to deliver must carry signals into many more markets than they could otherwise.'' The Commission was urged, pursuant to its obligations under section 338, or in any other related proceedings, ''to not prohibit satellite carriers from using reasonable compression, reformatting, or similar technologies to meet their carriage obligations, consistent with existing authority.''

103. ALTV argues that those technical means of enhancing capacity, but degrading picture quality, should be prohibited. ALTV argues that the Conference Report language on signal processing techniques should not be read to eviscerate the material degradation prohibition. AAPTS argues that the compression techniques a satellite carrier employs should not degrade a local broadcast signal such that, to the average viewer, the signal appears materially inferior to what the viewer might receive over the air. BellSouth argues that the Commission should decline to adopt signal quality standards that would contravene Congress's mandate to not prohibit satellite carriers from using reasonable compression, reformatting, or similar technologies to meet their carriage obligations. DirecTV argues against prohibiting any encoding techniques, compression ratios or the use of similar technologies that would impede technical innovation that Congress specifically sought to foster.

104. At the outset, we note that our concerns here revolve around the satellite carrier's treatment of the broadcast signal on the equipment it controls or authorizes. Thus, our focus does not involve picture quality issues that may arise because of the type of television receiver used since the satellite carrier has little control over the use of these devices. We also note that the satellite carrier should not be responsible for a poor quality picture delivered to the local receive facility. Rather, the broadcast station is responsible for ensuring that its signal is delivered in good quality. Moreover, our analysis of material degradation recognizes that dish placement on or near the subscriber's premises can affect the quality of the picture received, but that the satellite carrier cannot control how and where dishes are installed.

105. It is important to note the technical steps in the digital conversion process affecting the material degradation analysis. In satellite digital television systems, such as those implemented by DirecTV and Echostar, there are four layers of the system where video quality may be affected. The first layer, known as the picture layer, is where decisions are made regarding the use of progressive or interlace scanning techniques as well as whether the picture will be produced in a standard definition or high definition format. The choices made in this layer will not likely affect the quality of retransmitted analog broadcasts. In the second layer, the compression layer, decisions are made regarding the types of compression techniques used. The relevant digital standard, MPEG–2, supports a wide range of compression ratios and data rates. At this layer, the satellite carrier attempts to maximize the number of channels carried on each transponder and there is an effort to place a limit on the maximum data rate of each channel. Limiting the data rate may cause the picture quality to degrade, especially when certain video scenes involve rapid motion images or there is a greater degree of camera panning and zooming. The third layer is known as the transport layer and this is where the data are structured and organized into data packets. Since most digital video systems use the MPEG packet structure, there is little likelihood that any type of degradation would occur at this level. The final layer is the transmission layer and this is where data are modulated on to a carrier for transmission. Satellite carriers use quadrature phase-shift keying or ''QPSK''—as the principal format when transmitting video programming. The use of high efficiency modulation techniques, such as the cable industry's QAM standard, permit greater data rate throughput. QPSK, however, is a lower order modulation and requires satellite carriers to limit the data rate or increase channel bandwidth. The chances for degradation to occur at this level are tied to the limiting data rate technique in the compression layer.

106. We specifically note that degradation may result when the satellite carrier encodes an analog broadcast signal and readies it for digital retransmission. During the encoding process, certain artifacts may be introduced into the original material that would have an effect on picture quality. The most dominant artifact is quantization noise in the picture. This effect is often visible on edges of subjects and textured areas of the image. It is caused when there is a high amount of picture detail along with a high degree of picture activity and levels of quantization are restricted due to data rate reduction. Random noise can also be introduced into the source video. This can result in activity or ''busyness'' in detail areas of the picture and tiling or flicker in other areas of the picture. Such effects are caused by the encoder attempting to encode random noise. During the encoding process of rapidly moving images, certain data reduction techniques can result in another artifact known as ''dirty window,'' where noise appears stationary while images behind it are moving.

107. To satisfy the material degradation principles in the Act, we will adopt a simple comparability rule. That is, a satellite carrier should treat all local television stations in the same manner with regard to picture quality. The signal processing, compression and encoding techniques a satellite carrier uses to carry retransmission consent stations should also be used for mandatory carriage stations. This rule comports with the non-discriminatory thrust of section 338 and the SHVIA. As long as all local television stations are treated equally, and the degradation resulting from processing these stations does not exceed the level for the lowest quality non-broadcast video service provided by the carrier, we will refrain from prohibiting compression methods. We recognize that compression technology is rapidly evolving and we do not want to impede innovation by proscribing certain techniques. We also believe that new compression methods may benefit subscribers as satellite

carriers could offer more services, particularly those involving broadband applications.

108. *Measurement.* In the *Notice,* we sought suggestions for measurement standards that may be used to address broadcast signal degradation by satellite carriers. We found it necessary to request such information because the Commission has had relatively little experience in evaluating quality in the context of the analog to digital to analog conversion of the type involved in satellite broadcast signal carriage. LTVS states that subjective criteria should be used to measure broadcast signal degradation and suggests that the Commission consider the International Telecommunications Union's recommendations for broadcast video evaluation. NAB, however, proposes the use of three objective criteria—(i) carrier-to-noise (C/N) ratio, (ii) bit error rates (BER), and (iii) bit rate allocation for each channel—that collectively provide a method for checking whether a satellite carrier is ''materially degrading'' a local station's signal in comparison to other channels. We decline to adopt, as a rule, any one specific technique for measuring degradation. Both LTVS and NAB present worthy proposals, but they are untested in the field of satellite broadcast signal carriage. The more reasonable approach here is to develop a uniform measurement technique over time. After some experience with satellite broadcast signal carriage, broadcasters and satellite carriers will be able to apply such a technique for analog-to-digital degradation measurements. At some future point, the Commission will be in a better position to scrutinize the techniques used and establish standards, if necessary.

I. Compensation for Carriage

109. Section 338(e) states:

> A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the local receive facility of the satellite carrier.

We noted that this provision largely parallels provisions applicable to cable operators that are found in sections 614(b)(10) and 615(i) of the Act that are implemented in § 76.60 of the Commission's rules. In the cable context, commercial broadcasters elect either must carry or retransmission consent to obtain carriage of their signals. If mandatory carriage is selected, there are no specific terms for carriage that must be requested, other than choosing the relevant channel positioning options available to broadcasters under the Act. If retransmission consent is selected, the operator may receive compensation from the broadcaster in exchange for carriage. We assumed the same general policy was intended for satellite carriers and that a broadcaster seeking carriage rather than requesting carriage ''in fulfillment of the requirements of [section 338]'' would simply negotiate carriage provisions, including payment terms, in the context of a retransmission consent negotiation. We sought comment on this interpretation. We also sought comment on the policy underlying this provision and its purpose in the statutory scheme.

110. Network Affiliates agree that the compensation rules applicable to satellite carriers pursuant to section 338(e) of the Act should parallel the provisions applicable to cable operators. LTVS comments that there is no reason why the parties cannot themselves reach agreement on reasonable compensation for carriage in a retransmission consent agreement. In the context of mandatory carriage, LTVS asserts that satellite carriers cannot charge local television stations for carriage of their signals. We find that the current compensation rules applicable to cable operators should likewise apply to satellite carriers. That is, a station must bear the costs associated with delivering a good quality signal and a satellite carrier may accept payments from stations pursuant to a retransmission consent agreement. No one commented that there should be different rules between the industries nor can we find any valid reason to impose different rules. We therefore implement the language of section 338 as presented in the statute.

J. Remedies

111. Section 338(a)(2) states that the remedies for any failure to meet the obligations under subsection (a) (carriage obligations) shall be available exclusively under section 501(f) of title 17, United States Code. New section 501(f)(1) states:

> With respect to any secondary transmission that is made by a satellite carrier of a performance or display of a work embodied in a primary transmission and is actionable as an act of infringement under section 122, a television broadcast station holding a copyright or other license to transmit or perform the same version of that work shall, for purposes of subsection (b) of this section, be treated as a legal or beneficial owner if such secondary transmission occurs within the local market of that station.

New section 501(f)(2) further provides that: ''A television broadcast station may file a civil action against any satellite carrier that has refused to carry television broadcast signals, as required under section 122(a)(2), to enforce that television broadcast station's rights under section 338(a) of the Communications Act of 1934.''

112. Section 338(f)(1) states:

> Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under subsections (b) through (e) of this section [(b) good signal required, (c) duplication not required, (d) channel positioning, and (e) compensation for carriage], such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations. The satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations. A local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

In addition, section 338(f)(2) states:

> ''The Commission shall afford the satellite carrier against which a complaint is filed under paragraph (1) an opportunity to present data and arguments to establish that there has been no failure to meet its obligations under this section. Section 338(f)(3) then states that: ''Within 120 days after the date a complaint is filed under paragraph (1), the Commission shall determine whether the satellite carrier has met its obligations under subsections (b) through (e). If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to take appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of such subsections, the Commission shall dismiss the complaint.'' At the outset, we find that the procedural provisions contained in section 338(f)(1–3), concerning the steps required to file a carriage complaint, are plain on their face. We adopt the statutory procedures without change. With regard to the substantive issues raised in the *Notice,* we address each one in turn.

113. In the *Notice,* the Commission discussed the parameters of its enforcement authority regarding the carriage obligation rules under SHVIA. We sought to reconcile forum disputes that may arise if a satellite carrier fails to carry a local television station that

has requested carriage in a market in which it provides local-into-local service. In addition, we sought to determine whether disputes concerning the non-carriage of broadcast station signals by satellite carriers because of signal quality problems should be within the domain of the courts, the Commission, or shared by the different jurisdictions. ALTV states that the outright failure to carry a station entitled to carriage under section 338 should be grounds for an infringement of copyright suit in federal court. DirecTV asserts that the remedy available to a broadcaster in the event of a compulsory carriage dispute is to file a civil action against the satellite carrier that has refused carriage and that the Commission does not have jurisdiction to remedy non-carriage of broadcast station signals by satellite carriers. On the one hand, the statute provides that the remedies for any failure to meet the carriage obligations of section 338(a) shall be available exclusively under section 501(f) of the Copyright Act, which directs complainants to an appropriate United States District Court. On the other hand, sections 338(b)–(e) clearly contemplate the Commission making determinations that, in appropriate circumstances, require carriage. We find that if a television station is not being carried and seeks damages and other specific forms of monetary or injunctive relief under either section 338(a) of the Act or section 501(f) of the Copyright Act, then the United States District Court is the exclusive forum for adjudicating the complaint. If the television station seeks a finding on the facts and a resulting determination of whether it is entitled to carriage pursuant to § 76.66 of our rules, then it may file a complaint with the Commission. In arriving at this determination, we do not believe that Congress intended to deprive the Commission of the right to enforce the regulations the statute specifically directs us to adopt under section 338.

114. We find that the Commission should have primary jurisdiction over issues concerning: (1) Good quality signal; (2) substantial duplication; (3) channel positioning; and (4) compensation matters. We adopt this position to ensure the rapid and timely implementation of section 338. The Commission has the technical expertise to review and address such matters. The institutional knowledge the Commission has developed in adjudicating cable-broadcast disputes will be helpful in processing satellite carriage cases in an efficient manner.

115. In response to questions we raised in the *Notice,* several commenters addressed the issue of whether broadcasters should be permitted to file complaints with the Commission against a satellite carrier for non-compliance with the content-to-be-carried and material degradation provisions of the SHVIA, specifically referenced in section 338(g). A number of broadcast commenting parties assert that the Commission's jurisdiction should be extended to allow consideration and resolution of complaints relating to content-to-be-carried and material degradation issues. Network Affiliates and LTVS, for example, state that such disputes rest squarely within the Commission's expertise and excluding such disputes from the complaint procedures would be inconsistent with section 338(g), which requires the Commission to implement regulations regarding material degradation and content-to-be-carried in the satellite context that mirror those in the cable context. DirecTV however, argues that section 338(f) does not provide for broadcaster complaints against a satellite carrier for non-compliance with provisions concerning content-to-be-carried or material degradation. Consistent with the general authority invested in the Commission to implement section 338, we will adjudicate complaints concerning the material degradation and content-to-be-carried provisions under the same procedural framework established for the other satellite carriage provisions of the Act. For the reasons outlined, we will also assert primary jurisdiction over these matters.

116. We adopt a date certain for when a complaint must be filed with the Commission. Consistent with the procedural rule for cable carriage complaints, we will not consider a complaint brought by a television station if it is filed later than 60 days after a satellite carrier denies the station's carriage request. In this context, the denial can be in the affirmative, as in a rejection letter, or by silence, where a carrier does not respond to a carriage request within 30 days of its receipt. We implement this requirement, pursuant to section 338(f) of the Act, to facilitate the carriage process and ensure that television broadcast stations do not delay in enforcing their rights to the detriment of the satellite carrier.

117. *Other Actions.* In the *Notice,* we requested comment on additional enforcement actions the Commission may impose. Some broadcasters have stated that the Commission should take into account any failure to comply with the local carriage requirements when considering license renewals for satellite carriers. We find that this issue is a matter better suited for discussion in the context of a satellite licensing proceeding, not within the confines of a rulemaking implementing the SHVIA's carriage requirements. We therefore decline to rule on the merits of the broadcasters' suggestion at this time.

118. ALTV proposes that the Commission require satellite carriers to file semi-annual reports detailing their efforts to achieve compliance with section 338 by January 1, 2002. We find that the statute does not mandate such a requirement. Nevertheless, carriage compliance information will be useful in updating Congress on the implementation of the SHVIA. We therefore plan to ask questions concerning the implementation of section 338 in the Commission's Notice of Inquiry, preceding the Annual Competition Report to be issued in 2002.

I. Procedural Matters

119. *Final Regulatory Flexibility Analysis.* As required by the Regulatory Flexibility Act (''RFA''), see 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated into both the *Notice* and the *Retransmission Consent Notice.* The Commission sought written public comments on the possible significant economic impact of the proposed policies and rules on small entities in the Notice and the Retransmission Consent Notice, including comments on the IRFAs. Pursuant to the RFA, *see* 5 U.S.C. 604, a Final Regulatory Flexibility Analysis is contained in this document.

120. *Paperwork Reduction Act of 1995 Analysis.* This Report and Order contains new or modified information collection(s) subject to the Paperwork Reduction Act of 1995 (''PRA''), Public Law 104–13. It will be submitted to the Office of Management and Budget (''OMB'') for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies are invited to comment on the new or modified information collection(s) contained in this proceeding.

Final Regulatory Flexibility Analysis

a. As required by the Regulatory Flexibility Act (''RFA''), an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the Notice of Proposed Rulemaking in CS Docket No. 00–96, FCC 00–195 (''Notice'') and in the Notice of Proposed Rulemaking in CS Docket No. 99–363, FCC 99–406 (''Retransmission Consent Notice''). The Commission sought written public comments on the proposals in both

Notices, including comment on the IRFAs. No specific comments were received on the IRFAs. This Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.

b. *Need for, and Objectives of, this Report and Order.* Section 338(g) of the Communications Act of 1934, as amended (''Act''), 47 U.S.C. 338(g), directed the Commission, within one year of enactment of the Satellite Home Viewer Improvement Act of 1999, to ''issue regulations implementing this section following a rulemaking proceeding.'' The relevant provisions concern the carriage of all local television broadcast station signals by satellite carriers commencing on January 1, 2002. Section 325(b)(3)(C) of the Act, 47 U.S.C. 325(b)(3)(C), also directs the Commission to complete all actions necessary to prescribe election cycle regulations within one year of enactment of the Satellite Home Viewer Improvement Act of 1999.

c. *Summary of Significant Issues Raised by Public Comments in Response to the IRFAs.* We did not receive any comments in direct response to the IRFA in CS Docket 00–96. The American Cable Association commented on the IRFA in CS Docket No. 99–363, but those comments were directed at the SHVIA's good faith and exclusivity provisions, and did not concern the election cycle addressed herein.

d. *Description and Estimate of the Number of Small Entities to Which the 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. The RFA 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 Section 3 of the Small Business Act. Under the Small Business Act, 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''). The rules we adopt affect television station licensees and satellite carriers.

e. *Television Stations:* The rules and policies will apply to television broadcasting licensees, and potential licensees of television service. The SBA defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business. Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number.

f. Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

g. An element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television station is dominant in its field of operation. Accordingly, the estimates that follow of small businesses to which rules may apply do not exclude any television station from the definition of a small business on this basis and are therefore over-inclusive to that extent. An additional element of the definition of ''small business'' is that the entity must be independently owned and operated. As discussed further, we could not fully apply this criterion, and our estimates of small businesses to which rules may apply may be over-inclusive to this extent. The SBA's general size standards are developed taking into account these two statutory criteria. This does not preclude us from taking these factors into account in making our estimates of the numbers of small entities.

h. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly constant as indicated by the approximately 1,616 operating television broadcasting stations in the nation as of September 1999. For 1992, the number of television stations that produced less than $10.0 million in revenue was 1,155 establishments. Thus, the new rules will affect approximately 1,616 television stations; approximately 77%, or 1,230 of those stations are considered 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-television affiliated companies.

i. *Small Multichannel Video Program Distributors (MVPDs):* SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating $11 million or less in annual receipts. This definition includes cable system operators, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau data from 1992, there were 1,758 total cable and other pay television services and 1,423 had less than $11 million in revenue. We address services individually to provide a more precise estimate of small entities.

j. *DBS:* There are four licensees of DBS services under Part 100 of the Commission's Rules. Three of those licensees are currently operational. Two of the licensees that are operational have annual revenues which may be in excess of the threshold for a small business. The Commission, however, does not collect annual revenue data for DBS and, therefore, is unable to ascertain the number of small DBS licensees that could be impacted by these proposed rules. DBS service requires a great investment of capital for operation, and we acknowledge that there are entrants in this field that may not yet have generated $11 million in annual receipts, and therefore may be categorized as a small business, if independently owned and operated.

k. *Home Satellite Delivery (''HSD''):* The market for HSD service is difficult to quantify. Indeed, the service itself bears little resemblance to other MVPDs. HSD owners have access to more than 265 channels of programming placed on C-band satellites by programmers for receipt and distribution by MVPDs, of which 115 channels are scrambled and approximately 150 are unscrambled. HSD owners can watch unscrambled channels without paying a subscription fee. To receive scrambled channels, however, an HSD owner must purchase an integrated receiver-decoder from an equipment dealer and pay a subscription fee to an HSD programming package. Thus, HSD users include: (1) Viewers who subscribe to a packaged programming service, which affords them access to most of the same programming provided to subscribers of other MVPDs; (2) viewers who receive only non-subscription programming; and (3) viewers who receive satellite programming services illegally without subscribing. Because scrambled packages of programming are most specifically intended for retail

consumers, these are the services most relevant to this discussion.

l. According to the most recently available information, there are approximately 30 program packagers nationwide offering packages of scrambled programming to retail consumers. These program packagers provide subscriptions to approximately 2,314,900 subscribers nationwide. This is an average of about 77,163 subscribers per program package. This is substantially smaller than the 400,000 subscribers used in the commission's definition of a small MSO. Furthermore, because this is an average, it is possible that some program packagers may be smaller.

m. *Description of Projected Reporting, Recordkeeping and other Compliance Requirements.* In order to implement the Satellite Home Viewer Improvement Act of 1999, the Commission will add new rules. We have adopted a regulatory framework for substantive rules and procedures concerning satellite broadcast signal carriage similar to, but separate from, the broadcast signal carriage rules for cable operators. There are certain compliance requirements involving the satellite broadcast signal carriage process. Foremost is that satellite carriers will have to carry all local television stations in a given market, subject to certain limited exceptions, if it decides to carry at least one signal in a market. There will be costs relating to the time and effort involved in carrying these local broadcast signals.

n. In terms of recordkeeping, entities will likely have to keep a record of their election status and entities may be required to maintain such information within their business environment and may also have to file such information with the Commission. These records are uncomplicated and are inexpensive to produce and maintain.

o. *Steps Taken to Minimize Significant 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: (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (ii) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (iii) the use of performance, rather than design, standards; and (iv) an exemption from coverage of the rule, or any part thereof, for small entities.

p. As indicated, the *Report and Order* implements certain aspects of the Satellite Home Viewer Improvement Act of 1999. Among other things, the new legislation requires satellite carriers to carry all local television broadcast stations in a market, if it carries any local market television stations, by January 1, 2002. This document also discusses implementing regulations relating to the scope and substance of local broadcast signal carriage by satellite carriers, including the establishment of an election cycle process for broadcasters vis-à-vis satellite carriers. The rules adopted were required by Congress. Where there was discretion to consider alternatives, as in the case of notification requirements to commence carriage, the Commission chose to place the notice burden on broadcast stations rather than satellite carriers. In making this decision, the Commission recognized that there are only two affected satellite carriers while there are almost 500 television stations at issue. This legislation applies to small entities and large entities equally.

q. *Report to Congress:* The Commission will send a copy of the *Report and Order,* including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act. In addition, the Commission will send a copy of the *Report and Order,* including the FRFA, to the Chief Counsel for Advocacy of the SBA. A copy of the *Report and Order* and FRFA (or summaries thereof) will be published in the **Federal Register**.

Paperwork Reduction Act

This *Report and Order* contains a new or modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection(s) contained in this *Report and Order* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due March 26, 2001. Comments should address: (a) Whether the new or modified collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–xxxx.

Title: Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues/ Retransmission Consent Issues.

Type of Review: New collection or revision of existing collection.

Respondents: Business or other for-profit entities.

Number of Respondents: Satellite carriers and television broadcast licensees: 900.

Estimated Time Per Response: 1 hour.

Total Annual Burden: 2700 hours.

Cost to Respondents: $14,400.00.

Needs and Uses: Congress directed the Commission to adopt regulations that apply broadcast signal carriage requirements to satellite carriers pursuant to the changes outlined in the Satellite Home Viewer Improvement Act of 1999. The availability of such information will serve the purpose of informing the public of the method of broadcast signal carriage. In addition, the information is needed so that local broadcast stations can assert their carriage rights within their local markets.

IV. Ordering Clauses

121. Pursuant to sections 4(i) 4(j), 303(r), 325, 338, 614, and 615 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 325, 338, 534, and 535, the Commission's rules are hereby amended as set forth in this document.

122. The Consumer Information Bureau, Reference Information Center shall send a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

123. The rules adopted in this *Report and Order* shall take effect January 23, 2001.

List of Subject in 47 CFR Part 76

Cable television, Multichannel video and cable television service.

Federal Communications Commission.

Shirley Suggs,

Chief, Publications Group.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 338, 339, 503, 521, 522, 531, 532,

533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.66 is added to Subpart D to read as follows:

§ 76.66 Satellite Broadcast Signal Carriage.

(a) *Definitions.*—(1) *Satellite carrier.* A satellite carrier is an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission, and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or a service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing.

(2) *Secondary transmission.* A secondary transmission is the further transmitting of a primary transmission simultaneously with the primary transmission.

(3) *Subscriber.* A subscriber is a person who receives a secondary transmission service from a satellite carrier and pays a fee for the service, directly or indirectly, to the satellite carrier or to a distributor.

(4) *Television broadcast station.* A television broadcast station is an over-the-air commercial or noncommercial television broadcast station licensed by the Commission under subpart E of part 73 of title 47, Code of Federal Regulations, except that such term does not include a low-power or translator television station.

(5) *Television network.* For purposes of this section, a television network is an entity which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated broadcast stations in 10 or more States.

(6) *Local-into-local television service.* A satellite carrier is providing local-into-local service when it retransmits a local television station signal back into the local market of that television station for reception by subscribers.

(b) *Signal carriage obligations.* (1) Each satellite carrier providing, under section 122 of title 17, United States Code, secondary transmissions to subscribers located within the local market of a television broadcast station of a primary transmission made by that station, shall carry upon request the signals of all television broadcast stations located within that local market, subject to section 325(b) of title 47, United States Code, and other paragraphs in this section.

(2) No satellite carrier shall be required to carry local television broadcast stations, pursuant to this section, until January 1, 2002.

(c) *Election cycle.* In television markets where a satellite carrier is providing local-into-local service, a commercial television broadcast station may elect either retransmission consent, pursuant to section 325 of title 47 United States Code, or mandatory carriage, pursuant to section 338, title 47 United States Code.

(1) The first retransmission consent-mandatory carriage election cycle shall be for a four-year period commencing on January 1, 2002 and ending December 31, 2005.

(2) The second retransmission consent-mandatory carriage election cycle, and all cycles thereafter, shall be for a period of three years (e.g. the second election cycle commences on January 1, 2006 and ends at midnight on December 31, 2008).

(3) A commercial television station must notify a satellite carrier, by July 1, 2001, of its retransmission consent-mandatory carriage election for the first election cycle commencing January 1, 2002.

(4) Except as provided in paragraphs (d)(2) and (d)(3) of this section, local commercial television broadcast stations shall make their retransmission consent-mandatory carriage election by October 1st of the year preceding the new cycle for all election cycles after the first election cycle.

(5) A noncommercial television station must request carriage by July 1, 2001 for the first election cycle and must renew its carriage request at the same time a commercial television station must make its retransmission consent-mandatory carriage election for all subsequent cycles.

(d) *Carriage procedures.* (1) *Carriage requests.* (i) A retransmission consent-mandatory carriage election made by a television broadcast station shall be treated as a request for carriage for purposes of this section.

(ii) A carriage request made by a television station must be in writing and sent to the satellite carrier's principal place of business, by certified mail, return receipt requested.

(iii) A television station's written notification shall include the:

(A) Station's call sign;

(B) Name of the appropriate station contact person;

(C) Station's address for purposes of receiving official correspondence;

(D) Station's community of license;

(E) Station's DMA assignment; and

(F) For commercial television stations, its election of mandatory carriage or retransmission consent.

(iv) Within 30 days of receiving a television station's carriage request, a satellite carrier shall notify in writing:

(A) those local television stations it will not carry, along with the reasons for such a decision; and

(B) those local television stations it intends to carry.

(v) A satellite carrier is not required to carry a television station, for the duration of the election cycle, if the station fails to assert its carriage rights by the deadlines established in this section.

(2) *New local-into-local service.* (i) A new satellite carrier or a satellite carrier providing local service in a market for the first time on or after July 1, 2001, must notify local television stations of its intent to provide local-into-local service at least 60 days before it intends to provide service or decides to enter into a new television market. This notification shall include information on the location of the satellite carrier's designated local receive facility in that particular market.

(ii) A local television station shall make its request for carriage, in writing, no more than 30 days after receipt of the satellite carrier's notice.

(iii) A satellite carrier shall have 90 days, from the receipt of a request for carriage, to commence carriage of a local television station.

(iv) A satellite carrier shall notify a local television station in writing of its reasons for refusing carriage within 30 days of the station's carriage request.

(3) *New television stations.* (i) A television station providing over-the-air service in a market for the first time on or after July 1, 2001, shall be considered a new television station for satellite carriage purposes.

(ii) A new television station shall make its request for carriage between 60 days prior to commencing broadcasting and 30 days after commencing broadcasting.

(iii) A satellite carrier shall commence carriage within 90 days of receiving the request for carriage from the television broadcast station or whenever the new television station provides over-the-air service.

(iv) A satellite carrier shall notify a new television station in writing of its reasons for refusing carriage within 30 days of the station's carriage request.

(e) *Market definitions.* (1) A local market, in the case of both commercial

and noncommercial television broadcast stations, is the designated market area in which a station is located, and (i) in the case of a commercial television broadcast station, all commercial television broadcast stations licensed to a community within the same designated market area within the same local market; and

(ii) in the case of a noncommercial educational television broadcast station, the market includes any station that is licensed to a community within the same designated market area as the noncommercial educational television broadcast station.

(2) A designated market area is the market area, as determined by Nielsen Media Research and published in the 1999–2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates or any successor publication.

(3) A satellite carrier shall use the 1999–2000 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates to define television markets for the first retransmission consent-mandatory carriage election cycle commencing on January 1, 2002 and ending on December 31, 2005. The 2003–2004 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates shall be used for the second retransmission consent-mandatory carriage election cycle commencing January 1, 2006 and ending December 31, 2008, and so forth for each triennial election pursuant to this section. Provided, however, that a county deleted from a market by Nielsen need not be subtracted from a market in which a satellite carrier provides local-into-local service, if that county is assigned to that market in the 1999–2000 Nielsen Station Index Directory or any subsequent issue of that publication.

(4) A local market includes all counties to which stations assigned to that market are licensed.

(f) *Receive facilities.* (1) A local receive facility is the reception point in each local market which a satellite carrier designates for delivery of the signal of the station for purposes of retransmission.

(2) A satellite carrier may establish another receive facility to serve a market if the location of such a facility is acceptable to at least one-half the stations with carriage rights in that market.

(3) Except as provided in 76.66(d)(2), a satellite carrier providing local-into-local service must notify local television stations of the location of the receive facility by June 1, 2001 for the first election cycle and at least 120 days prior to the commencement of all election cycles thereafter.

(4) A satellite carrier may relocate its local receive facility at the commencement of each election cycle. A satellite carrier is also permitted to relocate its local receive facility during the course of an election cycle, if it bears the signal delivery costs of the television stations affected by such a move. A satellite carrier relocating its local receive facility must provide 60 days notice to all local television stations carried in the affected television market.

(g) *Good quality signal.* (1) A television station asserting its right to carriage shall be required to bear the costs associated with delivering a good quality signal to the designated local receive facility of the satellite carrier or to another facility that is acceptable to at least one-half the stations asserting the right to carriage in the local market.

(2) To be considered a good quality signal for satellite carriage purposes, a television station shall deliver to the local receive facility of a satellite carrier either a signal level of -45dBm for UHF signals or -49dBm for VHF signals at the input terminals of the signal processing equipment.

(3) A satellite carrier is not required to carry a television station that does not agree to be responsible for the costs of delivering a good quality signal to the receive facility.

(h) *Duplicating signals.* (1) A satellite carrier shall not be required to carry upon request the signal of any local television broadcast station that substantially duplicates the signal of another local television broadcast station which is secondarily transmitted by the satellite carrier within the same local market, or the signals of more than one local commercial television broadcast station in a single local market that is affiliated with a particular television network unless such stations are licensed to communities in different States.

(2) A satellite carrier may select which duplicating signal in a market it shall carry.

(3) A satellite carrier may select which network affiliate in a market it shall carry.

(4) A satellite carrier is permitted to drop a local television station whenever that station meets the substantial duplication criteria set forth in this paragraph. A satellite carrier must add a television station to its channel line-up if such station no longer duplicates the programming of another local television station.

(5) A satellite carrier shall provide notice to its subscribers, and to the affected television station, whenever it adds or deletes a station's signal in a particular local market pursuant to this paragraph.

(6) A commercial television station substantially duplicates the programming of another commercial television station if it simultaneously broadcasts the identical programming of another station for more than 50 percent of the broadcast week.

(7) A noncommercial television station substantially duplicates the programming of another noncommercial station if it simultaneously broadcasts the same programming as another noncommercial station for more than 50 percent of prime time, as defined by § 76.5(n), and more than 50 percent outside of prime time over a three month period, Provided, however, that after three noncommercial television stations are carried, the test of duplication shall be whether more than 50 percent of prime time programming and more than 50 percent outside of prime time programming is duplicative on a non-simultaneous basis.

(i) *Channel positioning.* (1) No satellite carrier shall be required to provide the signal of a local television broadcast station to subscribers in that station's local market on any particular channel number or to provide the signals in any particular order, except that the satellite carrier shall retransmit the signal of the local television broadcast stations to subscribers in the stations' local market on contiguous channels.

(2) The television stations subject to this paragraph include those carried under retransmission consent.

(3) All local television stations carried under mandatory carriage in a particular television market must be offered to subscribers at rates comparable to local television stations carried under retransmission consent in that same market.

(4) Within a market, no satellite carrier shall provide local-into-local service in a manner that requires subscribers to obtain additional equipment at their own expense or for an additional carrier charge in order to obtain one or more local television broadcast signals if such equipment is not required for the receipt of other local television broadcast signals.

(5) All television stations carried under mandatory carriage, in a particular market, shall be presented to subscribers in the same manner as television stations that elected retransmission consent, in that same market, on any navigational device, on-

screen program guide, or menu provided by the satellite carrier.

(j) *Manner of carriage.* (1) Each television station carried by a satellite carrier, pursuant to this section, shall include in its entirety the primary video, accompanying audio, and closed captioning data contained in line 21 of the vertical blanking interval and, to the extent technically feasible, program-related material carried in the vertical blanking interval or on subcarriers. For noncommercial educational television stations, a satellite carrier must also carry any program-related material that may be necessary for receipt of programming by persons with disabilities or for educational or language purposes. Secondary audio programming must also be carried. Where appropriate and feasible, satellite carriers may delete signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the local receive facility.

(2) A satellite carrier, at its discretion, may carry any ancillary service transmission on the vertical blanking interval or the aural baseband of any television broadcast signal, including, but not limited to, multichannel television sound and teletext.

(k) *Material degradation.* Each local television station whose signal is carried under mandatory carriage shall, to the extent technically feasible and consistent with good engineering practice, be provided with the same quality of signal processing provided to television stations electing retransmission consent. A satellite carrier is permitted to use reasonable digital compression techniques in the carriage of local television stations.

(l) *Compensation for carriage.* (1) A satellite carrier shall not accept or request monetary payment or other valuable consideration in exchange either for carriage of local television broadcast stations in fulfillment of the mandatory carriage requirements of this section or for channel positioning rights provided to such stations under this section, except that any such station may be required to bear the costs associated with delivering a good quality signal to the receive facility of the satellite carrier.

(2) A satellite carrier may accept payments from a station pursuant to a retransmission consent agreement.

(m) *Remedies.* (1) Whenever a local television broadcast station believes that a satellite carrier has failed to meet its obligations under this section, such station shall notify the carrier, in writing, of the alleged failure and identify its reasons for believing that the satellite carrier failed to comply with such obligations.

(2) The satellite carrier shall, within 30 days after such written notification, respond in writing to such notification and comply with such obligations or state its reasons for believing that it is in compliance with such obligations.

(3) A local television broadcast station that disputes a response by a satellite carrier that it is in compliance with such obligations may obtain review of such denial or response by filing a complaint with the Commission, in accordance with § 76.7 of title 47, Code of Federal Regulations. Such complaint shall allege the manner in which such satellite carrier has failed to meet its obligations and the basis for such allegations.

(4) The satellite carrier against which a complaint is filed is permitted to present data and arguments to establish that there has been no failure to meet its obligations under this section.

(5) The Commission shall determine whether the satellite carrier has met its obligations under this section. If the Commission determines that the satellite carrier has failed to meet such obligations, the Commission shall order the satellite carrier to take appropriate remedial action. If the Commission determines that the satellite carrier has fully met the requirements of this section, it shall dismiss the complaint.

(6) The Commission will not accept any complaint filed later than 60 days after a satellite carrier, either implicitly or explicitly, denies a television station's carriage request.

[FR Doc. 01–1186 Filed 1–22–01; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 66, No. 15
Tuesday, January 23, 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–250–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–100, –200, –300, and 747SP 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 Boeing Model 747–100, –200, –300, and 747SP series airplanes. This proposal would require certain inspections to find missing and alloy-steel taperlock fasteners (bolts) in the diagonal brace underwing fittings; and corrective actions, if necessary. For airplanes with missing or alloy-steel fasteners, this proposal also would mandate replacement of certain fasteners with new fasteners, which would constitute terminating action for the repetitive inspections. This action is necessary to prevent loss of the underwing fitting load path due to missing or damaged alloy-steel taperlock fasteners, which could result in separation of the engine and strut from the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by March 9, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–250–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–250–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 L. 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–250–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–250–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that broken taperlock fasteners (bolts) were found on the diagonal brace underwing fittings on the outboard strut at the Number 1 and Number 4 engine pylons on a Boeing Model 747–200 series airplane having titanium underwing fittings. According to the manufacturer's drawings, Model 747–200 series airplanes with titanium underwing fittings should only have taperlock fasteners made of A286 corrosion-resistant steel installed on the fitting, but investigation has revealed that certain airplanes may have taperlock fasteners made from alloy-steel installed. In the case mentioned above, both alloy-steel and A286 fasteners were found broken. Alloy-steel fasteners are known to be susceptible to corrosion and subsequent stress corrosion cracking. The cause of the broken A286 fasteners has been attributed to fatigue cracking due to certain alloy-steel fasteners on the same fitting cracking and increasing the load on the A286 fasteners. Such conditions, if not corrected, could result in loss of the underwing fitting load path and separation of the engine and strut from the airplane.

The subject alloy-steel taperlock fasteners on Boeing Model 747–200 series airplanes may also be on certain Boeing Model 747–100, –300, and SP series airplanes. Therefore, all of these airplanes are subject to the same unsafe condition.

Related Rulemaking

This proposed AD is related to AD 2000–03–22, amendment 39–11582 (65 FR 8640, February 22, 2000), which is applicable to certain Boeing Model 747–100, –200, and 747SP series airplanes having aluminum underwing fittings. These airplanes were delivered with taperlock bolts of alloy-steel installed in the underwing fittings. That AD requires repetitive detailed visual and ultrasonic inspections to detect missing, damaged, or broken taperlock bolts in the diagonal brace underwing fittings; and corrective actions, if necessary. That AD also requires eventual replacement of the aft 10 taperlock bolts with new fasteners, which constitutes terminating action for the repetitive inspections. This NPRM proposes similar actions for Boeing Model 747–100, –200, –300, and 747SP series airplanes having alloy-steel taperlock fasteners in titanium underwing fittings.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000, which describes procedures for a one-time detailed visual inspection to find missing taperlock fasteners and a one-time magnetic inspection to find alloy-steel taperlock fasteners. For airplanes on which alloy-steel or missing taperlock fasteners are found, the service bulletin describes procedures for repetitive ultrasonic inspections to find damaged (cracked or broken) alloy taperlock fasteners, and follow-on actions, if necessary, including ultrasonic inspection to find damaged non-alloy taperlock fasteners, and replacement of damaged fasteners with new fasteners. Replacement of fasteners involves performing an open-hole high frequency eddy current (HFEC) inspection to detect cracks at the bolt hole locations, and replacing damaged and missing taperlock fasteners with new fasteners. Such replacement terminates the repetitive inspections described previously. 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 require accomplishment of the actions specified in the service bulletin described previously, except as discussed below.

Differences Between Proposed AD and Service Bulletin

Incorporation of the terminating action stated in the referenced service bulletin is optional, but this AD proposes to mandate, within 48 months after the effective date of this AD, the open-hole inspection and replacement of certain fasteners with new fasteners stated in the referenced service bulletin as terminating action for the repetitive inspections. The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, together with a better understanding of the human factors associated with numerous continued inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed replacement requirement is in consonance with these conditions.

In addition, the service bulletin specifies that the manufacturer must be contacted for repair of certain conditions, but this proposal 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. For a method to be approved, the approval letter must specifically reference this AD.

Cost Impact

There are approximately 363 airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 2 work hours per airplane to accomplish the proposed visual and magnetic inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed inspections on U.S. operators is estimated to be $7,200, or $120 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:

Boeing: Docket 2000–NM–250–AD.

Applicability: Model 747–100, –200, –300, and 747SP series airplanes, equipped with titanium diagonal brace underwing fittings; as listed in Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000; 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 prevent loss of the underwing fitting load path due to missing or damaged taperlock fasteners, which could result in separation of the engine and strut from the airplane, accomplish the following:

Repetitive Inspections

(a) Within 12 months after the effective date of this AD: Do a one-time detailed visual inspection of the diagonal brace underwing fitting at the Number 1 and Number 4 engine pylons to find missing taperlock fasteners (bolts), and a magnetic inspection to find alloy-steel fasteners per Part 1 of the Accomplishment Instructions of Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000.

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.''

(1) If no alloy-steel fasteners are found and no fasteners are missing, no further action is required by this AD.

(2) If any alloy-steel fasteners are found or any fasteners are missing, before further flight, do an ultrasonic inspection of the alloy-steel fasteners to find damage per Part 2 of the Accomplishment Instructions of the service bulletin.

(i) If no damaged alloy-steel fasteners are found, and no fasteners are missing: Repeat the ultrasonic inspection thereafter at intervals not to exceed 18 months until accomplishment of the terminating action required by paragraph (b) of this AD.

(ii) If any damaged alloy-steel fasteners are found, or any fasteners are missing: Before further flight, do an ultrasonic inspection of all 10 aft fasteners (including non-alloy steel) per Part 2 of the Accomplishment Instructions of the service bulletin. Before further flight, replace damaged and missing fasteners with new fasteners per Part 3 of the Accomplishment Instructions of the service bulletin, except as provided by paragraph (c) of this AD. Thereafter, repeat the inspection of the remaining alloy-steel fasteners at intervals not to exceed 18 months until accomplishment of the terminating action required by paragraph (b) of this AD.

Terminating Action

(b) Within 48 months after the effective date of this AD: Do the actions required by paragraphs (b)(1) and (b)(2), or (b)(3) of this AD, per Boeing Alert Service Bulletin 747–57A2312, dated June 15, 2000. Accomplishment of the actions specified in this paragraph constitutes terminating action for the repetitive inspection requirements of this AD.

(1) Perform an open-hole high frequency eddy current (HFEC) inspection to detect cracks at the bolt hole locations of the aft 10 taperlock fasteners in the diagonal brace underwing fitting at the Number 1 and Number 4 engine pylons per Part 3 of the Accomplishment Instructions of the service bulletin. If any cracking is detected, before further flight, perform applicable corrective actions per the service bulletin, except as provided by paragraph (c) of this AD.

(2) Before further flight: Replace all 10 aft taperlock fasteners with new, improved fasteners per Part 3 of the Accomplishment Instructions of the service bulletin.

(3) Do an ultrasonic inspection to find damaged fasteners per Part 2 of the Accomplishment Instructions of the service bulletin. Before further flight, replace all damaged non-alloy steel and all alloy-steel fasteners with new fasteners per Part 3 of the Accomplishment Instructions of the service bulletin. Do an open-hole HFEC inspection before installation of the new fasteners, if any cracking is found, before further flight, perform applicable corrective actions per the service bulletin, except as provided by paragraph (c) of this AD.

Corrective Actions

(c) If any cracking of the bolt hole that exceeds the limits specified in the service bulletin is found, or if any non-alloy steel bolt is found to be damaged, during any inspection required by this AD, and the bulletin specifies to contact Boeing for appropriate action: 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 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 Manager's approval letter must specifically reference this AD.

Spares

(d) As of the effective date of this AD, no person shall install on any airplane, a fastener, part number BACB30PE( ) * ( ); or any other fastener made of 4340, 8740, PH13–8 Mo or H–11 steel, in the locations specified in this AD.

Alternative Methods of Compliance

(e) 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.

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 Permit

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

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

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–1890 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–ANM–12]

Proposed establishment of Class E airspace, Heber City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at Heber City, UT. A new Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) to Heber City Muni-Russ McDonald Field has made this proposal necessary. Additional Class E 700 feet, and 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV–A–SIAP to Heber City Muni-Russ McDonald Field. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Heber City Muni-Russ McDonald Field, Heber City, UT.

DATES: Comments must be received on or before March 9, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal

Aviation Administration, Docket No. 00–ANM–12, 1601 Lind Avenue SW, Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposal rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 00–ANM–12.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW, Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendments to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace at Heber City, UT. A new RNAV SIAP to Heber City Muni-Russ McDonald Field has made this proposal necessary. Additional controlled airspace from 700 feet, and 1,200 feet, above the surface is required to contain aircraft executing the RNAV–A SIAP to Heber City Muni-Russ McDonald Field. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Heber City Muni-Russ McDonald Field and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves as established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Heber City, UT [NEW]

Heber City Muni-Russ McDonald Field, UT

(lat. 40°28′55″N., long. 111°25′44″W.)

That airspace extending upward from 700 feet above the surface within the 5-mile radius of the Heber City Muni-Russ McDonald Field, and within 2 miles each side of the 010° bearing from the airport extending to 7.8 miles, and within 2 miles each side of the 160° bearing extending to 8.9 miles; and that airspace extending upward from 1,200 feet above the surface that lat. 41°13′45″N., long. 111°24′20″W., in a line clockwise to lat. 41°11′34″N., long. 111°09′28″W., to lat. 40°09′40″N., 111°15′42″W., to lat. 40°10′52″N., long. 111°34′57″W., to origin, and excluding that airspace within Federal airways; and Salt Lake City, UT; and the Evanston, WY, Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on November 27, 2000.

Dan A. Boyle,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 01–2040 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

St. Marys Falls Canal and Locks, Michigan; Use, Administration and Navigation

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of proposed rulemaking and request for comments.

SUMMARY: The Corps of Engineers proposes to amend its regulations on procedures to navigate the St. Marys Falls Canal and Soo Locks at Sault St. Marie, Michigan to incorporate changes in navigation safety procedures published in three Notice to Navigation Interests issued on March 29, 2000. We propose to remove reference to oil tankers having draft and beam permitting transit through the Canadian lock, since the Canadian lock no longer can handle oil tankers. We propose to prohibit the cleaning and gas freeing of tanks on all hazardous material cargo vessels while either in the lock or while in any part of the Soo Locks approach canals. As an additional vessel safety measure, we propose to limit movement to a single vessel whenever a tank vessel is within the limits of the lock piers either above or below the locks. We also propose to allow tankers with any type cargo to transit the MacArthur Lock when the locks park is closed, while tankers carrying non-combustible products will be allowed to transit the MacArthur Lock when the park is open. We propose to clarify that vessels carrying explosives are prohibited from transiting U.S. Locks.

DATES: Written comments must be received by March 9, 2001.

ADDRESSES: U.S. Army Corps of Engineers, ATTN: CECW–OD, 441 G Street, NW, Washington, DC 20314–1000. Comments may also be faxed to (202) 761–1685 or e-mail to James.D.Hilton@usace.army.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Jim Hilton, Dredging and Operations Branch (CECW–OD) at (202) 761–4669 or Mr. David L. Dulong, Chief, Engineering Technical Services, Detroit District at (313) 226–6794.

SUPPLEMENTARY INFORMATION: Pursuant to its authority in Section 4 of the Rivers and Harbors Act of August 18, 1894 (28 Stat. 362; 33 U.S.C. 1), the Corps is proposing to amend the regulations in 33 CFR part 207.441(b), (4), and (5). The regulation governing the operation of the St. Marys Falls Canal and locks, 33 CFR 207.441 was adopted on March 6, 1954 (19 FR 1275) and has been amended at various times.

Paragraph (b) is being amended to delete reference to classes of vessels permitted to transit the U.S. locks or enter any of the United States approach canals. Paragraph (b)(4) is being further amended by deleting reference to oil tankers being permitted to transit through the Canadian lock, as the Canadian lock has been refurbished and can no longer accommodate oil tankers. In addition, paragraph (b)(4) is amended by deleting reference to personnel smoking onboard tankers while in the lock area, as prohibiting smoking is included in 33 CFR 207.440(s). Paragraph (b)(4) is being amended and rewritten to improve vessel safety by adding subparagraphs(b)(4) (i), (ii), and (iii). Subparagraph (b)(4)(i) prohibits the cleaning and gas freeing of tanks on all hazardous material cargo vessels (as defined in 49 CFR part 171), while the vessel is either in the lock or in any part of the Soo Locks approach canals from the outer end of the east center pier to the outer end of the southwest pier. Sub paragraph (b)(4) (ii) is being added for safety purposes to limit vessel movement to a single vessel whenever a tank vessel carrying hazardous cargo is within the limits of the lock piers either above or below the locks. Subparagraph (b)(4)(iii) is being added to allow tankers carrying any type of cargo to transit MacArthur Lock when the locks park is closed. Tankers carrying non-combustible products that will not react hazardously with water will be allowed to transit MacArthur Lock when the park is open.

Paragraph (b) (5) is being amended to add a phrase to clarify that vessels carrying explosives are prohibited from transiting the U.S. Locks.

This proposed rule is not a major rule for the purposes of Executive Order 12866. As required by the Regulatory Flexibility Act, the Corps of Engineers certifies that this proposed rule will not have a significant impact on small business entities.

List of Subjects in 33 CFR Part 207

Navigation (water), Water transportation, Vessels.

For reasons set out in the preamble, Title 33, Chapter II of the Code of Federal Regulations is proposed to be amended as follows:

PART 207—NAVIGATION REGULATIONS

1. The authority citation for part 207 continues to read as follows:

Authority: 28 Stat. 362 (33 U.S.C. 1)

2. Section 207.441 is amended by revising paragraphs (b) introductory text, (b)(4) and (b)(5) to read as follows:

§ 207.441 St. Marys Falls Canal and Locks, Mich.; security.

* * * * *

(b) Restrictions on transit of vessels.

* * * * *

(4) *Tanker vessels*—(i) *Hazardous material.* Cleaning and gas freeing of tanks on all hazardous material cargo vessels (as defined in 49 CFR part 171) shall not take place in a lock or any part of the Soo Locks approach canals from the outer end of the east center pier to the outer end of the southwest pier.

(ii) *Approaching.* Whenever a tank vessel is approaching the Soo Locks and within the limits of the lock piers (outer ends of the southwest and east center piers) either above or below the locks, no other vessel will be released from the locks in the direction of the approaching tank vessel until the tank vessel is within the lock chamber or securely moored to the approach pier. Whenever a tank vessel is within a Soo Lock Chamber, the tank vessel will not be released from the lock until the channel within the limits of the lock piers either above or below the lock, in the direction of the tank vessel, is clear of vessels or vessels therein are securely moored to the approach pier. This limits movement to a single vessel whenever a tank vessel is within the limits of the lock piers either above or below the locks. Tank vessels to which the above applies include those vessels carrying fuel oil, gasoline, crude oil or other flammable liquids in bulk, including vessels that are not gas free where the previous cargo was one of these liquids.

(iii) *Lock parks.* Except as provided in paragraph (b)(5) of this section, tankers with any type cargo will be permitted to transit the MacArthur Lock when the locks park is closed. The exact dates and times that the park is closed varies, but generally these periods are from midnight to 6:00 a.m. June through September with one or two hour closure extensions in the early and late seasons. Tankers carrying non-combustible products that will not react hazardously with water or tankers that have been purged of gas or hazardous fumes will be allowed to transit the MacArthur Lock when the park is open.

(5) All vessels carrying explosives are prohibited from transiting the U.S. Locks.

* * * * *

Dated: January 4, 2001.

Approved.

Alfred H. Foxx,

Colonel, U.S. Army Executive Director for Civil Works.

[FR Doc. 01–1752 Filed 1–22–01; 8:45 am]

BILLING CODE 3710–NL–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[ET Docket No. 00–258, RM–9911, RM–9920, FCC 00–455]

New Advanced Wireless Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document explores the possible use of frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third generation (''3G'') as well as future generations of wireless systems. Advanced wireless systems could provide, for example, a wide range of voice, data, and broadband services over a variety of mobile and fixed networks. By these actions, we initiate proceedings to provide for the introduction of new advanced wireless services to the public, consistent with our obligations under section 706 of the 1996 Telecommunications Act, and promote increased competition among terrestrial services.

DATES: Comments must be submitted on or before February 22, 2001, and reply comments on or before March 9, 2001.

FOR FURTHER INFORMATION CONTACT: Rodney Small, Ira Keltz, or Geraldine Matise, Office of Engineering and Technology, (202) 418–2452, (202) 418–0616, or (202) 418–2322, respectively; internet: *rsmall@fcc.gov, ikeltz@fcc.gov,* or *gmatise@fcc.gov,* respectively.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, ET Docket No. 00–258, FCC 00–455, adopted December 29, 2000, and released January 5, 2001. The full text of this decision is available on the Commission's Internet site, at *www.fcc.gov*. It is also available for inspection and copying during regular business hours in the FCC Reference Center, Room CY–A257, 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857–3800.

Summary of Notice of Proposed Rule Making

1. In November 1999, the Commission issued a Policy Statement, in which we set forth guiding principles for our spectrum management activities in the new millennium and discussed reallocating several bands for new advanced mobile and fixed communications services. In developing the allocation proposals presented below, we have been guided in large measure by the principles set forth in our Policy Statement, 14 FCC Rcd 19868 (1999). We are proposing a flexible allocation approach for the provision of advanced wireless services. As indicated in the Policy Statement, a flexible allocation approach will allow licensees freedom in determining the services to be offered and the technologies to be used in providing those services. This flexibility will allow licensees to make the most efficient use of their assigned frequencies in response to market forces.

2. The fundamental issues in this proceeding are the amount of additional spectrum that should be made available for use by new advanced mobile and fixed services, including 3G systems, and the frequency bands in which this spectrum should be located. The International Telecommunication Union (''ITU'') has identified a number of frequency bands that could be used for advanced mobile and fixed communications services, including 3G systems. Some of these bands already are used in the United States for first or second generation wireless systems that may transition to advanced wireless systems over time. Consequently, this NPRM will focus primarily on additional frequency bands for possible use by advanced mobile and fixed systems, including two frequency bands that are not currently available for non-Federal Government use. We have included these bands in our analysis in order to develop a complete record on all possible frequency bands for new advanced mobile and fixed systems. We expect that the record developed in response to this NPRM will inform our decisions on the amount of spectrum to allocate or designate from each candidate band for advanced wireless systems.

A. Service Requirements

3. We request comment on a variety of issues regarding the introduction of advanced wireless services, including: the types of services likely to be offered and the time period over which they would be introduced; the technical standards for systems likely to be deployed (*e.g.*, data rates, modulation techniques); the ability to transition existing systems to advanced systems; and steps to facilitate global or regional roaming. We request comment on how much additional spectrum will be needed to satisfy unmet and projected mobile requirements such as toll-quality voice, high-speed data including Internet and other multimedia applications, and full-motion video. What size spectrum blocks would be appropriate to implement advanced wireless systems? What is the minimum spectrum block size needed? When will additional spectrum be needed? We note that whether spectrum is clear, shared, or segmented may impact the amount of spectrum required, and the amount of spectrum that may be made available. Commenters should be mindful that the total amount of spectrum and the size of spectrum blocks will affect the amount of competition that could be introduced in the provision of advanced wireless services.

B. Spectrum Requirements

4. In this proceeding, we believe that it is prudent to explore the possible use of several frequency bands that could be used for advanced wireless systems. We believe in this way we can ensure that the spectrum needs for advanced services, such as 3G, can best be met. We first explore the possible use of frequency bands already being used by cellular and PCS systems and other spectrum that will soon be available for additional mobile and fixed service use. We then explore the possible use of five additional frequency bands for advanced wireless systems. We propose to allocate for mobile and fixed services the 1710–1755 MHz band that was designated for reallocation from Federal Government to non-Federal Government use under two statutory directives, the 1993 Omnibus Budget Reconciliation Act (''OBRA–93'') and the Balanced Budget Act of 1997 (''BBA–97''). Next, we seek comment on providing mobile and fixed service allocations for the 1755–1850 MHz band, if spectrum in the band is made available for non-Federal Government use, with some continued Federal use. Next, we propose to designate advanced mobile and fixed service use of the 2110–2150 MHz and 2160–2165 MHz bands that were identified for reallocation under the Commission's 1992 Emerging Technologies proceeding. Finally, we seek comment on various approaches for the 2500–2690 MHz band.

5. We also solicit comment on several options for pairing these frequency bands. Although our options do not exhaust the range of all possible spectrum options, we believe that asking for comment on specific options will help focus the record. We also solicit comment on other possible arrangements and pairing options across all of the bands discussed in the NPRM. In soliciting comment on these options, we tentatively conclude that we should not reserve any spectrum exclusively for

advanced wireless systems, but rather should make additional spectrum available generally for mobile and fixed use as proposed in our November 1999 Policy Statement. We believe that reserving spectrum in the United States exclusively for 3G mobile is not the best approach and that the determination of the best use of these bands should be left to market forces. Finally, we note that we recently adopted a Policy Statement, 15 FCC Rcd 80367 (2000), and a Notice of Proposed Rule Making, 15 FCC Rcd 81475 (2000) on secondary markets, in which we recognized that a functioning system of secondary markets could increase the amount of spectrum available to prospective users, uses, and to new wireless technologies by making more effective use of spectrum already assigned to existing licensees. The deployment of advanced wireless services in some of the frequency bands described below could be facilitated by the introduction of increased flexibility and other features designed to encourage secondary markets for spectrum in these bands.

(a) Currently Allocated Spectrum

6. As noted in the NPRM, the ITU has identified for possible 3G systems several frequency bands, portions of which in the United States (approximately 210 megahertz of spectrum) are already allocated or in use for Mobile and Fixed services. The 806–960 MHz and the 1850–1910/1930–1990 MHz bands, which are currently used by cellular, Specialized Mobile Radio, and broadband Personal Communications services, may eventually be transitioned for use by advanced wireless systems. In addition, approximately 70 megahertz of spectrum that is already allocated for Mobile and Fixed services and could be used to deploy new advanced wireless systems has yet to be auctioned in many parts of the country. Approximately 40 megahertz of new spectrum is in the 1850–1910/1930–1990 MHz bands, and approximately 30 megahertz of new spectrum is in the 746–806 MHz band, which was recently allocated for fixed and mobile services. We seek comment on the potential use of these bands for deploying advanced wireless systems. Commenters should address when advanced wireless systems could be deployed in this spectrum; how much spectrum in these bands could be used for advanced wireless systems; any regulatory impediments for using this spectrum for advanced wireless systems; the impact of using these bands on global roaming, harmonization and economies of scale; and any other considerations relevant to deploying advanced wireless systems in this spectrum.

(b) Additional Candidate Spectrum

7. We seek comment on the potential use of the bands below for deploying advanced wireless systems. In addition to the specific proposals below, commenters should address how much spectrum in these bands could be used for advanced wireless systems; when advanced wireless systems could be deployed in this spectrum; any regulatory impediments for using this spectrum for advanced wireless systems; the impact of using these bands on global roaming, harmonization and economies of scale; and any other considerations relevant to deploying advanced wireless systems in this spectrum.

(1) 1710–1755 MHz

8. This band is allocated in Region 2 on a primary basis to the Fixed and Mobile Services. The band in the United States is currently used by the Federal Government for point-to-point microwave communications, military tactical radio relay, airborne telemetry, and precision guided munitions. The National Telecommunications and Information Administration (''NTIA'') identified this spectrum for transfer to the Commission for mixed use, effective in 2004, to satisfy the requirements of the OBRA–93. As required under OBRA–93, all microwave communication facilities in the 1710–1755 MHz band that are operated by Federal power agencies will continue to operate and must be protected from interference. A list of exempted Federal power agency microwave systems is presented in the 1995 NTIA Spectrum Report. Additionally, 17 Department of Defense sites must also be protected indefinitely for continued military use. BBA–97 requires this spectrum to be assigned for commercial use by competitive bidding, with the auction to commence after January 1, 2001. According to the NTIA report issued in response to OBRA–93, non-exempt Federal Government incumbents do not have to vacate the band until January 2004 and are entitled to compensation for relocation to another band.

9. We propose that the 1710–1755 MHz band be allocated for mobile and fixed services on a co-primary basis. This would allow this band to be used for the introduction of new advanced mobile and fixed communications services, including 3G systems. We seek comment on this proposal.

10. We recently adopted a Notice of Proposed Rulemaking (Notice) in ET Docket No. 00–221, FCC 00–395, adopted November 1, 2000, and released November 20, 2000, that proposes to reallocate 27 megahertz of spectrum transferred from Federal Government use for non-Government services. As stated in that Notice, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (''NDAA–99'') provides for mandatory reimbursement of Government spectrum users in the 1710–1755 MHz band, as well as reimbursement of Government spectrum users when future actions lead to the relocation of a Federal Government station. Specifically, NDAA–99 provides that any Government entity on such spectrum that is to be relocated proposes to relocate itself, shall notify NTIA of the marginal costs anticipated to be incurred in relocation or modifications necessary to accommodate prospective non-Government licensees. NTIA is directed in turn to notify the Commission of such costs before the auction concerned, and the Commission must then notify potential bidders prior to the auction of the estimated relocation or modification costs based on the geographic area covered by the proposed licenses. Further, NDAA–99 required any new licensee benefiting from Government station relocation to compensate the Government entity in advance for relocation or modification costs. Such compensation may take the form of a cash payment or in-kind compensation.

11. As we noted in the Notice in ET Docket No. 00–221, statutory authority is conferred on NTIA and the Commission to promulgate rules governing relocation for new licensees seeking to relocate Federal Government entities. In that rulemaking proceeding, we proposed the Commission's relocation procedures for the transfer spectrum at issue in that proceeding and coordinated those proposals with NTIA. NTIA will conduct a rulemaking proceeding in the near future regarding relocation rules for Federal Government incumbents, and we will work jointly to establish an overall relocation policy. The proposals we have made in ET Docket No. 00–221 apply equally to the 1710–1755 MHz band, and thus we propose to apply to the 1710–1755 MHz band the same relocation procedures that are ultimately adopted in ET Docket No. 00–221. We seek comment on this proposal.

12. As noted above, there will be continuing permanent and temporary use of the 1710–1755 MHz band by Federal users. We request comment on the effect of advanced mobile and fixed operations on Federal incumbents, and vice versa, in the band. Finally, we

request comment on potential mitigating techniques to protect incumbent Federal users of this band.

(2) 1755–1850 MHz

13. This band is allocated in Region 2 on a primary basis to the Fixed and Mobile Services, and to the space operation service (Earth-to-space) and space research service (Earth-to-space) by footnote S.5386. The 1755–1850 MHz band is currently used by the Federal Government for four main functions. Those functions are space telecommand, tracking, and control (''TT&C,'' or space operations); medium capacity fixed microwave services; tactical radio battlefield networks; and aeronautical mobile applications, including telemetry, video, target scoring systems, and precision munitions. As noted above, NTIA is studying the possible use of the 1755–1850 MHz band for advanced wireless systems. If spectrum in the 1755–1850 MHz band ultimately is made available for non-Federal Government use, we seek comment on allocating the spectrum for mobile and fixed services on a co-primary basis. This would allow the spectrum to be used for the introduction of new advanced mobile and fixed communications services, including 3G systems.

14. In addressing our allocations for this band, commenters should take into consideration the NTIA Interim Report on the current use of and potential for co-frequency sharing or reallocation of the band. The NTIA Interim Report states that Federal Government use of the band encompasses several different types of use, and that electromagnetic compatibility analyses indicate potentially serious sharing problems between 3G systems and Federal Government systems, particularly uplink satellite control, military radiorelay, and air combat training systems. The NTIA Interim Report presents two possible segmentation options: (1) pairing two 45 megahertz segments within the 1710–1850 MHz band for 3G systems, e.g., 1710–1755 MHz (handsets) and 1805–1850 MHz (base stations), and (2) pairing approximately 80 megahertz of spectrum in the 1710–1790 MHz band, which would be made available for 3G systems (handsets) in phases, with spectrum above 2110 MHz (base stations). The band is undergoing further study, with a Final Report that will consider relocation options scheduled to be released in March, 2001.

15. As discussed in the NPRM, NDAA–99 provides for mandatory reimbursement of Federal Government spectrum users when future actions lead to the relocation of a Federal station. NDAA–99 therefore pertains to the 1755–1850 MHz band. Additionally, the National Defense Authorization Act of 2000 (NDAA–2000) sets certain conditions before the Department of Defense surrenders use of a band of frequencies in which it is a primary user. The proposals we have made in ET Docket No. 00–221 concerning relocation procedures, discussed above, apply equally to the 1755–1850 MHz band. We thus seek comment on applying to the 1755–1850 MHz band the same relocation procedures that are ultimately adopted in ET Docket No. 00–221.

16. If spectrum in the 1755–1850 MHz band is made available for advanced wireless systems, account would have to be taken of some Federal uses that will continue into the foreseeable future. Accordingly, we request comment on the effect of continuing permanent and temporary use of that band by Federal incumbents on potential advanced mobile and fixed use of the band. If incumbent users had to be relocated, we request comment on how those users could be accommodated in other frequency bands. In particular, we request that commenters identify which frequency bands could accommodate incumbent Federal Government services.

(3) 2110–2150 MHz and 2160–2165 MHz

17. These bands, which are allocated in Region 2 on a primary basis to the Fixed and Mobile Services, have been used in the United States for a variety of services. These bands were identified by the Commission in 1992 for reallocation to services using new and innovative technologies under its Emerging Technologies proceeding. In November 1998, the Commission proposed that portions of the 2110–2200 MHz band be reallocated as follows: the 2110–2150 MHz band would be allocated to the Fixed and Mobile Services for assignment by competitive bidding, the 2160–2162 MHz band would be allocated for shared use by the Multipoint Distribution Service (''MDS'') and Instructional Television Fixed Service (''ITFS'') and fixed microwave use, and the 2162–2165 MHz band would be allocated for fixed and mobile emerging technologies. In its 1999 Policy Statement, the Commission stated its intention to initiate a separate proceeding to propose using these bands for advanced mobile and fixed communication services. BBA–97 requires reallocation of the 2110–2150 MHz band and assignment by competitive bidding by September 30, 2002.

18. Currently, these bands are used primarily for non-Federal Government Fixed and Mobile services licensed under either the Fixed Microwave Service in Part 101 of the Commission's Rules or the Public Mobile Services under Part 22 of the Commission's. We note that many of the stations were licensed subsequent to the Emerging Technologies First Report and Order, 57 FR 49020, October 29, 1992, and have secondary status. Additionally, licenses of stations with primary status that made major modifications were converted to secondary status.

19. The 2110–2150 MHz and 2160–2165 MHz bands are currently allocated to the Fixed, Mobile, and Space Research (Deep Space) services. We are not proposing to change this allocation. Instead, we are proposing that incumbent users of these bands (excluding the Space Research service) be relocated, if necessary, and the band be designated for the provision of advanced mobile and fixed communications services. We seek comment on this proposal.

20. In the 2110–2150 MHz and 2160–2165 MHz bands, fixed microwave service incumbents are entitled to compensation for relocation to other frequency bands under the policies adopted in the Emerging Technologies proceeding for incumbent fixed users in the frequency bands reallocated for broadband PCS (see 47 CFR § 101.69—§ 101.81 and § 101.99). Specifically, fixed microwave service incumbents are entitled to compensation for relocation of any links that may pose an interference threat to new fixed or mobile system licensees, including all engineering, equipment, site, and FCC fees. Also, the new licensees must complete all activities necessary for implementing the replacement facilities, including engineering and cost analysis of the relocation procedures, and must test the new facilities to ensure comparability with the existing facilities. We note that the Commission recently modified some of the relocation procedures for incumbent Fixed users at 2165–2200 MHz in order to accommodate the entry of the MSS in that band (see Second Report and Order and Second Memorandum Opinion and Order in ET Docket No. 95–18, 15 FCC Rcd 12315 (2000), recon. pending, petition for review pending), 65 FR 48174, August 7, 2000 and 65 FR 60382, October 11, 2000. Because channels at 2165–2200 MHz are paired with spectrum at 2115–2150 MHz, we also adopted a new procedure on reimbursement of relocation costs that

will apply to those paired links at issue in this proceeding that are relocated as a result of MSS entry in the higher band. The new procedure takes into account that different new licensees may be responsible for relocating each half of a channel pair for a given incumbent licensee. Consequently, it is possible that a new entrant in the 2110–2150 MHz band could be assigned spectrum that would have two sets of relocation procedures in effect.

21. We thus propose to use the modified relocation procedures (*i.e.,* those designated for fixed microwave service incumbents in the 2165–2200 MHz and 2115–2150 MHz bands) for any incumbent user of the 2110–2150/2160–2165 MHz bands, including MDS entities at 2160–2162 MHz. We seek comment on this proposal. We also invite comment from MDS/ITFS licensees on the current and planned use of the MDS channels 1, 2, and 2a in the 2150–2162 MHz band. Because the 2150–2162 MHz spectrum was not the focus of the FCC Interim Report, we ask the MDS/ITFS licensees to discuss the use of those channels in their business plans in conjunction with the channels in the 2500–2690 MHz band. In particular, we ask MDS/ITFS licensees what effect reallocation or relocation of the 2150–2162 MHz band would have on their current and planned use of the spectrum. We also invite comment from other interested parties on the current and future use of the 2150–2160 MHz band since this band is adjacent to the 2110–2150 MHz and 2160–2165 MHz bands.

22. In the Emerging Technologies proceeding, we reallocated the 4 GHz, 6 GHz, 10 GHz, and 11 GHz microwave bands to provide that private and common carrier fixed wireless users, and fixed satellite users, where appropriate, would each have co-primary status. This action was taken to provide spectrum relocation options to incumbent users. We realize that this action was taken over seven years ago and spectrum use has changed since that time. Additionally, because spectrum coordination is accomplished by industry, we are not in a position to determine the number of frequency coordination conflicts that arise when new stations are proposed in any of these frequency bands. However, we believe that many of the incumbents in the 2110–2150 MHz and 2160–2165 MHz bands can be accommodated in the 4 GHz, 6 GHz, 10 GHz, and 11 GHz bands. Additionally, we note that relocation is not strictly a spectrum issue. Incumbents can be relocated using other mediums, such as fiber, and our relocation policies take this factor into consideration in allowing for the provision of comparable facilities. We seek comment on the various relocation options that exist for incumbents in the affected bands.

23. Finally, we note that the 2110–2150 MHz bands must be auctioned by September 30, 2002. Due to similarities in allocation, usage, and current licensing, we propose to auction the 2160–2165 MHz band in this same timeframe. We request comment on this proposal.

(4) 2500–2690 MHz

24. This band is allocated in Region 2 on a primary basis to the Fixed, Fixed Satellite, Mobile except aeronautical mobile, and Broadcasting-Satellite Services. In the United States, this band is allocated to the Fixed service and is used primary by two non-Federal Government services, Multichannel MDS and ITFS. There are currently thirty-one 6 megahertz channels and one 4 megahertz channel, or 190 MHz of spectrum, allocated to MDS and ITFS in this band. About 2,500 MDS licensees transmit programming from one or more fixed stations, which is received by multiple receivers at various locations. ITFS stations are licensed on a site specific basis as was MDS originally. However, in 1996, the Commission awarded one geographic MDS license in each of 487 Basic Trading Areas. In general, the ITFS channels are grouped at the lower end of the band from 2500–2596 MHz and the MDS channels occupy the 2596–2660 MHz portion of the band. The remaining ITFS and MDS channels are interleaved in the portion of the band above 2660 MHz. MDS and ITFS operators typically operate in a symbiotic relationship, with MDS operators providing funding used by ITFS licensees for their educational mission in exchange for the extra channel capacity needed to make MDS systems viable. Today, most ITFS licensees lease excess capacity to MDS operators.

25. The FCC Interim Report considered three band segmentation plans that could provide 90 megahertz of spectrum for advanced mobile and fixed communications systems while retaining 100 megahertz of spectrum for ITFS/MDS. The Interim Report concluded that large separation distances between 3G and ITFS/MDS systems are needed to allow co-channel sharing. The Interim Report also found that there are few geographic areas where incumbent systems are not operating, and that segmenting the band would raise technical and economic difficulties for incumbents, especially in their ability to provide service to rural areas. The band is undergoing further study, with a Final Report that will consider relocation options scheduled to be released in March, 2001. We request comment on all aspects of the FCC Interim Report.

26. If spectrum in this band is made available for advanced wireless systems, we seek comment on allocating the spectrum for Mobile and Fixed services on a co-primary basis. An allocation for Mobile service would allow for additional flexibility in the use of this band, allowing the spectrum to be used for the introduction of new advanced mobile and fixed communications services, including 3G systems.

27. We also invite comment on the public interest costs and benefits of adding a mobile allocation to these bands without any mandatory relocation. Consistent with our secondary markets initiative, are there any steps that the FCC should take to facilitate a secondary market in these bands to allow them to evolve to their highest valued use, whether that be fixed broadband, mobile applications, or some other use? Could current ITFS/MDS licensees reorganize their systems to continue providing current services and also offer new mobile services on a competitive basis with other wireless system providers, such as cellular or PCS? Could a portion of this spectrum be made available to new entities? If so, which portion of the band and how much spectrum could be made available? How would reallocation of a portion of this band affect MDS operations at 2150–2160/2162 MHz band? We invite ITFS licensees to discuss whether adding a Mobile service allocation in the 2500–2690 MHz band would be beneficial to educators and, if so, how such operations could be utilized in an educational context. We also ask ITFS licensees to comment on what effect, if any, reallocation or relocation will have on their distance learning programs and overall educational mission. We also invite MDS licensees to discuss whether adding a mobile service allocation in the 2500–2690 MHz band would be beneficial to their plans for use of the band. In addressing these issues, commenters should take into consideration that 66 megahertz of this band has already been auctioned to MDS licensees and that the current MDS/ITFS sharing and leasing arrangements in this band are complex.

28. If a portion of this band were to be made available for advanced services and incumbent users had to be relocated, we request comment on how incumbent users could be accommodated in other frequency

bands. In particular, we request that commenters identify which frequency bands could accommodate incumbent MDS/ITFS services. If a portion of this band were made available for advanced services, either through reallocation or relocation, we seek comment on applying to incumbent users in this band the same relocation procedures that we decide to apply to incumbent users in the 2110–2150 MHz and 2160–2165 MHz bands. In particular, we request that commenters provide information about the type and the amount of costs to relocate incumbent MDS/ITFS operations. For example, could equipment be retuned or would facilities need to be replaced? What would be the cost to retune or replace equipment? We expect to rely on some of the information filed in response to this Notice in conducting the second phase of the study on the 2500–2690 MHz band, which will focus on relocation options and the costs and benefits of such action.

(5) Pairing Options

29. We recognize that the optimal use of the 1710–1755 MHz, 1755–1850 MHz, 2110–2150 MHz, 2160–2165 MHz, and 2500–2690 MHz bands for introducing advanced mobile and fixed services may be achieved by pairing these bands with one another or with other spectrum that has been identified for these services. As a way to focus this discussion, we solicit comment on several possible band pairing schemes, including those discussed in the FCC Interim Report. When evaluating pairing options, commenters should specify how much spectrum they believe will be required for advanced mobile and fixed communications systems from each band in each option addressed; the time period in which spectrum in the paired bands could be made available and whether those time periods are consistent with deployment plans; and whether the separation distance between the paired bands would impair the economical development of duplex equipment. Commenters also should address the following topics: the potential for sharing or segmenting the frequency bands to facilitate the implementation of advanced wireless systems; whether reallocation or relocation of incumbent users may be needed; and the identification of frequency bands to accommodate incumbent users that would have to be relocated.

Initial Final Regulatory Flexibility Analysis

30. As required by the Regulatory Flexibility Act (''RFA''), the Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') of the possible significant economic impact on small entities by the policies and rules proposed in this NPRM. Comment is requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM. The Commission will send a copy of the NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a).

Need for, and Objectives of, the Proposed Rules

31. The NPRM proposes the possible use of several frequency bands that could be used for advanced wireless communications systems, and solicits comments on various pairing options for those bands. The objective of these proposed actions is to allocate spectrum that could be used to provide a wide range of voice, data, and broadband services over a variety of mobile and fixed networks.

Legal Basis

32. The proposed action is authorized under Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

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

33. 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. The Regulatory Flexibility Act defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under section 3 of the Small Business Act. 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 SBA.

34. A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations. The definition of ''small governmental jurisdiction'' is one with populations of fewer than 50,000. There are 85,006 governmental jurisdictions in the nation. This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or 96 percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, we estimate that 96 percent, or about 81,600, are small entities that may be affected by our rules. Nationwide, there are 4.44 million small business firms, according to SBA reporting data. The applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the Bureau of the Census, only 12 radiotelephone firms from a total of 1,178 such firms that operated during 1992 had 1,000 or more employees; therefore, at least 1,166 radiotelephone firms in 1992 had 1,500 or fewer employees. We are unable at this time to quantify the specific impact of our proposals on these firms, but invite comment on this issue.

Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

35. This item deals only with the possible use of frequency bands below 3 GHz to support the introduction of new advanced wireless services, and does not propose service rule. Thus, the item proposes no new reporting, recordkeeping, or other compliance requirements.

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

36. 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: (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. We considered proposing spectrum for the mobile-satellite service in the 2500–2520/2670–2690 MHz bands, as requested by the Satellite Industry Association, but rejected that alternative for technical

reasons and because the MSS already has access to a significant amount of spectrum below 3 GHz. We believe that our proposal to explore the possible use of several frequency bands that could be used to provide a wide range of voice, data, and broadband services over a variety of mobile and fixed networks may provide new opportunities for small entities. We request comment on alternatives that could minimize the impact of this proposed action on small entities.

Federal Rules that May Duplicate, Overlap, or Conflict With the Proposed Rules

37. None.

Ordering Clauses

38. Pursuant to the authority contained in sections 1, 4(i), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. sections 151, 154(i), 157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j), this Notice of Proposed Rulemaking *Is Adopted.*

39. The petition filed by the Cellular Telecommunications Industry Association, RM–9920, *Is Granted* to the extent consistent with the terms of the Notice of Proposed Rulemaking.

39. The petition filed by the Satellite Industry Association, RM–9911, *Is Denied.*

40. The Commission's Consumer Information Bureau, Reference Information Center, *Shall Send* a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A); and shall also send a copy of the Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 2

Communications equipment, Radio, Table of frequency allocations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–1758 Filed 1–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2 and 90

[ET Docket No. 00–221; FCC 00–395]

Reallocation of 27 MHz of Spectrum

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to reallocate a total of 27 megahertz of spectrum transferred from Federal Government use for non-Government services pursuant to the Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act of 1997. These actions and proposals will benefit consumers by permitting and encouraging the introduction of new wireless technologies. This document also proposes procedures for the reimbursement of Federal incumbents for relocation pursuant to statutory requirements.

DATES: Comments must be submitted on or before February 22, 2001, and reply comments on or before March 26, 2001.

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of Secretary, Federal Communications Commission, 445 12th Street, SW., TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Tom Mooring, Office of Engineering and Technology, (202) 418–2450.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making,* ET Docket 00–221, FCC 00–395, adopted November 1, 2000, and released November 20, 2000. The full text of this Commission decision is available on the Commission's Internet site, at *http://www.fcc.gov.* It is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036. Comments may be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html,* or by e-mail to ecfs@fcc.gov.

Summary of the Notice of Proposed Rule Making

1. The Notice of Proposed Rule Making (''NPRM'') proposes to allocate a total of 27 megahertz of spectrum from the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz bands transferred from Government to non-Government use pursuant to the provisions of the Omnibus Budget Reconciliation Act of 1993 (OBRA–93) and the Balanced Budget Act of 1997 (BBA–97). These seven bands have a variety of continuing Government protection requirements and incumbent Government and non-Government uses. Despite these constraints and the relatively narrow bandwidth contained in each of the bands, we believe that the proposals presented will foster a variety of potential applications in both new and existing services. The transfer of these bands to non-Government use should enable the development of new technologies and services, provide additional spectrum relief for congested private land mobile frequencies, and fulfill our obligation as mandated by Congress to assign this spectrum for non-Government use. The NPRM also requests comments on procedures for the reimbursement of relocation costs incurred by incumbent Federal Government users as mandated by the National Defense Authorization Act of 1999. Of the bands considered in this proceeding, the 216–220 MHz, 1432–1435 MHz, and 2385–2390 MHz bands are subject to competitive bidding and reimbursement of Federal incumbents.

216–220 MHz Band

2. We propose to allocate the 216–220 MHz band generally to the fixed (FS, Base Station Only) and mobile services (MS, except aeronautical mobile) on a co-primary basis. We further propose to require that any MS licensees that may be licensed in the band use the 216–218 MHz segment for base station transmit and the 218–220 MHz segment for mobile station transmit, in order to minimize the likelihood of interference to television channel 13 reception. As requested by NTIA, we also propose to remove the Wildlife and Ocean Tracking allocation from this band. We request comment on these proposals. The 216–220 MHz band is heavily encumbered by incumbent services. Because of the limited Government use of the band, there is relatively little new capacity, which is likely to be made available by vacation of the band by Government operations. Given the significant constraints on additional use of the 216–220 MHz band, however, it is unclear how this band might accommodate additional services and how we might further assign licenses in this spectrum. Accordingly, we invite comment on how we should proceed. We also invite comment on our tentative conclusion that we have fulfilled the

requirement of BBA–97 to assign licenses in the 216–220 MHz band consistent with Section 309(j) of the Communications Act.

3. We request comment on the best way to continue the viability of incumbent, non-Government services in the band, if we were to license new primary services. We seek to avoid any detrimental impact on the many valuable incumbent services operating in this spectrum, including auditory assistance devices, the LPRS, the Amateur Service, and telemetry. We invite comment as to whether any of the existing secondary services operating in this spectrum should be elevated to primary status. For those entities proposing new services, we also request recommendations for technical and service rules, such as geographic service area, transmitter output power and out-of-band emissions, which may be appropriate for any new services.

1.4 GHz Band

4. We address the 13 megahertz of spectrum in the four segments at 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, and 1432–1435 MHz bands collectively as the ''1.4 GHz spectrum.'' Several options for band pairing or allocation of multiple bands in this spectrum have been presented to us. We believe that it may be possible to combine some of these bands to maximize the potential services that can be provided to the public. We note that there is insufficient spectrum available to accommodate all of the petitions and requests before the Commission for the spectrum at 1.4 GHz. Our objective is to ensure that the available spectrum is put to the best use and that this spectrum is allocated consistent with the spectrum management principles set forth in our Spectrum Policy Statement. We invite comment on how we should allocate the 1.4 GHz spectrum to achieve this goal, given the requests that have been submitted. To facilitate meaningful comment, we have present the proposals submitted as well as several additional options for the allocation of the 1.4 GHz spectrum, see paragraphs 24 through 37 of the NPRM. We request comment on the options, and on any other possible allocation schemes for the 1.4 GHz bands.

5. Parties advocating specific services for this spectrum are also encouraged to submit specific suggestions with regard to service rules to govern these services. We solicit comment on ways spectrum for services might be auctioned, including the license areas and spectrum blocks. We also request recommendations for technical rules, such as power and out-of-band emissions limits, which may be appropriate for any new services. In cases where commenters advocate allocating additional spectrum for current services, we seek comment on whether we should adopt new rules for these bands, or simply extend the current rules to apply to the 1.4 GHz spectrum. We also solicit comment as to the Commission rule parts under which any new services might be regulated. We request comment on what other service rules, such as, *inter alia,* eligibility and license requirements, we should adopt for services in the 1.4 GHz spectrum.

1670–1675 MHz Band

6. We propose to allocate the band to FS and MS (except aeronautical mobile), and to adopt technical rules that make the band usable for a number of potential services, and other fixed and mobile services applications. We believe that an auction of this spectrum may be the best way to ensure that it is assigned to the best value use that is consistent with the protection of co-channel Government and adjacent-channel radio astronomy operations.

7. Commenters are requested to recommend technical rules, with particular attention to protection of radio astronomy operations in the adjacent 1650–1670 MHz band. Commenters should specify what power limits they believe would protect Government and radio astronomy operations, along with measures they would recommend to provide the needed protection. We solicit comment on license areas and spectrum blocks. We also solicit comment as to the Commission rule part or parts under which new services in this band should be regulated, and on other service rules for operations in the band.

2385–2390 MHz Band

8. New licensees will need to protect grandfathered Government sites from interference in the 2385–2390 MHz band. NTIA also notes that commercial receiver and transmitter standards must be established to reduce the potential for mutual interference with airborne systems operating in the adjacent band. The Commission has generally refrained from imposing receiver standards, preferring to let market forces determine equipment specifications. We seek comment on NTIA's determination that receiver and transmitter standards are required. We also request comment on whether non-Government aeronautical telemetry for flight testing of piloted and remotely or automatically controlled aircraft, missiles, or other components thereof, exist outside of the 17 sites identified by NTIA.

9. While the 2385–2390 MHz band is allocated on a primary basis for both Government and non-Government aeronautical telemetry, we are uncertain of how much of this band is used for aeronautical telemetry, and of how many licensees use this service. We seek comment on the use of this band for aeronautical telemetry, and how such use may be preserved as new services enter the band. Commenters are invited to address the possibility of moving aeronautical telemetry to another spectrum band, reducing its status to secondary, or providing protection for telemetry in limited areas of the United States.

10. We propose to allocate the 2385–2390 MHz band to FS and MS generally, and allow flexible use of the band, within the technical rules we adopt. We request comment on this proposal, especially on whether we should allocate this band more narrowly. We seek comment on service and auction rules for the 2385–2390 MHz band. Commenters are requested to provide recommendations on power limits, out-of-band emission limits, and other technical rules. We also solicit comment on service rules governing licensing, service areas, permissible communications, and what part of our rules should govern the band. Finally, we request comment on any other service rules that commenters think appropriate for regulating services in the band. We request that commenters explain how their proposed rules will maximize efficiency of use of the band.

Government Incumbents

11. We also propose to effect the transfer of the 27 megahertz of Government spectrum identified in this proceeding by deleting the Government allocations from the Table of Frequency Allocations in coordination with NTIA. We propose to add footnotes to the Table of Frequency Allocations, noting that the bands addressed here will remain allocated to Government operations until the dates that the various bands will be transferred. NTIA has also advised the Commission of consequential changes to certain Government footnotes. We request comment on whether this is the appropriate method for reflecting the reallocations proposed in this proceeding.

12. We specifically seek comment from Indian Tribal governments. The Commission is committed to (1) working with Indian tribes on a government-to-government basis to ensure that Indian tribes have adequate

access to communications services, and (2) consulting with Tribal governments prior to implementing any regulatory action or policy that will significantly affect tribal governments, their land, and resources. We welcome the opportunity to consult with tribal governments on the issues raised by this NPRM, and we seek comment both from tribal governments and other interested parties on the potential for the spectrum proposals set forth herein to serve the communications needs of tribal communities.

13. We proposed that licensees planning to construct facilities within a protection zone be required to submit data to the Commission to allow coordination of their facilities. For each site requiring prior coordination, the licensee would be required to notify the Government facility within the coordination zone, via the Universal Licensing System (''ULS''), of each proposed new facility that it planned to construct, providing technical data including latitude, longitude, station type, frequency range, antenna height, power, and types of emissions. Licensees would not be permitted to operate such facilities within the coordination zone until they obtain a response from the Commission indicating that there are no objections from the Government. We seek comment on using this same proposed coordination proposal for the bands addressed here. We request comment on this proposal or alternate procedures that provide the best method for ensuring protection for these Government services when new services begin operations. Commenters are invited to suggest solutions on these and any other options they may devise. Perhaps coordination would be sufficient to allow new non-Government operations to share spectrum with Government operations. Commenters are specifically requested to address protection of Government services in each of the bands at issue here, as we doubt that a single solution will be the best method for ensuring maximum flexibility and utility of the bands, while at the same time providing the necessary protection for Government operations.

14. The Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (NDAA–99) requires that new entrants reimburse incumbent Federal users for the costs of relocation. Specifically, NDAA–99 required that ''[a]ny person on whose behalf a Federal entity incurs costs * * * shall compensate the Federal entity in advance for such costs. Such compensation may take the form of a cash payment or in-kind compensation. In the NPRM in paragraphs 60 through 63, we make proposals for how best to carry out the statutory requirements. Recognizing important National Security concerns, separate procedures are proposed for unclassified and classified or sensitive Government facilities. We request comment on these proposals. Specifically, we seek comment on what relocation information is necessary for the FCC to hold a viable auction and for potential bidders to formulate bidding strategies. Commenters are invited to suggest additional information or information formats that would be of benefit to them in determining their bidding strategies. Commenters should explain how their suggestions provide the information necessary for bidders to plan their strategies and expenditures.

15. In accordance with the provisions of BBA–97, we propose to require any new licensee that has relocated a Government facility to either remedy any defects of the new facilities, or pay to relocate the Government facility back to its original facilities or frequencies in any case where a Government entity's new facilities are not comparable. We propose to use our existing rules as a basis for defining comparable facilities of communications systems. Thus, we propose to define comparable facilities of communications systems for purposes of BBA–97, see paragraphs 64 through 66 of the NPRM.

Initial Regulatory Flexibility Analysis

16. As required by the Regulatory Flexibility Act (RFA)[1] the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rule Making (NPRM). Written 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 on the Notice of Proposed Rule Making provided in paragraph 60 of the NPRM. The Commission will send a copy of the Notice of Proposed Rule Making including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 603(a). In addition, the Notice of Proposed Rule Making and IRFA will be published in the **Federal Register**.

[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 104–121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

A. Need for, and Objectives of, the Proposed Rules

17. We proposed to allocate a total of 27 megahertz of spectrum from the 216–220 MHz, 1390–1395 MHz, 1427–1429 MHz, 1429–1432 MHz, 1432–1435 MHz, 1670–1675 MHz, and 2385–2390 MHz, bands transferred from Government to non-Government use pursuant to the provisions of the Omnibus Budget Reconciliation Act of 1993 and the Balanced Budget Act of 1997. These seven bands have a variety of continuing Government protection requirements and incumbent Government and non-Government uses. Despite these constraints and the relatively narrow bandwidth contained in each of the bands, we believe that the proposals presented will foster a variety of potential applications in both new and existing services. The transfer of these bands to non-Government use should enable the development of new technologies and services, provide additional spectrum relief for congested private land mobile frequencies, and fulfill our obligations as mandated by Congress to assign this spectrum for non-Government use.

18. This NPRM proposes general Fixed Service and Mobile Service allocation for each of the bands addressed, and asks questions about other possible allocations. The Notice also solicits comment on potential service rules for the services to which the bands may be allocated.

B. Legal Basis

19. This action is taken pursuant to Sections 4(i), 7(a), 303(c), 303(f), 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. Sections 154(i), 157(a), 303(c), 303(f), 303(g), and 303(r).

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

20. 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.[2] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdictions.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act, 15 U.S.C. 632, unless the Commission has developed one or more definitions that

[2] 5 U.S.C. 603(b)(3).

are appropriate to its activities.[3] A ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) meets any additional criteria established by the Small Business Administration (''SBA'').[4]

21. A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''[5] Nationwide, as of 1992, there were approximately 275,801 small organizations.[6] The definition of ''small governmental jurisdiction'' is one with populations of fewer than 50,000.[7] There are 85,006 governmental jurisdictions in the nation.[8] This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,000. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or 96 percent, have populations of fewer than 50,000.[9] The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, we estimate that 96 percent, or about 81,600, are small entities that may be affected by our rules. Nationwide, there are 4.44 million small business firms, according to SBA reporting data.[10]

22. The NPRM proposes to allocate 27 megahertz of spectrum, licenses in some of which will be assigned by auction, and licenses in some of which may be assigned by auctioned. The Notice proposes very broad allocations of this spectrum, and asks questions designed to produce public comment which will allow the Commission to allocate and authorize the spectrum to more narrow, specific services. The Commission has not yet determined or proposed how many licenses will be awarded, nor will it know how many licensees will be small businesses until auctions, if required, are held. In addition, at this point in the proceeding, the Commission does not know how many licensees may partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. We therefore assume that, for purposes of our evaluations and conclusions in the IRFA, all of the prospective licensees in the bands addressed in the Notice are small entities, as that term is defined by the SBA.

23. Incumbent services in the 216–220 MHz band, which the Notice proposes to allocate on a primary basis to the Fixed and Mobile Services, include the Automated Maritime Telecommunications Service (AMTS), telemetry users and Low Power Radio Service users. The Commission has defined small businesses in the AMTS as those businesses which, together with their affiliates and controlling interests, have not more than fifteen million dollars ($15 million) in the preceding three years. There are only three AMTS licensees, none of whom are small businesses. However, potential licensees in AMTS include all public coast stations, which are classified by the Small Business Administration as Radiotelephone Service Providers, Standard Industrial Classification Code 4812.[11] The Commission has defined a ''small entity'' public coast station as one employing no more than 1500 persons.[12] According to the 1992 Census of Transportation, Communications, and Utilities, there are a total of 1178 radiotelephone service providers, of whom only 12 had more than 1000 employees. Therefore, we estimate that at least 1166 small entities may be affected by the proposed rules.

24. Users of telemetry are generally large corporate entities, such as utility companies, and it is unlikely that any of the users would be small businesses. The Low Power Radio Service permits licensees to use the 216–217 MHz segment for auditory assistance, medical devices, and law enforcement tracking devices. Users are likely to be theaters, auditoriums, churches, schools, banks, hospitals, and medical care facilities. The primary manufacturer of auditory assistance estimates that it has sold 25,000 pieces of auditory assistance equipment. Many if not most Low Power Radio Service licensees are likely to be small businesses. However, because the Low Power Radio Service is licensed by rule, with no requirement for individual license applications or documents, the Commission is unable to estimate how many small businesses use the Low Power Radio Service.

25. The incumbent service in the 1427–1429 MHz band is a telemetry licensee. The Commission has issued only one telemetry license in the band, and Itron, Inc., the licensee, with an investment of $100 million in equipment development, is not likely to be a small business.

26. The incumbent services in the 1429–1432 MHz band include utility telemetry, with Itron, Inc. as the only licensee, and medical telemetry. As stated above, Itron, Inc. is not likely to be a small business. Users of medical telemetry are hospitals and medical care facilities, some of which are likely to be small businesses.

27. According to the SBA's regulations, nursing homes and hospitals must have annual gross receipts of $5 million or less in order to qualify as a small business concern. There are approximately 11,471 nursing care firms in the nation, of which 7,953 have annual gross receipts of $5 million or less.[13] There are approximately 3,856 hospital firms in the nation, of which 294 have gross receipts of $5 million or less. Thus, the approximate number of small confined setting entities to which the Commission's new rules will apply is 8,247.

28. We invite comment on this analysis, particularly on the number of small businesses that are likely to be affected by these proposed rules. Commenters are invited to address how the proposed rules affect small businesses, and to suggest alternative rules.

D. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

29. Entities interested in acquiring spectrum in the bands at issue in the Notice will be required to submit license applications and high bidders will be required to apply for their individual licenses. Additionally, new licensees will be required to file applications for license renewals and make certain other filings as required by the Communications Act. We request comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

[3] See 5 U.S.C. 601(3).

[4] 15 U.S.C. 632.

[5] *Id.* section 601(4).

[6] Department of Commerce, U.S. Bureau of the Census, 1992 Economic Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[7] 5 U.S.C. 601(5).

[8] 1992 Census of Governments, U.S. Bureau of the Census, U.S. Department of Commerce.

[9] *Id.*

[10] See 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).

[11] See 13 CFR 121.201.

[12] See Amendment of the Commission's Rules Concerning Maritime Communications, PR Docket No. 92–257, Third Report and Order and Memorandum Opinion and Order, 13 FCC Rcd 19853, (1998).

[13] See Small Business Administration Tabulation File, SBA Size Standards Table 2C, January 23, 1996, SBA, Standard Industrial Code (SIC) categories 8050 (Nursing and Personal Care Facilities) and 8060 (Hospitals). (SBA Tabulation File).

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

30. In all of the bands where incumbent licensees exist, we have inquired whether we should elevate the status of the services in which the incumbents are licensed to primary. We have further discussed these services at some length, and have requested public comment on how we can accommodate incumbents in these bands during the reallocation process.

F. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

31. None.

List of Subjects

47 CFR Part 2

Communications equipment, Radio.

47 CFR Part 90

Communications equipment, Radio, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rules Changes

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Parts 2 and 90 as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. The authority citation for part 2 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, and 336, unless otherwise noted.

2. Section 2.106, is amended as follows:

a. Revise pages 23, 31, 42, 43, 47, 50, and 51 of the Table of Frequency Allocations.

b. Revise footnotes US210, US229, US276, US311, and US352; remove footnotes US274 and US317; and add footnotes USxxx, USyyy, and USzzz.

c. Revise footnotes G2, G27, G114, and G120; and remove footnote G123.

The revisions and additions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

BILLING CODE 6712–01–P

33-50 MHz (VHF) Page 23

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
See previous page for 30.01-37.5 MHz			33-34	33-34 FIXED LAND MOBILE NG124	Private Land Mobile (90)
			34-35 FIXED MOBILE	34-35	
			35-36	35-36 FIXED LAND MOBILE	Public Mobile (22) Private Land Mobile (90)
			36-37 FIXED MOBILE US220	36-37 US220	
			37-37.5	37-37.5 LAND MOBILE NG124	Private Land Mobile (90)
37.5-38.25 FIXED MOBILE Radio astronomy S5.149			37.5-38 Radio astronomy S5.149	37.5-38 LAND MOBILE Radio astronomy S5.149 NG59 NG124	
			38-38.25 FIXED MOBILE RADIO ASTRONOMY S5.149 US81	38-38.25 RADIO ASTRONOMY S5.149 US81	
38.25-39.986 FIXED MOBILE			38.25-39 FIXED MOBILE	38.25-39	
			39-40	39-40 LAND MOBILE NG124	Private Land Mobile (90)
39.986-40.02 FIXED MOBILE Space research			40-42 FIXED MOBILE	40-40.98	ISM Equipment (18) Private Land Mobile (90)

162.0125-322 MHz (VHF/UHF) Page 31

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
See previous page for 156.8375-174 MHz			162.0125-173.2 FIXED MOBILE S5.226 US8 US11 US13 US216 US223 US300 US312 G5	162.0125-173.2 S5.226 US8 US11 US13 US216 US223 US300 US312	Auxiliary Broadcasting (74) Private Land Mobile (90)
			173.2-173.4	173.2-173.4 FIXED Land mobile	Private Land Mobile (90)
			173.4-174 FIXED MOBILE G5	173.4-174	
174-223 BROADCASTING	174-216 BROADCASTING Fixed Mobile S5.234	174-223 FIXED MOBILE BROADCASTING	174-216	174-216 BROADCASTING NG115 NG128 NG149	Broadcast Radio (TV) (73) Auxiliary Broadcasting (74)
	216-220 FIXED MARITIME MOBILE Radiolocation S5.241 S5.242		216-220 US229	216-220 FIXED MOBILE except aeronautical mobile US229 NG152	Maritime (80) Private Land Mobile (90) Personal Radio (95) Amateur (97)
	220-225 AMATEUR FIXED MOBILE Radiolocation S5.241		220-222 FIXED LAND MOBILE Radiolocation S5.241 G2 US335	220-222 FIXED LAND MOBILE US335	Private Land Mobile (90)
S5.235 S5.237 S5.243		S5.233 S5.238 S5.240 S5.245	222-225 Radiolocation S5.241 G2	222-225 AMATEUR	Amateur (97)

1300-1350 AERONAUTICAL RADIONAVIGATION S5.337 Radiolocation S5.149		1300-1350 AERONAUTICAL RADIO-NAVIGATION S5.337 Radiolocation G2 S5.149	1300-1350 AERONAUTICAL RADIO-NAVIGATION S5.337 S5.149	Aviation (87)
1350-1400 FIXED MOBILE RADIOLOCATION S5.149 S5.338 S5.339	1350-1400 RADIOLOCATION S5.149 S5.334 S5.339	1350-1390 FIXED MOBILE RADIOLOCATION G2 S5.149 S5.334 S5.339 US311 G27 G114	1350-1390 S5.149 S5.334 S5.339 US311	
		1390-1395 S5.149 S5.339 US311 US351	1390-1395 FIXED MOBILE except aeronautical mobile S5.149 S5.339 US311 US351	
		1395-1400 LAND MOBILE US350 S5.149 US5.339 US311 US351	1395-1400 LAND MOBILE US350 S5.149 US5.339 US311 US351	Personal (95)
1400-1427 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY SPACE RESEARCH (passive) S5.340 S5.341		1400-1427 EARTH EXPLORATION-SATELLITE (passive) RADIO ASTRONOMY US74 SPACE RESEARCH (passive) S5.341 US246		
1427-1429 SPACE OPERATION (Earth-to-space) FIXED MOBILE except aeronautical mobile S5.341		1427-1429 S5.341 US352	1427-1429 SPACE OPERATION (Earth-to-space) FIXED MOBILE except aeronautical mobile S5.341 US352	Private Land Mobile (90)

1429-1610 MHz (UHF) Page 43

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
1429-1452 FIXED MOBILE except aeronautical mobile S5.341 S5.342	1429-1452 FIXED MOBILE S5.343 S5.341		1429-1432 LAND MOBILE US350 S5.341 US352	1429-1432 LAND MOBILE US350 S5.341 US352	Private Land Mobile (90) Personal (95)
			1432-1435 S5.341 USxxx	1432-1435 FIXED MOBILE S5.341 USxxx	Private Land Mobile (90)
1452-1492 FIXED MOBILE except aeronautical mobile BROADCASTING S5.345 S5.347 BROADCASTING-SATELLITE S5.345 S5.347 S5.341 S5.342	1452-1492 FIXED MOBILE S5.343 BROADCASTING S5.345 S5.347 BROADCASTING-SATELLITE S5.345 S5.347 S5.341 S5.344		1435-1525 MOBILE (aeronautical telemetry) S5.341 US78		Aviation (87)
1492-1525 FIXED MOBILE except aeronautical mobile S5.341 S5.342	1492-1525 FIXED MOBILE S5.343 MOBILE-SATELLITE (space-to-Earth) S5.348A S5.341 S5.344 S5.348	1492-1525 FIXED MOBILE S5.341 S5.348A			
1525-1530 SPACE OPERATION (space-to-Earth) FIXED MOBILE-SATELLITE (space-to-Earth) Earth exploration-satellite Mobile except aeronautical mobile S5.349 S5.341 S5.342 S5.350 S5.351 S5.352A S5.354	1525-1530 SPACE OPERATION (space-to-Earth) MOBILE-SATELLITE (space-to-Earth) Earth exploration-satellite Fixed Mobile S5.343 S5.341 S5.351 S5.354	1525-1530 SPACE OPERATION (space-to-Earth) FIXED MOBILE-SATELLITE (space-to-Earth) Earth exploration-satellite Mobile S5.349 S5.341 S5.351 S5.352A S5.354	1525-1530 MOBILE-SATELLITE (space-to-Earth) Mobile (aeronautical telemetry) S5.341 S5.351 US78		Satellite Communications (25) Aviation (87)

1670-2110 MHz (UHF)

Page 47

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
1670-1675 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SATELLITE (space-to-Earth) MOBILE S5.380 S5.341			1670-1675 S5.341 US211 USyyy	1670-1675 FIXED MOBILE except aeronautical mobile S5.341 US211 USyyy	
1675-1690 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE except aeronautical mobile S5.341	1675-1690 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE except aeronautical mobile MOBILE-SATELLITE (Earth-to-space) S5.341 S5.377	1675-1690 METEOROLOGICAL AIDS FIXED METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE except aeronautical mobile S5.341	1675-1700 METEOROLOGICAL AIDS (radiosonde) METEOROLOGICAL-SATELLITE (space-to-Earth) S5.289 S5.341 US211		
1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SAT-ELLITE (space-to-Earth) Fixed Mobile except aeronautical mobile S5.289 S5.341 S5.382	1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE-SATELLITE (Earth-to-space) S5.289 S5.341 S5.377 S5.381	1690-1700 METEOROLOGICAL AIDS METEOROLOGICAL-SAT-ELLITE (space-to-Earth) S5.289 S5.341 S5.381			
1700-1710 FIXED METEOROLOGICAL-SAT-ELLITE (space- to-Earth) MOBILE except aeronautical mobile S5.289 S5.341	1700-1710 FIXED METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE except aeronautical mobile MOBILE-SATELLITE (Earth-to-space) S5.289 S5.341 S5.377	1700-1710 FIXED METEOROLOGICAL-SAT-ELLITE (space-to-Earth) MOBILE except aeronautical mobile S5.289 S5.341 S5.384	1700-1710 FIXED G118 METEOROLOGICAL-SAT-ELLITE (space-to-Earth) S5.289 S5.341	1700-1710 METEOROLOGICAL-SAT-ELLITE (space-to-Earth) Fixed S5.289 S5.341	
1710-1930 FIXED MOBILE S5.380			1710-1755 FIXED MOBILE S5.341 US256	1710-1755 S5.341 US256	Note: Proceeds from the auction of the 1710-1755 MHz mixed-use band are to be deposited not later than September 30, 2002.

S5.392		MOBILE (line-of-sight only including aeronautical telemetry, but excluding flight testing of manned aircraft) SPACE RESEARCH (space-to-Earth) (space-to-space) S5.392 US303	US303	
2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)		2290-2300 FIXED MOBILE except aeronautical mobile SPACE RESEARCH (deep space) (space-to-Earth)	2290-2300 SPACE RESEARCH (deep space) (space-to-Earth)	
2300-2450 FIXED MOBILE Amateur Radiolocation	2300-2450 FIXED MOBILE RADIOLOCATION Amateur	2300-2305	2300-2305 Amateur	Amateur (97) Note: 2300-2305 MHz became non-Federal Government exclusive spectrum in August 1995
		2305-2310 US338	2305-2310 FIXED MOBILE except aeronautical mobile RADIOLOCATION Amateur US338	Wireless Communications (27) Amateur (97)
		2310-2360 Fixed Mobile US339 Radiolocation G2	2310-2320 FIXED MOBILE US339 RADIOLOCATION BROADCASTING-SATELLITE US327 S5.396 US338	Wireless Communications (27)
			2320-2345 BROADCASTING-SATELLITE US327 Mobile US276 US328 S5.396	
S5.150 S5.282 S5.395	S5.150 S5.282 S5.393 S5.394 S5.396	S5.396 US327 US328 G120 See next page	See next page for 2345-2450 MHz	See next page for 2345-2450 MHz

2345-2655 MHz (UHF) Page 51

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
See previous page for 2300-2450 MHz			See previous page for 2310-2360 MHz	2345-2360 FIXED MOBILE US339 RADIOLOCATION BROADCASTING-SATELLITE US327 S5.396	Wireless Communications (27)
			2360-2385 MOBILE US276 RADIOLOCATION G2 Fixed G120	2360-2385 MOBILE US276	
			2385-2390 USzzz	2385-2390 FIXED MOBILE USzzz	
			2390-2400 G122	2390-2400 AMATEUR	RF Devices (15) Amateur (97)
			2400-2402 S5.150	2400-2402 Amateur S5.150 S5.282	ISM Equipment (18) Amateur (97)
			2402-2417 S5.150 G122	2402-2417 AMATEUR S5.150 S5.282	RF Devices (15) ISM Equipment (18) Amateur (97)
			2417-2450 Radiolocation G2 S5.150 G124	2417-2450 Amateur S5.150 S5.282	ISM Equipment (18) Amateur (97)
2450-2483.5 FIXED MOBILE Radiolocation S5.150 S5.397	2450-2483.5 FIXED MOBILE RADIOLOCATION S5.150 S5.394		2450-2483.5 S5.150 US41	2450-2483.5 FIXED MOBILE Radiolocation S5.150 US41	ISM Equipment (18) Private Land Mobile (90) Fixed Microwave (101)

* * * * *

UNITED STATES (US) FOOTNOTES

* * * * *

US210 In the sub-band 40.66–40.7 MHz, frequencies may be authorized to Government and non-Government stations on a secondary basis for the tracking of, and telemetering of scientific data from, ocean buoys and wildlife. Operation in this sub-band is subject to the technical standards specified in: (a) Section 8.2.42 of the NTIA Manual for Government use, or (b) 47 CFR 90.248 for non-Government use.

* * * * *

US229 In the band 216–220 MHz, Government operations are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations, except at the following space surveillance stations where Government operations are co-primary:

Transmit frequency of 216.98 MHz			Receive frequencies of 216.965–216.995 MHz		
Location	North latitude/West longitude	Protection radius (km)	Location	North latitude/West longitude	Protection radius (km)
Lake Kickapoo, TX	33°32′/098°45′	250	San Diego, CA	32°34′/116°58′	50
Jordan Lake, AL	32°39′/086°15′	150	Elephant Butte, NM	33°26′/106°59′	50
Gila River, AZ	33°06′/112°01′	150	Red River, AR	33°19′/093°33′	50
			Silver Lake, MO	33°08′/091°01′	50
			Hawkinsville, GA	32°17′/083°′	50
			Fort Stewart, GA	31°58′/081°30′	50

US276 Except as otherwise provided for herein, use of the bands 2320–2345 MHz and 2360–2385 MHz by the mobile service is limited to aeronautical telemetering and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof. The following four frequencies are shared on a co-equal basis by Government and non-Government stations for telemetering and associated telecommand operations of expendable and reusable launch vehicles whether or not such operations involve flight testing: 2332.5 MHz, 2364.5 MHz, 2370.5 MHz, and 2382.5 MHz. All other mobile telemetering uses shall be secondary to the above uses.

* * * * *

US311 Radio astronomy observations may be made in the bands 1350–1400 MHz and 4950–4990 MHz on an unprotected basis at certain radio astronomy observatories indicated below:

National Astronomy and Ionosphere Center, Arecibo, Puerto Rico	Rectangle between latitudes 17°30′N and 19°00′N and between longitudes 65°W and 68°00′W.	
National Radio Astronomy Observatory, Socorro, New Mexico	Rectangle between laditudes 32°30′N and 35°30′N and between longitudes 106°00′W and 109 °00°′W.	
National Radio Astronomy Observatory, Green Bank, West Virginia	Rectangle between latitudes 37°30′N and 39°15′N and between longitudes 78°30′W and 80°30′W.	
National Radio Astronomy Observatory, Very Long Baseline Array Stations.	80 Kilomters (50 mile) radious centered on:	
	Latitude (North)	Longitude (West)
Pie Town, NM	34°18′	108°07′
Kitt Peak, AZ	31°57′	111°37′
Los Alamos,NM	35°47′	106°15′
Fort Davis, TX	30°38′	103°57′
North Liberty, IA	41°46′	91°34′
Brewster, WA	48°08′	119°41′
Owens Valley, CA	37°14′	118°17′
Saint Croix, VI	17°46′	64°35′
Mauna Kea, HI	19°48′	155°27′
Hancock, NH	42°56′	71°59′

Every practicable effort will be made to avoid the assignment of frequencies in the bands 1350–1400 MHz and 4950–4990 MHz to stations in the fixed and mobile services that could interfere with radio astronomy observations within the geographic areas given above. In addition, every practicable effort will be made to avoid assignment of frequencies in these bands to stations in the aeronautical mobile service which operate outside of those geographic areas, but which may cause harmful interference to the listed observatories. Should such assignments result in harmful interference to these observatories, the situation will be remedied to the extent practicable.

* * * * *

US352 In the band 1427–1432 MHz, Government operations, except for medical telemetry operations in the sub-band 1429–1432 MHz, are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations, except at the sites identified below where Government operations are co-primary until January 1, 2004:

Location	North latitude/West longitude	Radius	Location	North latitude/West longitude	Radius (km)
Patuxent River, MD	38°17′/076°25′	70	Mountain Home AFB, ID	43°01′/115°50′	160
NAS Oceana, VA	36°49′/076°02′	100	NAS Fallon, NV	39°24′/118°43′	100
MCAS Cherry Point, NC	34°54′/076°52′	100	Nellis AFB, NV	36°14′/115°02′	100
Beaufort MCAS, SC	32°26′/080°40′	160	NAS Lemore, CA	36°18′/119°47′	120
NAS Cecil Field, FL	30°13′/081°52′	160	Yuma MCAS, AZ	32°39′/114°35′	160
NAS Whidbey IS., WA	48°19′/122°24′	70	China Lake, CA	35°29′/117°16′	80
Yakima Firing Ctr AAF, WA.	46°40′/120°15′	70	MCAS Twenty Nine Palms, CA.	34°15′/116°03′	80

* * * * *

USxxx In the band 1432–1435 MHz, Government operations are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations, except at the sites identified below where Government operations are co-primary:

Location	North latitude/West longitude	Protection radius (km)	Location	North latitude/West longitude	Protection radius (km)
China Lake/Edwards AFB, CA.	35°29′/117°16′	100	AUTEC	24°30′/078°00′	80
White Sands Missile Range/Holloman AFB, NM.	32°11′/106°20′	160	Beaufort MCAS, SC	32°26′/080°40′	160
Utah Test and Training Range/Dugway Proving Ground, Hill AFB, UT.	40°57′/113°05′	160	MCAS Cherry Point, NC	34°54′/076°53′	100
Patuxent River, MD	38°17′/076°24′	70	NAS Cecil Field, FL	30°13′/081°52′	160
Nellis AFB, NV	37°29′/114°14′	130	NAS Fallon, NV	39°30′/118°46′	100
Fort Huachuca, AZ	31°33′/110°18′	80	NAS Oceana, VA	36°49′/076°01′	100
Eglin AFB/Gulfport ANG Range, MS/Fort Rucker, AL.	30°28′/086°31′	140	NAS Whidbey Island, WA	48° 21′/122°39′	70
Yuma Proving Ground, AZ.	32°29′/114°20′	160	NCTAMS, GUM	13°35′/144°51′ East	80
Fort Greely, AK	63°47′/145°52′	80	Lemoore, CA	36°20′/119°57′	120
Redstone Arsenal, AL	34°35′/086°35′	80	Savannah River, SC	33°15′/081°39′	3
Alpene Range, MI	44°23′/083°20′	80	Naval Space Operations Center, ME.	44°24′/068°01′	80
Camp Shelby, MS	31°20′/089°18′	80			

USyyy In the band 1670–1675 MHz, Government operations are on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations, except that the Geostationary Orbit Environmental Satellite receiving earth station at Wallops Island, VA (37° 56′ 47′′ N, 75° 27′ 37′′ W) operates on a co-primary basis.

USzzz Until January 1, 2005, the band 2385–2390 MHz is also allocated to the Government mobile and radiolocation services on a co-primary basis and to the Government fixed service on a secondary basis. Use of the mobile service is limited to aeronautical telemetry and associated telecommand operations for flight testing of manned or unmanned aircraft, missiles or major components thereof. Use of the radiolocation service is limited to the military services. On January 1, 2005, Government operations in the band 2385–2390 MHz shall be on a non-interference basis to authorized non-Government operations and shall not hinder the implementation of any non-Government operations, except at the sites identified below where Government operations are co-primary until January 1, 2007:

Location	North latitude/West longitude	Protection radius (km)	Location	North Latitude/West longitude	Protection radius (km)
Yuma Proving Ground, AZ.	32°54′/114° 20′	160	Palm Beach County, FL	26°54′/080°19′	160
Nellis AFB, NV	37°48′/116°28′	160	Barking Sands, HI	22°07′/159°40′	160
White Sands Missile Range, NM.	32°58′/106°23′	160	Roosevelt Roads, PR	18°14′/065°38′	160
Utah Test Range, UT	40°12′/112°54′	160	Glasgow, MT	48°25′/106°32′	160
China Lake, CA	35°40′/117°41′	160	Edwards AFB, CA	34°54′/117°53′	100
Eglin AFB, FL	30°30′/086°30′	160	Patuxent River, MD	38°17′/076°25′	100
Cape Canaveral, FL	28°33′/080°34′	160	Witchita, KS	37°40′/097°26′	160
Seattle, WA	47°32′/122°18′	160	Roswell, NM	33°18′/104°32′	160
St. Louis, MO	38°45′/090°22′	160			

* * * * *

Federal Government (G) Footnotes

* * * * *

G2 In the bands 220–225 MHz, 420–450 MHz (except as provided by US217), 890–902 MHz, 928–942 MHz, 1300–1390 MHz, 2310–2385 MHz, 2417–2450 MHz, 2700–2900 MHz, 5650–5925 MHz, and 9000–9200 MHz, the Government radiolocation service is limited to the military services.

* * * * *

G27 In the bands 255–328.6 MHz, 335.4–399.9 MHz, and 1350–1390 MHz, the fixed and mobile services are limited to the military services.

* * * * *

G114 The band 1369.05–1390 MHz is also allocated to the fixed-satellite service (space-to-Earth) and to the mobile-satellite service (space-to-Earth) on a primary basis for the relay of nuclear burst data.

* * * * *

G120 Development of airborne primary radars in the band 2310–2385 MHz with peak transmitter power in excess of 250 watts for use in the United States is not permitted.

* * * * *

PART 90—PRIVATE LAND MOBILE RADIO SERVICES

3. The authority citation for part 90 continues to read as follows:

Authority: Sections 4(i), 11, 303(g), 303(r), and 302(c)(7) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 161, 303(g), 303(r), 332(c)(7).

4. Section 90.248 is amended by revising paragraph (a) and removing and reserving paragraph (e)(2) to read as follows:

§ 90.248 Wildlife and ocean buoy tracking.

(a) The frequency band 40.66–40.7 MHz may be used for the tracking of, and the telemetry of scientific data from, ocean buoys and animal wildlife.

* * * * *

[FR Doc. 01–899 Filed 1–22–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 66, No. 15

Tuesday, January 23, 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

Agricultural Marketing Service

[DA–00–05B]

United States Standards for Grades of Swiss Cheese, Emmentaler Cheese

AGENCY: Agricultural Marketing Service, USDA

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service is giving notice of the availability of revisions to the voluntary United States Standards for Grades of Swiss Cheese, Emmentaler Cheese. The changes will increase the allowable eye size range in Grade A Swiss cheese and define an allowable eye size range in Grade B Swiss cheese; remove the block height recommendation for cheeses produced in rindless blocks; add more clarity to the color requirements for grades A and B Swiss cheese; correct minor errors that currently exist in the tables; and make minor editorial changes that will make the standard more uniform in appearance and easier to use.

EFFECTIVE DATE: This notice is effective February 22, 2001.

ADDRESSES: The revised standards are available from Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2746, South Building, STOP 0230, P.O. Box 96456, Washington, DC 20090–6456; or at *http://www.ams.usda.gov/dairy/stand.htm*

FOR FURTHER INFORMATION CONTACT: Charlsia Fortner, Dairy Products Marketing Specialist, Dairy Standardization Branch, AMS/USDA/Dairy Programs, Room 2746–S, P.O. Box 96456, Washington, DC 20090–6456, (202) 720–7473.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *.'' AMS is committed to carrying out this authority in a manner that facilities the marketing of agricultural commodities and to making copies of official standards available upon request. U.S. Standards for Grades of Swiss Cheese, Emmentaler Cheese no longer appear in the Code of Federal Regulations (CFR); however, they are maintained by the USDA/AMS/Dairy Programs.

When Swiss cheese is officially graded, the USDA voluntary standards governing the grading of manufactured or processed dairy products are used. The Agency believes the revised standards will accurately identify quality characteristics in Swiss cheese. AMS is revising the United States Standards for Grades of Swiss Cheese, Emmentaler Cheese using the procedures it published in the August 13, 1997, **Federal Register** and that appear in part 36 of Title 7 of the CFR (7 CFR part 36).

The notice, with a request for comments on the proposed changes, was published in the **Federal Register** on July 20, 2000 (65 FR 45018–45032). A correction notice was published on August 14, 2000 (65 FR 45933).

The grade standards were last revised in September 1987. AMS has reviewed this standard and discussed possible changes with the dairy industry. The Wisconsin Dairy Products Association (WDPA) and the Wisconsin Cheese Makers Association (WCMA), trade associations representing the Swiss cheese industry, provided specific recommendations. The American Dairy Products Institute (ADPI), another trade association representing the Swiss cheese industry, supported these specific recommendations, organized a meeting of Swiss cheese manufacturers and buyers to discuss changes to the U.S. Grade Standards, and provided specific information supporting the changes suggested by WDPA and WCMA.

Proposed by WDPA and WCMA and supported by ADPI:

- Allow smaller eyes in Grade A Swiss cheese; and
- Remove block size recommendations for rindless Swiss cheese.

Dairy Programs, Agricultural Marketing Service, proposed the following:

- Lower the minimum eye size requirement for Grade A Swiss cheese as suggested by the trade associations and include provisions to clarify uniformity of eye size. Also, Dairy Programs proposed to include the same eye size range for Grade B Swiss cheese;
- Remove the block height recommendation for rindless Swiss cheese as suggested by the trade associations;
- Provide a more descriptive representation of acceptable color for Grades A and B Swiss cheese by defining the range of acceptable color as white to light yellow;
- Correct errors in the table that summarizes eye and texture characteristics of Swiss cheese; and
- Reformat information in these standards to make the standards easier to use and provide a uniform appearance with other U.S. Grade Standards.

AMS published a notice in the **Federal Register** with an outline of the specific proposed changes and provided for a comment period of 60 days, which ended September 18, 2000. Forty-three comments were received during the comment period, four from dairy trade associations, one from the Government of Switzerland, and 38 from individuals.

The National Milk Producers Federation (NMPF), ADPI, WCMA, and WDPA were the trade associations that provided comments. These associations represent dairy producers and Swiss cheese manufacturers and buyers, and each expressed general support for the proposed changes. However, three of the associations disagreed with at least one provision in the proposed grade standards.

Three associations objected to the inclusion of the relatively uniform eye size definition proposed by AMS. One association stated that the proposed eye size range would not provide the flexibility initially requested by Swiss cheese manufacturers, and that eye size uniformity should be a quality issue between buyer and seller rather than incorporated into the standard. Another association stated that the requirement that cheese be properly set and contain

eyes that are relatively uniform in size and distribution is sufficient and that it was not necessary to include a definition of relatively uniform eye size. This trade association contends that any defined range of eye size is impractical and unrealistic, especially when applied to a 200-pound block of cheese.

In considering this objection, AMS notes that the current U.S. standards address uniformity in the size of eyes in U.S. Grade A Swiss cheese by establishing a narrow 3/16 inch range into which a majority of the eyes must fall. When the majority of the eyes are outside this range, the cheese does not qualify for the U.S. Grade A designation. Furthermore, if a majority of the eyes are smaller than the established minimum, the cheese is considered to be ''small eyed'' and would not meet the requirements for U.S. Grade A.

AMS proposed to widen the size of eyes in U.S. Grade A Swiss and allow for eyes within a broader 7/16 inch range. By incorporating the industry recommendation and expanding the sizes of eyes allowable for Grade A Swiss, the current definition for small eyed was no longer appropriate because cheese falling within the small eyed range could now qualify for U.S. Grade A. In light of this, AMS believed that it was important that the revised standards include a definition for ''relatively uniform eye size.''

AMS agrees that eye size is a quality issue and that Swiss cheese must be properly set to obtain a variety of desirable characteristics including cheese that contains eyes that are relatively uniform in size. U.S. grade standards are intended to describe quality attributes of dairy products, therefore these eye size considerations should be included in the Swiss cheese grade standards. In the existing standard, this was addressed by a narrow range of allowable eye sizes. In the proposed changes, this would be accomplished by addition of a definition for ''relatively uniform eye size'' that allows for the expanded range and reinforces that cheese be properly set by specifying that a majority of the eyes fall within a narrower 1/4 inch range. The revision incorporates the flexibility requested by Swiss cheese manufacturers and buyers by expanding the size of eyes allowable for Grade A cheese and that the inclusion of a definition for ''relatively uniform'' would eliminate confusion when communicating these standards among buyers and sellers and when graders apply these standards to Swiss cheese samples. These provisions are also applicable to Swiss cheese regardless of size. For these reasons, AMS is maintaining the ''relatively uniform eye size'' definition as proposed.

WCMA suggested a change to the proposal that would provide clarity. They requested that Section (h) of the Explanation of Terms section be further reworded. The Section (h) as proposed by USDA defined the descriptor ''slight,'' ''large eyed'' and ''small eyed.'' WCMA suggests combining ''slight'' with the terms ''large eyed'' and ''small eyed,'' thus defining only ''slight large eyed'' and ''slight small eyed,'' and eliminating the need to define ''slight.'' USDA agrees this results in more straightforward definitions of the two terms. Therefore, USDA is revising the relevant portion of Section (h) of the Explanation of Terms as follows:

(h) With respect to eyes and texture as it relates to large eyed and small eyed:

(1) Slight large eyed.—Majority of the eyes more than 13/16 inch but less than 1 inch.

(2) Slight small eyed.—Majority of the eyes less than 3/8 inch but more than 1/8 inch.

(3) Relatively uniform eye size—The majority of the eyes fall within a 1/4 inch range.

One comment was received from the Federal Office for Agriculture in Bern, Switzerland. This office expressed concern that the proposed revisions to the Swiss cheese grade standards are not congruent with the traditional methods for producing Emmentaler cheese in Switzerland. They also note differences between the U.S. standards and a Codex Alimentarius Individual Standard for Emmentaler, which was issued in 1967. This international standard states that an acceptable eye size for Grade A Emmentaler will be between 1 and 3 cm. Further, the international standard indicates acceptable color as ''ivory to light yellow,'' instead of the U.S. standards' ''white to light yellow.''

Codex standards are maintained for the purpose of facilitating international trade by promoting honest practices in the sale of food and providing guidance to consumers in making food choices. The 1967 Emmentaler cheese standard is among the individual cheese standards that are currently under revision by the Codex Alimentarius Committee. The Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture ''to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *.'' U.S. Standards establish agreed-upon quality parameters and help keep our national marketing system for dairy products operating in an orderly and efficient manner.

The changes being made to the U.S. standards bring it into much closer alignment with the Codex standard than previous standards, however, some differences are appropriate to address quality issues with Swiss cheese, such as bleaching. Bleaching is allowed in the manufacture of Swiss cheese in the United States, therefore a white color is appropriate for U.S. Grade A Swiss cheese under the U.S. standards. Accordingly, USDA is retaining the proposed changes to the current U.S. standards because the standards are intended to achieve different objectives in the marketplace.

Thirty-seven comments were received from individuals who may have read or heard about USDA's proposed changes to the Swiss cheese grade standards through widespread media coverage. Eleven of these commenters supported an increased range of eye sizes that would allow a smaller eye in Grade A Swiss cheese. Nine commenters did not support this change. Seventeen commenters did not express an opinion on the proposed changes to the Swiss cheese grade standards, but commented instead on larger issues generated from information presented by the news media. These issues are not under consideration by AMS in conjunction with the Swiss cheese grade standards. Also, many of those who commented believed that USDA was promulgating mandatory regulations to direct the eye size in Swiss cheese. As stated earlier in this notice, U.S. Standards for Grades of Swiss Cheese, Emmentaler cheese are strictly voluntary. Cheesemakers may choose to utilize USDA grading and inspection services, but are under no obligation to do so. These voluntary grade standards are established to promote fair and equitable marketing conditions within the dairy industry. The proposed changes to the grade standards for Swiss cheese would potentially expand, rather than limit, consumer choice among high-quality Swiss cheeses on the market.

Accordingly, further changes to the notices revising the United States Standards for Grades of Swiss Cheese, Emmentaler Cheese as published in the **Federal Register** at 65 FR 45018 on July 20, 2000 and 65 FR 49533 on August 14, 2000, are made as described above.

The revised standards are available either through the above address or by accessing AMS' Home Page on the Internet at http://www.ams.usda.gov/dairy/stand.htm.

Authority: 7 U.S.C. 1621–1627.

Dated: January 17, 2001.

Kathleen A. Merrigan,

Administrator, Agricultural Marketing Service.

[FR Doc. 01–2017 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—School Breakfast Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this Notice announces the Food and Nutrition Service's (FNS) intention to request the Office of Management and Budget's (OMB) review of the information collections related to the School Breakfast Program, OMB number 0584–0012.

DATES: Comments on this notice must be received by March 26, 2001.

ADDRESSES: Comments and requests for copies of this information collection may be sent to Mr. Terry Hallberg, Chief, Program Analysis and Monitoring Branch, Child Nutrition Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 1006, Alexandria, Virginia 22302.

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 collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of 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.

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

FOR FURTHER INFORMATION CONTACT: Mr. Terry Hallberg, at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR Part 220, School Breakfast Program.

OMB Number: 0584–0012.

Expiration Date: February 28, 2001.

Type of Request: Extension of a currently approved collection.

Abstract: Section 4 of the Child Nutrition Act of 1966 (CNA), (42 U.S.C. 1773), authorizes the School Breakfast Program. The School Breakfast Program is a nutrition assistance program whose benefit is a breakfast meeting nutritional requirements prescribed by the Department in accordance with Section 4(e) of the CNA. That provision requires that ''Breakfasts served by schools participating in the school breakfast program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research.''

On June 8, 2000, FNS published an interim rule which allows schools to offer foods that consist of up to 100 percent alternate protein products. School food authorities that already provide menus or otherwise communicate with program participants must identify products or dishes with more than 30 percent alternate protein products in a manner which does not characterize it solely as beef, pork, poultry or seafood products or dishes. This could include information provided on serving lines and does not require that school food authorities use menus or other methods of communication. This provision allows program participants to make informed decisions about their food choices under the school meals programs and is referred to as a third-party disclosure requirement. Although this provision is in effect, this Notice affords the public an opportunity to again comment on the burden associated with the identification of alternate protein products.

The purpose of this Notice is also to request an extension of the Information Collection Budget for the School Breakfast Program and in accordance with the Paperwork Reduction Act of 1995, and to allow the public 60 days to comment on all reporting and recordkeeping burdens as indicated under the *Estimated Total Annual Burden on Respondents* below. The information being requested is required to administer and operate this program in accordance with the CNA. The Program is administered at the State and school food authority levels and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims and, monitoring and providing technical assistance. All of the reporting and recordkeeping requirements associated with the School Breakfast Program are currently approved by the Office of Management and Budget and are in force.

Respondents: State agencies, school food authorities and schools.

Estimated Number of Respondents: 82,748.

Average Number of Responses per Respondent: The number of responses is estimated to be 59 responses per respondent per year.

Estimated Total Annual Burden on Respondents: The recordkeeping burden hours are estimated at 4,674,185, and the reporting burden hours are estimated at 221,611 for an estimated total annual burden of 4,895,796.

Dated: January 16, 2001.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 01–2016 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—7 CFR part 210, National School Lunch Program

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this Notice announces the Food and Nutrition Service's (FNS) intention to request Office of Management and Budget (OMB) review of the information collections related to the National School Lunch Program, OMB number 0584–0006.

DATES: To be assured of consideration, comments must be received by March 26, 2001.

ADDRESSES: Send comments and requests for copies of this information collection to: Mr. Terry Hallberg, Chief, Program Analysis and Monitoring Branch, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 1006, Alexandria, Virginia 22302.

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 collection of information, including the validity of the methodology and assumptions used; (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 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.

All comments will be summarized and included in the request for OMB approval, and will become a matter of public record.

FOR FURTHER INFORMATION: Contact Mr. Terry Hallberg at (703) 305–2590.

SUPPLEMENTARY INFORMATION:

Title: 7 CFR part 210, National School Lunch Program.

OMB Number: 0584–0006.

Expiration Date: February 28, 2001.

Type of Request: Extension of a currently approved collection.

Abstract: The National School Lunch Act of 1946 (NSLA), as amended, authorizes the National School Lunch Program (NSLP). The Department of Agriculture provides States with general and special cash assistance and donations of foods to assist schools in serving nutritious lunches to children each school day. Participating schools must serve lunches that are nutritionally adequate and to the extent practicable ensure that participating children gain a full understanding of the relationship between proper eating and good health.

The Department of Agriculture prescribes the nutritional requirements of the lunches in accordance with Subsection 9(a) of the NSLA (42 U.S.C. 1758(a)). That provision requires that ''Lunches served by schools participating in the school lunch program under this Act shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research * * *.''

On June 8, 2000, the Department published in the **Federal Register** (65 FR 36315) an interim rule which allows schools to offer foods that consist of up to 100 percent alternate protein products. In so doing, school food authorities that already provide menus or otherwise communicate with program participants must identify products or dishes with more than 30 percent alternate protein products in a manner which does not characterize it solely as beef, pork, poultry or seafood products or dishes. This could include information provided on serving lines and does not require that school food authorities use menus or other methods of communication. This provision allows program participants to make informed decisions about their food choices under the school meals programs and is referred to as a third-party disclosure requirement. Although this provision is in effect, this Notice affords the public an opportunity to again comment on the burden associated with the Identification of Blended Beef, Pork, Poultry or Seafood Products rule.

The purpose of this Notice is also to request an extension of the Information Collection Budget for the NSLP and in accordance with the Paperwork Reduction Act of 1995, and to allow the public 60 days to comment on all reporting and recordkeeping burdens as indicated under the *Estimated Total Annual Burden on Respondents* below. The information being requested is required to administer and operate this program in accordance with the NSLA, as amended. The Program is administered at the State and school food authority levels and the operations include the submission and approval of applications, execution of agreements, submission of claims, payment of claims and, monitoring and providing technical assistance. All of the reporting and recordkeeping requirements associated with the NSLP are currently approved by the Office of Management and Budget and are in force.

Respondents: State agencies, school food authorities, schools.

Estimated Number of Respondents: 118,051 respondents.

Average Number of Responses per Respondent: The number of responses is estimated to be 160 responses per respondent per year.

Estimated Total Annual Burden on Respondents: The recordkeeping hours are estimated at *8,336,342,* and the reporting burden hours are estimated at *1,126,280,* for an estimated total annual burden of *9,462,622.*

Dated: January 16, 2001.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 01–2015 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Forest Service

California Coast Provincial Advisory Committee (PAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The California Coast Provincial Advisory Committee (PAC) will meet on January 31 and February 1, 2001, at the Discovery Inn, Landmark Room in Ukiah, California. The meeting will be held from 1 p.m. until 5 p.m. on Wednesday, January 31, and from 8:30 a.m. to 4 p.m. on Thursday, February 1. The Discovery Inn is located at 1340 No. State Street in Ukiah. Agenda items to be covered include: (1) Panel on Federal and State actions to implement the National Fire Plan; (2) Discussion on the issue of anadromous fish populations and their habitat on federal lands in the Province; (3) Update on the State watershed planning activities; (4) Regional Ecosystem Office (REO) update; (5) Discussion on the Forest Service Road Management Policy and Roadless Area Conservation Rule; (6) Presentation on legislation concerning federal Payments to Counties; (7) Presentation on Round Valley Resource Center small diameter timber utilization grant: (8) Action plan for the Province comprehensive road work/fisheries and watershed restoration plan; (9) Draft issue concerning a Provincial integrated fire strategy; and (10) Open public comment. All California Coast Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to James Fenwood, Forest Supervisor, or Phebe Brown, Province Coordinator, USDA, Mendocino National Forest, 825 H. Humboldt Avenue, Willows, CA, 95988, (530) 934–3316.

Dated: January 10, 2001.

Phebe Y. Brown,

Province Coordinator.

[FR Doc. 01–1885 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Eastern Washington Cascades Provincial Advisory Committee and Yakima Provincial Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Eastern Washington Cascades Provincial Advisory Committee and the Yakima Provincial Advisory Committee will meet on Friday, February 9, 2001, at the Wenatchee National Forest headquarters main conference room, 215 Melody Lane, Wenatchee, Washington. The meeting will begin at 9 a.m. and continue until 3:30 p.m. Key topics for this meeting will be: Dry Forest Strategy recommendations, Roads Analysis process, Adaptive Management Area Subcommittee responsibilities, and a review of a new developments in the implementation of the Northwest Forest

Plan. All Eastern Washington Cascades and Yakima Province Advisory Committee meetings are open to the public. Interested citizens are welcome to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Paul Hart, Designated Federal Official, USDA, Wenatchee National Forest, 215 Melody Lane, Wenatchee, Washington 98801, 509–662–4335.

Dated: January 16, 2001.

Sonny J. O'Neal,

Forest Supervisor, Okanogan and Wenatchee National Forests.

[FR Doc. 01–1888 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Sunshine Act Meeting

AGENCY: Rural Telephone Bank, USDA.

ACTION: Staff Briefing for the Board of Directors.

TIME AND DATE: 2 p.m., Monday, February 5, 2001.

PLACE: Europe Room 8, Walt Disney World Swan & Dolphin, 1500 Epcot Resorts Boulevard, Lake Buena Vista, FL.

STATUS: Open.

MATTERS TO BE DISCUSSED:

1. Current telecommunications industry issues.
2. Contracts for financial and legal advisors to the Privatization Committee.
3. Transferability of Class C stock to a stockholder's subsidiary company.
4. Schedule for stockholders' meeting in year 2001.
5. Administrative issues.

ACTION: Board of Directors Meeting.

TIME AND DATE: 9 a.m., Tuesday, February 6, 2001.

PLACE: Europe Room 8, Walt Disney World Swan & Dolphin, 1500 Epcot Resorts Boulevard, Lake Buena Vista, FL.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the Board of Directors meeting:

1. Call to order.
2. Action on Minutes of the November 17, 2000, board meeting.
3. Report on loans approved in the first quarter of FY 2001.
4. Report on financial activity for the first quarter of FY 2001.
5. Privatization Committee report.
6. Clarification on stock policy regarding the transferability of Class C stock to a stockholder's subsidiary company.
7. Consideration of resolution to establish a date and place for the biennial meeting of stockholders, and the ''as of date'' for determining voting rights.
8. Adjournment.

CONTACT PERSON FOR MORE INFORMATION: Roberta D. Purcell, Assistant Governor, Rural Telephone Bank, (202) 720–9554.

Dated: January 18, 2001.

Christopher A. McLean,

Governor, Rural Telephone Bank.

[FR Doc. 01–2152 Filed 1–19–01; 2:46 pm]

BILLING CODE 3410–15–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Information Systems Technical Advisory Committee; Notice of Partially Closed Meeting

The Information Systems Technical Advisory Committee (ISTAC) will meet on February 7 and 8, 2001, 9:00 a.m., at the SPAWAR Systems Center (Topside), Cloud Room, Building 33, 53560 Hull Street, San Diego, California, 92152. The ISTAC advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to information systems equipment and technology.

February 7

Public Session

1. Opening remarks and introductions.
2. Comments or presentations from the public.
3. Industry perspective on advances in computer technology and export controls.
4. Briefing in revisions to encryption rules.
5. Tutorial on dense wavelength division multiplexing techniques used in optical transmission.

February 8

Closed Session

6. Discussion of matters properly classified under Executive Order 12958, dealing with U.S. export control programs and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the ISTAC. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the ISTAC suggests that public presentation materials or comments be forwarded before the meeting to the address listed below: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 10, 1999, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of this Committee and of any Subcommittees thereof dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of this Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information or copies of the minutes call Lee Ann Carpenter, 202–482–2583.

Dated: January 17, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–2029 Filed 1–22–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Transportation and Related Equipment Technical Advisory Committee; Notice of Open Meeting

The Transportation and Related Equipment Technical Advisory Committee will meet on February 7, 2001, 9:30 a.m., at the Herbert C. Hoover Building, Room 3884, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to transportation and related equipment or technology.

Agenda

1. Opening remarks by the Chairman.
2. Presentation or papers or comments by the public.

3. Update on Bureau of Export Administration initiatives.

4. Update on foreign policy controls.

5. Briefing on missile technology issues.

6. Update on the Wassenaar Arrangement.

7. Update on regulatory changes.

The meeting will be open to the public and a limited number of seats will be available. Reservations are not accepted. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS: 3876, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

For more information or copies of the minutes, please call Lee Ann Carpenter on (202) 482–2583.

Dated: January 17, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01–2030 Filed 1–22–01; 8:45 am]

BILLING CODE 3510–JT–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–824]

Certain Corrosion-Resistant Carbon Steel Flat Products From Japan: Notice of Initiation and Preliminary Results of Changed Circumstances Review of the Antidumping Order and Intent to Revoke Order in Part

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty review, and intent to revoke order in part.

SUMMARY: In accordance with 19 CFR 351.216(b), Taiho Corporation of America (''Taiho America'') filed two separate requests for changed circumstances reviews of the antidumping order on certain corrosion-resistant carbon steel flat products from Japan with respect to the carbon steel flat products as described below. Domestic producers of the like product have expressed no interest in continuation of the order with respect to these particular carbon steel flat products. In response to Taiho America's requests, the Department of Commerce (''the Department'') is initiating a changed circumstances review with respect to both requests and issuing a notice of intent to revoke in part the antidumping duty order on certain corrosion-resistant carbon steel flat products from Japan. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Catherine Bertrand or Rick Johnson, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–3207, (202) 482–3818, respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (''the Act'') by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations as codified at 19 CFR part 351 (2000).

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2000, Taiho America requested that the Department revoke in part the antidumping duty order on certain corrosion-resistant carbon steel flat products from Japan. Specifically, Taiho America requested that the Department revoke the order with respect to imports meeting the following specifications: Carbon steel flat products measuring 0.975 millimeters in thickness and 8.8 millimeters in width consisting of carbon steel coil (SAE 1012) clad with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, maximum 1% other materials and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 13%–17% carbon, 13%–17% aromatic polyester, with a balance (approx. 66%—74%) of polytetrafluorethylene (''PTFE''). Taiho America also requested that the Department revoke the order with respect to imports meeting the following specifications: Carbon steel flat products measuring 1.02 millimeters in thickness and 10.7 millimeters in width consisting of carbon steel coil (SAE 1008) with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, less than 0.35% iron, and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 45%–55% lead, 3%–5% molybdenum disulfide, with a balance (approx. 40%–52%) of polytetrafluorethylene (''PTFE''). See *Memo to the File: Changed Circumstances Review of Certain Corrosion-Resistant Carbon Steel Flat Products from Japan,* dated January 3, 2001. Taiho America is an importer of the products in question.

Scope of Review

These products include flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTSUS under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this review are corrosion-resistant flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges.

Excluded from this review are flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and

chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating.

Also excluded from this review are clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness.

Also excluded from this review are certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio.

Also excluded from this review are certain corrosion-resistant carbon steel flat products meeting the following specifications: (1) Widths ranging from 10 millimeters (0.394 inches) through 100 millimeters (3.94 inches); (2) thicknesses, including coatings, ranging from 0.11 millimeters (0.004 inches) through 0.60 millimeters (0.024 inches); and (3) a coating that is from 0.003 millimeters (0.00012 inches) through 0.005 millimeters (0.000196 inches) in thickness and that is comprised of either two evenly applied layers, the first layer consisting of 99% zinc, 0.5% cobalt, and 0.5% molybdenum, followed by a layer consisting of chromate, or three evenly applied layers, the first layer consisting of 99% zinc, 0.5% cobalt, and 0.5% molybdenum followed by a layer consisting of chromate, and finally a layer consisting of silicate.

Also excluded from this review are carbon steel flat products measuring 1.84 millimeters in thickness and 43.6 millimeters or 16.1 millimeters in width consisting of Carbon steel coil (SAE 1008) clad with an aluminum alloy that is balance aluminum, 20% tin, 1% copper, 0.3% silicon, 0.15% nickel, less than 1% other materials and meeting the requirements of SAE standard 783 for Bearing and Bushing Alloys.

Also excluded from this review are carbon steel flat products measuring 0.97 millimeters in thickness and 20 millimeters in width consisting of carbon steel coil (SAE 1008) with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9% to 11% tin, 9% to 11% lead, less than 1% zinc, less than 1% other materials and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 45% to 55% lead, 38% to 50% PTFE, 3% to 5% molybdenum disulfide and less than 2% other materials.

Also excluded from this review are doctor blades meeting the following specifications: Carbon steel coil or strip, plated with nickel phosphorous, having a thickness of 0.1524 millimeters (0.006 inches), a width between 31.75 millimeters (1.25 inches) and 50.80 millimeters (2.00 inches), a core hardness between 580 to 630 HV, a surface hardness between 900–990 HV; the carbon steel coil or strip consists of the following elements identified in percentage by weight: 0.90% to 1.05% carbon; 0.15% to 0.35% silicon; 0.30% to 0.50% manganese; less than or equal to 0.03% of phosphorous; less than or equal to 0.006% of sulfur; other elements representing 0.24%; and the remainder of iron.

Also excluded from this review are products meeting the following specifications: 0.975 millimeters in thickness and 8.8 millimeters in width consisting of carbon steel coil (SAE 1012) clad with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, maximum 1% other materials and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 13%–17% carbon, 13%–17% aromatic polyester, with a balance (approx. 66%–74%) of polytetrafluorethylene (''PTFE'').

Also excluded from this review are products meeting the following specifications: Carbon steel flat products measuring 1.02 millimeters in thickness and 10.7 millimeters in width consisting of carbon steel coil (SAE 1008) with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, less than 0.35% iron, and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 45%–55% lead, 3%–5% molybdenum disulfide, with a balance (approx. 40%–52%) of polytetrafluorethylene (''PTFE'').

Initiation of Changed Circumstances Antidumping Duty Administrative Review, and Intent to Revoke Order in Part

Pursuant to sections 751(d)(1) and 782(h)(2) of the Act, the Department may revoke an antidumping or countervailing duty order, in whole or in part, based on a review under section 751(b) of the Act (*i.e.,* a changed circumstances review). Section 751(b)(1) of the Act requires a changed circumstances review to be conducted upon receipt of a request which shows changed circumstances sufficient to warrant a review. Section 351.222(g) of the Department's regulations provides that the Department will conduct a changed circumstances administrative review under 19 CFR 351.216, and may revoke an order (in whole or in part), if it determines that producers accounting for substantially all of the production of the domestic like product have expressed a lack of interest in the relief provided by the order, in whole or in part, or if other changed circumstances sufficient to warrant revocation exist. In addition, in the event that the Department concludes that expedited action is warranted, 19 CFR 351.221(c)(3)(ii) permits the Department to combine the notices of initiation and preliminary results.

In accordance with sections 751(d)(1) and 782(h)(2) of the Act, and 19 CFR 351.216 and 351.222(g), based on affirmative statements by domestic producers of the like product, Bethlehem Steel Corporation; Ispat Inland Steel; LTV Steel Company, Inc.; National Steel Corporation; and U.S. Steel Group, a unit of USX Corporation (''domestic producers''), of no further interest in continuing the order with respect to certain corrosion-resistant carbon steel flat products meeting the following specifications: Carbon steel flat products measuring 0.975 millimeters in thickness and 8.8 millimeters in width consisting of carbon steel coil (SAE 1012) clad with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, maximum 1% other materials and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 13%–17% carbon, 13%–17% aromatic polyester, with a balance (approx. 66%–74%) of polytetrafluorethylene (''PTFE''); and Carbon steel flat products measuring 1.02 millimeters in thickness and 10.7 millimeters in width consisting of carbon steel coil (SAE 1008) with a two-layer lining, the first layer consisting of a copper-lead alloy powder that is balance copper, 9%–11% tin, 9%–11% lead, less than 0.35% iron, and meeting the requirements of SAE standard 792 for Bearing and Bushing Alloys, the second layer consisting of 45%–55% lead, 3%–5% molybdenum disulfide, with a balance (approx. 40%–52%) of polytetrafluorethylene (''PTFE'') (*see* domestic producers' December 21, 2000 letter to the Department), we are initiating this changed circumstances administrative review. Furthermore, because petitioners have expressed a

lack of interest, we determine that expedited action is warranted, and we preliminarily determine that continued application of the order with respect to certain corrosion-resistant carbon steel flat products falling within the descriptions above is no longer of interest to domestic interested parties. Because we have concluded that expedited action is warranted, we are combining these notices of initiation and preliminary results. Therefore, we are hereby notifying the public of our intent to revoke in part the antidumping duty orders with respect to imports of certain corrosion-resistant carbon steel flat products meeting the above-mentioned specifications from Japan.

If the final revocation in part occurs, we intend to instruct the U.S. Customs Service (''Customs'') to liquidate without regard to antidumping duties, as applicable, and to refund any estimated antidumping duties collected for all unliquidated entries of certain corrosion-resistant carbon steel flat products meeting the specifications indicated above, not subject to final results of administrative review as of the date of publication in the **Federal Register** of the final results of this changed circumstances review in accordance with 19 CFR 351.222. We will also instruct Customs to pay interest on such refunds in accordance with section 778 of the Act. The current requirement for a cash deposit of estimated antidumping duties on certain corrosion-resistant carbon steel flat products meeting the above specifications will continue unless and until we publish a final determination to revoke in part.

Public Comment

Interested parties are invited to comment on these preliminary results. Parties who submit argument in this proceeding are requested to submit with the argument (1) a statement of the issue, and (2) a brief summary of the argument. Parties to the proceedings may request a hearing within 14 days of publication. Any hearing, if requested, will be held no later than two days after the deadline for the submission of rebuttal briefs, or the first workday thereafter. Case briefs may be submitted by interested parties not later than 14 days after the date of publication of this notice. Rebuttal briefs and rebuttals to written comments, limited to the issues raised in those comments, may be filed not later than five days after the deadline for submission of case briefs. All written comments shall be submitted in accordance with 19 CFR 351.303 and shall be served on all interested parties on the Department's service list in accordance with 19 CFR 351.303. Persons interested in attending the hearing should contact the Department for the date and time of the hearing.

The Department will publish the final results of this changed circumstances review, including the results of its analysis of issues raised in any written comments. This notice is published in accordance with section 751(b)(1) of the Act and 19 CFR 351.216 and 351.222.

Dated: January 12, 2001.

Troy H. Cribb,

Assistant Secretary for Import Administration.

[FR Doc. 01–1843 Filed 1–22–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of application to amend certificate.

SUMMARY: The Office of Export Trading Company Affairs (''OETCA''), International Trade Administration, Department of Commerce, has received an application to amend an Export Trade Certificate of Review (''Certificate''). This notice summarizes the proposed amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Vanessa M. Bachman, Acting Director, Office of Export Trading Company Affairs, International Trade Administration by phone at (202) 482–5131 (this is not a toll-free number) or E-mail at oetca@ita.doc.gov.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether an amended Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice in writing to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, D.C. 20230, or transmitted by E-mail to oetca@ita.doc.gov. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the comments will be made available to the applicant if necessary for determining whether or not to issue the Certificate. Comments should refer to this application as ''Export Trade Certificate of Review, application number 97–4A003.''

The Association for the Administration of Rice Quotas, Inc. (''AARQ'') original Certificate was issued on January 21, 1998 (63 FR 4223, January 28, 1998) and last amended on June 1, 2000 (65 FR 36410, June 8, 2000). A summary of the application for an amendment follows.

Summary of the Application

Applicant: The Association for the Administration of Rice Quotas, Inc. (''AARQ''), c/o Ludovico Manfredi, Newfieldrice, Inc., 1401 Brickell Avenue, Suite 332, Miami, FL 33131.

Contact: M. Jean Anderson, Esquire, Telephone: (202) 682–7217.

Application No.: 97–4A003.

Date Deemed Submitted: January 10, 2001.

Proposed Amendment: AARQ seeks to amend its Certificate to:

1. Add the following companies as new ''Members'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): Alliance Grain, Inc., Voorhees, NJ (Controlling Entity: ConAgra Foods, Inc., Omaha); Associated Rice Marketing Cooperative, Durham, CA; California Rice Marketing, LLC, Sacramento, CA; The Sun Valley Rice Co., LLC, Arbuckle;

2. Delete the following company as a ''Member'' of the Certificate within the meaning of section 325.2(1) of the Regulations (15 CFR 325.2(1)): ContiGroup Companies, Inc., New York, New York;

3. Change the listings of the current Members as follows: ''AC HUMKO, Corp., Cordova, Tennessee'' should be amended to ''ACH Food Companies, Inc., Cordova, Tennessee;'' ''California Commodity Traders, LLC, Sacramento, California'' should be amended to ''California Commodity Traders, LLC, Robbins, California and its affiliate, American Commodity Company, LLC, Robbins, California;'' ''ConAgra, Inc. for the activities of KBC Trading and Processing Company, Stockton, California'' should be amended to ''ConAgra Foods, Inc., Omaha, Nebraska, and its subsidiary, Alliance Grain, Inc., Voorhees, New Jersey;'' ''Kennedy Rice Dryers, Inc., Mer Rouge, Louisiana'' should be amended to ''Kennedy Rice Dryers, L.L.C., Mer Rouge, Louisiana;'' ''Kitoku America, Inc., Davis, California (a subsidiary of Kitoku Co., Ltd.)'' should be amended to ''Kitoku America, Inc., Davis, California (a subsidiary of Kitoku Shinryo Co., Ltd.);'' ''Newfield Partners Ltd., Miami, Florida'' should be amended to ''Newfieldrice, Inc., Miami, Florida;'' ''The Connell Company, Westfield, New Jersey'' should be amended to ''The Connell Company, Berkeley Heights, New Jersey.''

Dated: January 16, 2001.

Vanessa M. Bachman,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 01–1844 Filed 1–22–01; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of intent to adopt the South Slough National Estuarine Research Reserve (NERR) Cooperative Conservation/Acquisition Plan as an amendment to the South Slough NERR Management Plan.

SUMMARY: The National Ocean Service announces the availability of the Draft Cooperative Conservation/Acquisition Plan (Plan) as an amendment to the South Slough National Estuarine Research Reserve (NERR) management plan adopted in 1994. The South Slough NERR is located in the Coos Bay Estuary in southern Oregon. The plan sets forth priorities and guidelines for acquisition and stewardship of properties within the South Slough watershed, Coos Bay watershed, and broader Columbian biogeographic region. The plan was developed to guide the use of the Gustafson bequest to the South Slough NERR which is to be used by the NERR for land acquisition purposes. An extensive public involvement process was pursued to develop the Plan.

The Cooperative Plan Advisory Committee (CPAC), made up of representatives of local business, real estate, environmental, and county, state and federal government interests was created to guide the development of the Plan. Two public meetings were held to receive comments on the Plan which were integrated into the current draft Plan.

DATES: Written comments will be accepted through March 2, 2001.

ADDRESSES: Written comments should be sent to Nina Garfield, NOAA–ERD, SSMC–4, 11th Floor, 1305 East West Hwy, Silver Spring, MD 20910.

FOR FURTHER INFORMATION AND A COPY OF THE PLAN CONTACT: Craig Cornu, Stewardship Coordinator, South Slough National Estuarine Research Reserve, P.O. Box 5417, Charleston, Oregon 97420, 541–888–2581 x 301.

SUPPLEMENTARY INFORMATION: Located in Coos Bay's South Slough inlet, the South Slough National Estuarine Research Reserve (NERR) was established in 1974 as the first in a nationwide system of coastal reserves dedicated to estuarine research, education and stewardship.

The South Slough NERR Cooperative Plan for Watershed Conservation (Plan) is intended to advance the stewardship goals of the South Slough NERR Management Plan (SSNERR, 1974) by guiding the Reserve's acquisition of new land management responsibilities. The cornerstone of the 1994 South Slough NERR Management Plan stewardship goal is ''to ensure that the Reserves ecosystems will continue to be available for long-term estuarine research, education and interpretation.'' The stewardship mission of the South Slough NERR also focuses on providing ''stewardship for key examples of estuarine ecosystem types of the lower Columbian biogeographic region.'' The proposed acquisition plan, therefore, looks at three geographic perspectives: (1) Estuarine ecosystems within or integrally linked to the present South Slough NERR administrative lands; (2) estuarine ecosystems associated with the Coos Bay watershed; and (3) estuarine ecosystems within the larger biogeographic region (the coastal area between the mouth of the Columbia River to the north and Cape Mendocino to the south).

The two driving forces behind the development of the proposed Plan are: (1) The findings of the Reserve's 1994 Management Plan, and (2) a $1.6 million bequest from a local Coos Bay resident, Chalmer Gustafson, for the sole purpose of acquiring additional land to be added to the South Slough NERR.

The proposed Plan is a program in which ''acquisition'' is defined to include a variety of actions, including fee simple purchase, easements, land donations, land exchanges, stewardship partnerships and others. It is strictly a ''willing seller'' program.

Upon approval by the South Slough NERR Management Commission, the proposed Plan will become part of the South Slough NERR Management Plan and the NERR Program of the National Oceanic and Atmospheric Administration (NOAA). To approve changes to the existing management plan, an opportunity for public comment must be provided. An extensive process of public input and comment has been undertaken for the development and review of the proposed plan. This **Federal Register** Notice provides additional opportunity for public comment.

Central to the development of the proposed Plan was the formation of the Cooperative Plan Advisory Committee (CPAC), made up of representatives of local business, real estate, environmental, and county, state and federal government interests. The CPAC had six meetings over an eight-month period in 1998–99, and presided over two public open house meetings. The CPAC, South Slough NERR staff, and the consultants worked together as a team to develop the foundation of the proposed Plan.

Through an iterative process involving South Slough NERR staff and the general public the CPAC developed acquisition goals to guide the proposed Plan development that resulted in the identification of an acquisition Planning Area comprised of seven Areas of Interest. Each Area of Interest was also assigned a level of effort or allocation of time and budget resources and property selection criteria.

Three principal acquisition goals led to the identification of the Areas of Interest and development of selection criteria: Goal (1) protect the lands within the current Reserve administrative boundary, emphasizing the need to acquire key landscape features within the South Slough watershed; Goal (2) provide diversity of

habitat, emphasizing the Reserve's need to represent bioregional habitat types as required by NOAA; and Goal (3) address specific projects, emphasizing acquisitions that allow Reserve staff to respond to opportunities that will advance South Slough NERR research, education and stewardship objectives.

The Areas of Interest in which future acquisition efforts will be focused are described as follows:

Area of Interest 1—the Winchester Creek watershed. The Winchester Creek watershed was identified as the most critical property to protecting the South Slough mission and addressing the CPAC's goals and selection criteria because of its large size and landscape relationship to the South Slough NERR. Only 10% of the acquisition resources were recommended for targeting this Area of Interest due to the existing solid partnership between Coos County (major property owner) and the South Slough NERR.

Area of Interest 2—watersheds of the east-west streams which are tributary watersheds feeding into the existing South Slough NERR boundaries. The decision was reached that controlling the headwaters of creeks draining into Reserve bottomlands is a relatively high priority for protecting Reserve habitats and for enhancing opportunities for research initiatives. Therefore, the CPAC recommended that up to 30% of the acquisition resources be available to achieve the acquisition goals for this Area of Interest.

Area of Interest 3—the north watersheds of South Slough, including several tributaries, ocean inputs, and shorelines outside the South Slough watershed. Activities in the watershed tributary to South Slough outside the NERR boundaries, and in the waters of the Coos Bay and ocean immediately outside South Slough can have impacts on conditions inside the South Slough NERR boundary. Because of small parcel sizes and numerous owners, 25% of the acquisition resources were allocated by the CPAC to this Area of Interest.

Area of Interest 4—the town of Charleston, Oregon; This Area of Interest is identified in order to seek and respond to opportunities for a South Slough NERR presence in the town, such as an interpretive facility. Up to 15% of the acquisition resources were recommended by the CPAC for this Area of Interest.

Area of Interest 5—the existing South Slough NERR ownership. These lands are identified as an Area of Interest based on the finding that water and mineral rights associated with some of these parcels are owned by parties other than the State of Oregon, and these should be dealt with either through acquisition or agreement. A resource allocation level of 5% was identified for this Area of Interest.

Area of Interest 6—Coos Bay Estuary. Within this Area of Interest, the SSNERR will dedicate resources to negotiating partnerships on lands outside the immediate South Slough area, but within the Coos Estuary. This does not preclude fee simple purchases. A resource allocation of 10% is dedicated to this Area of Interest.

Area of Interest 7—biogeographic regional opportunities. Resources will be dedicated to negotiating partnerships on public lands outside the South Slough watershed, but within the greater biogeographic region for purposes of adding under-represented habitat types to the South Slough NERR program. Only 5% of the acquisition resources as recommended by the CPAC for this Area of Interest.

The Cooperative Plan presents information gathered on the Planning Area, including general property valuation and ownership. Mineral and water rights of the existing Reserve lands are also summarized. A landscape assessment is provided for the Planning Area, with information on the occurrence of habitat types that are not presently represented in the Reserve.

The Cooperative Plan recognizes the need to leverage the Gustafson bequest using grant or other funds.

Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Research Reserves

Dated: January 17, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator, for Ocean Services and Coastal Zone Management.

[FR Doc. 01–1948 Filed 1–22–01; 8:45 am]

BILLING CODE 3510–08–P

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Tuesday, January 30, 2001 10:00 a.m.

LOCATION: Room 410, East-West Towers, 4330 East-West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Petition HP 00–3 Candle Wicks

The staff will brief the Commission on Petition HP 00–3, filed by Public Citizen and jointly from the National Apartment Association and the National Multi-Housing Council, requesting a ban of candle wicks containing lead and of candles containing such wicks.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East-West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: January 18, 2001.

Sadye E. Dunn,

Secretary.

[FR Doc. 01–2194 Filed 1–19–01; 4:08 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, January 31, 2001 10 a.m.

LOCATION: Room 410, East-West Towers, 4330 East-West Highway, Bethesda, Maryland.

STATUS: Closed to the Public—Pursuant to 5 U.S.C. 552b(f)(1) and 16 CFR 1013.4(b), (3), (7), (9) and (10) and submitted to the Federal Register pursuant to 5 U.S.C. 552b(e)(3).

MATTER TO BE CONSIDERED:

Compliance Status Report

The staff will brief the Commission on the status of various compliance matters.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East-West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: January 18, 2001.

Sadye E. Dunn,

Secretary.

[FR Doc. 01–2195 Filed 1–19–01; 3:34 pm]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Reinstatement, With Change, of a Previously Approved Information Collection for Which Approval has Expired; Submission for OMB Review; Comment Request

AGENCY: Corporation for National and Community Service.

ACTION: Notice.

The Corporation for National and Community Service (hereinafter the ''Corporation'') has submitted the

following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, (44 U.S.C. chapter 35). Copies of these individual ICRs, with applicable supporting documentation, may be obtained by calling the Corporation for National and Community Service, Mr. Michael Wagner, (202) 606–5000, extension 316. Individuals who use a telecommunications device for the deaf (TDD) may call (202) 565–2799 between 8:30 a.m. and 5 p.m. Eastern 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) 395–6929, within 30 days from the date of this publication in the **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 to 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.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Agency: Corporation for National and Community Service.

Title: AmeriCorps*VISTA Alumni Locator Card.

OMB Number: 3045–0048 parts A, B, and C.

Frequency: Continuous.

Affected Public: Individuals and households.

Number of Respondents: 90,000 for part A, 15,000 for part B, and 15,000 for part C.

Estimated Time Per Respondent: 2 minutes for part A, 3 minutes for part B, and 5 minutes for part C.

Total Burden Hours: 5,000 hours.

Total Burden Cost (capital/startup): None.

Total Annual Cost (operating/maintaining systems): None.

Description

The Corporation proposes to reinstate, with change, the AmeriCorps*VISTA Alumni Locator Card to VISTA and Americorps*VISTA Alumni home addresses requesting that they complete the card and return it to the AmeriCorps*VISTA Program Office. This change includes adding follow-up ICRs (part B and part C) to the question in Part A that states, ''I am also interested in continuing to serve in the following ways.'' The card will be used by Corporation personnel and other organizations (only with the explicit written permission of the respondent). The purpose of the card is to enhance communications between the Corporation and former AmeriCorps*VISTA members to provide them with the information on Corporation activities, and to seek their assistance in volunteer recruitment activities.

Dated: January 17, 2001.

Matt B. Dunne,

*Director, AmeriCorps*VISTA.*

[FR Doc. 01–1956 Filed 1–22–01; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0006]

Proposed Collection; Comment Request Entitled Subcontracting Plans/Subcontracting Report for Individual Contracts (Standard Form 294)

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance (9000–0006).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Subcontracting Plans/Subcontracting Reporting for Individual Contracts (Standard Form 294).

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, 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; ways to enhance the quality, utility, and clarity of the information to be collected; 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.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or obtaining a copy of the proposal, should be submitted to: General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW., Room 4035, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Rhonda Cundiff, Office of Acquisition Policy, GSA (202) 501–0044.

SUPPLEMENTARY INFORMATION:

A. Purpose

In accordance with the Small Business Act (15 U.S.C. 631, *et seq.*), contractors receiving a contract for more than $10,000 agree to have small business, small disadvantaged business, and women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns participate in the performance of the contract as far as practicable. Contractors receiving a contract or a modification to a contract expected to exceed $500,000 ($1,000,000 for construction) must submit a subcontracting plan that provides maximum practicable opportunities for the above named concerns. Specific elements required to be included in the plan are specified in section 8(d) of the Small Business Act and implemented in FAR subpart 19.7.

In conjunction with these plans, contractors must submit semiannual reports of their progress on Standard Form 294, Subcontracting Report for Individual Contracts.

B. Annual Reporting Burden

Respondents: 4,253.
Responses Per Respondent: 3.44.
Total Responses: 14,631.
Hours Per Response: 50.54.
Total Burden Hours: 739,389.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRS), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 9000–0006, Subcontracting Plans/ Subcontracting Reporting for Individual Contracts (Standard Form 294), in all correspondence.

Dated: January 17, 2001.

Al Matera,

Acting Director, Federal Acquisition Policy Division.

[FR Doc. 01–1915 Filed 1–22–01; 8:45 am]

BILLING CODE 6820–34–U

DEPARTMENT OF DEFENSE

Office of the Secretary

Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Advisory Committee on Women in the Services, Office of the Secretary, DOD.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming Quarterly Executive Committee Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Executive Committee Meeting is to review the responses to the recommendations and request for information adopted by the Committee at the DACOWITS 2000 Fall Conference.

DATES: February 12, 2001, 9:15 a.m.–4:30 p.m.

ADDRESSES: OSD Conference Room 1E801, #7, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel Susan E. Kolb, ARNGUS, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: Meeting agenda:

Monday, February 12, 2000 (Pentagon)

Time	Events/location	Official
9:15 a.m	Welcome remarks and introductions of Executive Committee Members, Ex-officios, MilReps and Service Liaisons (OSD Conference Room—1E801 #7).	Ms. McCall
9:30 a.m	Promotion and Retirement Information for O–6 and E–9 Grades (EM, RFI #1) (OSD Conference Room—1E801 #7).	USA, USN, USMC, USAF, USCG
10:30 a.m	Ground Combat Rule (Forces, RFI #1) OSD Conference Room—1E801 #7.	OSD, USA, USMC
11:30 a.m	Break.	
11:45 a.m	Lunch for Executive Committee Members, Ex-Officio's, Senior Enlisted Advisors (Executive Dining Room)—**By invitation only**.	
1:00 p.m	Passports (Room 1B870)	MAJ Wilson
2:00 p.m	Break.	
2:15 p.m	Integrated Deep Water Acquisition Project (Forces RFI #2) (OSD Conference Room—1E801 #7).	USCG
2:45 p.m	Off-Duty Employment (QoL RFI #3) (OSD Conference Room—1E801 #7)	USA, USN, USMC, USAF, USCG
3:15 p.m	Disparities Between Active Duty and Reserve Component (QoL RFI #2) (OSD Conference Room—1E801 #7).	OASD (RA) USCG
3:45 p.m	Submarine Personnel Assignment (Forces Recommendation #1) (OSD Conference Room—1E801 #7).	
4:00 p.m	Vote to adopt 2001 Mission, Vision and Goals; Review Upcoming DACOWITS events; Wrap up.	Ms. McCall
4:30 p.m	Departure from the Pengagon.	

Dated: January 17, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–1879 Filed 1–22–01; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Meeting date change of advisory committee meeting.

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture closed meeting scheduled for February 14–15, 2001, has been changed to February 13–14, 2001. The meeting will be held at Strategic Analysis Inc., 3601 Wilson Boulevard, Suite 600, Arlington, VA.

Dated: January 17, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–1880 Filed 1–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Cancellation of advisory committee meeting.

SUMMARY: The Defense Science Board (DSB) Task Force on Systems Technology for the Future U.S. Strategic Posture meeting scheduled for December 14–15, 2000, was not held.

Dated: January 17, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–1881 Filed 1–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board (DSB) Task Force on Options for Acquisition of the Advanced Targeting Pod and Advanced Technology FLIR Pod (ATP/ATFLIR) will meet in closed session on January 17–18, 2001, and January 26, 2001, at Strategic Analysis Inc., 3601 Wilson Boulevard, Arlington, VA.

The mission of the DSB is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings, the Task Force will review and evaluate the Department's options for acquisition of third generation Forward Looking Infrared (FLIR) targeting pods for the Air Force and the Navy. They will also consider the state of technical maturity of all the concepts and pods available, as well as the realm of the schedules and costs in view of other service flight program software, aircraft integration, and service specific requirements.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and the short timeframe to accomplish this review, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the first meeting of the Task Force on January 17–18, 2001.

Dated: January 17, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–1882 Filed 1–22–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Scientific Advisory Board

AGENCY: Armed Forces Institute of Pathology (AFIP), DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463), announcement is made of the following open meeting:

Name of Committee: Scientific Advisory Board (SAB).

Dates of Meeting: 31 May–1 June 2001.

Place: The Cosmos Club, 2121 Massachusetts Avenue, NW., Washington, DC (on 31 May 2001), and Armed Forces Institute of Pathology, Building 54, 14th St. & Alaska Ave., NW, Washington, DC 20306–6000 (on 1 June 2001).

Time:

8 a.m.–5 p.m. (31 May 2001).

8:30 a.m.–12:30 p.m. (1 June 2001).

FOR FURTHER INFORMATION CONTACT: Mr. Ridgely Rabold, Center for Advanced Pathology (CAP), AFIP, Building 54, Washington, DC 20306–6000, phone (202) 782–2553.

SUPPLEMENTARY INFORMATION: *General function of the board:* The Scientific Advisory Board provides scientific and professional advice and guidance on programs, policies and procedures of the AFIP.

Agenda: The Board will hear status reports from the AFIP Director, the Director of the Center for Advanced Pathology, the Director of the National Museum of Health and Medicine, and each of the pathology sub-specialty departments which the Board members will visit during the meeting.

Open board discussions: Reports will be presented on all visited departments. The reports will consist of findings, recommended areas of further research, and suggested solutions. New trends and/or technologies will be discussed and goals established. The meeting is open to the public.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–2011 Filed 1–22–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: U.S. Army Research Laboratory, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6 announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington. DC.

This patent covers a wide variety of technical arts including. A microbolometer constructed of biological and non-biological components using proteins with greater sensitivity to imaging, as the infrared radiation detectors.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and Section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Hybridized Biological Microbolometer.

Inventors: Krishna Deb.

Patent Number: 6,160,257.

Issued Date: December 12, 2000.

FOR FURTHER INFORMATION CONTACT: Norma Cammaratta, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Adelphi, MD 20783–1187 tel: (301) 394–2952; fax: (301) 394–5818.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register, Liaison Officer.

[FR Doc. 01–2012 Filed 1–22–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability of U.S. Patents for Non-Exclusive, Exclusive, or Partially-Exclusive Licensing

AGENCY: Army Research Laboratory, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability of the following U.S. patent for non-exclusive, partially exclusive or exclusive licensing. The listed patent has been assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

This patent covers a wide variety of technical arts including: A laser-based photoacoustic sensor that performs trace detection and differentiation of atmospheric NO and NO_2 in order to obtain respective concentrations for NO and NO_2 using photoacoustic spectroscopy.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 1986 (Pub. L. 99–502) and section 207 of Title 35, United States Code, the Department of the Army as represented by the U.S. Army Research Laboratory wish to license the U.S. patent listed below in a non-exclusive, exclusive or partially exclusive manner to any party interested in manufacturing, using, and/or selling devices or processes covered by this patent.

Title: Laser-Based Photoacoustic Sensor and Method for Trace Detection and Differentiation of Atmospheric NO and NO_2

Inventors: Rosario C. Sausa.

Patent Number: 6,160,255.

Issued Date: December 12, 2000.

FOR FURTHER INFORMATION CONTACT: Michael Rausa, Technology Transfer Office, AMSRL–CS–TT, U.S. Army Research Laboratory, Aberdeen Proving Ground, MD 21005–5055 tel: (410) 278–5028; fax: (410) 278–5820.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 01–2010 Filed 1–22–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent to Prepare a Draft Environmental Impact Statement/Environmental Impact Report for a Permit Application for a Proposed Marine Terminal Expansion at Pier J South in the Port of Long Beach, Los Angeles County, California

AGENCY: U.S. Army Corps of Engineers, Los Angeles District, DOD.

ACTION: Notice of intent.

SUMMARY: The U.S. Army Corps of Engineers (Corps) is considering an application for section 404 and section 10 permits to conduct dredge and fill activities to construct a 385-acre marine terminal including development of 270 acres of existing land and the placement of dredged material in open water to create 115 acres of new land.

The primary Federal concern is the dredging and discharging of materials within waters of the United States and potential impacts on the human environment. Therefore, in accordance with the National Environmental Policy Act (NEPA), the Corps is requiring the preparation of an Environmental Impact Statement (EIS) prior to consideration of any permit action. The Corps may ultimately make a determination to permit or deny the above project, or permit or deny modified versions of the above project.

Pursuant to the California Environmental Quality Act (CEQA), the Port of Long Beach will serve as Lead Agency for the preparation of an Environmental Impact Report (EIR) for its consideration of development approvals within its jurisdiction. The Corps and the Port of Long Beach have agreed to jointly prepare a Draft EIS/EIR in order to optimize efficiency and avoid duplication. The Draft EIS/EIR is intended to be sufficient in scope to address both the Federal and the state and local requirements and environmental issues concerning the proposed activities and permit approvals.

FOR FURTHER INFORMATION CONTACT: Copies of comments and questions regarding scoping of the Draft EIS/EIR may be addressed to: U.S. Army Corps of Engineers, Los Angeles District, Regulatory Branch, ATTN: File Number 2001–00262–AOA, P.O. Box 532711, Los Angeles, California 90053–2325. Copies should also be sent to Stacey Crouch, Port of Long Beach, P.O. Box 570, Long Beach, CA 90801–0570. Phone messages or questions will be handled by Dr. Aaron O. Allen at 213–452–3413.

SUPPLEMENTARY INFORMATION:

Project Site

The proposed project is located in the southern portion of the Port of Long Beach, California. the proposed dredge and fill activities would take place at Pier J South and would involve consolidating the existing Pacific Container Terminal and the Maersk Terminal to create a single 385-acre marine terminal to accommodate increasing cargo volumes being generated by the new generation of larger container vessels.

Proposed Action

The project applicant, the Port of Long Beach, proposes to permanently impact approximately 115 acres of open-water habitat for dredge and fill activities for the construction of a new 385-acre marine terminal in the Port of Long Beach. The proposed project would take place in three phases over an 8.5-year period. Phase 1 would require dredging approximately 2.5 million cubic yards of sediment from other areas in the Port of Long Beach, placement of the dredged material to create 31 acres of new land southwest and adjacent to Pier J, construction of a 3,000-foot-long rock dike and dredging a 100-foot by 2,000-foot area of the main channel from –66 MLLW to –76 MLLW to allow for deep-draft vessels to navigate safely past the proposed 31-acre fill area. Phase 2 would require dredging 2.7 million cubic yards from other areas in the Port of Long Beach, dredging and excavating 1.8 million cubic yards of material to remove 15 acres of existing land at Pier F, placement of the dredged and excavated material to create 35 acres of new land west of and adjacent to Pier J, construction of a 4,600-foot-long rock dike and construction of a 1,750-foot-long pile-supported concrete wharf extension. Phase 3 would include dredging approximately 4.5 million cubic yards from other areas in the Port of Long Beach, placement of the dredged material to create 49 acres of new land on the east side of Pier J and construction of 900-foot-long rock dike. All of the above construction phases would include the demolition of existing terminal facilities including berths F–203, F–204 and an existing wharf at berths J–266 and J–270 as well as existing buildings and infrastructure in upland areas. As part of the proposed 385-acre project, new terminal facilities would be constructed including 10,000 linear feet of additional rail loading tracks, 20,000 linear feet of storage tracks, storm drain system, pavement, lighting, utilities, administrative buildings, fire protection, parking lots, roads, communications and maintenance buildings.

Issues

There are several potential environmental issues that will be addressed in the EIS/EIR. Additional issues may be identified during the scoping process. Issues initially identified as potentially significant include:

1. Geological issues including dredging and stabilization of fill areas.

2. Potential impacts to marine biological resources.

3. Impacts to air quality.

4. Traffic, including navigation issues, and transportation related impacts.

5. Potential to noise impacts.

6. Impacts to public utilities and services.

7. Impact to aesthetic resources.

8. Potential impacts on public health and safety.

9. Cumulative impacts.

Alternatives

Several alternatives are being considered for the proposed marine terminal. These alternatives will be further formulated and developed during the scoping process and an appropriate range of alternatives, including the no federal action alternative, will be considered in the EIS/EIR.

Scoping Process

A public meeting will be held to receive public comment and assess public concerns regarding the appropriate scope and preparation of the Draft EIS/EIR. Participation in the public meeting by federal, state and local agencies and other interested organizations and persons is encouraged.

The Corps of Engineers will also be consulting with the U.S. Fish and Wildlife Service under the Endangered Species Act and Fish and Wildlife Coordination Act, and with the National Marine Fisheries Service under the Magnuson-Stevens Act. Additionally, the EIS/EIR will assess the consistency of the proposed Action with the Coastal Zone Management Act and potential water quality impacts pursuant to Section 401 of the Clean Water Act.

The public scoping meeting for the Draft EIS/EIR will be held at the Port of Long Beach on February 7, 2001, and will start at 7:00 p.m. Written comments will be received until February 28, 2001.

Availability of the Draft EIS

The Draft EIS/EIR is expected to be published and circulated in April of 2001, and a Public Hearing will be held after its publication.

Dated: January 8, 2001.

John P. Carroll,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 01–2013 Filed 1–22–01; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 22, 2001.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address Lauren_Wittenberg@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.,* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 17, 2001.

John Tressler,

Leader, Regulatory Information Management, Office of the Chief Information Officer.

Office of Special Education and Rehabilitative Services

Type of Review: Revision of a currently approved collection.

Title: Independent Living Services for Older Individuals Who are Blind (SC).

Frequency: Annually.

Affected Public: Businesses or other for-profit Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 55.

Burden Hours: 440.

Abstract: The new form will be used to evaluate and monitor Independent Living Services for Older Individuals who are blind related to; (a) The type of services provided and the number persons receiving each type of service, (b) the amounts and percentage of funds reported on each type of service provided.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346.

Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to CAREY at (202) 708–6287. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–1929 Filed 1–22–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF EDUCATION

[CFDA No: 84.031]

Office of Postsecondary Education; Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, and Alaska Native and Native Hawaiian-Serving Institutions Programs; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Programs: The Strengthening Institutions, American Indian Tribally Controlled Colleges and Universities, and Alaska Native and Native Hawaiian-Serving Institutions Programs are all authorized under Title III, Part A of the Higher Education Act of 1965, as amended (HEA). These programs will be referred to collectively in this notice as the ''Title III Part A programs.'' Each provides grants to eligible institutions of higher education

to enable them to improve their academic quality, institutional management, and fiscal stability, and increase their self-sufficiency. The grants thereby support the elements of the National Education Goals that are relevant to these institutions' unique missions.

Notes: 1. A grantee under the Developing Hispanic-Serving Institutions (HSI) Program authorized under Title V of the HEA may not simultaneously receive a grant under any part of the Title III Part A programs. Further, an HSI Program grantee may not give up that grant in order to apply for a grant under any Title III Part A program. Therefore, a current HSI Program grantee may not apply for a grant under any Title III Part A program under this notice.

2. An institution that does not fall within the limitation described in NOTE 1 may apply for a fiscal year 2001 grant under any Title III Part A program for which it qualifies as well as under the HSI Program. However, we may award to such an applicant only one grant under any of those programs. Accordingly, an institution applying for a grant under more than one program must indicate that fact in each application; further, the institution must indicate which grant it prefers to receive in a case where reviewers score the applications within the funding range under more than one program.

Applications Available: January 31, 2001.

Deadline for Transmittal of Applications: March 23, 2001 for development and planning grants under each of the Title III Part A programs.

Deadline for Intergovernmental Review: May 23, 2001 for planning and development grants under each of the Title III Part A programs.

Available Funds: We estimate that approximately $13,000,000 will be available for new development grants under the Strengthening Institutions Program and approximately $9,000,000 for new development grants under the American Indian Tribally Controlled Colleges and Universities Program, of which $5,000,000 may be used for construction and renovation of classrooms, libraries, laboratories or other instructional facilities. Institutions that are currently receiving grants under the program, as part of their budget request for fiscal year 2001 funds, may request funds for construction and renovations though the Secretary will give priority to institutions that do not currently have a grant. We estimate that up to $1,000,000 may be available for new projects under the Alaska Native and Native Hawaiian-Serving Institutions Program.

Estimated Range of Awards: $330,000–$365,000 per year for 5-year development grants under the Strengthening Institutions Program; $30,000–$35,000 for 1-year planning grants under the Title III Part A Programs; $800,000 to $1,200,000 for 1-year construction and renovation grants and $347,000–$395,000 per year for 5-year development grants under the American Indian Tribally Controlled Colleges and Universities Program; and $347,000–$395,000 per year for 5-year development grants under the Alaska Native and Native Hawaiian-Serving Institutions Program.

Estimated Average Size of Awards: $350,000 per year for 5-year development grants under the Strengthening Institutions Program; $32,500 for 1-year planning grants under the Title III Part A Programs; $1,000,000 per grant for 1-year construction and renovation grants and $371,000 per year for 5-year development grants under the American Indian Tribally Controlled Colleges and Universities Program; and $371,000 per year for 5-year development grants under the Alaska Native and Native Hawaiian-Serving Institutions Program.

Estimated Number of Awards: 14 planning grants under the Title III Part A programs; 35 development grants under the Strengthening Institutions Program; 5 construction and renovation grants and 10 development grants under the American Indian Tribally Controlled Colleges and Universities Program; and 2 development grants under the Alaska Native and Native Hawaiian-Serving Institutions Program.

Project Period: 60 months for development grants and 12 months for planning grants.

Note: The Department is not bound by any estimates in this notice. Applicants should periodically check the Title III Part A web site for further information on these programs. The address is: http://www.ed.gov/offices/OPE/HEP/idues/title3a.html

Special Funding Considerations: In tie-breaking situations described in 34 CFR 607.23 of the Strengthening Institutions Program regulations, we award one additional point to an applicant institution that has an endowment fund for which the 1997–1998 market value per full-time equivalent (FTE) student was less than the comparable average per FTE student at similar type institutions. We also award one additional point to an applicant institution that had 1997–1998 expenditures for library materials per FTE student that were less than the comparable average per FTE student at similar type institutions.

For the purpose of these funding considerations, an applicant must demonstrate that the market value of its endowment fund per FTE student, and library expenditures per FTE student, were less than the national averages for the year 1997–1998.

The Department has changed the way it collects information for determining the value of endowment funds and total expenditures for library materials. As a result of that change, we do not have base year data beyond 1996–1997. In order to award grants in a timely manner, however, we will calculate the averages using data submitted by applicants.

If a tie remains, after applying the additional point or points, we determine that an institution will receive a grant according to a combined ranking of endowment values per FTE student and library expenditures per FTE student. The institutions with the lowest combined library expenditures per FTE student and endowment values per FTE student are ranked higher in numerical order.

Applicable Regulations: (a) The Department of Education General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 82, 85, 86, 97, 98, and 99; (b) the regulations for this program in 34 CFR Part 607. Amendments to 34 CFR Part 607 relating to the American Indian Tribally Controlled Colleges and Universities and Alaska Native and Native-Hawaiian-Serving Institutions Programs were published in the **Federal Register** of December 15, 1999, 64 FR 70146, 70153–70155.

For Applications or Information Contact: Darlene B. Collins, U.S. Department of Education, 1990 K Street, NW, 6th Floor, Washington, DC 20006–8513. Telephone (202) 502–7777. e-mail: darlene_collins@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.

Individuals with disabilities may obtain this document in an alternative format (*e.g.,* Braille, large print, audio tape, or computer diskette) on request to the contact person listed under *For Applications or Further Information Contact.*

Individuals with disabilities may obtain a copy of the application package in an alternative format, also, by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Submission of Grant Applications

Application Procedures

Note: Some of the procedures in these instructions for transmitting application

differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedures 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

We are continuing our pilot project under which applicants for planning grants under the Title III Part A programs can submit their applications electronically. The CFDA numbers for these programs are: 84.031A, N, T, and W. This year, we are extending our pilot project to include development grant applications from the American Indian Tribally Controlled Colleges and Universities, and the Alaska Native and Native Hawaiian-Serving Institutions Programs. Therefore, planning grant applicants under any of the Title III Part A programs and development grant applicants under the American Indian Tribally Controlled Colleges and Universities, and the Alaska Native and the Native Hawaiian-Serving Institutions Programs may submit their applications to us in either electronic or paper format.

Institutions submitting a development grant application under the Strengthening Institutions program, however, must submit a paper application.

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 strictly 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 grant documents electronically including the Application for Federal 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 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 at a later date that you give us original signatures on all other forms.

You may access the electronic grant application for the Title III Part A programs at: *http://e-grants.ed.gov*

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) in the application package.

Electronic Access to this Document: You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocf.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use PDF, you must have the Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html.

Program Authority 20 U.S.C. 1057.

Dated: January 17, 2001.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 01–1874 Filed 1–22–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133D]

Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research; Notice Inviting Applications and Pre-Application for a New Disability and Rehabilitation Research Projects for Fiscal Year 2001–2002

AGENCY: Department of Education.

ACTION: Correction Notice.

SUMMARY: On January 8, 2001 a notice inviting applications for new awards for a National Center on Accessible Education-Based Information Technology and the Disability and Business Technical Assistance Centers for Fiscal Years (FY) 2001–2002 was published in the **Federal Register** (66 FR 1480). This notice corrects the CFDA number listed under ''Funding Priority'' for the National Center on Accessible Education-Based Information Technology and the Disability (84.133D) and Business Technical Assistance Centers (84.133–D8). The CFDA number is corrected to read the National Center on Accessible Education-Based Information Technology and the Disability (84.133–D3) and Business Technical Assistance Centers (84.133–D2).

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) 205–9136. Internet: Donna_Nangle@ed.gov

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.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register,** in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the preceding sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal**

Register. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

(Catalog of Federal Domestic Assistance Numbers: 84.133D, Disability and Rehabilitation Research Projects)

Program Authority: 29 U.S.C. 762(g) and 764(b)(4).

Dated: January 17, 2001.

Judith E. Heumann,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 01–1875 Filed 1–22–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Office of Science; Office of Science Financial Assistance Program Notice 01–20; Microbial Cell Project

AGENCY: U.S. Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Offices of Biological and Environmental Research (OBER), Basic Energy Sciences (BES), and Advanced Scientific Computing Research (ASCR) of the Office of Science (SC), U.S. Department of Energy, hereby announce their interest in receiving applications for research grants in support of the Microbial Cell Project (MCP), an effort to build on information from completely sequenced microbial genomes to achieve a more comprehensive understanding of the functioning of a prokaryotic microbial cell. This notice encourages applications from interdisciplinary scientific partnerships or teams that include such disciplines as microbiology, molecular biology, applied mathematics, biochemistry, structural and computational biology, as well as physics, chemistry, engineering and computer science. The MCP is focused on fundamental research to understand those reactions, pathways, and regulatory networks that are involved in environmental processes of relevance to the DOE, specifically the bioremediation of metals and radionuclides, cellulose degradation, carbon sequestration, and the production, conversion, or conservation of energy (e.g. fuels, chemicals, and chemical feedstocks). Research areas of particular interest that should be integrated into an interdisciplinary approach can include studies of: (1) Functional analysis of the microbial proteome; (2) biochemical and physiological characterization; (3) intracellular localization; and (4) cell modeling. This announcement represents a planned first step in an ambitious effort to understand the functions of all the macromolecular components in a microbial cell, to understand all their interactions as they form pathways and processes that are related to DOE-relevant activities, and to eventually build predictive models for microbial activities that address DOE mission needs.

DATES: Preapplications referencing Program Notice 01–20 should be received by February 21, 2001. Earlier submissions will be gladly accepted. A response to timely preapplications will be communicated to the applicant by March 9, 2001.

Formal applications in response to this notice should be received by 4:30 p.m., E.D.T., April 24, 2001, to be accepted for merit review and funding in FY 2001.

ADDRESSES: Preapplications referencing Program Notice 01–20 should be sent to Dr. Daniel W. Drell, Office of Biological and Environmental Research, SC–72, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290; e-mail is encouraged (but not required) for submitting preapplications using the following address: joanne.corcoran@science.doe.gov.

Formal applications referencing Program Notice 01–20, should be forwarded to: U.S. Department of Energy, Office of Science, Grants and Contracts Division, SC–64, 19901 Germantown Road, Germantown, MD 20874–1290, ATTN: Program Notice 01–20. This address must be used when submitting applications by U.S. Postal Service Express Mail or any commercial mail delivery service, or when hand-carried by the applicant.

FOR FURTHER INFORMATION CONTACT:

Dr. Daniel W. Drell, SC–72, Office of Biological and Environmental Research, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–4742; e-mail: *daniel.drell@science.doe.gov*

Dr. Gregory L. Dilworth, SC–143, Energy Biosciences Program, Office of Basic Energy Sciences, Office of Science, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290, telephone: (301) 903–2873; e-mail: *greg.dilworth@science.doe.gov*

The full text of Program Notice 01–20 is available via the World Wide Web using the following web site address: *http://www.sc.doe.gov/production/grants/grants.html.*

SUPPLEMENTARY INFORMATION: The Microbial Cell Project (MCP) supports key DOE missions by building on the successful DOE Microbial Genome Program that has furnished microbial DNA sequence information on microbes relevant to environmental remediation, global carbon sequestration (e.g. CO2 fixation), complex polymer degradation (e.g. cellulose and lignins), and energy production (fuels, chemicals, and chemical feedstocks). These microbial genome sequences provide a finite set of ''working parts'' for a cell; the challenge now is to understand how these parts are assembled into functional pathways and networks to accomplish activities of interest to the DOE (specifically those identified in the preceding sentence.) The traditional reductionist experimental approach has defined specific steps or stages within many physiological processes; however, the availability of whole genomes affords the opportunity to integrate these individual pathways into a larger physiological or whole organism framework. The MCP seeks to integrate available information about individual processes and regulatory complexes to understand the intracellular environment in which these pathways and networks exist and function. The DOE Microbial Cell Project is part of a coordinated Federal effort called the Microbe Project involving elements from several other Federal agencies.

This notice strongly encourages interdisciplinary teams that assemble a range of expertise into an integrated approach to characterizing the structure and function of a prokaryotic cell. The purpose of encouraging interdisciplinary teams is to combine diverse scientific talents into a coordinated program and thus it is very important that a coordination plan describing how the whole exceeds the sum of the parts be included in the application. In addition, the MCP seeks to promote research on the internal organization and complex control systems that allow microbial cells to respond to their environment, to make unique products, and to carry out specialized functions relevant to DOE missions in the bioremediation of metals and radionuclides, cellulose degradation, carbon sequestration, and the production, conversion, or conservation of energy. This effort will exploit a range of approaches, among them: (1) Functional analyses of proteins and protein interactions; (2) metabolic and flux measurements; (3) intracellular imaging technologies for

the localization and quantitation of proteins and other cellular constituents; and (4) computational modeling to represent the activities of a cell in ways that permit testable predictions of microbial cell functions.

Preference will be given to those applications selecting prokaryotic microbes that satisfy all of the following criteria: (a) The chosen microbe is of DOE mission-relevance, i.e., can bioremediate metals and radionuclides, sequesters environmental carbon, e.g., can fix CO_2, degrades significant biopolymers such as celluloses and lignins, or generates energy sources, fuels, chemicals, and chemical feedstocks. Strict pathogens or parasites will not be considered; (b) complete or near-complete genomic sequencing information from the chosen microbe exists in the public domain; (c) the chosen microbe grows sufficiently in culture to enable experimental work; d() the chosen microbe can easily be genetically transformed; and (e) expression vectors are available. Of particular importance will be a clear description of a coherent plan for making efficient use of the available sequence information. (See *http://www.ornl.gov/microbialgenomes/organisms.html* for a current list of microbes that have been and are being sequenced.) If a group proposes to carry out work under this notice on a specific microbe, it should be prepared to justify the merits of the chosen target organism to the peer review process. It is expected that each project supported by the MCP will be focused on an energy-related or environmentally relevant microbe (or group of microbes) for which extensive sequence information is known, although applicants may take advantage of relevant information derived from other microbes that are not considered DOE targets, *e.g. E. coli* or yeast. While integrated and multidisciplinary consortia are strongly encouraged, exceptional applications from individual investigators focused on more confined aspects or areas may be considered.

This program notice encourages research applications that integrate the following highly interrelated thrusts, using a single, sequenced, DOE-relevant microbe as the unifying cornerstone. For the purposes of this notice, the interests of DOE are the bioremediation of metals and radionuclides, cellulose degradation, carbon sequestration, and energy production, conversion, or conservation. Integrated applications should include a careful description of how the project's proposed interdisciplinary research team will integrate all or most of the following components into a single research project. These components are:

(1) *Functional analysis of the microbial proteome.* It is presently difficult, and in many instances impossible, to predict biological function from microbial genomic sequence data, even when the entire genome has been sequenced and is available for inspection. Applications should discuss better ways to exploit sequence data from novel open reading frames, and even whole genomes, to characterize the pathways and networks that mediate microbial physiology and function, and how they are regulated under different environmental conditions. This effort can take place at different levels of resolution: A medium-resolution (less detailed) analysis of novel or unannotated genes and open reading frames across an entire sequenced microbial genome or a higher-resolution (more comprehensive) analysis of novel or unannotated genes and open reading frames that participate in one or a few processes supporting the stated interests of DOE. The research emphasis should be on whole genome approaches to functional prediction, functional regulation, functional categorization (at medium resolution), or on specific systems, *e.g.*, redox enzymes, metal reductases, or hydrogen or methane production components (at high resolution). Applications may include the use of new high-throughput technologies/tools to better understand expression patterns and protein profiles, as well as the exploitation of functional manipulations to better understand pathways relevant to the DOE. Identification of domains in gene sequences that mediate protein-protein interactions that are part of these kinds of pathways are also of great interest. An explicit intention of this notice is to promote research on DOE mission relevant protein complexes, pathways, and processes and their biochemistry, physiology and regulation as a basis for understanding function. Studies on individual proteins are not encouraged.

(2) *Biochemical and physiological characterization.* The MCP seeks to go beyond identifying discrete genes and proteins that participate in a few isolated enzymatic reactions; the interest is in defining the global interactions among multiple cellular components. How do these proteins, metabolites, or cellular biomolecules interact with each other to form functional networks or linkages between the constituents of traditionally described modular pathways? There is an acute need to know more about the quantitative intracellular physiology and biochemistry of a microbial cell's constituents, e.g., assembly dynamics, kinetics, and fluxes of relevant proteins and cytoplasmic components under *in vivo* conditions. Applications may include the use of new high-throughput technologies/tools to better quantify protein biochemistry inside a cell in response to different conditions and to better understand regulatory molecules and noncoding regulatory sequences that affect pathways relevant to the DOE. Of particular interest, are explorations of the physical mechanisms of intracellular communication and information exchange that underlie the DOE mission relevant processes listed earlier in this notice. This notice does not encourage research applications directed toward microarray or ''gene-chip'' development or construction; however, such arrays or chips may be used to address the aims of this notice.

(3) *Intracellular localization.* A microbial cell is not a simple ''bag of dilute saline'' in which proteins freely diffuse and interact in ways solely governed by simple diffusion. Although this assumption (of simplicity) has proven useful in studying protein biochemistry and reaction kinetics at the level of single enzymes, it does not represent the internal reality of even a simple microbial cell. This notice encourages research on the intracellular physico-chemical environment, including the intracellular distribution, localization, movement, temporal variations, and topological or mechanical constraints on physiological function of microbial proteins involved in reaction pathways and networks that are of interest to DOE. Technologies for imaging microbial cell constituents in real time are also of interest.

(4) *Cell Modeling.* It is not presently possible to model every single interaction in a cell, much less represent its overlapping but distinct networks and pathways in sufficient detail to capture most its complexity. This notice encourages research applications to develop and explore computational models of those networks and pathways of interest to the DOE. Computational models are sought to simulate the intracellular environment at different levels of resolution: (a) At medium resolution, i.e., modeling most of a cell's proteome, to generate a rough or approximate predictive understanding of the ''minimal metabolic scaffold'' for processes such as methanogenesis, photosynthesis, or metal reduction, or (b) at higher resolution: i.e. for a detailed quantitative representation of a relevant physiological process to optimize or manipulate a particular reaction, and to accurately predict

responses to environmental perturbations. It is important that any proposed software development activities be based on modular design, which enables upgrades and expansions to the predictive modeling capability as more quantitative data about protein biochemistry, physiology, and intracellular topology becomes available. Of particular importance is that modeling efforts not be conducted in isolation from the biological ''reality'' derived from experimental research. Of special interest will be computational models that would effectively utilize investments made by the Office of Science in massively parallel, high-performance computing hardware and software libraries. It is expected that computational tools developed under these awards will be widely distributed to the scientific community (*e.g.* via a WWW site) and that some level of user support will be available. Applicants with an interest in this thrust area are strongly encouraged to explore the companion Program Notice 01–21, Advanced Modeling and Simulation of Biological Systems, which encourages the submission of research applications that emphasize the applied mathematics and computer science advances needed to provide the computational modeling foundation upon which this notice is focused.

Preapplications

Potential applicants are strongly encouraged to submit a brief preapplication that consists of two to three pages of narrative describing the research objectives, the technical approach(s), and the proposed team members and their expertise. The intent in requesting a preapplication is to save the time and effort of applicants in preparing and submitting a formal project application that may be inappropriate for the program. Preapplications will be reviewed relative to the scope and research needs of the Microbial Cell Project, as outlined in the summary paragraph and in the **SUPPLEMENTARY INFORMATION.** The preapplication should identify, on the cover sheet, the title of the project, the institution, principal investigator name, telephone, fax, and e-mail address. No budget information or biographical data need be included, nor is an institutional endorsement necessary. A response to timely preapplications will be communicated to the Principal Investigator by March 9, 2001.

Program Funding

It is anticipated that up to $6 million will be available for all MCP awards in Fiscal Year 2001. It is anticipated that at least 4 awards will be made to interdisciplinary scientific teams, contingent on satisfactory peer review, the availability of funds, and the size of the awards. Multiple year funding is expected, also contingent on availability of funds and progress of the research; pending the availability of future funding, it is anticipated that this initiative will reflect a long term commitment to understanding the workings of a microbial cell. Awards to interdisciplinary teams are expected to range from $0.5 million to $1.5 million per year, total costs, with terms of one to three years. (A number of awards in the $100–200 thousand range, total annual costs, may be made to exceptional individual investigator applications). The DOE is under no obligation to pay for any costs associated with the preparation or submission of an application. DOE reserves the right to fund, in whole or in part, any, all, or none of the applications submitted in response to this Notice. Applications received by the Office of Science under its normal competitive application mechanisms may also be deemed appropriate for consideration under this announcement and may be funded under this program.

Merit Review

Applications will be subjected to scientific merit review (peer review) and will be evaluated against the following evaluation criteria which are listed in descending order of importance codified at 10 CFR 605.10(d):

1. Scientific and/or Technical Merit of the Project;
2. Appropriateness of the Proposed Method or Approach;
3. Competency of Applicant's Personnel and Adequacy of Proposed Resources;
4. Reasonableness and Appropriateness of the Proposed Budget.

In addition to the above evaluation criteria, applications will also be evaluated on the following:

5. The robustness of the organizational framework and its coordination plan if a consortium is proposed.

The evaluation will include program policy factors such as the relevance of the proposed research to the terms of the announcement and the agency's programmatic needs. Note, external peer reviewers are selected with regard to both their scientific expertise and the absence of conflict-of-interest issues. Non-federal reviewers will often be used, and submission of an application constitutes agreement that this is acceptable to the investigator(s) and the submitting institution.

Submission Information

The Project Description must be 25 pages or less, exclusive of attachments. It must contain an abstract or project summary on a separate page with the name of the applicant, mailing address, phone FAX and E-mail listed. The application must include letters of intent from collaborators (briefly describing the intended contribution of each to the research), and short curriculum vitaes, consistent with NIH guidelines, for the applicant and any co-PIs.

To provide a consistent format for the submission, review and solicitation of grant applications submitted under this notice, the preparation and submission of grant applications must follow the guidelines given in the Application Guide for the Office of Science Financial Assistance Program, 10 CFR part 605. Access to SC's Financial Assistance Application Guide is possible via the World Wide Web at: *http://www.sc.doe.gov/production/grants/grants.html.*

DOE policy requires that potential applicants adhere to 10 CFR part 745 ''Protection of Human Subjects'' (if applicable), or such later revision of those guidelines as may be published in the **Federal Register**.

The Office of Science, as part of its grant regulations (10 CFR 605.11(b)) requires that a grantee funded by SC and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the NIH ''Guidelines for Research Involving Recombinant DNA Molecules,'' which is available via the World Wide Web at: *http://www.niehs.nih.gov/odhsb/biosafe/nih/rdna-apr98.pdf,* (59 FR 34496, July 5, 1994), or such later revision of those guidelines as may be published in the **Federal Register**.

Other useful web sites include:

MCP Home Page—*http://microbialcellproject.org*

Microbial Genome Program Home Page—*http://www.er.doe.gov/production/ober/microbial.html*

DOE Joint Genome Institute Microbial Web Page—*http://www.jgi.doe.gov/JGI_microbial/html/*

GenBank Home Page—*http://www.ncbi.nlm.nih.gov/*

Human Genome Home Page—*http://www.ornl.gov/hgmis*

(The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605)

Issued in Washington, DC on January 16, 2001.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 01–2053 Filed 1–22–01; 8:45 am]

BILLING CODE 6450–01–U

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register.**

DATES: Wednesday, February 14, 2001: 6:00 p.m.–9:30 p.m.

ADDRESSES: Garden Plaza Hotel, 215 South Illinois Avenue, Oak Ridge, TN.

FOR FURTHER INFORMATION CONTACT: Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831. Phone (865) 576–4025; Fax (865) 576–5333 or e-mail: *halseypj@oro.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda: 1. Status of Management and Integration Contractor Activities Mr. Joe Nemec, President, Bechtel Jacobs Company LLC.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments at the end of the meeting.

Minutes: Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 7:30 a.m. and 5:30 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM–922, Oak Ridge, TN 37831, or by calling her at (865) 576–4025.

Issued at Washington, DC, on January 18, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–2052 Filed 1–22–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–207–000]

Boundary Gas Inc.; Notice of Proposed Changes in FERC Gas Tariff

January 17, 2001.

Take notice that on January 3, 2001, Boundary Gas Inc., (Boundary) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets:

To become effective March 25, 2000:

Fourth Revised Sheet No. 4
Fifth Revised Sheet No. 5
Fourth Revised Sheet No. 9
Fourth Revised Sheet No. 26
First Revised Sheet No. 27
Fourth Revised Sheet No. 28
Fourth Revised Sheet No. 30

To become effective September 20, 2000:

Fifth Revised Sheet No. 4
Sixth Revised Sheet No. 5
Fifth Revised Sheet No. 9
Fifth Revised Sheet No. 26
First Revised Sheet No. 29
Fifth Revised Sheet No. 30

To become effective December 27, 2000:

Second Revised Sheet No. 3
Seventh Revised Sheet No. 5
Third Revised Sheet No. 6
Second Revised Sheet No. 15
First Revised Sheet No. 19
Original Sheet No. 19A
First Revised Sheet No. 20
Original Sheet No. 20A
First Revised Sheet No. 21

Boundary states that the primary purpose of this filing is to revise Boundary's tariff to reflect recent changes to the Boundary Phase 2 Gas Sales Agreement (Sales Agreement), which is incorporated into Boundary's tariff. Specifically, this filing is designed to reflect recent changes in certain of Boundary's customers and a change in Boundary's corporate structure.

Boundary states that copies of this filing were served upon each of Boundary's customers and the state commissions in Connecticut, Massachusetts, New Hampshire, New Jersey, New York and Rhode Island.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protect with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with 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 and protests 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. 01–1918 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–026]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

January 17, 2001.

Take notice that on January 9, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, Substitute Fourteenth Revised Sheet No. 66, proposed to become effective on January 1, 2001.

Northern states that the above sheet is being filed to correct the volume previously reported for the negotiated rate transaction with OGE Energy Resources, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines. The previously filed Sheet No. 66 incorrectly identified the volume

as 4,100. The corrected volume is reflected on Substitute Fourteenth Revised Sheet No. 66. No other change has been made to this tariff sheet.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such 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. 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 and protests 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. 01–1919 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–8–000]

Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff and Filing of Non-Conforming Service Agreement

January 17, 2001.

Take notice that on January 9, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing and acceptance a Rate Schedule TF–1 non-conforming service agreement. Northwest also tendered as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, to be effective February 9, 2001:

Eighth Revised Sheet No. 364
Sixth Revised Sheet No. 365
Second Revised Sheet No. 366

Northwest states that the service agreement contains a scheduling priority provision imposing subordinate primary corridor rights and that the tariff sheets are submitted to add such agreement to the list of non-conforming service agreements contained in Northwest's tariff and to update that list to reflect other minor changes.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests 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. 01–1927 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01–7–000]

Overthrust Pipeline Company; Notice of Tariff Filing

January 17, 2001.

Take notice that on January 9, 2001, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets as listed on Appendix A to the filing, to be effective February 12, 2001.

Overthurst states that due to a change in Overthrust's management personnel, changes were proposed to modify the reference to the person by whom Overthrust's tariff has been issued. In addition, miscellaneous tariff ''clean-up'' revisions were made.

Overthrust states that a copy of this filing has been served upon its customers, the Public Service Commission of Utah, and the Public Service Commission of Wyoming.

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, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests 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. 01–1928 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–311–001]

San Diego Gas & Electric Company; Notice of Filing

January 17, 2001.

Take notice that on December 6, 2000, San Diego Gas & Electric Company (SDG&E), tendered for filing a revised service agreement between SDG&E and the City of Escondido for service under SDG&E's Open Access Distribution Tariff.

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, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before January 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to

the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance). Comments and protests 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. 01–1917 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1523–060, et al.]

Central Hudson Gas & Electric Corporation, et al.; Electric Rate and Corporate Regulation Filings

January 16, 2001.

Take notice that the following filings have been made with the Commission:

1. Central Hudson Gas & Electric Corporation; Consolidated Edison Company of New York, Inc.; Long Island Light Company; New York State Electric & Gas Corporation; Niagara Mohawk Power Corporation; Orange and Rockland Utilities, Inc.; and Rochester Gas and Electric Corporation

[Docket Nos. ER97–1523–060; OA97–470–055; and ER97–4234–053 (not consolidated)]

Take notice that on January 9, 2000, the Members of the Transmission Owners Committee of the Energy Association of New York State, formerly known as the Member Systems of the New York Power Pool (Member Systems), tendered for filing a compliance report disclosing refunds made pursuant to the Partial Settlement Agreement of May 8, 2000. The Member Systems state that these refunds have been made in compliance with the Commission's September 18, 2000 letter order in this proceeding.

A copy of this filing was served upon all persons on the Commission's official service list(s) in the captioned proceeding(s), the affected wholesale customer and the respective electric utility regulatory agencies in New York, Ohio, Massachusetts, Connecticut, Rhode Island, New Jersey and Pennsylvania.

Comment date: January 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Bangor Hydro-Electric Company

[Docket No. ER01–638–001]

Take notice that on January 10, 2001, Bangor Hydro-Electric Company tendered for filing a revised executed service agreement for firm point-to-point transmission service with Beaver Wood Joint Venture. The service agreement is revised to add the designation in compliance with Order No. 614.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Puget Sound Energy, Inc.

[Docket No. ER01–735–001]

Take notice that on January 10, 2001, Puget Sound Energy, Inc. (PSE), tendered for filing (i) a Notice of Cancellation of PSE's Original Service Agreement No. 211 with the California Independent System Operator (the Cal ISO) and (ii) a Service Agreement under PSE's Electric Tariff, First Revised Volume No. 8 with the Cal ISO.

A copy of the filing was served upon the Cal ISO.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Consumers Energy Company

[Docket No. ER01–840–001]

Take notice that on January 10, 2001 Consumers Energy Company (Consumers), tendered for filing substitute rate schedule sheets for a Coordinated Operating Agreement between Consumers and Wisconsin Electric Power Company (Wisconsin Electric), which agreement had originally been filed December 29, 2000. The substitute sheets are to correct a typo in the original filed sheets.

Consumers requested that the substitute sheets be allowed to become effective January 1, 2001.

Copies of the filing were served upon Wisconsin Electric, the Wisconsin Public Service Commission and the Michigan Public Service Commission.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Pacific Gas and Electric Company

[Docket No. ER01–932–000]

Take notice that on January 10, 2001, Pacific Gas and Electric Company (PG&E), tendered for filing a Generator Special Facilities Agreement (GSFA) and Generator Interconnection Agreement (GIA) between PG&E and Aera Energy, LLC (Aera) providing for Special Facilities and the parallel operation of Aera's electric generating plants and the PG&E electrical system.

The GSFA permits PG&E to recover the ongoing costs associated with owning, operating and maintaining the Special Facilities including the cost of any alterations and additions. The GIA, an attachment to the GSFA, provides for the interconnection and parallel operation of the Aera generating plants with respect to the PG&E-owned Electric System. As detailed in the GSFA, PG&E proposes to charge Aera a monthly Cost of Ownership Charge equal to the rates for distribution and transmission-level, customer financed facilities and transmission-level, PG&E-financed facilities in PG&E's currently effective Electric Rule 2, as filed with the California Public Utilities Commission (CPUC). PG&E's currently effective rates of 0.46% for distribution-level, customer-financed Special Facilities, 0.31% for transmission-level, customer-financed Special Facilities and 1.14% for transmission-level, PG&E-financed Special Facilities are contained in the CPUC's Advice Letter 1960–G/1587–E, effective August 5, 1996, a copy of which is included in this filing.

Copies of this filing have been served upon Aera, the ISO and the CPUC.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. American Transmission Systems, Inc.; Ohio Edison Company; The Cleveland Electric Illuminating Company; and The Toledo Edison Company

[Docket No. ER01–933–000]

Take notice that on January 10, 2001, American Transmission Systems, Inc., tendered for filing on behalf of itself and Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, Service Agreements for Network Integration Service and Operating Agreements for the Network Integration Transmission Service under the Ohio Retail Electric Program with FirstEnergy Services, Enron Energy Services, Inc., CNG Power Services Corporation, WPS Energy Services, Inc., UnicomEnergy dba Exelon Energy, Shell Energy Services Company, L.L.C., and MidAmerican Energy Company pursuant to the American Transmission Systems, Inc. Open Access Tariff. These agreements will enable the parties to obtain Network Integration Service under the Ohio Retail Electric Program in accordance with the terms of the Tariff.

The proposed effective date under these agreements is January 1, 2001.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Puget Sound Energy, Inc.

[Docket No. ER01–934–000]

Take notice that on January 10, 2001, Puget Sound Energy, Inc., tendered for filing an executed Confirmation of Special Storage Arrangement with The City of Seattle, acting by and through its Lighting Department (SCL).

A copy of the filing was served upon SCL.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. PECO Energy Company

[Docket No. ER01–935–000]

Take notice that on January 10, 2001, PECO Energy Company (PECO), tendered for filing an 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, to be effective on 10 January 2001.

Copies of this filing were served on ExGen, PJM and the Pennsylvania Public Utility Commission.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Exelon Generation Company, L.L.C.

[Docket No. ER01–936–000]

Take notice that on January 10, 2001, Exelon Generation Company, L.L.C. (ExGen), tendered for filing a Call Contract between ExGen and PECO Energy Company (PECO) designated as ExGen's Rate Schedule FERC No. 2, to be effective on January 10, 2001.

Copies of this filing were served on ExGen, PJM and the Pennsylvania Public Utility Commission.

Comment date: January 31, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

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, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests 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).

David P. Boergers,

Secretary.

[FR Doc. 01–1916 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP00–233–000 and CP00–233–001]

Southern Natural Gas Company; Notice of Availability of the Environmental Assessment for the Proposed South System Expansion Project

Janaury 17, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Southern Natural Gas Company (Southern) in the above-referenced docket.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of about 67 miles of pipeline loop and about 54,000 horsepower (hp) of mainline compression at various points along Southern existing system in Mississippi, Alabama, Georgia and South Carolina. Southern's South System Expansion Project would provide a total of 335,800 thousand cubic feet per day (Mcfd) to serve the following customers: Southern Company Services Inc. (284,050 Mcfd); South Carolina Pipeline Corporation (50,000 Mcfd); and the city of LaGrange, Georgia (1,750 Mcfd). Southern proposes to construct the project into two phases, with in-service dates proposed for June 1, 2002 (Phase I), and June 1, 2003 (Phase II).

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at:

Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas Group 1, PJ11.1;
- Reference Docket No. CP00–233–000 and CP00–233–001; and
- Mail your comments so that they will be received in Washington, DC on or before February 19, 2001.

Comments may also 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* under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on ''Login to File'' and then ''New User Account.''

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs,

at (202) 208–1088 or on the FERC Internet websit (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222.

Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

David P. Boergers,

Secretary.

[FR Doc. 01–1920 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License, Substitution of Relicense Applicant, and Soliciting Comments, Motions to Intervene, and Protests

January 17, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Types:* (1) Transfer of License and (2) Request for Substitution of Applicant for New License (in Project No. 2631–007).

b. *Project Nos:* 2631–007 and 2631–008.

c. *Date Filed:* December 12, 2000.

d. *Applicants:* International Paper Company (transferor) and Woronoco Hydro LLC (transferee).

e. *Name and Location of Project:* The Woronoco Hydroelectric Project is on the Westfield River in Hampden County, Massachusetts. The project does not occupy federal or tribal land.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–25(r).

g. *Applicant Contacts:* For Transferor: Mr. Michael Chapman, International Paper Company, 6400 Poplar Ave., Memphis, TN 38197, (901) 763–5888 and Mr. William J. Madden, Jr., Winston & Strawn, 1400 L Street, NW., Washington, DC 20005–3502, (202) 371–5700. For Transferee: Mr. Peter B. Clark, Woronoco Hydro LLC, P.O. Box 149A, 823 Bay Road, Hamilton, MA 01936 and Mr. John C. Hutchins, Kirkpatrick & Lockhart LLP, 75 State Street, Boston, MA 02109, (617) 951–9165.

h. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219–2715.

i. *Deadline for Filing Comments and/or Motions:* March 13, 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 and protests 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.

Please include the noted project numbers on any comments or motions filed.

j. *Description of Proposal:* The applicants propose a transfer of the license for Project No. 2631 from the transferor to the transferee, in connection with the proposed sale of the project.

The transfer application was filed within five years of the expiration of the license for Project No. 2631, which is the subject of a pending relicense application. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 Fed. Reg. 23,756; FERC Stats. and Regs., Preambles 1986–1990 30,854 at p. 31,437), the Commission declined to forbid all license transfers during the last five years of an existing license, and instead indicated that it would scrutinize all such transfer requests to determine if the primary purpose of the transfer was to give the transferee an advantage in relicensing (id. at p. 31,438 n. 318).

The transfer application also contains a separate request for approval of the substitution of the transferee for the transferor as the applicant in the pending relicensing application, filed by the transferor on August 31, 1999, in Project No. 2631–007.

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, NE, 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 addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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 provided 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.

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. 01–1921 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

January 17, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11868–000.

c. *Date filed:* December 29, 2000.

d. *Applicant:* Energy 2001, Inc.

e. *Name of Project:* Lake Clementine Project.

f. *Location:* On the North Fork American River, in Placer County, California. The project would utilize the U.S. Army Corps of Engineers North Fork Dam.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. David S. Fitzpatrick, President, Energy 2001, 1220 Skyline Blvd., Reno, NV 89509, (775) 825–2034.

i. *FERC Contract:* Robert Bell, (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. ''Comments and protests may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(1)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm''

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would utilize the existing U.S. Army Corps of Engineers North Fork Dam and Reservoir and would consist of: (1) A proposed intake; (2) two proposed 420-foot-long, 30-inch-diameter steel penstocks; (3) a proposed powerhouse containing two generating units with a total installed capacity of 5 MW; (4) a proposed 8,000-foot-long 12 kV transmission line; and (5) appurtenant facilities.

The project would have an annual generation of 30 GWh that would be sold to a local utility.

The project would have an annual generation of 30 GWh that would be sold to a local utility.

1. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, 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.

Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

Notice of intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

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.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'' ''NOTICE OF INTENT TO FILE COMPETNG APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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. 01–1922 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Extension of Time to Complete Project Construction and Soliciting Comments, Motions to Intervene, and Protests

January 17, 2001.

Take notice that the following application has been filed with the

Commission and is available for public inspection:

a. *Application Type:* Request for Extension of Time

b. *Project No:* 10934–015

c. *Date Filed:* September 5, 2000

d. *Applicant:* William B. Ruger, Jr.

e. *Name and Location of Project:* The Sugar River II Hydroelectric Project is located on the Sugar River in Sullivan County, New Hampshire. The project does not occupy federal or tribal land.

f. *Filed Pursuant to:* Federal Power Act, Section 13

g. *Applicant Contact:* Mr. Robert A. Collins, P.O. Box 293, Newport, NH 03773–0293, (603) 863–6332.

h. *FERC Contact:* Any questions on this notice should be addressed to Heather Campbell at (202) 219–3097 or Pete McGovern at (202) 219–2867.

i. *Deadline for filing comments and or motions:* February 23, 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 and protests 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.

Please include the project number (P–10934–015) on any comments or motions filed.

j. *Description of Proposal:* The applicant states that high river flows from Hurricane Floyd did not subside to levels suitable for safe construction during the fall 2000 construction season and requests a one-year extension of time to complete construction of the project.

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, NE, 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. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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 provided 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.

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. 01–1923 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission Soliciting Additional Study Requests and Establishing Procedures for Relicensing and a Deadline for Submission of Final Amendments

January 17, 2001.

a. *Type of Application:* New Minor License.

b. *Project No.:* P–6058–005.

c. *Date Filed:* January 2, 2001.

d. *Applicant:* Hydro Development Group, Inc.

e. *Name of Project:* Hailesboro #4.

f. *Location:* On the Oswegatchie River in St. Lawrence County, near the Town of Gouverneur, New York.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Kevin M. Webb, Hydro Development Group, Inc., 200 Bulfinch Drive, Andover, MA 01810, (978) 681–1900 ext. 1202.

i. *FERC Contact:* Charles T. Raabe (202) 219–2811 or E-mail address at Charles.Raabe@FERC.fed.us.

j. *Comment Date:* 60 days from the filing date of license application.

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 and protests 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.

k. *Description of Project:* The existing operating Hailesboro #4 Project consists of: (1) A concrete gravity-type dam comprising; (i) The 92-foot-long, 14-foot-high Dam #1 surmounted by a pneumatic gate; and (ii) the 58-foot-long, 5-foot-high Dam #2 surmounted by flashboards; (2) a reservoir having a 2.0-acre surface area and a gross storage volume of 20-acre-fee at normal water surface elevation 461 feet NGVD; (3) a gated intake structure having trashracks; (4) a 170-foot-long concrete-lined forebay canal; (5) a powerhouse containing a 640-kW generating unit and an 850-kW generating unit for a total installed capacity of 1490-kW; (6) a 2.4/23–kV substation; (7) a 50-foot-long, 23–kV transmission line; (8) a tailrace; and (9) appurtenant facilities. The applicant estimates that the total average annual generation would be 11.0 MWh. All generated power is sold to Niagara Mohawk Power Corporation.

l. With this notice, we are initiating consultation with the New York State Historic Preservation Officer (SHPO), as required by § 106, National Historic Preservation Act, and the regulations of the Advisory Council on Historic Preservation, 36 CFR 800.4.

m. Pursuant to section 4.32(b)(7) of 18 CFR of the Commission's regulations, if any resource agency, Indian Tribe, or person believes that an additional scientific study should be conducted in order to form an adequate factual basis for a complete analysis of the application on its merit, the resource agency, Indian Tribe, or person must file a request for a study with the Commission not later than 60 days from the filing date of this application and serve a copy of the request on the applicant.

n. Procedural schedule and final amendments: The application will be

processed according to the following milestones, some of which may be combined to expedite processing:

Notice of application has been accepted for filing
Notice of NEPA Scoping
Notice of application is ready for environmental analysis
Final amendments to the application must be filed with the Commission*
Notice of the availability of the draft NEPA document
Notice of the availability of the final NEPA document
Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

David P. Boerger,

Secretary.

[FR Doc. 01–1924 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Transfer of License and Soliciting Comments, Motions to Intervene, and Protests

January 17, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No:* 2622–006.

c. *Date Filed:* December 12, 2000.

d. *Applicants:* International Paper Company (transferor) and Turners Falls Hydro LLC (transferee).

e. *Name and Location of Project:* The Turners Falls Hydroelectric Project is on the Connecticut River in Franklin County, Massachusetts. The project does not occupy federal or tribal land.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contacts:* For transferor: Mr. Michael Chapman, International Paper Company, 6400 Poplar Ave., Memphis, TN 38197, (901) 763–5888 and Mr. William J. Madden, Jr., Winston & Strawn, 1400 L Street, NW, Washington, DC 20005–3502, (202) 371–5700. For transferee: Mr. Peter B. Clark, Turners Falls Hydro LLC, P.O. Box 149A, 823 Bay Road, Hamilton, MA 01936 and Mr. John C. Hutchins, Kirkpatrick & Lockhart LLP, 75 State Street, Boston, MA 02109, (617) 951–9165.

h. *FERC Contact:* Any questions on this notice should be addressed to Tom Papsidero at (202) 219–2715.

i. *Deadline for filing comments and/or motions:* February 23, 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 and protests 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.

Please include the project number (P–2622–006) on any comments or motions filed.

j. *Description of Proposal:* The applicants propose a transfer of the license for Project No. 2622 from International Paper Company to Turners Falls Hydro LLC. Transfer is being sought in connection with the proposed sale of the project.

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, NE, 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 addresses in item g above.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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 provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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. 01–1925 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions to Intervene, and Protests

January 17, 2001.

a. *Application Type:* Amend the project boundaries for the Kern Canyon Project.

b. *Project No:* 178–012.

c. *Dates Filed:* July 26, 2000.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Kern Canyon Project.

f. *Location:* The Kern Canyon Project is located on the Kern River, in Kern County, California.

g. *Filed Pursuant to:* 18 CFR 4.201.

h. *Applicant Contact:* Nicholas J. Markevich, License Coordinator, Hydro Generation, Pacific Gas and Electric Company, 245 Market Street, P.O. Box 770000, Mail Code N11C, San Francisco, California 94177; (415) 973–5358.

i. *FERC Contact:* Any questions on this notice should be addressed to Robert Shaffer at (202) 208–0944 or by e-mail at Robert.Shaffer@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* February 23, 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 and protests 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. Please include the project number (P–178–012) on any comments or motions filed.

k. *Description of Filing:* Pacific Gas and Electric Company (PGE) filed an Application for amendment of License on July 26, 2000, to amend the project boundaries. PGE is proposing to revise the project boundary by realignment of an approximately ¼ mile long segment of the transmission line resulting from the relocation of five wood poles that occurred in 1991 and to accommodate the planned realignment of an approximately ½ mile long segment of the transmission line resulting from the relocation of up to six wood poles.

l. *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, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing 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.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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.

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 provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., 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.

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. 01–1926 Filed 1–22–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6935–9]

Control of Emissions From New and In-use Highway Vehicles and Engines

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for comment.

SUMMARY: EPA requests public comment on a petition submitted by the International Center for Technology Assessment (CTA)and a number of other groups. The petition requests that EPA regulate emissions of carbon dioxide (CO2), methane (CH4), nitrous oxide (N20), and hydrofluorocarbons (HFCs) from new motor vehicles and engines under section 202(a)(1) of the Clean Air Act (CAA or Act). The petitioners assert that emissions of these greenhouse gases contribute to global warming which may reasonably be anticipated to endanger public health and welfare. EPA has already received requests from a variety of stakeholders asking that we provide an opportunity to comment on this petition. To ensure wide exposure of the issues presented in the petition, EPA today requests comment on the issues raised by the petition and how EPA should respond to the petition. EPA has already established a public docket, and a number of comments on the petition have already been submitted and are available for inspection and public comment. The documents include several comments in opposition to the petition, including comments submitted by the Center for Regulatory Effectiveness, the American Petroleum Institute on behalf of 26 associations, and other commenters.

DATES: Comments must be received on or before May 23, 2001.

ADDRESSES: Interested parties may submit written comments (in triplicate if possible) to: EPA Air and Radiation Docket, Attention Docket No. A–2000–04, Room M–1500 (Mail Code-6102), 401 M St., SW, Washington, DC 20460.

Comments may also be submitted by electronic mail to: *A-and-R-Docket@epa.gov*. The docket may be inspected at this location from 8:30 a.m. until 5:30 p.m. weekdays. Docket information may also be obtained by calling (202) 260–7548. As provided in 40 CFR part 2, EPA may charge a reasonable fee for photocopying.

FOR FURTHER INFORMATION CONTACT: Debbie Wood, Office of Transportation and Air Quality, Transportation and Regional Programs Division, (202) 564–8991.

SUPPLEMENTARY INFORMATION:

I. Summary of the Petition

On October 20, 1999, CTA, heading a coalition of 19 groups,[1] petitioned EPA to regulate certain greenhouse gas emissions from new motor vehicles and engines under section 202(a)(1) of the Clean Air Act. The petition, submitted pursuant to the First Amendment, the Administrative Procedure Act, and the Clean Air Act, requests that EPA regulate CO2, CH4, N2O, and HFC emissions from new motor vehicles and engines. Petitioners state that U.S. mobile sources are responsible for a significant amount of greenhouse gas emissions. Petitioners urge EPA to reduce adverse human health and environmental effects from global warming by regulating these emissions.

Petitioners argue that EPA must regulate greenhouse gas emissions from new motor vehicles and engines under CAA section 202(a)(1). First, they assert that the four greenhouse gases listed above constitute ''air pollutants'' as defined by the Act in section 302(g). Second, they argue that the emission of greenhouse gases contributes to pollution that is reasonably anticipated to endanger public health and welfare, the criteria for regulation under section 202(a)(1).

[1] Alliance for Sustainable Communities, Applied Power Technologies, Bio Fuels America, California Solar Energy Industries, Clements Environmental Corporation, Environmental Advocates, Environmental and Energy Study Institutes, Friends of the Earth, Full Circle Energy Project, Inc., Green Party of Rhode Island, Greenpeace U.S.A., Network for Environmental and Economic Responsibility of the United Church of Christ, New Jersey Environmental Watch, New Mexico Solar Energy Association, Oregon Environmental Council, Public Citizen, Solar Energy Industries Association, the SUN DAY Campaign.

Section 202(a)(1) directs the Administrator to:

* * * by regulation prescribe (and from time to time revise) in accordance with the provisions of this section, standards applicable to the emission of any air pollutant from any class or classes of new motor vehicles or new motor vehicle engines, which in his judgment cause, or contribute to, air pollution which may be reasonably anticipated to endanger public health or welfare.

Section 302(g) of the Act defines ''air pollutant'' as ''any air pollution agent or combination of such agents, including any physical, chemical, biological, radioactive * * * substance or matter which is emitted into or otherwise enters the ambient air.''

Petitioners state that the four greenhouse gases identified in their petition have been determined to accelerate global warming. In addition, they argue that CO2 has already been determined by EPA to be an air pollutant.[2] Thus, they conclude that all four greenhouse gases meet the definition of ''air pollutant'' under section 302(g).

Further, petitioners assert that EPA must regulate these greenhouse gas emissions from new motor vehicles and engines because they endanger public health or welfare. Petitioners state that when determining what constitutes an endangerment to public health or welfare, the CAA allows the Administrator to make a precautionary decision to regulate a pollutant that ''may reasonably be anticipated'' to endanger public health or welfare. The petitioners point to statements by EPA and other Federal agencies as a basis for findings that global warming caused by these emissions may reasonably be anticipated to endanger public health and welfare. The threats to public health listed by the petitioners include increased occurrence of infectious, vector-borne and water-borne diseases, as well as direct effects on human health from heat stress, increased skin cancer, cataracts and immune system suppression.

The petitioners also seek EPA regulation of these greenhouse gases on the basis that they may reasonably be anticipated to endanger public welfare, as defined in the Clean Air Act. Section 302(h) provides:

All language referring to effects on welfare includes, but is not limited to, effects on soils, water, crops, vegetation, man-made materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being, whether caused by transformation, conversion, or combination with other air pollutants.

Petitioners anticipate environmental harm from global warming to water resources, rangelands, forests, wetlands, fisheries, and bird populations. Petitioners also anticipate harm to human welfare in the form of reduced food production, in part due to increased pest populations, extreme weather, rising sea levels, reduced fresh water quality and quantity, and increased air pollution and allergens.

Petitioners next argue that it is technically feasible to reduce greenhouse gas emissions from new motor vehicles and engines. They conclude that technology exists to reduce CO2 through increasing the fuel efficiency of new vehicles. They also maintain that setting standards would lead to rapid market introduction of hybrid-electric and zero-emission vehicles.

Finally, petitioners maintain that the Administrator has a mandatory duty to regulate greenhouse gas emissions, given EPA findings to date. They further argue that ''the precautionary purpose of the CAA supports'' regulating these gases even if the Agency believes there is some scientific uncertainty regarding these issues. Petitioners cite *Lead Industries Assoc. Inc.* v. *EPA* and *Ethyl Corp* v. *EPA* in support of this principle (647 F.2d 1130 (DC Cir. 1980); 541 F.2d 1 (DC Cir.) (en banc) *cert. denied* 426 U.S. 941 (1976).

II. Request for Comment

EPA requests comment on all the issues raised in CTA's petition for regulation of emissions of greenhouse gases from new motor vehicles and engines under CAA section 202(a)(1). In particular, EPA requests comment on any scientific, technical, legal, economic or other aspect of these issues that may be relevant to EPA's consideration of this petition. EPA has not yet made any decisions on how to respond to this petition, apart from the decision to request public comment. A full copy of the CTA Petition and all supporting materials can be found in the docket for this action.

Dated: January 12, 2001.

Robert Perciasepe,

Assistant Administrator, Office of Air and Radiation.

[FR Doc. 01–1979 Filed 1–22–01; 8:45 am]

BILLING CODE 6560–50–U

[2] Petitioners cite the memorandum from Jonathan Z. Cannon, General Counsel to Carol Browner, Administrator, entitle ''EPA's Authority to Regulate Pollutants Emitted by Electric Power gneraltion Sources,'' April 10, 1998. EPA prepared this opinion in response to a Congressional request. The opinion states that each of four substances emitted from electric power generating units, sulfur dioxide, nitrogen oxides, mercury, and carbon dioxide, falls within the definition of ''air pollutant'' under section 302(g) of the CAA.

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6936–1]

Meeting of the Local Government Advisory Committee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Local Government Advisory Committee will meet on February 8–9, 2001, in San Diego, CA. At this meeting, members of the LGAC's Resolution Session Team will present to the full Committee the agreements reached at the Resolution Session on December 8, 2000, for the consideration and acceptance by the full Committee. The Resolution Session was a meeting between an LGAC team and a Small Community Advisory Subcommittee (SCAS) team to resolve issues regarding how the two groups work together—intra-committee management issues. The Issues and Process Subcommittees of the LGAC will update the full Committee on their progress since the previous meeting and continue to work on their recommendations under development, including Total Maximum Daily Load, Ozone/PM 2.5, Land Use Credits and EPA's Public Involvement Policy. The full Committee also will consider for adoption recommendations developed by SCAS concerning sustainability and the EPA small town enforcement policy.

The Committee will hear comments from the public between 2:00 p.m. and 2:15 p.m. on February 8. Each individual or organization wishing to address the Committee will be allowed a minimum of three minutes. Please contact the Designated Federal Officer (DFO) at the number listed below to schedule agenda time. Time will be allotted on a first come, first served basis.

This is an open meeting and all interested persons are invited to attend. Meeting minutes will be available after the meeting and can be obtained by written request from the DFO. Members of the public are requested to call the DFO at the number listed below if planning to attend so that arrangements can be made to comfortably accommodate attendees as much as

possible. However, seating will be on a first come, first served basis.

DATES: The meeting will begin at 9:00 a.m. on Thursday, February 8 and conclude at 4:00 p.m. on February 9, 2001.

ADDRESSES: The meetings will be held in San Diego, California at the City of San Diego's Environmental Services Department located at 9601 Ridgehaven Court in the auditorium.

Requests for Minutes and other information can be obtained by writing the DFO at 1200 Pennsylvania Avenue, NW (1306A), Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: The DFO for this Committee is Denise Zabinski Ney. She is the point of contact for information concerning any Committee matters and can be reached by calling (202) 564–3684 or by email at ney.denise@epa.gov.

Dated: January 12, 2001.

Denise Zabinski Ney,

Designated Federal Officer, Local Government Advisory Committee.

[FR Doc. 01–1978 Filed 1–22–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51957A; FRL–6766–1]

Premanufacture Notice for Certain New Chemicals; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's extension of the review periods for an additional 90–days for the consolidated premanufacture notice (PMN) P–01–46 through P–01–51, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review periods will now expire on April 10, 2001.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Darlene Jones, New Chemicals Notice Management Branch, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–2279; e–mail address: Darlene Jones@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On October 13, 2000, EPA received the consolidated PMN P–01–46 through P–01–51 for new chemical substances, identified as modified alkyl esters. The submitter claimed the company name, specific chemical identity, production volume, use information, process information, and other information to be confidential business information. Notice of receipt was published in the **Federal Register** on November 9, 2000, (65 FR 67367) (FRL–6754–8). Prior to this extension, the 90–day review periods were scheduled to expire on January 10, 2001.

II. What Action is the Agency Taking?

Pursuant to section 5(c) of TSCA, EPA is extending the review periods for PMN P–01–46 through P–01–51 an additional 90 days. As extended, the review periods for this consolidated PMN will now expire on April 10, 2001.

III. What is the Agency's Authority for Taking this Action?

EPA finds that there is good cause to extend the consolidated PMN review periods. Based on its analysis, EPA may need to regulate the substances submitted for review in this consolidated PMN under section 5 of TSCA. The Agency requires an extension of the review periods, as authorized by section 5(c) of TSCA, to investigate further potential risk, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required.

IV. 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 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–51957A. PMNs are available for public 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.

List of Subjects

Environmental protection, extension of premanufacture notice review periods.

Dated: January 10, 2001.

Flora Chow,

Chief New Chemicals Notice Management Branch, Office of Pollution Prevention and Toxics.

[FR Doc. 01–2048 Filed 1–22–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6936–5]

Request for Statement of Qualifications (RFQ) for Modeling, GIS, Data Analysis and Information Management Support to the Chesapeake Bay Program

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is issuing a request for statement of qualifications for organizations interested in assisting the Chesapeake Bay Program in its effort to provide the Modeling, GIS, Data Analysis and Information Management support for the Bay Program partnership. Applicants must be a local, state, interstate agencies, academic institution, or other nonprofit organizations. Note, this is a request for qualifications for the benefit of the Chesapeake Bay Program partnership and not for direct benefit to EPA. Funding will be provided to an organization under the authority of the Clean Water Act, Section 117.

The RFQ is available at the following web-site: *http://www.epa.gov/r3chespk/* You may also request a copy by calling Robert Shewack at 410–267–9856 or by E-mail at: shewack.robert@epa.gov. Statement of qualifications (an original and eight (8) copies) must be postmarked no later than February 20, 2001. Any late, incomplete or fax proposals will not be considered.

William Matuszeski,

Director, Chesapeake Bay Program.

[FR Doc. 01–1977 Filed 1–22–01; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6936–3]

Underground Injection Control Program Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; E. I. du Pont de Nemours & Co., Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Decision on No Migration Petition Reissuance.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to E. I. du Pont de Nemours & Co., Inc. (DuPont) for 11 Class I injection wells located at Victoria, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by the petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by DuPont, of the specific restricted hazardous wastes identified in the exemption, into Class I hazardous waste injection wells Nos. WDW–142, WDW–143, WDW–144, WDW–4, WDW–28, WDW–29, WDW–30, WDW–105, WDW–106, WDW–145, WDW–271 at the Victoria, Texas facility, until December 31, 2007, or when starting on January 1, 2001, 4733 million gallons have been injected into the Main Catahoula Sand or 2630 million gallons have been injected into the Lower Catahoula Sand, whichever occurs first, unless EPA moves to terminate the exemption under provisions of 40 CFR 148.24. Additional conditions included in this final decision may be reviewed by contacting the Region 6 Ground Water/UIC Section. As required by 40 CFR 148.22(b) and 124.10, a public notice was issued November 13, 2000. The public comment period closed on December 28, 2000. No comments were received. This decision constitutes final Agency action and there is no Administrative appeal. This decision may be reviewed/appealed in compliance with the Administrative Procedure Act.

DATES: This action is effective as of January 12, 2001.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief, Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–7165.

Joan E. Brown,

Acting Division Director, Water Quality Protection Division (6WQ).

[FR Doc. 01–1980 Filed 1–22–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[DA 01–105]

Emergency Alert System National Advisory Committee; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On January 18, 2001, the Commission released a public notice announcing the February 23, 2001, meeting and agenda of the Emergency Alert System National Advisory Committee (NAC). The meeting will serve to advise the Commission on Emergency Alert System issues.

DATES: February 23, 2001, 9:00 a.m.–12:00 (noon).

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Commission Meeting Room, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Bonnie Gay, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554 (phone: (202) 418–1228) (fax: (202) 418–2817).

SUPPLEMENTARY INFORMATION: In 1994, the Federal Communications Commission (FCC) established the Emergency Alert System (EAS) to replace the Emergency Broadcast System (EBS). EAS uses various communications technologies, such as broadcast stations and cable systems, to alert the public regarding national, state and local emergencies. At the same time, the FCC added a new Part 11 to its rules containing EAS regulations. 47 CFR Part 11. The National Advisory Committee (NAC) was established to assist the FCC in administering EAS. Its fourth annual meeting will be held on February 23, 2001, in Washington, DC and the general topic will be emergency communication matters relating to EAS.

Summary of Proposed Agenda

—Registration
—Welcome, NAC Chair
—FCC Remarks
—Presentations by the National Weather Service and the Federal Emergency Management Agency
—FCC update on EAS actions
—Reports from NAC working groups
—Reports from the Society of Broadcast Engineers and the Society of Cable Telecommunications Engineers Working Groups and PEPAC
—NAC working group reports
—Future EAS requirements and NAC recommendations to FCC
—Other business
—Adjournment

Administrative Matters

Attendance at the NAC meeting is open to the public, but limited to space availability. Members of the general public may file a written statement with the FCC at the above contact address before or after the meeting. Members of the public wishing to make an oral statement during the meeting must consult with the NAC at the above FCC contact address prior to the meeting. Minutes of the meeting will be available after the meeting at the above contact address.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–1942 Filed 1–22–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than February 7, 2001.

A. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Harold and Velma Doughty, as trustees of the Harold Doughty Revocable Trust, Altus, Oklahoma; to acquire voting shares of FSB Bancorp, Inc., Altus, Oklahoma, and thereby indirectly acquire voting shares of First State Bank of Altus, Altus, Oklahoma.

2. Margaret Lauritzen Dodge, Omaha, Nebraska; to acquire voting shares of Loomis Company, Omaha, Nebraska.

Board of Governors of the Federal Reserve System, January 18, 2001.

Robert deV. Frierson

Associate Secretary of the Board.

[FR Doc. 01–2032 Filed 1–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 00-33398) published on page 110 of the issue for Tuesday, January 2, 2001.

Under the Federal Reserve Bank of Cleveland heading, the entry for Fifth Third Bancorp, Grand Rapids, Michigan, is revised to read as follows:

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. Fifth Third Bancorp, Cincinnati, Ohio; to form a subsidiary bank holding company, Fifth Third Financial, Cincinnati, Ohio (FTF); to acquire, indirectly through FTF, 100 percent of the voting shares of Old Kent Financial Corporation, Grand Rapids, Michigan, and thereby indirectly acquire Old Kent Bank, Grand Rapids, Michigan, and Old Kent Bank, N.A., Jonesville, Michigan; and to hold and exercise an option to purchase up to 19.9 percent of the outstanding shares of Old Kent Financial Corporation's common stock upon the occurrence of certain events (this option would expire on consummation of the acquisition).

In connection with this matter, Fifth Third Bancorp has also given notice of its intent to acquire, indirectly through FTF, Old Kent Securities Corporation, Grand Rapids, Michigan, and thereby engage in permissible financial and investment advisory activities pursuant to §§ 225.28(b)(6) and (7) of Regulation Y; Old Kent Financial Life Insurance Corporation, Grand Rapids, Michigan, and thereby engage in permissible credit related reinsurance activities pursuant to § 225.28(b)(11) of Regulation Y; and Gladshire Limited Dividend Housing Association LP; Pleasant Prospect Limited Dividend Housing Association LP; Mount Mercy Limited Partnership; Grand Rapids Hope II Limited Partnership; Grand Rapids Hope Limited Partnership; Michigan Capital Fund For Housing Limited Partnership I; Trinity Village II Limited Dividend Housing Ass'n LP; Pleasant Prospect II Limited Dividend Housing Ass'n LP; Michigan Capital Fund for Housing Limited Partnership II; New Hope Homes Limited Dividend Housing Ass'n LP; Hayward-Wells Limited Dividend Housing Ass'n LP; Independence Village of Brighton Limited Dividend Housing Association LP; CFSB - Eastbrook Apartments Investor, LLC; and Eastbrook Apartments Limited Dividend Housing Ass'n LP, and thereby engage in permissible community development activities pursuant to § 225.28(b)(12) of Regulation Y.

Comments on this application must be received by January 26, 2001.

Board of Governors of the Federal Reserve System, January 17, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–1910 Filed 01–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 01-159) published on page 798 of the issue for Thursday, January 4, 2001.

Under the Federal Reserve Bank of San Francisco heading, the entry for Franklin Resources, Inc., San Mateo, California, is revised to read as follows:

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105–1579:

1. Franklin Resources, Inc. San Mateo, California; to become a bank holding company by acquiring 100 percent of the voting shares of Fiduciary Trust Company International, New York, New York.

In connection with this application, Applicant also has applied to acquire Franklin Templeton Bank & Trust F.S.B., Salt Lake City, Utah, and thereby engage in operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Comments on this application must be received by January 29, 2001.

Board of Governors of the Federal Reserve System, January 17, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–1911 Filed 01–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 16, 2001.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President) 33 Liberty Street, New York, New York 10045–0001:

1. Financial Institutions, Inc., Warsaw, New York; to acquire 100 percent of the voting shares of and merge with Bath National Corporation, Bath, New York, and thereby indirectly acquire Bath National Bank, Bath, New York.

Board of Governors of the Federal Reserve System, January 18, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–2031 Filed 1–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 16, 2001.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

1. TheBancorp.com, Inc., Wilmington, Delaware; to acquire G&L Holding Group, Inc., Pensacola, Florida, and thereby engage in owning, controlling or operating a savings association, pursuant to § 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, January 17, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–1909 Filed 1–22–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Revised Jurisdictional Thresholds for Section 8 of the Clayton Act

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission announces the revised thresholds for interlocking directorates required by the 1990 amendment of Section 8 of the Clayton Act. Section 8 prohibits, with certain exceptions, one person from serving as a director or officer of two competing corporations if two thresholds are met. Competitor corporations are covered by Section 8 if each one has capital, surplus, and undivided profits aggregating more than $10,000,000, with the exception that no corporation is covered if the competitive sales of either corporation are less than $1,000,000. Section 8(a)(5) requires the Federal Trade Commission to revise those thresholds annually, based on the change in gross national product. The new thresholds, which take effect immediately, are $18,142,000 for Section 8(a)(1), and $1,814,200 for Section 8(a)(2)(A).

EFFECTIVE DATE: January 23, 20001.

FOR FURTHER INFORMATION CONTACT: H. Gabriel Dagen, Bureau of Competition, Office of Accounting and Financial Analysis, (202) 326–2573. (Authority: 15 U.S.C. 19(a(5)).

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–2045 Filed 1–22–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Public Roundtable on Dispute Resolution for Online Business-to-Consumer Contracts

AGENCY: Federal Trade Commission.

ACTION: Notice announcing Public Forum.

SUMMARY: The Federal Trade Commission (the ''FTC'') will hold a roundtable discussion on (1) recommendations by business and consumer groups on alternative dispute resolution (ADR) for online consumer disputes; and (2) a proposed provision in the Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters being negotiated by the Hague Conference on Private International Law that provides special jurisdiction rules for international consumer contracts.

DATE AND LOCATION: The roundtable will be held on Tuesday, February 6, 2001, beginning at 9:30 a.m., at the Federal Trade Commission, Room 432, 600 Pennsylvania Avenue NW., Washington, DC. Registration is not required. Requests for participation as a panelist should be directed to Maneesha Mithal, Attorney, Bureau of Consumer Protection, Federal Trade Commission, phone: (202) 326–2771, facsimile: (202) 326–3392, e-mail: mmithal@ftc.gov.

FOR FURTHER INFORMATION CONTACT: Maneesha Mithal, Attorney, Bureau of Consumer Protection, Federal Trade Commission, phone: (202) 326–2771, facsimile: (202) 326–3392, e-mail: *mmithal@ftc.gov.*

SUPPLEMENTARY INFORMATION:

Background

The electronic marketplace, which has opened the door to international business-to-consumer transactions on an unprecedented scale, provides enormous benefits. For consumers, it offers 24-hour access to sellers around the globe; for businesses, it offers access to a worldwide market. For both business and consumers, it offers tremendous efficiencies. This online marketplace also has created challenges; among them, how best to resolve disputes involving cross-border consumer transactions. Consumers must be confident that they will have access to redress for problems arising in the online marketplace. In many instances, consumers face unique difficulties in resolving problems arising out of online transactions, such as language and cultural differences, inconvenience and expense that may result from the distance between the parties, and problems with litigation, including difficulties in establishing jurisdiction, determining the applicable law, and enforcing judgments. In addition to facing similar burdens, businesses must determine where they could be subject to jurisdiction and which laws might apply to them, which could significantly increase the cost of doing business online.

The FTC has held two workshops on these and related issues. The first, in June 1999, explored questions related to core consumer protections; online disclosures that consumers need to feel safe when shopping online; jurisdiction; applicable law; and the roles of the private sector and international bodies in addressing consumer protection issues. The findings from this workshop informed the OECD voluntary Guidelines on Consumer Protection in Electronic Commerce, which were issued in December 1999. The Guidelines encouraged industry, government and consumers to work together to develop inexpensive, easy-to-understand and acceptable ADR mechanisms. The FTC's Bureau of Consumer Protection issued a report on this first workshop in September 2000, which can be found at <*http://*

www.ftc.gov/bcp/icpw/lookingahead/lookingahead.htm>. The second workshop, on ADR for online consumer transactions, was sponsored jointly with the Department of Commerce in June 2000. A summary of that workshop can be found at <*http://www.ftc.gov/bcp/altdisresolution/index.htm*>.

A consensus emerged at these workshops about the need to develop and implement ADR programs to resolve online consumer disputes. Outstanding issues include whether ADR programs should be governed by minimum legal standards for fairness and effectiveness, whether ADR programs should be binding and/or mandatory for the consumer, whether results of particular ADR programs should be confidential, and what rules of decisions should apply to ADR programs. At our workshops, certain private sector organizations, including the TransAtlantic Consumer Dialogue and the Global Business Dialogue on Electronic Commerce, have made specific recommendations on these issues.

Although ADR programs will reduce the number of online disputes that result in litigation, some litigation is inevitable. Such cases will likely raise the question of which court has jurisdiction over a dispute. Currently, in cases involving contractual disputes, U.S. courts generally allow consumers to sue out-of-state businesses in consumers' home courts; however, in some domestic consumer contract cases, courts have upheld choice-of-forum clauses designating the business' home court as the applicable forum. It is unclear how U.S. courts would treat a clause designating a foreign forum in a consumer contract, as U.S. courts have not directly addressed this issue.

For several years, FTC staff has expressed concerns about the use of choice-of-forum clauses in consumer contracts concluded over the Internet. At the same time, FTC staff recognizes industry's legitimate concerns about the potential for increased costs associated with litigating disputes around the world.

The Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters, which is currently being negotiated by the Hague Conference on Private International Law, offers one possible international resolution of this jurisdiction issue. The Convention, if ratified, would create jurisdictional rules governing international lawsuits and provide for recognition and enforcement of judgments by the courts of signatory countries. Article 7 of the draft Convention contains jurisdiction rules for international consumer contracts. It provides that:

1. A plaintiff who concluded a contract for a purpose which is outside its trade or profession, hereafter designated as the consumer, may bring a claim in the courts of the State in which it is habitually resident, if

(a) The conclusion of the contract on which the claim is based is related to trade or professional activities that the defendant has engaged in or directed to that State, in particular in soliciting business through means of publicity, and

(b) The consumer has taken the steps necessary for the conclusion of the contract in that State.

2. A claim against the consumer may only be brought by a person who entered into the contract in the course of its trade or profession before the courts of the State of the habitual residence of the consumer.

3. The parties to a contract within the meaning of paragraph 1 may, by an agreement which conforms with the requirements of Article 4, make a choice of court—

(a) If such agreement is entered into after the dispute has arisen, or

(b) To the extent only that it allows the consumer to bring proceedings in another court. For disputes arising from cross-border consumer contracts, the court in the consumer's home country will have jurisdiction over the foreign business, regardless of the court designated in a choice-of-forum clause.

At this point, it appears that significant competing policy interests are involved, which warrant further study of Article 7.

The Public Forum

The morning discussion will focus on recommendations on ADR for online consumer transactions proposed by the TransAtlantic Consumer Dialogue and Global Business Dialogue on Electronic Commerce. The purpose of this session is to foster a dialogue between business and consumer groups and work toward finding common ground on outstanding issues related to ADR.

The afternoon discussion will focus on Article 7 of the Preliminary Draft Hague Convention as it relates to cross-border business-to-consumer disputes arising from online transactions. The purpose of this session is to inform U.S. Government views on Article 7 of the Preliminary Draft Hague Convention in preparation for several upcoming meetings, including an electronic commerce experts committee meeting in Ottawa, Canada at the end of February, and the upcoming two-part Diplomatic Conference during 2001–02 to finalize the draft Convention.

Related Documents

For further information on these issues, please refer to the following documents: FTC Bureau of Consumer Protection Report, Consumer Protection in the Global Electronic Marketplace: Looking Ahead (September 2000) (located at <*http://www.ftc.gov/bcp/icpw/lookingahead/lookingahead.htm*>) FTC Bureau of Consumer Protection Report, Summary of Public Workshop: Alternative Dispute Resolution for Consumer Transactions in the Borderless Online Marketplace (November 2000) (located at <*http://www.ftc.gov/bcp/altdisresolution/summary.htm*>) TransAtlantic Consumer Dialogue Recommendations on Alternative Dispute Resolution (February 2000) (located at <*http://www.tacd.org/ecommercef.html#adr*>) Global Business Dialogue on Electronic Commerce Recommendations on Alternative Dispute Resolution (September 2000) (located at <*http://www.gbde.org/adr2000.html*>) Hague Conference on Private International Law, Preliminary Draft Convention on Jurisdiction and Foreign Judgments in Civil and Commercial Matters (located at <*http://www.hcch.net/e/workprog/jdgm.html*>)

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–2046 Filed 1–22–01; 8:45 am]

BILLING CODE 6750–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade

Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

Trans #	Acquiring	Acquired	Entities
Transactions Granted Early Termination—12/26/2000			
20010829	Sanrise Group, Inc	Exodus Communications, Inc	Exodus Communities, Inc.
20010834	Westmoreland Health System	Frick Health System	Frick Health System.
Transactions Granted Early Termination—12/27/2000			
20010941	GMT Communications Partners II, L.P.	Formus Communications	Formus Communications Inc.
20010958	TeleCorp PCS, Inc	Marshall W. Pagon	Pegasus PCS Partners, L.P.
20010959	IVAX Corporation	Jinn Wu and Diana Wu, (husband & wife).	Xenobiotic Laboratories, Inc.
20010970	Verizon Communications Inc	James & Jean Douglas Irrevocable Descendant's Trust.	Illinois Nine Corporation.
20011007	Zhone Technologies, Inc	Ind-TeleSoft Pvt. Ltd.	Xybridge Technologies, Inc.
20011028	Leap Wireless International, Inc	Cook Inlet Region, Inc.	CIVS IV License Sub I, LLC.
20011033	Nippon Telegraph and Telephone Corporation.	AT&T Corp	AT&T Corp.
20011040	Bank of Montreal	Alexander J. Vogl	Wilton Corporation.
20011051	Mitsui Marine and Fire Insurance Co., Ltd.	American Financial Group, Inc	American Financial Group, Inc.
20011062	Universal Insurance Group, Inc	Nationwide Mutual Insurance Company.	Caribbean Alliance Insurance Company.
20011067	ABN AMRO Holding N.V	Alleghany Corporation	Alleghany Asset Management, Inc.
20011073	TSG3 L.P	The Proctor & Gamble Company	The Proctor & Gamble Company.
20011076	Deere & Company	FdG Capital Partners LLC	McGinnis Farms, Inc.
20011079	Resurrection Health Care Corporation.	Sisters of the Holy Family of Nazareth-Sacred Heart Province.	Sisters of the Holy Family of Nazareth-Sacred Heart Province.
20011080	Bank of America Corporation	CAF Holdings, Inc	CAF Holdings, Inc.
20011091	Morgenthaler Partners VI, L.P	Catena Networks, Inc	Catena Networks, Inc.
Transactions Granted Early Termination—12/29/2000			
20010975	Welsh, Carson, Anderson & Stowe VII, L.P.	OrthoLink Physicians Corporation	OrthoLink Physicians Corporation.
20010984	Sprout Capital IX, L.P	Credit Suisse Group	Focus Technologies, Inc.
20011015	SBC Communications Inc	VoiceStream Wireless Corporation	Omnipoint NY MTA License, LLC.
20011016	VoiceStream Wireless Corporation	SBC Communications Inc	Pacific Telesis Mobile Services LLC.
20011023	Internet Capital Group, Inc	Logistics.com, Inc	Logistics.com, Inc.
20011042	Silverline Technologies Limited	SeraNova, Inc	SeraNova, Inc.
20011058	DST Systems, Inc	Bank One Corporation	EquiServe Limited Partnership.
20011061	M. Francçiois Pinault	George A. & Kay A. Wilson	Ryall Electric Supply Company.
20011071	Lee R. Anderson, Sr	James Doody	Doody Mechanical, Inc.
20011085	Oak Investment Partners IX, Limited Partnership.	Michael J. Noonan	Fiber Optic Network Solutions Corp.
20011086	Morgenthaler Partners VI, L.P	Michael J. Noonan	Fiber Optic Network Solutions Corp.
20011093	Sun Microsystems, Inc	HighGround Systems, Inc.	HighGround Systems, Inc
20011096	VNU N.V	VNU N.V	Entertainment Marketing Information Systems.
20011101	Sanofi-Synthelabo	Atrix Laboratories, Inc	Atrix Laboratories, Inc.
20011102	Parsons Corporation	Harold W. Wyatt, Jr.	H.E. Hennigh, Inc.
20011109	Motiva Enterprises LLC	R.R. Morrison & Son, Inc	R.R. Morrison & Son, Inc.
20011112	ALZA Corporation	Pharmaceutical Development, Inc	Genupro, Inc.
20011116	2000 Riverside Capital Appreciation Fund, L.P.	Donald H. Drew	DHD Healthcare Corporation.
20011117	2000 Riverside Capital Appreciation Fund, L.P.	Bruce J. Drew	DHD Healthcare Corporation.
20011118	Sandy Springs Bancorp, Inc	Progress Financial Corporation	Progress Financial Corporation
20011121	Metro National Corporation	Saltgrass, Inc.	Saltgrass, Inc.
20011131	UBS Capital Americas II, LLC	Oresis Communications, Inc	Oresis Communications, Inc.
20011133	United Rentals, Inc	Harold W. Wiese	Wiese Planning & Engineering.
20011137	General Electric Company	General Electric Company	Curtis Power Co., LLC.
20011139	Robert Bosch Industrietreuhand KG	Detection Systems, Inc	Detection Systems, Inc.
20011142	Aegis Group plc	Stanford Nygard	Outdoor Vision.
20011143	Aegis Group plc	Sterling Pile, III	Outdoor Vision.
20011150	Hvide Marine Incorporated	Hvide Marine Incorporated	Lightship Partners, LP.
20011155	Ford Motor Company	Ford Motor Company	FRN of Rochester, LLC.
20011157	Bank of America Corporation	Cupertino Electric, Inc	Cupertino Electric, Inc.
20011163	Voting Shares Irrevocable Trust	Hans P. Utsch	Edgemont Asset Management Corporation.
20011164	Voting Shares Irrevocable Trust	Lawrence Auriana	Edgemont Asset Management Corporation.

Trans #	Acquiring	Acquired	Entities
20011166	Norman P. Creighton	Comerica Incorporated	Comercia Incroporated.
20011169	Wolters Kluwer nv	Loislaw.com, Inc	Losilaw.com, Inc.
20011172	Wolseley plc	Vernon Mountcastle, Jr	Interior Distributors, Inc.
20011174	Olympus Growth Fund III, L.P	Griffin Land & Nuseries, Inc	Griffin Land & Nurseries, Inc.
20011175	Thoma Cressey Fund VI, L.P	Phillip D. Whisenhunt	CMS Wireless, LLC.
20011186	Linsalata Capital Partners Fund III, L.P.	Kevco, Inc	Kevco, Inc.
Transactions Granted Early Termination—01/02/2001			
20010916	Brinker International, Inc	NERC Limited Partnership; NERC Limited Partnership II.	NE Restaurant Company, Inc.
20011126	Apax Europe IV–A, L.P	CenterBeam, Inc.	CenterBeam, Inc.
20011128	ICVF 1999, L.P	Allegro Networks, Inc	Allegro Networks, Inc.
20011129	Michael Devlin	Rational Software Corporation	Rational Software Corporation.
Transactions Granted Early Termination—01/03/2001			
20010994	Macromedia, Inc	Atom Corporation	Atom Corporation.
20011069	Royal Dutch Petroleum Company	Woodside Petroleum Ltd	Woodside Petroleum Ltd.
Transactions Granted Early Termination—01/04/2001			
20010960	Allied Waste Industries, Inc	Republic Services, Inc	Republic Services of Pennsylvania, LLC.
20011010	Richard E. Jordan, II	Strongco, Inc.	Strongco (USA), Inc.
20011084	Insilco Holding Co	InNet Technologies, Inc	InNet Technologies, Inc.
20011105	Siemens AG	Ramtron International Corporation	Ramtron International Corporation.
20011146	George L. Graziadio, Jr	Comercia Incorporated	Comerica Incorporated
20011148	Harvest Partners III, L.P	Frank Defino, Sr	Tukaiz Communications, L.L.C.
20011149	Harvest Partners III, L.P	Matthews International Corporation	Tukaiz Communications, L.L.C.
20011168	Mohawk Industries, Inc	Burlington Industries, Inc	The Bacova Guild, Ltd.
Transactions Granted Early Termination—01/05/2001			
20010698	ANTEC Corporation	Nortel Networks Corporation	Arris Interactive L.L.C.
20010699	Nortel Networks Corporation	ANTEC Corporation	Newco.
20010943	Xcel Energy Inc	LS Power, LLC	Grantie Power Partners, II, L.P., LS Power Management, LLC.
20010972	Mr. Lloyd Dorfman	Preussag Aktiengesellschaft	Thomas Cook Inc.
20011047	Asyst Technologies, Inc	Advanced Machine Programming, Inc..	Advanced Machine Programming, Inc.
20011134	Morgan Stanley Dean Wittner & Co	AMR Corporation	AMR Corporation.
20011153	Safeguard Scientifics, Inc	MicroAge, Inc.	MicroAge, Inc.
200179	Artal Group S.A	Weighco Enterprise, Inc	Weighco Enterprise, Inc.
20011181	Professionals Group, Inc	Medical Assurance, Inc	Medical Assurance, Inc.
20011182	Medical Assurance, Inc	Professionals Group, Inc	Professionals Group, Inc.
20011183	A. Derrill Crowe, M.D	ProAssurance Corporation	ProAssurance Corporation.
20011189	Andrew McKelvey	Tomasz L. Schellenberg	ADEPT, Inc.

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Parcellena P. Fielding, Contact Representatives. Federal Trade Commission, Premerger Notification Office, Bureau of Competition, Room 303, Washington, DC 20580, (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–2044 Filed 1–22–01; 8:45am]

BILLING CODE 6750–01–M

GENERAL SERVICES ADMINISTRATION

DEPARTMENT OF STATE

Office of Communications

Cancellation of an Optional Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: The Department of State is cancelling the following Optional Form because of low usage:

OF 206, Purchase Order, Receiving Report and Voucher.

This form is now a State Department form (DS Form 2076). You can request copies of the new form from: Department of State, IS/OIS/DIR, 2201 C Street, NW; Room B264NS, Washington, DC 20520–0264.

DATES: Effective January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Cunnigham, Department of State, 202.647.0596.

Dated: January 3, 2001.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 01–1913 Filed 1–22–01; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Office of Communications; Cancellation of Standard Form

AGENCY: General Services Administration.

ACTION: Notice.

SUMMARY: Because of low usage the following Standard Form is cancelled: SF 14, Telegraphic Message.

DATES: Effective January 23, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Barbara Williams, General Services Administration, (202) 501–0581.

Dated: January 9, 2001.

Barbara M. Williams,

Deputy Standard and Optional Forms Management Officer.

[FR Doc. 01–1914 Filed 1–22–01; 8:45 am]

BILLING CODE 6820–34–M

GENERAL SERVICES ADMINISTRATION

Women's Progress Commemoration Commission

AGENCY: General Services Administration.

ACTION: Meeting Notice.

SUMMARY: Notice is hereby given that the Women's Progress Commemoration Commission will hold an open meeting from 9:00 a.m. to 4:00 p.m. on Wednesday, Febraruy 28, 2001, at the U.S. Capitol 1116 Longworth House Office Building.

Purpose: The Commission will meet to discuss the results of the governors' submissions pertaining to identifying and commemorating Women's History sites.

FOR FURTHER INFORMATION CONTACT: Martha Davis (202) 501–0705, Assistant to the Associate Administrator for Communications, General Services Administration. Also, inquiries may be sent to *martha.davis@gsa.gov.*

Dated: January 12, 2001.

Beth Newburger,

Associate Administrator for Communications.

[FR Doc. 01–1912 Filed 1–22–01; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–165]

Availability of Chemical Specific Consultation for Tremolite-Related Asbestos

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), Section 104(i)(4) [42 U.S.C. 9604(i)(4)], directs the Administrator of ATSDR to provide consultations upon request on health issues relating to exposure to hazardous or toxic substances to the Administrator of EPA, State officials, and local officials. A health consultation provides advice on a specific public health issue related to real or possible human exposure to toxic material and is a method ATSDR uses to respond rapidly to requests for assistance and public health needs.

This notice announces that a chemical-specific public health consultation, Tremolite-related Asbestos, is now available for public comment. This ATSDR consultation reviews the scientific literature describing the relationship between exposure to tremolite-related asbestos and resultant health effects.

DATES: In order to be considered, comments on this draft consultation must be received by March 9, 2001. Comments received after the close of the public comment period will be considered at the discretion of ATSDR based upon what is deemed to be in the best interest of the general public.

ADDRESSES: Requests for copies of the draft consultation should be sent to the ATSDR Information Center, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–57, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Written comments regarding the draft consultation should be sent to the same address. ATSDR reserves the right to provide only one copy of the draft consultation free of charge.

Written comments submitted in response to this notice should bear the docket control number ATSDR–165. Because all public comments regarding ATSDR–165 health consultations will be available for inspection, no confidential business information or personal medical information should be submitted in response to this notice.

FOR FURTHER INFORMATION CONTACT: Susan L. Kess, MD, MPH, Division of Toxicology, Agency for Toxic Substances and Disease Registry, Mailstop E–29, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone (404) 639–6300.

SUPPLEMENTARY INFORMATION: Given the uniqueness of tremolite and related asbestos and the paucity of information about them, ATSDR prepared this substance-specific consultation to support technical decision-making for public health activities at Libby, Montana where the vermiculite ore was mined, and at other sites across the country where the contaminated vermiculite was mined, distributed, and processed.

Workers, household contacts, and the general public who come in contact with contaminated products may be at risk of exposure and potential health effects.

Dated: January 16, 2001.

Georgi Jones,

Director, Office of Policy and External Affairs, Agency for Toxic Substances and Disease Registry.

[FR Doc. 01–1889 Filed 1–22–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–17]

Foreign Quarantine Regulations; Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506 (c) (2) (A) of the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) is providing an opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer at 404–639–7090. Comments are invited on: (i) Whether the proposed collection of information is necessary for the proper performance of the functions of the CDC, including whether the information shall have a

practical utility; (ii) the accuracy of the agency's estimate of the burden of the proposed collection of information; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques for other forms of information technology. Send comments to Anne O'Connor, Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, Georgia 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Survey of User Satisfaction with National Health Care Survey Data—New—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC). This Survey of User Satisfaction with National Health Care Survey Data is needed to provide current information on the use and usefulness of the variety of data products describing health care delivery systems in the United States. The National Health Care Survey comprises several component surveys: National Hospital Discharge Survey, National Nursing Home Survey, National Home and Hospice Care Survey, National Ambulatory Medical Care Survey, National Hospital Ambulatory Medical Care Survey and occasional other similar surveys when funded, such as the National Health Provider Inventory. Unlike other national surveys conducted by CDC National Center for Health Statistics, the National Health Care surveys address the health care delivery systems rather than the vital statistics, health status, health-related behavior, and access to care experienced by individuals and households who are consumers of the health care delivery systems. Between the years of 1968 and 1984, a number of surveys were conducted to learn more about National Center for Health Statistics (NCHS) data users and to assess the quality of data dissemination activities conducted by NCHS. Studies focusing solely on user satisfaction with National Health Care Survey data products have not been conducted since 1984. We need current specific information on how well our users' needs are being met, how to improve our data products, and how to serve current non-users of our data who are, nonetheless, potential users. Our data products consist mainly of published reports and web-published data sets including Data Highlights and E-Stats. Our published reports include Advance Data Reports, a newsletter-like summary of more detailed analyses to be published later, and Series Reports, which are in-depth analyses of specific topics addressed by our collected data. As the contractor for this project, CHPS Consulting will conduct a multi-mode survey using a web-based survey for those in the sample for whom an email address is available and a mail survey for those without an email address. Current users will be asked questions about what publications they use, how they use them, and their opinion of the timeliness, accessibility, format, and quality of the data publications. Non-users will be asked why they do not use our publications, their current sources of health care provider data, and how we improve data products to meet their needs. Our target population will include the following groups of persons: researchers, educators, health facility administrators, practitioners, and policymakers. Our goal for this survey is to obtain 600 returned surveys with an approximately equal number of returned surveys from users and non-users. There is no cost to respondents other than their time in responding.The total annualized burden is 75 hours.

Respondents	Number of respondents	Number of responses per respondent	Avg. burden per response (in hrs.)	Total response per burden (in hrs.)
Users	300	1	1/60	50
Non-Users	300	1	5/60	25
Total	600			75

Dated: January 16, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning, and Evaluation Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–1995 Filed 1–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60 Day–01–16]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer on (404) 639–7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

Proposed Project

Foreign Quarantine Regulations—Extension—OMB No.0920–0134 National Center for Infectious Diseases (NCID), Centers for Disease Control and Prevention (CDC) Section 361 of the Public Health Service (PHS) Act (42 USC 264) authorizes the Secretary of Health and Human Services to make and enforce regulations necessary to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the United States. Legislation and the existing regulations governing quarantine activities (42 CFR part 71) authorize quarantine officers and other personnel to inspect and undertake necessary control measures with respect to conveyances, persons, and shipments of

animals and etiologic agents in order to protect the public health. Currently, with the exception of rodent inspections and the cruise ship sanitation program, inspections are performed only on those vessels and aircraft which report illness prior to arrival or when illness is discovered upon arrival. Other inspection agencies assist quarantine officers in public health screening of persons, pets, and other importations of public health importance and make referrals to PHS when indicated. These practices and procedures assure protection against the introduction and spread of communicable diseases into the United States with a minimum of recordkeeping and reporting as well as a minimum of interference with trade and travel. Respondents would include airplane pilots, ships' captains, importers, and travelers. The nature of the quarantine response would dictate which forms are completed by whom. Thus, the *respondents* portion of the information below is replaced by the requisite form title. The estimated cost to the public is $22,225.

Respondents	Number of respondents	Number of responses/ respondent	Avg. burden per respondent (in hrs.)	Total burden (in hrs.)
Radio reporting of death/illness:				
(1) Aircraft	130	1	2/60	4.00
(2) Cruise ships	90	23	1/60	34.00
(3) Other ships	22	1	1/60	0.04
Report by persons held in isolation/surveillance	11	1	30/60	5.50
Report of death or illness on carrier during stay in port	5	1	3/60	0.25
Requirements for admission of dogs and cats:				
(1)	5	1	3/60	0.25
(2)	2,650	1	15/60	662.50
Application for permits to import turtles	10	1	30/60	5.00
Requirements for registered importers of nonhuman primates:				
(1)	40	1	10/60	6.70
(2)	50	1	30/60	25.00
Total				743.60

Dated: January 12, 2001.

Nancy Cheal,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–1996 Filed 1–22–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0006]

Agency Information Collection Activities; Proposed Collection; Comment Request; New Animal Drug Application, Form FDA 356 V, 21 CFR Part 514

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements for submission of a new animal drug application (NADA).

DATES: Submit written or electronic comments on the collection of information by March 26, 2001.

ADDRESSES: Submit electronic comments on the collection of information via the Internet at: http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Denver Presley, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1472.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information listed below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the 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 the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

New Animal Drug Application (NADA), Form FDA 356 V—21 CFR Part 514—(OMB Control No. 0910–0032)—Extension

FDA has the responsibility under the Federal Food, Drug, and Cosmetic Act (the act), for the approval of new animal drugs that are safe and effective. Section 512(b) of the act (21 U.S.C. 360b(b)), requires that a sponsor submit and receive approval of a NADA, before interstate marketing is allowed. The regulations implementing statutory requirements for NADA approval have been codified under 21 CFR part 514. NADA applicants generally use a single form, FDA 356 V. The NADA must contain, among other things, safety and effectiveness data for the drug, labeling, a list of components, manufacturing and controls information, and complete information on any methods used to determine residues of drug chemicals in edible tissues. While the NADA is pending, an amended application may be submitted for proposed changes. After an NADA has been approved, a supplemental application must be submitted for certain proposed changes, including changes beyond the variations provided for in the NADA and other labeling changes. An amended application and a supplemental application may omit statements concerning which no change is proposed. This information is reviewed by FDA's scientific personnel to ensure that the intended use of an animal drug, whether as a pharmaceutical dosage form, in drinking water, or in medicated feed, is safe and effective. The respondents are pharmaceutical firms that produce veterinary products and commercial feed mills.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

Form No.	21 CFR section	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Form FDA 356 V	514.1 and 514.6	190	8.33	1,582	211.6	334,751
	514.8	190	8.33	1,582	30	47,460
	514.11	190	8.33	1,582	1	1,582
Total						383,793

[1] There are no capital costs or operating and maintenance costs associated with this collection.

The estimate of the burden hours required for reporting are based on fiscal year 1999 data. The burden estimate includes original NADA's, supplemental NADA's, and amendments to unapproved applications.

Dated: January 16, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–1870 Filed 1–22–01; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01F–0026]

Avecia, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Avecia, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of Poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating formulations.

FOR FURTHER INFORMATION CONTACT: Mark Hepp, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 1B4726) has been filed by Avecia, Inc., 1405 Foulk Rd., P.O. Box 15457, Wilmington, DE 19850–5457. The petition proposes to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) and § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of Poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating compositions.

The agency has determined under 21 CFR 25.32(q) 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.

Dated: January 4, 2001.

Alan M. Rulis,

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 01–1868 Filed 1–22–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration (SAMHSA)

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Center for Mental Health Services (CMHS) National Advisory Council on January 25 and 26, 2001.

A portion of the meeting will be open and will include a roll call, general announcements and panel discussions on racial and ethnic disparities in mental health, the role of communications in promoting mental health for children, communication efforts in promoting appropriate messages about mental illness. There will be an update from the subcommitte on consumer/survivor issues and a report of the Surgeon General's conference on children's mental health. Public comments are welcome during the open session. Please communicate with the individual listed as contact below for guidance.

The meeting will include the review, discussion, and evaluation of individual grant applications. Therefore a portion of the meeting will be closed to the public as determined by the Acting Administrator, SAMHSA, in accordance with title 5 U.S.C. 552b (c)(6) and 5 U.S.C. App. 2, section 10(d).

A summary of the meeting and a roster of Council members may be obtained from: Ms. Eileen Pensinger, M.Ed., Executive Secretary, CMHS National Advisory Council, 5600 Fishers Lane, Room 17C–27, Rockville, Maryland 20857, Telephone: (301) 443–4823.

Substantive program information may be obtained from the contact whose name and telephone number is listed below.

Committee Name: Center for Mental Health Services, National Advisory Council.

Meeting Date: January 25 and 26, 2001.

Place: Parklawn Building, 5600 Fishers Lane, Conference Room D, 3rd Floor, Rockville, Maryland 20857.

Closed: January 25, 2001, 9 a.m, to 10 a.m.

Open: January 25, 2001, 10:15 a.m. to 5 p.m.; January 26, 2001, 8:30 a.m. to 1 p.m.

Contact: Eileen Pensinger, M.Ed., Parklawn Building, 5600 Fishers Lane, Room 17C–27, Telephone: (301) 443–4823 and FAX: (301) 443–4864.

Dated: January 16, 2001.

Toian Vaughn,

Committee Management Officer, SAMHSA.

[FR Doc. 01–1871 Filed 1–22–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF THE INTERIOR

Office of the Secretary; Glen Canyon Dam Adaptive Management Work Group; Notice of Renewal

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior (Secretary) is renewing the Glen Canyon Dam Adaptive Management Work Group. The purpose of the Adaptive Management Work Group is to advise and provide recommendations to the Secretary with respect to his responsibility to comply with the Grand Canyon Protection Act of October 30, 1992, embodied in Public Law 102–575.

Further information regarding the advisory council may be obtained from the Bureau of Reclamation, Department of the Interior, 1849 C Street, NW, Washington, DC 20240.

The certification of renewal is published below.

Certification

I hereby certify that establishment of the Glen Canyon Dam Adaptive Management Work Group is in the public interest in connection with the purpose of duties imposed on the Department of the Interior by 30 U.S.C. 1–8.

Dated: January 16, 2001.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 01–1872 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

List of Programs Eligible for Inclusion in Fiscal Year 2002 Annual Funding Agreements To Be Negotiated With Self-Governance Tribes by Interior Bureaus Other Than the Bureau of Indian Affairs

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice lists programs or portions of programs that are eligible for inclusion in Fiscal Year 2002 annual funding agreements with self-governance tribes and lists programmatic targets for each of the non-BIA bureaus, pursuant to section 405(c)(4) of the Tribal Self-Governance Act.

DATES: This notice expires on September 30, 2002.

ADDRESSES: Inquiries or comments regarding this notice may be directed to the Office of Self-Governance (MS–2542, MIB), 1849 C Street NW., Washington, DC 20240–0001. Telephone (202) 219–0240 or to the bureau points of contact listed below.

SUPPLEMENTARY INFORMATION:

I. Background

Title II of the Indian Self-Determination and Education Assistance Act Amendments of 1994 (Pub. L. 103–413, the ''Self-Governance Act'' or the ''Act'') instituted a permanent tribal self-governance program at the Department of the Interior (DOI). Under the self-governance program certain programs, services, functions, and activities, or portions thereof, in Interior bureaus other than BIA are eligible to be planned, conducted, consolidated, and administered by a self-governance tribal government.

Under section 405(c) of the Self-Governance Act, the Secretary of the Interior is required to publish annually: (1) A list of non-BIA programs, services, functions, and activities, or portions thereof, that are eligible for inclusion in agreements negotiated under the self-governance program; and (2) programmatic targets for these bureaus.

Under the Self-Governance Act, two categories of non-BIA programs are eligible for self-governance funding agreements:

(1) Under section 403(b)(2) of the Act, any non-BIA program, service, function or activity that is administered by Interior that is ''otherwise available to Indian tribes or Indians,'' can be administered by a tribal government through a self-governance agreement. The Department interprets this provision to authorize the inclusion of programs eligible for self-determination contracting under Title I of the Indian Self-Determination and Education Assistance Act (Pub. L. 93–638). Section 403(b)(2) also specifies that ''nothing in this subsection may be construed to provide any tribe with a preference with respect to the opportunity of the tribe to administer programs, services, functions and activities, or portions thereof, unless such preference is otherwise provided for by law.''

(2) Under section 403(c) of the Act, the Secretary may include other programs, services, functions, and activities, or portions thereof, that are of ''special geographic, historical, or cultural significance'' to a self-governance tribe.

Under section 403(k) of the Self-Governance Act, annual agreements cannot include programs, services, functions, or activities that are inherently Federal or where the statute establishing the existing program does not authorize the type of participation sought by the tribe. However, a tribe (or tribes) need not be identified in the authorizing statutes in order for a program or element to be included in a self-governance agreement. While general legal and policy guidance regarding what constitutes an inherently Federal function exists, we will determine whether a specific function is inherently Federal on a case-by-case basis considering the totality of circumstances.

Response to Comments

The Department provided the proposed list to the Self-Governance Tribes at the semi-annual Tribal Self-Governance Fall Conference held in Nashville, Tennessee on October 10–12, 2000. No comments were received. Several minor editorial and technical change provided by Interior's bureaus were incorporated.

II. Annual Funding Agreements Between Self-Governance Tribes and Non-BIA Bureaus of the Department of the Interior

A. Bureau of Land Management (none)

B. Bureau of Reclamation (3)

Gila River Indian Community (since FY 1996)
Chippewa Cree-Rocky Boy Reservation (since FY 1999)
Karuk Tribe of California (since FY 1999)
C. Minerals Management Service (none)
D. National Park Service (1)
Grand Portage Band of Lake Superior Chippewa Indians (since FY 1999)
E. Office of Surface Mining and Reclamation Enforcement (none)
F. U.S. Fish and Wildlife Service (none)
G. U.S. Geological Survey (none)

III. Eligible Programs of the Department of the Interior non-BIA Bureaus

Below is a listing by bureau of the types of non-BIA programs, or portions thereof, that may be eligible for self-governance annual funding agreements because they are either ''otherwise available to Indians'' under Title I and not precluded by any other law, or may have ''special geographic, historical, or cultural significance'' to a participating tribe. The lists represent the most current information on programs potentially available to Tribes under a Self-Governance agreement.

The Department will also consider for inclusion in annual funding agreements other programs or activities not included below, but which, upon request of a self-governance tribe, the Department determines to be eligible under either sections 403(b)(2) or 403(c) of the Act. Tribes with an interest in such potential agreements are encouraged to begin discussions with the appropriate non-BIA bureau.

A. Eligible Programs of the Bureau of Land Management (BLM)

BLM management responsibilities cover a wide range of areas, such as recreational activities, timber, range and minerals management, wildlife habitat management and watershed restoration. In addition, BLM is responsible for the survey of certain Federal and tribal lands. Two programs provide tribal services: (1) Tribal and allottee minerals management; and (2) Survey of tribal and allottee lands.

BLM carries out some of its activities in the management of public lands through contracts and cooperative agreements. These and other activities, dependent upon availability of funds, the need for specific services, and the Self-Governance tribe demonstrating a special geographic, cultural, or historical connection, may also be available for inclusion in self-governance agreements. Once a tribe has made initial contact with BLM, more specific information will be provided by the respective BLM State office.

Tribal Services

1. *Cadastral Survey.* Tribal and allottee cadastral survey services are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

2. *Minerals Management.* Inspection and enforcement of Indian oil and gas operations, and inspection, enforcement and production verification of Indian coal and sand and gravel operations: Are already available for contracts under Title I of the Act and therefore may be available for inclusion in an annual funding agreement.

Other Activities

1. *Cultural Heritage.* Cultural heritage activities, such as research and inventory, may be available in specific States.

2. *Forestry Management.* Activities, such as environmental studies, tree planting, thinning and similar work, may be available in specific States.

3. *Range Management.* Activities, such as re-vegetation, noxious weed control, fencing, construction and maintenance of range improvements, grazing management experiments, range monitoring, and similar activities, may be available in specific States.

4. *Riparian Management.* Activities, such as facilities construction, erosion control, rehabilitation, and similar activities, may be available in specific States.

5. *Recreation Management.* Activities, such as facilities construction and maintenance, interpretive design and construction, and similar activities, may be available in specific States.

6. *Wildlife and Fisheries Habitat Management.* Activities, such as construction and maintenance, interpretive design and construction, habitat protection and improvement projects, and similar activities, may be available in specific States.

7. *Wild Horse Management.* Activities such as wild horse round ups, removal, and disposition, including operation and maintenance of wild horse facilities may be available in specific States.

The above programs under ''Other Activities'' are available in many states for competitive contracting. However, if they are of special geographic, historical or cultural significance to a participating Self-Governance tribe, they may be available for annual funding agreements. Tribes may also discuss additional BLM-funded activities with the relevant State office in relation to negotiating specific self-governance agreements.

For questions regarding Indian Self-Governance, contact Jerry Cordova, Bureau of Land Management, 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 452–7756, tax: (202) 452–7701. General information on all contracts available in a given year through the BLM can be obtained from the BLM National Business Center, P.O. Box 25047, Bldg. 50, Denver Federal Center, Denver, CO 80225–0047.

B. Eligible Programs of the Bureau of Reclamation

Reclamation operates a wide range of water resource management projects for irrigation, hydroelectric power generation, municipal and industrial water supplies, flood control, outdoor recreation, enhancement of fish and wildlife habitats, and research. Most of Reclamation's activities involve construction, operations and maintenance, and management of water resources projects and associated facilities. Components of the following water resource management and construction projects may be eligible for self-governance agreements.

1. Yakima River Basin Water Enhancement Program WA
2. Klamath Project—CA, OR
3. Trinity River Restoration Program—CA
4. Central Valley Project (Trinity Division)—CA
5. Newlands Project—NV, CA
6. Washoe Project—NV, CA
7. Colorado River Front Work/Levee System—AZ, CA, NV
8. Lower Colorado Indian Water Management Study—AZ, CA, NV
9. Yuma Area Projects—AZ, CA
10. Central Arizona Project—AZ, NM
11. Middle Rio Grande Project—NM
12. Indian Water Rights Settlement Projects—as Congressionally authorized.

For questions regarding self-governance contact Barbara White, Reclamation Self-Governance Coordinator, Native American Affairs Office, Bureau of Reclamation (W–6100), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 208–4733, fax: (202) 208–6688.

C. Eligible Programs of the Minerals Management Service (MMS)

MMS provides stewardship of America's offshore resources and collects revenues generated from mineral leases on Federal and Indian lands. MMS is responsible for the management of the Federal Outer Continental Shelf, which are submerged lands off the coasts that have significant energy and mineral resources. Within the offshore minerals management program, environmental impact

assessments and statements, and environmental studies, may be available if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

MMS also offers mineral-owning tribes other opportunities to become involved in MMS's Royalty Management Program functions. These programs address the intent of Indian self-governance but are available regardless of self-governance intentions or status and are a good prerequisite for assuming other technical functions. Generally, royalty management programs are available to self-governance tribes are as follows:

1. *Audit of tribal royalty payments.* Audit activities for tribal leases, except for the issuance of orders, final valuation decisions, and other enforcement activities. (For tribes already participating in MMS delegated audits, this program is offered as an optional alternative.)

2. *Verification of tribal royalty payments.* Financial compliance verification and monitoring activities, production verification, and appeals research and analysis.

3. *Tribal royalty reporting, accounting and data management.* Establishment and management of royalty reporting and accounting systems including document processing, production reporting, reference data (lease, payor, agreement) management, billing and general ledger.

4. *Tribal royalty valuation.* Preliminary analysis and recommendations for valuation and allowance determinations and approvals.

5. *Royalty Management of Allottee Leases.* Royalty management of allottee leases.

6. *Online monitoring of royalties and accounts.* Online computer access to reports, payments, and royalty information contained in MMS accounts. MMS will install equipment at tribal locations, train tribal staff, and assist tribe in researching and monitoring all payments, reports, accounts, and historical information regarding their leases.

7. *Royalty Internship Program.* A new orientation and training program for auditors and accountants from mineral producing tribes to acquaint tribal staff with royalty laws, procedures, and techniques. This program is recommended for tribes that are considering a self-governance agreement but have not yet acquired mineral revenue expertise via a FOGRMA section 202 contract.

For questions regarding self-governance contact Joan Killgore, Royalty Liaison Office, Minerals Management Service (MS–4241), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 208–3512, fax: (202) 208–3982.

D. Eligible Programs of the National Park Service (NPS)

The National Park Service administers the National Park System made up of national parks, monuments, historic sites, battlefields, seashores, lake shores and recreation areas. NPS maintains the park units, protects the natural and cultural resources, and conducts a range of visitor services such as law enforcement, park maintenance, and interpretation of geology, history, and natural and cultural resources.

Some elements of these programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the geographic proximity to, and/or traditional association of a self-governance annual funding agreement. This listing is not all inclusive, but is representative of the types of programs which may be eligible for tribal participation through annual funding agreements.

1. *Ongoing Programs and Activities.* Components of the following programs are potentially eligible for inclusion in a self-governance annual funding agreement.

a. Archeological surveys
b. Comprehensive management planning
c. Cultural resource management projects
d. Ethnographic studies
e. Erosion control
f. Fire protection
g. Hazardous fuel reduction
h. Housing construction and rehabilitation
i. Gathering baseline subsistence data—AK
j. Janitorial services
k. Maintenance
l. Natural resource management projects
m. Range assessment—AK
n. Reindeer grazing—AK
o. Road repair
p. Solid waste collection and disposal
q. Trail rehabilitation

2. *Special Programs.* Aspects of these programs may be available if a self-governance tribe demonstrates a geographical, cultural, or historical connection.

a. Beringia Research
b. Elwha River Restoration

3. *Locations of National Park System Unites in Close Proximity to Self-Governance Tribes.* Aspects of ongoing programs and activities may be available at park units with known geographic, cultural, or historical connections with a self-governance tribe.

a. Lake Clark National Park and Preserve—AK
b. Katmai National Park and Preserve—AK
c. Glacier Bay National Park and Preserve—AK
d. Sitka National Historical Park—AK
e. Kenai Fjords National Park—AK
f. Wrangell-St. Elias National Park & Preserve—AK
g. Bering Land Bridge National Park—AK
h. Northwest Alaska Areas—AK
i. Gates of the Arctic National Park & Preserve—AK
j. Yukon Charlie Rivers National Preserve—AK
k. Casa Grande Ruins National Monument—AZ
l. Joshua Tree National Park—CA
m. Redwoods National Park—CA
n. Whiskeytown National Recreation Area—CA
o. Hagerman Fossil Beds National Monument—ID
p. Sleeping Bear Dunes National Lakeshore—MI
q. Voyageurs National Park—MI
r. Grand Portage National Monument—MN
s. Bear Paw Battlefield, Nez Perce National Historical Park—MT
t. Glacier National Park—MT
u. Great Basin National Park—NV
v. Bandelier National Monument—NM
w. Hopewell Culture National Historical Park—OK
x. Chickasaw National Recreation Area—OK
y. Effigy Mounds National Monument—IA
z. Olympic National Park—WA
a–1. San Juan Islands National Historic Park—WA
b–1. Mt Rainier National Park—WA
c–1. Ebey's Landing National Historical Reserve—WA

For questions regarding self-governance contact Dr. Patricia Parker, Chief, American Indian Liaison Office, National Park Service (MS–3410), 1849 C Street NW. Washington, DC 20240–0001; telephone: (202) 208–5475, fax: (202) 273–0870.

E. Eligible Programs of the Office of Surface Mining and Reclamation Enforcement (OSM)

OSM regulates surface coal mining and reclamation operations, and reclaims abandoned coal mines, in cooperation with States and Indian tribes.

1. *Abandoned Mine Land Reclamation Program.* This program

which restores eligible lands mined and abandoned or left inadequately restored is available to Indian tribes.

2. *Control of the Environmental Impacts of Surface Coal Mining.* This program includes analyses, NEPA documentation, technical reviews, and studies. Where surface coal mining exists on Indian land, certain regulatory activities that are not inherently Federal are available to Indian tribes.

For questions regarding self-governance contact Maria Mitchell, Office of Surface Mining Reclamation and Enforcement (MS–210–SIB), 1951 Constitution Ave. NW., Washington, DC 20240, telephone: (202) 208–2865, fax: (202) 291–3111.

F. Eligible Programs of the U.S. Fish and Wildlife Service (FWS)

The mission of FWS is to conserve, protect, and enhance fish, wildlife, and their habitats for the continuing benefit of the American people. Primary responsibilities are for migratory birds, endangered species, freshwater and anadromous fisheries, and certain marine mammals. FWS also has a continuing cooperative relationship with a number of Indian tribes throughout the National Wildlife Refuge System and the Service's fish hatcheries. Any self-governance tribe may contact a National Wildlife Refuge or National Fish Hatchery directly concerning participation in Service programs under the Self-Governance Act.

Some elements of the following programs may be eligible for inclusion in a self-governance annual funding agreement. The listing below was developed considering the proximity of an identified self-governance tribe to a National Wildlife Refuge or National Fish Hatchery, and the types of programs that have components that may be suitable for contracting through a self-governance annual funding agreement. This listing is not all-inclusive but is representative of the types of programs which may be eligible for tribal participation through an annual funding agreement.

1. Subsistence Programs Within Alaska

2. Fish & Wildlife Technical Assistance, Restoration & Conservation

a. Fish & wildlife population surveys
b. Habitat surveys
c. Sport fish restoration
d. Capture of depredating migratory birds
e. Fish & wildlife program planning
f. Habitat restoration activities

3. Endangered Species Program

a. Cooperative management of conservation programs
b. Development and implementation of recovery plans
c. Conducting status surveys for high priority candidate species
d. Participation in the development of habitat conservation plans, as appropriate

Education Programs

a. Interpretation
b. Outdoor classrooms
c. Visitor center operations
d. Volunteer coordination efforts on- and off-refuge

Environmental Contaminants Program

a. Analytical devices
b. Removal of underground storage tanks
c. Specific cleanup activities
d. Natural resource economic analysis
e. Specific field data gathering efforts

Hatchery Operations

a. Egg taking
b. Rearing/feeding
c. Disease treatment
d. Tagging
e. Clerical/facility maintenance

7. Wetland & Habitat Conservation and Restoration

a. Construction
b. Planning activities
c. Habitat monitoring and management

8. Conservation Law Enforcement

All law enforcement efforts under cross-deputization

9. National Wildlife Refuge Operations & Maintenance

a. Construction
b. Farming
c. Concessions
d. Maintenance
e. Comprehensive management planning
f. Biological program efforts
g. Habitat management
h. Fire Management

Locations of Refuges and Hatcheries With Close Proximity to Indian Tribes

1. Alaska National Wildlife Refuges—AK
2. Alchesay National Fish Hatchery—AZ
3. Humboldt Bay National Wildlife Refuge—CA
4. Kootenai National Wildlife Refuge—ID
5. Agassiz National Wildlife Refuge—MN
6. Mille Lacs National Wildlife Refuge—MN
7. Rice Lake National Wildlife Refuge—MN
8. National Bison Range—MT
9. Ninepipe National Wildlife Refuge—MT
10. Pablo National Wildlife Refuge—MT
11. Mescalero National Fish Hatchery—NM
12. Sequoyah National Wildlife Refuge—OK
13. Tishomingo National Wildlife Refuge—OK
14. Bandon Marsh National Wildlife Refuge—OR
15. Dungeness National Wildlife Refuge—WA
16. Makah National Fish Hatchery—WA
17. Nisqually National Wildlife Refuge—WA
18. Quinault National Fish Hatchery—WA
19. San Juan Islands National Wildlife Refuge—WA

For questions regarding self-governance contact Patrick Durham, Fish and Wildlife Service (MS3012), 1849 C Street NW., Washington, DC 20240–0001, telephone: (202) 208–4133, fax: (202) 208–7407.

G. Eligible Programs of the U.S. Geological Survey (USGS)

The mission of the U.S. Geological Survey is to provide information on biology, geology, hydrology, and cartography that contributes to the wise management of the nation's natural resources and to the health, safety, and well-being of the American people. Information includes maps, data bases, and descriptions and analyses of the water, plants, animals, energy, and mineral resources, land surface, underlying geologic structure and dynamic processes of the earth. Information on these scientific issues is developed through extensive research, field studies, and comprehensive data collection to: evaluate natural hazards such as earthquakes, volcanoes, landslides, floods, droughts, subsidence and other ground failures; assess energy, mineral, and water resources in terms of their quality, quantity, and availability; evaluate the habitats of animals and plants; and produce geographic, cartographic, and remotely-sensed information in digital and non-digital formats. No USGS programs are specifically available to American Indians or Alaska Natives because of their status as Indians/Natives. Components of programs may have a special geographic, cultural, or historical connection with a self-governance tribe.

1. *Mineral, Environmental, and Energy Assessments.* Components of this program that involve geologic

research, data acquisition, and predictive modeling may be available for inclusion in an annual funding agreement.

2. *USGS Earthquake Hazards Reduction Program.* Components of this program that involves research, data acquisition, and modeling related to earthquakes and seismically active areas may be available for inclusion in an annual funding agreement.

3. *Water Resources Data Collections and Investigations.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural, or historical connection.

4. *Biological Resources Inventory, Monitoring, Research and Information Transfer Activities.* Components of this program may be available for inclusion in an annual funding agreement if a self-governance tribe demonstrates a special geographic, cultural or historical connection.

For questions regarding self-governance contact Sue Marcus, American Indian/Alaska Native Liaison, U.S. Geological Survey, 107 National Center, Reston, VA 20192, telephone: (703) 648–4437, fax: (703) 648–5470.

IV. Programmatic Targets

During Fiscal Year 2002, upon request of a self-governance tribe each non-BIA bureau will negotiate annual funding agreements for its eligible programs beyond those already negotiated.

Dated: January 17, 2001.

William A. Sinclair,

Director, Office of Self-Governance.

[FR Doc. 01–1884 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–10–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

Endangered Species

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Applicant: U.S. Fish and Wildlife Service, Laramie, WY, PRT–37824.

The applicant requests a permit to export and re-import captive bred and wild live specimens of Black-footed ferret (*Mustela nigripes*) to/from Mexico for completion of identified tasks and objectives mandated under the Black-Footed Ferret Recovery Plan. Salvaged materials may include, but are not limited to: whole or partial specimens, hair, and blood samples. This notification covers activities conducted by the applicant over the next five years.

Applicant: Safari Enterprises, Boerne, TX, PRT–37024.

The applicant requests a permit to import two captive born jaguars (*Panthera onca*) from Zoo Congo, Mexico City, Mexico for the purpose of enhancement of the survival of the species through captive propagation.

Applicant: Donald R. Card, Grand Ledge, MI, PRT–027135.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport-hunted from the Northern Beaufort Sea polar bear population in Canada for personal use. On May 22, 2000 [65 FR 32120], the permit request was mistakenly published as a sport-hunted bear from Lancaster Sound population.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018–0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2104); Fax: (703/358–2281).

Dated: January 17, 2001.

Anna Barry,

Chief, Branch of Permits, Division of Management Authority.

[FR Doc. 01–2018 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Issuance of Permit for Marine Mammals

On October 19, 2000, a notice was published in the **Federal Register**, Vol. 65, No. 203, Page 62747, that an application had been filed with the Fish and Wildlife Service by U.S. Geological Survey to amend their permit (PRT–690038) to update their scientific research activities with polar bears.

Notice is hereby given that on January 5, 2001, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

On December 7, 2000, a notice was published in the **Federal Register**, Vol. 65, No. 236, Page 76662, that an application had been filed with the Fish and Wildlife Service by U.S. J. Herbert Fisher, Jr. for a permit (PRT–032816) to import one polar bear (*Ursus maritimus*) trophy taken from the M'Clintock Channel population, Canada for personal use.

Notice is hereby given that on January 9, 2000, as authorized by the provisions of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Fish and Wildlife Service authorized the requested permit subject to certain conditions set forth therein.

Documents and other information submitted for this application is available for review by any party who submits a written request to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone (703) 358–2104 or Fax (703) 358–2281.

Dated: January 17, 2001.

Anna Barry,

Branch of Permits, Division of Management Authority.

[FR Doc. 01–2019 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–058–01–1610–DG]

Proposed General Management Plan and Final Environmental Impact Statement for the Red Rock Canyon National Conservation Area

January 4, 2001.

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Notice of action.

SUMMARY: Notice of availability for the Proposed General Management Plan and Final Environmental Impact Statement (GMP/FEIS) for Red Rock Canyon National Conservation Area was submitted on December 14, 2000. The General Management Plan will be a stand alone document (does not tier from another document), although it does include one action that will amend the Las Vegas Resource Management Plan (RMP). The action included in the GMP makes adjustments to the Red Rock Herd Management Area (HMA) as designated in the RMP. The adjustments reflect the actual use areas the animals have used over time and include some minor deletions as well as additions to the HMA, allowing a more accurate designation.

The RMP amendment, which makes adjustments to the Red Rock Herd Management Area, can be reviewed in the Proposed GMP/FEIS for Red Rock Canyon and will be open to a 30 day protest period beginning February 15, 2001 and ending March 16, 2001. The proposed action may be protested by any person who participated in the planning process and who has an interest which is or may be adversely affected by the approval of the HMA boundary adjustments. A protest may raise only those issues which were submitted for the record during the planning process (see 43 Code of Federal Regulations 1610.5–2).

All protests must be written and must be postmarked on or before March 16, 2001 and shall contain the following information:

The name, mailing address, telephone number and interest of the person filing the protest.

A statement of the issue or issues being protested.

A statement of the part or parts of the document being protested.

A copy of all documents addressing the issue or issues previously submitted during the planning process by the protesting party, or an indication of the date the issue or issues were discussed for the record.

A concise statement explaining precisely why the Bureau of Land Management, Nevada State Director's decision is wrong.

Upon resolution of any protests, an Approved Plan and record of Decision will be issued. The approved Plan/Record of Decision will be mailed to all individuals who participated in this planning process and all other interested publics upon their request.

ADDRESSES: Protests must be filed with: Director, Bureau of Land Management, Attn. Ms. Brenda Williams, Protest Coordinator, 1849 C Street, NW, Washington, D.C. 20240.

Copies of the Proposed GMP may be obtained from the Las Vegas Field Office, W. Vegas Drive, Las Vegas, NV 89108.

Public reading copies are available for review at the Clark County public libraries, all government repository libraries and the following BLM locations:

Office of External Affairs, Main Interior Building, Room 5000, 1849 C Street, NW, Washington, DC;

Public Room, Nevada State Office, 1340 Financial Blvd., Reno, NV; and the Las Vegas Field Office at the above address.

FOR FURTHER INFORMATION CONTACT: Gene Arnesen (702–647–5068), GMP Team Leader or Jeff Steinmetz (702–647–5097), RMP Team Leader. Both are located at BLM's Las Vegas Field Office listed above.

Dated: January 4, 2001.

John Jamrog,

Acting Las Vegas Field Office Manager.

[FR Doc. 01–1625 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–HC–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(CA–360–1430–ET; CACA 41014)

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 4,362.88 acres of public lands in Siskiyou County to assure long term protection and preservation of ecological, historical, and biological resource values. The public lands are located in the Horseshoe Ranch Wildlife Area (containing 3,842.88 acres) and Jenny Creek Area of Critical Environmental Concern (containing 520 acres). This notice closes the lands for up to 2 years from mining. The lands located at the Horseshoe Ranch Wildlife Area are withdrawn from mineral leasing by the Record of Decision, Resources Management Plan for Redding Resource Area, which approved by the California State Director, Bureau of Land Management, on July 27,1993. The lands located at Jenny Creek Area of Critical Environmental Concern will remain open to mineral leasing. All of the lands proposed for withdrawal will remain open to the Materials Act of 1947.

DATES: Comments and requests for a public meeting must be received by April 23, 2001.

ADDRESSES: Comments and meeting requests should be sent to the Field Manager, BLM Redding Field Office (CA–360), 355 Hemsted Drive, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Duane Marti, BLM California State Office, 916–978–4675.

SUPPLEMENTARY INFORMATION: The purpose of the proposed withdrawal is to assure long term protection and preservation of ecological, historical, and biological resource values. Currently, the Bureau of Land Management is studying a proposal to amend the existing boundary of the Horseshoe Ranch WA. This proposed action will be processed in conjunction with that study. A petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public lands from location and entry under the United States mining laws, subject to valid existing rights:

Mount Diablo Meridian, California

T. 48 N., R. 5 W.,
Sec. 18, lots 1 to 4, inclusive;
Sec. 20, W½;
Sec. 24, NE¼NE¼, W½E½, and W½;
Sec. 28, NW¼SW¼;
Sec. 30, lots 1 to 4, inclusive, W½E½, and E½W½.

T. 48 N., R. 6 W.,
Sec. 14, lots 1 to 4, inclusive, and S½S½;
Sec. 21, E½;
Sec. 22, all;
Sec. 24, all;
Sec. 26, all;
Sec. 34, NE¼NE¼, N½NW¼, SW¼NW¼, and S½.

The areas described aggregate 4,362.88 acres, more or less, in Siskiyou County.

The purpose of the proposed withdrawal is to assure long term protection and preservation of ecological, historical, and biological resource values.

Until April 23, 2001, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Field Manager, Redding Field Office of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the

proposed withdrawal must submit a written request to the Field Manager, Redding Field Office by April 23, 2001. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are those which are compatible with the use of the lands, as determined by BLM.

Dated: January 17, 2001.

Duane Marti,

Acting Chief, Branch of Lands.

[FR Doc. 01–1997 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–160–1430–ET; CACA 42632]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw approximately 20 acres of public land in San Luis Obispo County to assure long term protection and management of historic structures, archaeological resources, wildlife habitat, scenic quality, and high educational and interpretative values of the public land and resources, located at Point Piedras Blancas. The Bureau of Land Management is proposing to manage the land and its resources in a collaborative effort with other Federal and State agencies. The Piedras Blancas Light Station was listed on the National Register of Historic Places on September 3, 1991. The adjacent coastline is part of the California Coastal National Monument and the Monterey Bay National Marine Sanctuary. This notice closes the land for up to 2 years from mining. The land will remain open to mineral leasing and the Materials Act of 1947.

DATES: Comments and requests for a public meeting must be received by April 23, 2001.

ADDRESSES: Comments and meeting requests should be sent to the Field Manager, Bureau of Land Management, Bakersfield Field Office, 3801 Pegasus Drive, Bakersfield, California 93308.

FOR FURTHER INFORMATION CONTACT: Duane Marti, Bureau of Land Management California State Office, 916–978–4675.

SUPPLEMENTARY INFORMATION: On January 16, 2001, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public land from location and entry under the United States mining laws, subject to valid existing rights:

Mount Diablo Meridian, California
T. 26 S., R. 6 E.,
U. S. Lighthouse Reserve.

The area described contains approximately 20 acres in San Luis Obispo County.

The purpose of the proposed withdrawal is to assure long term protection and management of historic structures, archaeological resources, wildlife habitat, scenic quality, and high educational and interpretative values of the public land and resources, located at Point Piedras Blancas.

Until April 23, 2001, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Field Manager, Bakersfield Field Office of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Field Manager, Bakersfield Field Office April 23, 2001. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are those which are compatible with the use of the lands, as determined by the Bureau of Land Management.

Dated: January 17, 2001.

Duane Marti,

Acting Chief, Branch of Lands.

[FR Doc. 01–1998 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

National Park Service

60 Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: National Park Service, Department of the Interior, Fort Sumter National Monument.

ACTION: Notice and request for comments.

SUMMARY: National Park Service (NPS) Fort Sumter tour boat service currently departs from two destinations in Charleston, SC. With the construction of a new NPS facility at Liberty Square, all tour boat operations to Fort Sumter will be consolidated to a single point of departure at the new location. The proposed survey would be used in conducting a study to evaluate the feasibility of establishing a water taxi system in Charleston Harbor. The water taxi system would chiefly act as a feeder network for tourists and local residents desiring access to the new NPS Ft. Sumter tour boat facility at Liberty Square, located adjacent to the South Carolina Aquarium. Several locations, situated primarily along the Cooper River, are being considered as potential landing sites. Creation of a waterborne network of this type would potentially reduce on-site parking demands, serve to mitigate related congestion on surrounding streets and have a variety of other quality of life and environmental benefits. The initial phase of the system is expected to largely focus on establishing a waterborne connection between Liberty Square and Patriots Point Naval Museum. The information gathered in the surveys will be used to support planning efforts in developing feasible water taxi alternatives, evaluating system viability and determining potential user demands. The data collected in the surveys will aid in identifying the specific market feasibility and possible operational plans for the proposed water taxi service. The data will also be used to forecast potential demand for travel between NPS sites and other visitor destinations, as well as land-based public transit connections. Information

will be gathered on potential visitor linkages (multiple destinations) between NPS sites and other popular tourist destinations to understanding how they might affect the use of water taxi service to reach the NPS Fort Sumter Tour Boat facility at Liberty Square. Information collected in this survey will not be used for any other purpose than this study:

	Estimated numbers of	
	Responses	Burden hours
Charleston Harbor Water Taxi Study:		
Intercept Surveys—Residents	800	133.33
Intercept Surveys—Non-Residents ...	200	33.33
Total	1,000	166.66

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR Part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) is soliciting comments on: (a) Whether the collection of information is necessary for such a reliable and valid market analyses and to support the proper performance of the functions of the GGNRA in evaluating the best alternative operations in the interest of the government and the general public, including whether the information will have practical utility; (b) the accuracy of the NPS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, while maintaining an unbiased sample, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

DATES: Public comments will be accepted on or before March 26, 2001.

Send Comments to: Mr. John N. Tucker, Superintendent, Fort Sumter Group Parks, National Park Service, 1214 Middle Street, Sullivan's Island, SC 29482.

FOR FURTHER INFORMATION CONTACT: Mr. John N. Tucker at Tel: (843) 727–4740 ext. 14, Fax: (843) 883–3910 or e-mail john__tucker@nps.gov

SUPPLEMENTARY INFORMATION:

Title: Charleston Harbor Water Taxi Study.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date of Approval: To be requested.

Type of Request: Request for new clearance.

Description of Need: The combination of different visitor sites around Charleston Harbor, their role as significant attractions, and the higher level of traffic congestion is unique and makes it difficult to apply data collected for other transportation systems at other parks to this particular study area. However, other public agencies and private enterprises that operate waterborne shuttle services are being contracted. Preliminary results from this search indicate that little research or data collection has been conducted to understand travel behavior related to alternate transportation services for visitor and tourist travel. Also, because of the uniqueness of each alternative access system, in terms of site-specific attractions, and opportunities/constraints associated with alternative access services, existing data generally would not be applicable to the particular conditions present in the Charleston Harbor area.

Only individuals would be interviewed as part of the intercept surveys. Collection of this data will ensure that the NPS has data necessary to plan, evaluate and implement alternative transportation options that meet the needs of current and potential visitors to NPS sites and other attractions surrounding the Charleston Harbor area.

Automated Data Collection: At the present time, there is no automated way to gather this information, since the on-site interviewing process involves asking visitors to identify characteristics, use patterns, expectations, preferences and perceptions that are relevant to a study of alternative access strategies and services. Computerized responses could not be controlled for basis in the same manner as can intercept surveys.

Description of respondents: Intercept interviews will be conducted with a random sample of individuals who visit sites within the Charleston Harbor area that represent potential visitors for Fort Sumter via the new NPS Visitor Center and Fort Sumter Tour Boat Facility at Liberty Square. These sites include the South Carolina Aquarium, adjacent to the NPS Visitor Center at Liberty Square, which is currently under construction, as well as four non-NPS sites including the Charleston Visitor Center, Charleston City Market, Charleston Waterfront Park, and Patriots Point Naval Museum, across the Harbor in Mt. Pleasant.

Estimated number of respondents: 1,000.

Estimated average number of responses: Each respondent will respond only one time, so the number of respondents will be the same as the number of respondents.

Estimated average burden hours per responses: Approx. 10 minutes.

Frequency of Response: 1 time per respondent.

Estimated annual reporting burden: 166.66 hours.

Leonard E. Stowe,

Acting Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–1877 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

60 Day Notice of Intention To Request Clearance of Collection of Information; Opportunity for Public Comment

AGENCY: National Park Service, Golden Gate National Recreation Area, Department of the Interior.

ACTION: Notice and request for comments.

SUMMARY: The Golden Gate National Recreation Area (GGNRA) is a national park which comprises over 76,000 acres of coastal lands spanning three California counties: Marin, San Francisco and San Mateo. GGNRA, in partnership with Marin County, is proposing to conduct survey interviews by telephone and intercept surveys in person to identify the market viability of alternative methods of getting visitors to five park sites in Marin County. Postcard mail-back surveys will also be used to determine the origin and destination (O–D) and other trip characteristics of people driving though the most congested local roads leading up to the park sites. The surveys will be conducted as part of a Comprehensive Transportation Management Plan for an area that includes Muir Woods, Muir Beach, Tennessee Valley, Stinson Beach and Mt. Tamalpais State Park. All but Mt. Tamalpais State Park are part of the GGNRA. The results of these surveys will be used to develop and test alternative plans for transit or shuttle services to one or more of the park sites or between park sites.

	Estimated numbers of	
	Responses	Burden hours
Marin Parklands CTMP: Telephone Interviews	800	200
Marin Parklands CTMP: Tourist Intercept Survey	800	200
Marin Parklands CTMP: Postcard O–D Survey	400	100
Total	1,600	133

Under provisions of the Paperwork Reduction Act of 1995 and 5 CFR part 1320, Reporting and Record Keeping Requirements, the National Park Service (NPS) is soliciting comments on: (a) Whether the collection of information is necessary for such a reliable and valid market analyses and to support the proper performance of the functions of the GGNRA and Marin County in evaluating the best alternative operations in the interest of the government and the general public, including whether the information will have practical utility: (b) the accuracy of the NPS estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) the quality, utility, and clarity of the information to be collected; and (d) how to minimize the burden of the collection of information on those who are to respond, while maintaining an unbiased sample, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

DATES: Public comments will be accepted on or before March 26, 2001.

Send Comments to: GGNRA, Attn. Mike Savidge, Bay and Franklin St., Bldg. 201, Ft. Mason, San Francisco, CA 94123.

FOR FURTHER INFORMATION CONTACT: Mike Savidge at (415) 561–4725 or Jennifer Coile at (415) 561–4933.

SUPPLEMENTARY INFORMATION: *Title:* Scope of Work for Marin Parklands Comprehensive Transportation Management Plan.

Bureau Form Number: None.

OMB Number: To be requested.

Expiration Date of Approval: To be requested.

Type of Request: Request for new clearance.

Description of Need: The Metropolitan Transportation Commission (MTC) of the San Francisco Bay Area has identified updated data collection and surveys of this nature as critical to the foundation of improving alternative transportation access to GGNRA and state park sits in the Bay Area, and particularly to the feasibility of developing a potential shuttle service to park sites. GGNRA has also been identified as one of five national park demonstration sites to improve alternative transportation access through a coordinated program with the U.S. Department of Transportation (DOT) because of its over 15 million visitors per year. To support these efforts, GGNRA needs information to better develop ridership potential to alternate park sites, and to determine the specific market feasibility and operational plans for alternative modes of access to the Marin Parklands sites. Such a need was identified in a GGNRA Travel Study completed in 1977 and remains today. GGNRA and Marin County seek to acquire this information in order to plan for increasing alternative access modes to the five park sites and to reduce the congestion on the local roadway corridors to park sites that presently results in traffic delays for visitors and other residents.

Automated Data Collection: At the present time, there is no automated way to gather this information, since the information gathering process involves asking tourists and/or the general public to identify characteristics, use patterns, expectations, preferences and perceptions that are relevant to a study of alternative park access modes and services. Computerized responses could not be controlled for bias as intercept and random digit dialing surveys can be.

Description of Respondents: Intercept interviews will be conducted with a random sample of individuals who visit non-park sites in Marin or San Francisco Counties. Telephone surveys will be conducted with a random sample of residents of the Counties of Marin, San Francisco, Alameda and one or two other counties surrounding the Bay as yet unselected. The postcard O–D survey will be distributed to a random sample of drivers passing through the Tam Junction intersection.

Estimated Average Number of Respondents: 800 (completed telephone interviews); 400 (completed intercept interviews); 400 (completed postcard O–D surveys).

Estimated Average Number of Responses: Each respondent will respond only one time, so the number of responses will be the same as the number of respondents.

Estimated Average Burden Hours per Response: 15 minutes (telephone interviews); 15 minutes (intercept surveys); 5 minutes (postcard O–D survey).

Frequency of Response: 1 time per respondent.

Estimated Annual Reporting Burden: 333 hours.

Dated: January 17, 2001.

Leonard E. Stowe,

Information Collection Clearance Officer, WASO Administrative Program Center, National Park Service.

[FR Doc. 01–1878 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Final Director's Order 12—Conservation Planning, Environmental Impact Analysis and Decision-Making and Final Handbook

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of availability of final director's order 12—conservation planning, environmental impact analysis and decision-making and final handbook.

SUMMARY: The National Park Service (NPS) is converting and updating its current system of internal instructions in conformance with a new system of NPS internal guidance documents. As part of this process the NPS invited public and agency comments (59 FR 43355) concerning improvements to our implementation of the National Environmental Policy Act. Based on the public and internal scoping comments the NPS developed a draft revision of the Director's Order and Handbook. The NPS then made a draft of the Director's Order and Handbook available for public review and comment (62 FR 45270 and 62 FR 51144). Comments received during the public comment period were general and primarily editorial in nature and have been incorporated in the approved version. The approved Director's Order revises NPS policies, standards, and requirements for implementing the National Environmental Policy Act (NEPA) within units of the National Park System. Based on this revision, a modification will be made to the Department of the Interior's Departmental Manual (section 516 appendix 7) regarding implementation of NEPA by the NPS.

DATES: Director's Order 12: Conservation Planning, Environmental Impact Analysis and Decision-making and the Handbook accompanying the

Director's Order were signed on January 8, 2001.

ADDRESSES: Director's Order 12 and its Handbook are available on the Internet at the following address: *http://www.nps.gov/refdesk/Dorders/index.htm*. Requests for copies should be sent to: Jacob Hoogland, National Park Service, Environmental Quality Division, 1849 C Street, N.W. Room 2749, Washington, D.C 20240.

FOR FURTHER INFORMATION CONTACT: Jacob Hoogland at (202) 208–3163 or *jacob_hoogland@nps.gov.*

Dated: January 16, 2001.

Michael Soukup,

Associate Director, Natural Resource Stewardship and Science.

[FR Doc. 01–1876 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee; Notice of Establishment

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of establishment.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the California Bay-Delta Public Advisory Committee (Committee). The purpose of the Committee is to provide assistance and recommendations to the Secretary of the Interior and the Governor of California through the CALFED Policy Group or its successor on implementation of the CALFED Bay-Delta Program as described in the Programmatic Record of Decision which outlines the long-term comprehensive solution for addressing the problems affecting the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Committee will provide recommendations on implementation of each element of the CALFED Program through the completion of State 1 (first 7 years). Specific responsibilities of the Committee include: (1) Making recommendations on annual priorities and coordination of Program actions to achieve balanced implementation of the Program elements; (2) providing recommendations on effective integration of program elements to provide continuous, balanced improvement of each of the Program objectives (ecosystem restoration, water quality, levee system integrity, and water supply reliability); (3) evaluating implementation of Program actions in State 1, including assessment of Program area performance; (4) reviewing, commenting and making recommendations on Annual Reports regarding the implementation of Program elements as set forth in Programmatic Record of Decision to the Secretary, Governor, the Congress, the California Legislature, and other interested parties; (5) recommending program actions based on recommendations from the Committee workgroups and subcommittees; and (6) liaison between the Committee's workgroups, subcommittees, the State and Federal agencies and the public.

The Committee will consist of approximately 20 to 30 members who will be appointed by the Secretary in consultation with the Governor.

FOR FURTHER INFORMATION CONTACT: Nan Yoder, CALFED Program Manager, 2800 Cottage Way, Sacramento, California 95821–1898, telephone (916) 978–5523.

The certification of establishment is published below:

Certification

I hereby certify that establishment of the California Bay-Delta Public Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Bruce Babbitt,

Secretary of the Interior.

[FR Doc. 01–1873 Filed 1–22–01; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Resource Conservation and Recovery Act (''RCRA'')

Notice is hereby given that a proposed consent decree in *United States, et al.* v. *TRW Vehicle Safety Systems Inc.,* Civil Action No. 01 0095 PHX VAM, was lodged on January 18, 2001 with the United States District Court for the District of Arizona.

In this Action, the United States and the State of Arizona have sought civil penalties and injunctive relief pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. 6902 *et seq.,* for violations at the Mesa, Arizona facility of TRW Vehicle Safety Systems, Inc. (''VSSI''), an airbag manufacturing facility.

The United States has now agreed to settlement of its claims under RCRA in the proposed consent decree, which provides for civil penalty of $5.67 million to be split evenly between the United States and the State of Arizona; a comprehensive package of Supplemental Environmental Projects estimated to cost $5.76 million to implement; contribution by VSSI to a cleanup fund for an off-site landfill, the Butterfield Station Landfill, located in Mobile, Arizona; measures related to future waste management at the Mesa facility; and assessment and cleanup of the Mesa facility.

The Department of Justice will receive, for a period of thirty (30) days from the date of the publication, comments relating to the proposed consent degree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, P.O. Box 7611, Department of Justice, Washington, D.C. 20044, and should refer to *United States, et al.* v. *TRW Vehicle Safety Systems Inc.,* Civil Action No. 01 0095 PHX VAM, and DOJ #90–7–1–06715.

The proposed consent decree may be examined at the Office of the United States Attorney, District of Arizona, Federal Building, Room 4000, 230 North First Avenue, Phoenix, Arizona 85025. A copy of the proposed consent decree also may be obtained by mail from the Department of Justice Consent Decree Library, P.O. Box 7611, Washington, D.C. 20044. In requesting a copy, please enclose a check in the amount of $21.50 (25 cents per page reproduction costs) per Consent Decree, payable to the Consent Decree Library.

Walker Smith,

Principal Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–2051 Filed 1–22–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of Information Collection under Review: National Interest Waivers; Supplemental Evident to I–140 and I–485.

The Department of Justice, Immigration and Naturalization Service (INS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork

Reduction Act of 1995. The information collection was previously published in the **Federal Register** on September 6, 2000 at 65 FR 53889, allowing for a 60-day public review and comment period. No comments were received by the INS on this proposed information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until February 22, 2001. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, 725–17th Street, NW., Room 10235, Washington, DC 20530; Attention: Lauren Wittenberg, Department of Justice Desk Officer; 202–395–4318.

Written comments and suggestions form 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 agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Types of Information Collection:* New information collection.

(2) *Title of the Form/Collection:* National Interest Waivers; Supplemental Evidence to I–140 and I–485.

(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–22), Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond as well as a brief abstract:* Primary: Individuals or Households. The information collected via the submitted supplemental documentation will be used by the Immigration and Naturalization Service to determine eligibility for the requested national interest waiver and to finalize the request for adjustment to lawful permanent resident status.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 8,000 responses at 1 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 8,000 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, 1331 Pennsylvania Avenue, NW., Suite 1220, Washington, DC 20530.

Dated: January 17, 2001.

Richard A. Sloan,

Department Clearance Officer, Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–1994 Filed 1–22–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04106]

United States Leather, Lackawanna Leather, El Paso, Texas, Including Leased Workers of Temporary Alternatives, Inc. d/b/a Snelling Temporaries Employed at United States Leather, Lackawanna Leather, El Paso, Texas; Amended Certification Regarding Eligibility to Apply for NAFTA-Transitional Adjustment Assistance

In accordance with Section 250(A), Subchapter D, Chapter 2, title II, of the Trade Act of 1974 (19 U.S.C. 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on October 6, 2000, applicable to workers of United States Leather, Lackawanna Leather, El Paso, Texas. The notice was published in the **Federal Register** on November 1, 2000 (65 FR 65331).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information shows that the Department incorrectly identified the subject firm title name in its entirety.

The Department is amending the certification determination to correctly identify the subject firm title name to read ''United States Leather, Lackawanna Leather, including leased workers of Temporary Alternatives, Inc. d/b/a Snelling Temporaries''.

The amended notice applicable to NAFTA–04106 is hereby issued as follows:

All workers of United States Leather, Lackawanna Leather, El Paso, Texas, including leased workers of Temporary Alternatives, Inc. d/b/a Snelling Temporaries, El Paso, Texas engaged in employment related to the production of leather hides used for the production of car seats at United States Leather, Lackawanna Leather, El Paso, Texas who became totally or partially separated from employment on or after August 14, 1999 through October 6, 2002 are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.

Signed at Washington, DC this 5th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1902 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,144]

Avoca Manufacturing, Avoca, Pennsylvania, including Leased Workers of Advanced Employee Services, Inc., Employed at Avoca Manufacturing, Avoca, Pennsylvania; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 5, 2000, applicable to workers of Avoca Manufacturing, Avoca, Pennsylvania. The notice was published in the **Federal Register** on December 21, 2000 (65 FR 80457).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New information provided by the company shows that some employees of Avoca Manufacturing, Avoca, Pennsylvania were leased from Advanced Employee Services, Inc., Luzerne, Pennsylvania to produce children's clothing at the Avoca, Pennsylvania facility. Information also show that workers separated from employment at the subject firm had their wages reported under a separated unemployment insurance (UII) tax account for Advanced Employee Services, Inc.

Based on these findings, the Department is amending the certification to include workers of Advanced Employee Services, Inc. Luzerne, Pennsylvania leased to Avoca Manufacturing, Avoca, Pennsylvania.

The amended notice applicable to TA–W–38,144 is hereby issued as follows:

All workers of Avoca Manufacturing, Avoca, Pennsylvania and leased workers of Advanced Employee Services, Inc., Luzerne, Pennsylvania who were engaged in employment related to the production of children's clothing for Avoca Manufacturing, Avoca, Pennsylvania who became totally or partially separated from employment on or after September 15, 1999 through December 5, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 11th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1893 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,413]

Binns Machinery Products, Cincinnati, Ohio; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 11, 2000, in response to a worker petition which was filed by the company on behalf of its workers at Binns Machinery Products, Cincinnati, Ohio. The workers produce heavy duty lathes used in steelmaking.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 5th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1894 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,457]

Copper Range Company, White Pine, Michigan; Certification of Eligibility to Apply for Worker Adjustment Assistance

Pursuant to Title II, Section 2001, of the Tariff Suspension and Trade Act of 2000 (Pub. L. 106–476), I make the following certification:

All workers of Cooper Range Company, White Pine, Michigan, who were employed at such facility at any time during the period covered by Trade Adjustment Assistance certification TA–W–31,402 (such period beginning on August 21, 1994 and ending on September 26, 1997) and who, on or after September 27, 1997, became totally or partially separated from employment which was necessary for the environmental remediation or closure of such mining facility, are eligible to apply for worker adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 18th day of December, 2000.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1898 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than February 2, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 26th day of December, 2000.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions Instituted on 12/26/2000]

TA–W	Subject firm (Petitioners)	Location	Date of petition	Product(s)
38,458	Country Roads, Inc. (Comp)	Greenville, MI	12/11/2000	Restoration Products.
38,459	Pennsylvania Foundry (USWA)	Hamburg, PA	12/08/2000	Steel Castings.
38,460	Crompton and Knowles (IUE)	Nutley, NJ	12/05/2000	Organic Dyes.
38,461	Oxford Automotive (UAW)	Argos, IN	12/07/2000	Service Parts.
38,462	Pangborn Corp. (UAW)	Hagerstown, MD	12/07/2000	Blast Cleaning Equipment.
38,463	Quality Veneer and Lumber (IAMAW)	Hoquiam, WA	12/07/2000	Dimension Lumber.
38,464	Carolina Narrow Fabric (Wrks)	Sparta, NC	12/06/2000	Medical Fabric Gauze, Plaster Wrap.
38,465	Cookson Semiconductor (Wrks)	Warwick, RI	12/08/2000	Conductive & Non-Conductive films.
38,466	Armtex, Inc., Surry (Comp)	Pilot Mountain, NC	12/08/2000	Knitted Apparel.
38,467	MDF Moulding and Millwork (Comp)	Las Vegas, NM	12/06/2000	Mouldings and Millwork.
38,468	J and L Structural, Inc. (USWA)	Aliquippa, PA	12/08/2000	Semi-Finished Billets.
38,469	Gile Orchards (Comp)	Alfred, ME	12/15/2000	Apples and Cider.
38,470	Plum Creek Manufacturing (Wkrs)	Pablo, MT	12/04/2000	Lumber Boards.
38,471	Dura Automotive Systems (Comp)	East Jordan, MI	12/06/2000	Parking Brake Actuator.
38,472	Mid-American Electro-Cord (Comp)	Decatur, AL	12/12/2000	Cordsets.
38,473	Software Spectrum (Wrks)	Garland, TX	12/12/2000	Technical Support for Windows 95/98.
38,474	Honeywell Aerospace (UAW)	Teterboro, NJ	11/30/2000	Avionics & Aerospace Electronics.
38,475	Ames-Tru Temper (USWA)	Davisville, WV	12/05/2000	Lawn and Garden Tools.
38,476	Raider Apparel Inc. (Comp)	Alma, GA	12/11/2000	Ladies' Sportswear.
38,477	Gilison Knitwear (Comp)	Hicksville, NY	12/12/2000	Men's Sweaters.
38,478	Mother Parker's Tea (Wrks)	Amherst, NY	12/05/2000	Coffee Singles.
38,479	Eel River Sawmills, Inc (Comp)	Fortuna, CA	12/06/2000	Lumber.
38,480	Delavan Spray Tech. (Comp)	Monroe, NC	12/12/2000	Precision Nozzles.
38,481	B.F. Goodrich Aerospace (Wrks)	Cedar Knolls, NJ	11/27/2000	Actvators, Missiles.
38,482	Augusta Sportswear, Inc. (Comp)	Millen, GA	12/06/2000	Sportswear.
38,483	Saputo Cheese USA (IBT)	Thorp, WI	12/11/2000	Blue Cheese and Gorgonzola Cheese.
38,484	Saputo Cheese USA (IBT)	Monroe, WI	12/11/2000	Cheese.
38,485	Forecaster of Boston (UNITE)	Boston, MA	12/07/2000	Ladies' Winter Coats.
38,486	Tyco Electronics (Wrks)	Irvine, CA	12/11/2000	Electronics Connectors.
38,487	Stanley Access Tech (IAMAW)	Farmington, CT	12/07/2000	Automatic Doors.
38,488	Cone Decorative Fabrics (Wrks)	New York, NY	12/04/2000	Fabrics—Home Furnishings.

[FR Doc. 01–1904 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–37,998]

Eaton Corporation, Vickers Industrial and Mobile Division, Omaha Nebraska, Notice of Revised Determination on Reconsideration

By letter of December 12, 2000, the Paper, Allied-Industrial, and Chemical & Energy Workers International Union (PACE) Local 5–0171, requested administrative reconsideration regarding the Department's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to the workers of the subject firm.

The initial investigation resulted in a negative determination issued on November 20, 2000, based on the finding that imports of hydraulic vane and piston pumps, motors and repair parts did not contribute importantly to worker separations at the Omaha plant. The company transferred some of the Omaha production abroad but imports had not occurred. The workers are not separately identifiable by product line. The denial notice was published in the **Federal Register** on December 6, 2000 (65 FR 76289).

To support the request for reconsideration, PACE provided evidence to show that imports of vane pump parts have begun. The Department contacted a company official which confirmed that imports had arrived, and the subject firm will continue to rely on imports.

Conclusion

After careful review of the additional facts obtained on reconsideration, I conclude that increased imports of articles like or directly competitive with those produced at Eaton Corporation, Vickers Industrial and Mobile Division, Omaha, Nebraska, contributed importantly to the declines in sales or production and to the total or partial separation of workers at the subject firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Eaton Corporation, Vickers Industrial and Mobile Division, Omaha, Nebraska, who became totally or partially separated from employment on or after August 7, 1999 through two years from the date of this certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 9th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1900 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,479]

Eel River Sawmills, Inc., Fortuna, California; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on December 26, 2000, in response to a petition filed by the company on behalf of workers at Eel River Sawmills, Inc., Fortuna, California.

The company has requested that the petition be withdrawn. Consequently,

further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 5th day of January, 2001.

Linda Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1896 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,248]

Facemate Corporation, Somersworth, New Hampshire; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 30, 2000, in response to a petition which was filed by the company on behalf of workers at Facemate Corporation, Somersworth, New Hampshire.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 27th day of December, 2000.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1897 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,249]

Harriet & Henderson Yarns, Incorporated, Berryton Plant, Summerville, Georgia; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on October 30, 2000 in response to a petition filed on behalf of workers at Harriet & Henderson Yarns, Inc., Barryton Plant, Summerville, Georgia.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 28th day of December, 2000.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1899 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,525]

O–Z/Gedney, Pittston, Pennsylvania; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 9, 2001, in response to a worker petition which was filed by a company official on behalf of workers at O–Z/Gedney, Pittston, Pennsylvania.

The petitioner has requested that the petition be withdrawn. Consequently further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 9th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1895 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,169; TA–W–38,169A]

Quality Veneer & Lumber, Handel Lumber Division, Hood River, Oregon and Odell, Oregon. Notice of Revised Determination on Reopening

On December 22, 2000, the Department issued a Notice of Negative Determination Regarding Eligibility to Apply to Worker Adjustment Assistance, applicable to workers of Quality Veneer & Lumber, Handel Lumber Division, Hood River and Odell, Oregon. The notice will soon be published in the **Federal Register**.

The initial investigation resulted in a negative determination for the workers producing dimension lumber at the subject firm plants, based on the finding that criterion (3) of Section 222 of the worker group eligibility requirements of the Trade Act of 1974, as amended, was not met.

The Department has obtained a response from a customer of the subject firm showing that the customer increased reliance on import purchases of dimension lumber during the time period that Quality Veneer was reducing production and employment.

Conclusion

After careful review of the additional facts obtained on reopening, I conclude that increased imports of articles like or directly competitive with dimension lumber contributed importantly to the declines in sales or production and to the, total or partial separation of workers of Quality Veneer & Lumber, Hood River, Oregon and Odell, Oregon. In accordance with the provisions of the Act, I make the following certification:

All workers of Quality Veneer & Lumber, Hood River, Oregon and Odell, Oregon, who became totally or partially separated from employment on or after September 20, 1999, through two years from the date of certification, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed in Washington, DC, this 9th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–1901 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,436]

United States Leather, Lackawanna Leather, El Paso, Texas, Including Leased Workers of Temporary Alternatives, Inc. d/b/a Snelling Temporaries Employed at United States Leather, Lackawanna Leather, El Paso, Texas; Amended Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 20, 2000, applicable to workers of United States Leather, Lackawanna Leather, including leased workers of Snelling Personnel Services, El Paso, Texas. The notice will be published soon in the **Federal Register.**

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. New findings show that the Department incorrectly identified the subject firm title name in its entirety. The Department is amending the certification determination to correctly

identify the subject firm title name to read ''United States Leather, Lackawanna Leather, including leased workers of Temporary Alternatives, Inc., d/b/a Snelling Temporaries''.

The amended notice applicable to TA–W–38,436 is hereby issued as follows:

All workers of United States Leather, Lackawanna Leather, El Paso, Texas, including leased workers of Temporary Alternatives, Inc. d/b/a Snelling Temporaries, El Paso, Texas engaged in employment related to the production of leather hides used for the production of car seats at United States Leather, Lackawanna Leather, El Paso, Texas who became totally or partially separated from employment on or after December 1, 1999 through December 20, 2002 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 5th day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustments Assistance.

[FR Doc. 01–1892 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Disclosure Obligations Under ERISA; Notice of Extension of Comment Period

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of extension of comment period.

SUMMARY: This document reopens and extends the period for submitting information on the disclosure obligation of fiduciaries of employee benefit plans governed by ERISA. Comments were originally requested in a notice of request for information published in the **Federal Register** on September 14, 2000 (65 FR 55858). Under that notice, written comments from the public were requested to be submitted to the Department of Labor on or before January 12, 2001.

DATES: The period for submission of written comments to the Department of Labor is reopened and extended through February 22, 2001.

ADDRESSES: Comments (preferably, at least six copies) should be addressed to the Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, Room N–5669, U.S. Department of Labor, Washington, DC 20210. Attention: Disclosure RFI. All comments received will be available for public inspection at the Public Disclosure Room, Pension and Welfare Benefits Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Ave., NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Ellen Goodwin or Susan Lahne, Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, Room N–5669, U.S. Department of Labor, Washington, DC 20210, telephone (202) 219–8671; or Patricia Arzuaga, Plan Benefits Security Division, Office of the Solicitor, Room N–4611, U.S. Department of Labor, Washington, DC 20210, telephone (202) 693–5625. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: On September 14, 2000, the Department of Labor (Department) published a request for information in the **Federal Register** (65 FR 55858) regarding the disclosure obligations of fiduciaries of employee benefit plans subject to the Employee Retirement Income Security Act (ERISA). That notice requested information from the public as to whether it would be in the interest of plans and their participants and beneficiaries for the Department to undertake action to clarify the extent of fiduciary duties under ERISA regarding disclosure and the interaction of fiduciary duty with the specific disclosure requirements of Title I of ERISA. The request for information contained several specific questions and hypothetical factual scenarios and asked the public to address their written comments to these issues.

The Department has received requests from some members of the public for additional time to prepare comments in response to the request for information. Due to the complexity of the issues presented, the Department believes it is appropriate to grant such additional time. Therefore, this notice reopens and extends the period during which comments on the disclosure obligations of plan fiduciaries may be submitted. Accordingly, comments on the questions discussed in the notice of request for information published in the **Federal Register** on September 14, 2000 (65 FR 55858) are requested to be submitted to the Department on or before February 22, 2001.

Authority: 29 U.S.C. 1143; Secretary of Labor's Order No. 1–87, 52 FR 13139.

Signed at Washington, DC, this 17th day of January 2001.

Leslie B. Kramerich,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 01–1891 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order No. 665]

Special Industry Committee for All Industries in American Samoa; Appointment; Convention; Hearing

1. Pursuant to sections 5 and 6(a)(3) of the Fair Labor Standards Act (FLSA) of 1938, as amended (29 U.S.C. 205, 206(a)(3)), and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004) and 29 CFR Part 511, I hereby appoint special Industry Committee No. 24 for American Samoa.

2. Pursuant to sections 5, 6(a)(3) and 8 of FLSA, as amended (29 U.S.C. 205, 206(a)(3), and 208), reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR Part 511, I hereby:

(a) Convene the above-appointed industry committee;

(b) Refer to the industry committee the question of the minimum rate or rates for all industries in American Samoa to be paid under section 6(a)(3) of the FLSA, as amended; and,

(c) Give notice of the hearing to be held by the committee at the time and place indicated.

The industry committee shall investigate conditions in such industries, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the FLSA.

The committee shall meet in executive session to commence its investigation at 9:00 a.m. and begin its public hearing at 11:00 a.m. on June 4, 2001, in Pago Pago, American Samoa.

3. The rate or rates recommended by the committee shall not exceed the rate prescribed by section 6(a) or 6(b) of the FLSA, as amended by the Fair Labor Standards Amendments of 1996, of $5.15 an hour effective September 1, 1997.

The committee shall recommend to the Administrator of the Wage and Hour Division of the Department of Labor the highest minimum rate or rates of wages for such industries that it determines, having due regard to economic and competitive conditions, will not

substantially curtail employment in such industries, and will not give any industry in American Samoa a competitive advantage over any industry in the United States outside of American Samoa.

4. Where the committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein and in 29 CFR part 511.10, that will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following:

(a) Competitive conditions as affected by transportation, living, and production costs;

(b) Wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and

(c) Wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

5. Prior to the hearing, the Administrator of the Wage and Hour Division, U.S. Department of Labor, shall prepare an economic report containing the information that has been assembled pertinent to the matters referred to the committee. Copies of this report may be obtained at the Office of the Governor, Pago Pago, American Samoa, and the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Upon request, the Wage and Hour Division will mail copies to interested persons who make written request to the Wage and Hour Division. To facilitate mailing, such persons should make advance written request to the Wage and Hour Division. The committee will take official notice of the facts stated in this report. Parties, however, shall be afforded an opportunity to refute such facts by evidence received at the hearing.

6. The provisions of Title 29, Code of Federal Regulations, Part 511, will govern the procedure of this industry committee. Copies of this part of the regulations will be available at the Office of the Governor, Pago Pago, American Samoa, and at the National Office of the Wage and Hour Division. The proceedings will be conducted in English but in the event a witness should wish to testify in Samoan, an interpreter will be provided. As a prerequisite to participation as a party, interested persons shall file six copies of a pre-hearing statement at the aforementioned Office of the Governor of American Samoa and six copies at the National Office of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. Each pre-hearing statement shall contain the data specified in 29 CFR 511.8 of the regulations and shall be filed not later than May 11, 2001. If such statements are sent by airmail between American Samoa and the mainland, such filing shall be deemed timely if postmarked within the time provided.

Signed at Washington, DC this 17th day of January 2001.

Alexis M. Herman,

Secretary of Labor.

[FR Doc. 01–1974 Filed 1–22–01; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL SCIENCE FOUNDATION

Alan T. Waterman Award Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Alan T. Waterman Award Committee (1172).

Date and Time: Monday, March 5, 2001, 9 a.m.–3 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Mrs. Susan E. Fannoney, Executive Secretary, Room 1220, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230. Telephone: 703/306–1906.

Purpose of Meeting: To provide advice and recommendations in the selection of the Alan T. Waterman Award recipient.

Agenda: To review and evaluate nominations as part of the selection process for awards (NSF–00–123).

Reason for Closing: The nominations being reviewed include information of a personal nature where disclosure would constitute unwarranted invasions of personal privacy. These matters are exempt under 5 U.S.C. 552b(c)(6) of the Government in the Sunshine Act.

Dated: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1937 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date & Time: February 12–13, 2001; 9 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Eve Barak, Acting Deputy Division Director, Molecular and Cellular Biosciences, Room 655, NSF, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292–8440.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate proposals submitted to the Nanoscale Interdisciplinary Research Teams competition under Program Announcement 00–119 as part of the selection process for awards.

Reason 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 Sunshine Act.

Dated: January 17, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1931 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Biological Sciences (1754).

Date and Time: February 5 and 6, 2001, 9 a.m. –5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Mary Jane Saunders, National Science Foundation, 4201 Wilson Boulevard, Room 615, Arlington, VA 22230, (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: to review and evaluate proposals as part of the selection process for awards.

Reason 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1935 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date & Time: February 1 and 2, 2001, 8 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Ms. Carter Kimsey, National Science Foundation, 4201 Wilson Boulevard, Room 615, Arlington, VA 2230, (703) 292–8470.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1936 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Chemical and Transport Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Chemical and Transport Systems (1190).

Date and Time: February 7–8, 2001; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 580, Arlington, VA.

Type of Meeting: Closed.

Contract Person: Dr. Robert Wellek, National Science Foundation, 4201 Wilson Boulevard, Room 525, Arlington, VA 22230. Telephone: (703) 292–8370.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1933 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computing-Communications 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 meeting:

Name: Special Emphasis Panel in Computing-Communications Research (1192).

Date/Time: February 22–23, 2001; 8:30 a.m. –6 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Wm. Randolph Franklin, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292–8912.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Computer Systems Architecture CAREER proposals as a part of the selection process for awards.

Reason 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: January 17, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1930 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Electrical and Communications Systems (1196).

Date and Time: January 23–24, 2001, 8:30 a.m. to 5 p.m.

Place: Room 680, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Marija Ilic, National Science Foundation, 4201 Wilson Blvd., Room 675, Arlington, VA 22230. Telephone: (703) 292–8339.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: to review and evaluate proposals as part of the selection process for awards.

Reason 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1934 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act Pub. L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Engineering (1173).

Date and Time: February 22, 2001 (8 a.m.–5:15 p.m.) and February 23, 2001 (8:30 a.m.–4 p.m.).

Place: National Science Foundation, 4201 Wilson Blvd., Room 1295, Arlington, VA.

Type of Meeting: Open.

Contact Person: Michelle McMurry, Executive Secretary, CEOSE, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Phone (703) 292–8094.

Minutes: May be obtained from the Executive Secretary at the above address.

Purpose of Meeting: To advise NSF on policies and activities of the Foundation to encourage full participation of women, minorities, and persons with disabilities currently underrepresented in scientific, engineering, professional, and technical fields and to advise NSF concerning implementation of the provisions of the Science and Engineering Equal Opportunities Act.

Agenda

Thursday February 22, 2001 8 a.m. –5:15 pm

8:00 a.m. Breakfast with NSF Staff
8:30 a.m. Welcome; Approval of October 2000 Minutes
8:45 a.m. Report of Executive Committee Liaison
9:00 a.m. New Member Orientation and Welcome
9:15 a.m. Committee Discussion of Agenda
10:00 a.m. Break
10:15 a.m. Update on the National Science Board's Plans for Promoting Diversity in S&E
11:15 a.m. Discussion of National Academy of Engineering Initiative to Increase the Number of Women in Engineering
12:15 p.m. Break
12:39 p.m. Working Lunch, Directorate Advisory Committee Liaison Reports
2:00 p.m. Break
2:15 p.m. Panel Discussion: Collection of Demographic Data and Criterion 2 Information on NSF Grantees, Students, and Reviewers
4:00 p.m. Break
4:15 p.m. The Status of Legal Challenges to Affirmative Action
5:15 p.m. Adjourn

Friday, February 23, 2001 8:30 am –4 p.m.

8:30 a.m. Breakfast
9:00 a.m. Directorate Dialogue: Biological Sciences
10:00 a.m. Presentation of the 2000 CEOSE Biennial Report
10:30 a.m. Directorate Dialogue: Social, Behavioral and Economic Sciences
11:30 a.m. Break
11:45 a.m. Meeting with Deputy Director
12:45 p.m. Lunch
2:00 p.m. Committee Business
4:00 p.m. Adjourn

Dated: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1932 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education

Name: Special Emphasis Panel in Graduate Education (57).

Date/Time: February 3–6 and 7–10, 2001; 8 a.m.–5 p.m.

Place: Doubletree Hotel, 300 Army Navy Drive, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Janet C. Rutledge and Eric J. Sheppard, National Science Foundation, 4201 Wilson Boulevard, Room 907, Arlington, VA 22230. Telephone: (703) 292–8694.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF.

Agenda: Review and evaluate proposals as part of the selection process for awards.

Minutes: May be obtained from the contact persons listed above.

Reason for Closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1938 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Graduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Graduate Education (57).

Date/Times: February 15 and 16, 2001; 8 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contract Persons: Dr. Sonia Ortega, Mrs. Carolyn L. Piper and Mrs. Arneeta Speight, Division of Graduate Education, National Science Foundation, 4201 Wilson Blvd., Room 907N, Arlington, VA 22230. (703) 292–8697.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: The applications 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1939 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Oversight Council for the International Arctic Research Center; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Oversight Council for the International Arctic Research Center (9535).

Date/Time: January 25, 2001, 1 p.m. to 2 pm.

Place: National Science Foundation, Room 755, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed (Meeting via Telephone Conference Call).

Contact Person: Charles Myers, National Science Foundation, 4201 Wilson Blvd., Suite 755, Telephone (703) 292–7434.

Purpose of Meeting: To provide advice and recommendationsconcerning further support for the International Arctic Research Center (IARC).

Agenda: To review and evaluate the current and proposed activities of the IARC.

Reason for Closing: The information being reviewed includes information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the IRAC. The 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 committee members and the need to discuss the International Arctic Research Center without further delay.

Dated: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1941 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; 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 of the Special Emphasis Panel in Physics (1208):

Date/Time: January 29–February 1, 2001; 8:00 a.m.–5:00 p.m.

Location: California Institute of Technology, Pasadena, CA.

Date/Time: February 26–March 1, 2001; 8:00 a.m.–5:00 p.m.

Location: Hanford LIGO Observatory, Hanford, WA.

Contact Person: Dr. Victor Cook, National Science Foundation, 4201 Wilson Boulevard, Room 1015, Arlington, VA 22230. Telephone: (703) 292–8890.

Type of Meetings: Closed.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Purpose of Meeting: To provide advice and recommendations concerning the LIGO observatory.

Agenda: To review and evaluate LIGO as part of the selection process for continued funding.

Reason for Closings: 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: January 16, 2001.

Karen J. York,

Committee Management Officer.

[FR Doc. 01–1940 Filed 1–22–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATES: Weeks of January 22, 29, February 5, 12, 19, 26, 2001.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 22, 2001

There are no meetings scheduled for the Week of January 22, 2001.

Week of January 29, 2001—Tentative

Tuesday, January 30, 2001

9:30 a.m.
Briefing on Status of Nuclear Waste Safety (Public Meeting) (Contact: Claudia Seelig, 301–415–7243)
This meeting will be webcast live at the Web address—
www.nrc.gov/live.html

Wednesday, January 31, 2001

9:25 a.m.
Affirmation Session (Public Meeting) (If needed)

9:30 a.m.
Briefing on Status of OCIO Programs, Performances, and Plans (Public Meeting) (Contact: Donnie Grimsley, 301–415–8702)
This meeting will be webcast live at the Web address—
www.nrc.gov/live.html

Thursday, February 1, 2001

9:30 a.m.
Briefing on Status of OCIO Programs, Performances, and Plans (Public Meeting) (Contact: Lars Solander, 301–415–6080)
This meeting will be webcast live at the Web address—
www.nrc.gov/live.html

Week of February 5, 2001—Tentative

Monday, February 5, 2001

1:55 p.m.
Affirmation Session (Public Meeting) (If needed)

Week of February 12, 2001—Tentative

Wednesday, February 14, 2001

10:25 a.m.
Affirmation Session (Public Meeting) (If needed)

Week of February 19, 2001—Tentative

Tuesday, February 20, 2001

10:25 a.m.
Affirmation Session (Public Meeting) (If needed)

10:30 a.m.
Briefing on Spent Fuel Pool Accident Risk at Decommissioning Plants and Rulemaking Initiatives (Public Meeting) (Contact: George Hubbard, 301–415–2870)
This meeting will be webcast live at the Web address—
www.nrc.gov/live.html

Week of February 26, 2001—Tentative

Monday, February 26, 2001

1:30 p.m.
Meeting with the National Association of Regulatory Utility Commissioners (NARUC) (Public Meeting) (Contact: Spiros Droggitis, 301–415–2367)
This meeting will be webcast live at the Web address—
www.nrc.gov/live.html

Tuesday, February 27, 2001

10:25 a.m.
Affirmation Session (Public Meeting) (If needed)

10:30 a.m.
Briefing on Threat Environment Assessment (Closed-Ex. 1)

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

ADDITIONAL INFORMATION: By a vote of 5–0 on January 16, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Sequoyah Fuels Corporation (Gore, Oklahoma Site Decommissioning) Docket No. 40–8027–MLA–4'' be held on January 17, and on less than one week's notice to the public.

By a vote of 5–0 on January 16 and 17, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Affirmation of Northeast Nuclear Energy Company (Millstone Unit 3; Facility Operating License NPF–49) Petition for Review of Licensing Board's Order, Adopting Agreed License Condition, Denying Request for Evidentiary Hearing on Other Issues and Terminating Proceeding (LBP–00–26, Issued Oct. 26, 2000)'' be held on January 17, and on less than one week's notice to the public.

By a vote of 5–0 on January 16, the Commission determined pursuant to U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that ''Discussion of Potential Enforcement Matter (closed-Ex. 4 & 10)'' be held on January 17, and on less than one week's notice to the public.

The NRC Commission meeting Schedule can be found on the Internet at:

http://www.nrc.gov/SECY/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Washington, D.C. 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to kdw@nrc.gov.

Dated: January 18, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–2106 Filed 1–19–01; 10:37 am]

BILLING CODE 7590–01–M

NUCLEAR REGULATORY COMMISSION

Consolidated Guidance About Materials Licenses: Program-Specific Guidance About Change of Control and about Bankruptcy Involving Byproduct, Source, or Special Nuclear Material Licenses

AGENCY: U. S. Nuclear Regulatory Commission (NRC).

ACTION: Notice of Availability of final NUREG.

SUMMARY: The NRC is announcing the availability of the final NUREG–1556, Volume 15, ''Consolidated Guidance about Materials Licenses: Guidance about Change of Control and about Bankruptcy Involving Byproduct, Source, or Special Nuclear Material Licenses,'' dated November 2000.

The NRC is using Business Process Redesign techniques to redesign its materials licensing process, as described in NUREG–1539, ''Methodology and Findings of the NRC's Materials Licensing Process Redesign.'' A critical element of the new process is consolidating and updating numerous guidance documents into a NUREG-series of reports. This final NUREG report is the fifteenth guidance document developed to support an improved materials licensing process.

This guidance is intended for use by applicants, licensees, and NRC staff, and will also be available to Agreement States. This document combines and updates the guidance found in NRC Information Notice 89–25, Rev. 1: ''Unauthorized Transfer of Ownership or Control of Licensed Activities''; NRC Information Notice 97–30: ''Control of Licensed Material During Reorganizations, Employee-Management Disagreements, and Financial Crises''; and Policy and Guidance Directive 8–11, ''NMSS Procedures for Reviewing Declarations of Bankruptcy.'' The guidance in this report supersedes Policy and Guidance Directive 8–11. This final report takes a more risk-informed, performance-based approach to evaluating changes of control or bankruptcy of byproduct, source, and special nuclear material licensees, reducing the information (amount and level of detail) needed to properly inform NRC of a change of control or bankruptcy.

A free single copy of final NUREG–1556, Volume 15, may be requested by writing to the US Nuclear Regulatory Commission, ATTN: Mrs. Carrie Brown, Mail Stop TWFN 9–C24, Washington, DC 20555–0001. Alternatively, submit requests through the Internet by addressing electronic mail to cxb@nrc.gov. A copy of this final NUREG–1556, Volume 17, is also available for inspection and/or copying for a fee in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC 20555–0001.

FOR FURTHER INFORMATION, CONTACT: Mrs. Carrie Brown, Mail Stop TWFN 9–F–31, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–8092; electronic mail address: cxb@nrc.gov.

Electronic Access

Final NUREG–1556, Volume 15, is available electronically by visiting the NRC's Home Page (http://www.nrc.gov/nrc/nucmat.html).

Dated at Rockville, Maryland, this 9th day of January, 2001.

For the Nuclear Regulatory Commission.

Patricia K. Holahan,

Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, NMSS.

[FR Doc. 01–1986 Filed 1–22–01; 8:45am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Availability of Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of availability of report.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued its ''Technical Study of Spent Fuel Pool Accident Risk at Decommissioning Nuclear Power Plants.''

As the number of power reactors involved in the decommissioning process increases, the ability to address regulatory issues generically has become more important. After a nuclear power plant permanently shuts down and the reactor is defueled, the traditional accident sequences that dominate operating reactor risk are no longer applicable. The predominant source of risk remaining at permanently shutdown plants involves accidents associated with spent fuel stored in the spent fuel pool.

Following a Commission meeting held on March 17, 1999, the NRC staff formed a technical working group to evaluate spent fuel pool accident risk at decommissioning plants. The staff set out to develop a risk-informed technical basis that could be used to develop rulemaking and to establish a predictable method for reviewing future exemption requests and to identify the need for any research in areas of large uncertainty. The staff intends for this approach to meet the NRC outcome goals of maintaining safety, reducing unnecessary regulatory burden, increasing public confidence, and improving efficiency and effectiveness.

Preliminary versions of the study were issued for public comment and technical review in June 1999 and February 2000. A public workshop to discuss the report was held in July 1999. Comments received from industry and public stakeholders, the Advisory Committee on Reactor Safety, and other technical reviewers have been considered in preparing the report. Quality assessment of the staff's preliminary analysis has been aided by a small panel of human reliability analysis experts who evaluated the human performance analysis assumptions, methods, and modeling. A broad quality review was carried out at the Idaho National Engineering and Environmental Laboratory.

ADDRESSES: The report is available at the NRC Public Document Room,11545 Rockville Pike, Rockville, Maryland, and through the NRC Agencywide Documents Access and Management System (ADAMS) at ML010160527 for the report and ML010160532 for the appendices. The report is also available via the Internet on the NRC web page at http://www.nrc.gov/NRC/REACTOR/DECOMMISSIONING/SF/index.html. Requests for single copies may be made to David J. Wrona, U.S. Nuclear Regulatory Commission, Mail Stop O–7C2, Washington, DC 20555–0001 or by telephone at 301–415–1924 or email to djw1@nrc.gov.

FOR FURTHER INFORMATION CONTACT: George Hubbard, U.S. NRC, Office of Nuclear Reactor Regulation, Mail Stop O–11A11, Washington, DC 20555–0001; telephone 301–415–2870; email: gth@nrc.gov.

Dated at Rockville, Maryland, this 17th day of January, 2001.

For the Nuclear Regulatory Commission.

Stuart A. Richards,

Director, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–1985 Filed 1–22–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: Form RI 95–4

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 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 a request for review of a revised information collection. RI 95–4, Marital Information Required of Refund Applicants, is used by OPM to pay refunds of retirement contributions when the information is not included on the SF 3106, Application for Refund of Retirement Deductions (FERS). To pay these benefits, all applicants for refund must provide information to OPM about their marital status and whether any spouse(s) or former spouse(s) have been informed of the proposed refund.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of OPM, 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.

Approximately 100 RI 95–4 forms will be completed annually. We estimate it takes approximately 30 minutes to complete the form. The annual burden is 50 hours.

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 February 22, 2001.

ADDRESSES: Send or deliver comments to—John C. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3313, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 01–1964 Filed 1–22–01; 8:45 am]

BILLING CODE 6325–50–U

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Expiring Information Collections: SF 2802 and SF 2802B

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 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 reclearance of an information collection, the SF 2802, Application for Refund of Retirement Deductions (Civil Service Retirement System) and SF 2802B, Current/Former Spouse's Notification of Application for Refund of Retirement Deductions. OPM must have the SF 2802 completed and signed before paying a refund of retirement contributions from the Civil Service Retirement and Disability Fund. SF 2802B must be completed in those instances where there is a spouse or former spouse(s) who must be notified of the employee's intent to take a refund from the Fund.

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.

Approximately 32,000 SF 2802 forms are completed annually. We estimate it takes approximately 45 minutes to complete the form. The annual burden is 24,075 hours. Approximately 28,890 SF 2802B forms are processed annually. We estimate it takes approximately 15 minutes to complete this form. The annual burden is 7,223 hours. The total annual burden is 31,298 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or email to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before March 26, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3349, Washington, DC 20415–3540.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 01–1965 Filed 1–22–01; 8:45 am]

BILLING CODE 6325–50–U

OFFICE OF PERSONNEL MANAGEMENT

Comment Request for Review of a Revised Information Collection: Forms RI 20–7 and RI 30–3

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 20–7, Representative Payee Application, is used by the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) to collect information from persons applying to be fiduciaries for annuitants or survivor annuitants who appear to be incapable of handling their own funds or for minor children. RI 30–3, Information Necessary for a Competency Determination, collects medical information regarding the annuitant's competency for OPM's use in evaluating the annuitant's condition.

Approximately 12,480 RI 20–7 forms will be completed annually. Each form requires approximately 30 minutes to complete. The annual burden is 6,240 hours. Approximately 250 RI 30–3 forms will be completed annually. Each form requires approximately 1 hour to complete. The total annual burden is 6,490 hours. 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 February 22, 2001.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information & Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 01–1962 Filed 1–22–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Revision of an Information Collection: RI 38–115

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 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 a request for review of a revised information collection. RI 38–115, Representative Payee Survey, is used to collect information about how the benefits paid to a representative payee have been used or conserved for the benefit of the incompetent annuitant.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of OPM, 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.

Approximately 4,067 RI 38–115 forms will be completed annually. The form takes approximately 20 minutes to complete. The annual burden is 1,356 hours.

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 February 22, 2001.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 01–1963 Filed 1–22–01; 8:45 am]

BILLING CODE 6325–50–U

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43848; File No. SR–BSE–00–04]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change, as Amended, by the Boston Stock Exchange, Inc.; Relating to an Amendment to Its Post Primary Session (''PPS'')

January 16, 2001.

I. Introduction

On March 9, 2000, the Boston Stock Exchange, Inc. (''BSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC''), 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 that would amend existing rules under BSE Chapter IIB, Post 4:00 P.M. Trading, which would allow member firms to accommodate various customer average pricing programs based on the primary market's primary trading session and to permit risk based portfolio programs which are based on the primary market's closing price. On December 2, 2000, the BSE filed an amendment to the proposal.[3] Notice of the proposed rule change, including Amendment No. 1, was published for comment in the **Federal Register** on December 14, 2000.[4] The Commission received no comments on the proposal. This order approves the proposed rule change, as amended.

II. Description of the Proposal

The Exchange proposes to amend its existing rules under BSE Chapter IIB, Post 4:00 P.M. Trading, to incorporate new language which will permit members and member firms to use the PPS to: (1) Accommodate various customer average pricing programs in issues eligible to trade on the Exchange [5] that are based on the primary market trading session; and (2) permit risk based portfolio programs which are based on the primary market's closing price. In a side letter, the Exchange seeks an exemption from the short sale rule and from certain reporting of transactions requirements for purposes of supporting its risk based portfolio programs described herein.[6]

A. Background

The Exchange initiated its PPS program on January 13, 2000.[7] The program runs from 4:00 p.m. through 4:15 p.m. (EST). Only orders entered after the Exchange's 4:00 p.m. close and designated as ''PPS'' are eligible for participation during this session. All PPS designated orders not executed during the PPS expire at the end of the PPS session and are not carried over to the next PPS session. Orders eligible for the Exchange's primary trading session

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* letter from John Boese, Assistant Vice President, Rule Development and Market Structure, BSE, to Alton Harvey, Office Chief, Office of Market Watch, Division of Market Regulation (''Division''), Commission, dated December 1, 2000 (''Amendment No. 1''). In Amendment No. 1, the BSE made corrections to its rule text and clarified issues regarding the language used in its filing.

[4] Securities Exchange Act Release No. 43685 (December 6, 2000), 65 FR 78227 (December 14, 2000).

[5] Issues eligible to trade are those listed on the Exchange or listed pursuant to unlisted trading privileges.

[6] 17 CFR 240.10a–1 and 17 CFR 240.11Aa3–1. The BSE is requesting an exemption from the short sale rule, Rule 10a–1, and from the reporting of transactions for its risk based portfolio programs under Rule 11Aa3–1. *See* letter from John Boese, Assistant Vice President, Rule Development and Market Structure, BSE, to Larry Bergmann, Senior Associate Director, Division, Commission, dated January 2, 2001. Review of the BSE's request for an exemption from the short sale rules is still pending before the Commission. The Commission is granting the BSE an exemption from Rule 11Aa3–1 for its risk based portfolio programs.

[7] *See* Securities Exchange Act Release No. 41814 (August 31, 1999); 64 FR 48885 (September 8, 1999).

are not eligible to participate during the PPS.

The Exchange represents that member firms may wish to use the Exchange's PPS to facilitate execution of certain customer average pricing and risk based portfolio programs on either an agency basis (wherein member firms act as an agent facilitating customers on both sides of the transaction) or as principal (wherein member firms act as principal on one side of the transaction). The Exchange also represents that the main purpose of accessing the PPS to report these programs is to expedite execution and customer reporting of these particular crosses that would otherwise be reported later, such as at 5:15 p.m. (EST), during the New York Stock Exchange's (''NYSE'') Crossing Section II.[8]

B. The Exchange's Proposed Programs

The Exchange proposes to implement two general programs: the Customer Average Pricing Facilitation Programs (''CP Programs''), and Post Primary session Risk Portfolio Facilitation Programs (''RP Programs'').

The Customer Average Pricing Facilitation Programs. The Exchange represents that the CP Programs will allow member firms to act as a principal on one side of the cross (principal cross), or as an agent facilitating customers on both sides (agency cross), and may include single stocks or portfolios of stocks.

The Exchange notes that member firms will facilitate their customer requests for average pricing based on primary market transactions reported over some specific period of time during the day (a so-called ''time slice''). A time slice an incorporate a full trading day or some part thereof. The Exchange represents that the CP Programs will be ''time sliced'' during the primary market's trading session so that some will begin during the trading day (upon receipt of the program) and end prior to the close; others will begin at some point during the trading day and last through the primary market's close. The exchange further notes that a full day average pricing program will include all trading day primary market prints from the opening transaction to the last/closing transaction.

The Exchange indicates that there will be two types of reported facilitation crosses: (1) An agency cross, where the member firm has matched a buyer with a seller; and (2) a principal cross, where the member firm has assumed the contra-side of the customer's order. The Exchange further indicates that to facilitate a transaction where customers seek to participate on the buy side, member firms need to sell to their customers irrespective of the tick, and the Exchange therefore seeks an exemption to the short sale rule.[9]

The Exchange represents that member firms may offer three types of average price orders to their customers: (1) Best efforts to obtain the average price, but with no guarantee; (2) a stop order guaranteeing the average price; and (3) a stop order guaranteeing the average price with the ability to improve the average price. The Exchange further represents that these transactions will be reported as averaged priced crosses during the Exchange's PPS session, and that they will not be exposed to the PPS auction so that member firms will be able to immediately report these transactions to their customers.

The three specific order types eligible for the CP program are the following:

(1) *Primary Market Average Price-Bench +/− (Plus or Minus).* The Exchange represents that this order type provides customers with average pricing based on the primary market's trading session transactions, which are reported to the consolidated tape. The Exchange notes that the Benchmark price (''Benchmark'') is the primary market's average price for the duration of the time slice. If the Benchmark is exceeded, the customer will receive the better price. If the Benchmark is not achieved, the customer will receive the actual price which will be less than the Benchmark price.

(2) *Primary Market Average Price—Guaranteed.* The Exchange represents that this order type provides customers with a guarantee of received the Benchmark. The Exchange notes, however, that customers electing to participate in this Program will not be eligible to obtain a better, not an inferior price.

(3) *Primary Market Average Price—Stop.* The Exchange represents that this order type provides customers with the Benchmark, or better, for the duration of the time slice. The Exchange notes, however, that customers will not receive an inferior price to the Benchmark.

The PPS Risk Portfolio Facilitation Programs. The Exchange represents that under the RP Program, member firms will offer customers a guaranteed price for the sale or purchase of a basket containing at least fifteen stocks, $1 million in value or more. Furthermore, the Exchange represents that member firms will provide customers with a guarantee of receiving the primary market's closing price, less a discount (or fee) in return for assuming the market risk of the basket. Thus, where member firms facilitate a transaction by being on the buy side, with the customer on the sell side, the discounted price of each component of the basket will be at a price less than the primary market's last sale. Conversely, where customers seek to be on the buy side, member firms will facilitate on the sell side and mark-up the value of the basket.

The Exchange represents that each component of a basket will be electronically reported during the PPS as principal facilitation crosses and that these principal facilitation crosses will not be exposed to the PPS auction. The Exchange notes that the shares will be reported to the consolidated tape in the aggregate, like on the NYSE's Crossing Session II,[10] to prevent disclosure of the side that the member firm has facilitated. The Exchange also notes that this process is similar to the system in place for the NYSE Crossing Session program where reporting is in the aggregate for shares and not made available until T+3. Therefore, the Exchange believes that, in order to provide the ability to facilitate customers seeking to participate on the buy side, member firms will need to sell to their customers irrespective of the tick, and consequently seeks an exemption to the short sale rule.[11]

Moreover, the Exchange represents that these strategies require that the transactions not be immediately reported to the tape, because price exposure can disclose to competitors the position the member firm has assumed. Anonymity permits the member firm to unwind its position without risk of disclosure. The Exchange would, therefore, emulate the process currently used by the NYSE and report to the tape in the aggregate and then provide

[8] The Exchange describes the NYSE's Crossing Session II as follows: This session facilitates the crossing of portfolios and operates between 4:00 p.m. and 5:15 p.m. (EST). This session is also designed to facilitate trading of baskets of at least fifteen NYSE securities valued at $1 million or more. Members that have either facilitated a basket trade, or have paired two customer baskets, submit aggregate information to the NYSE for execution. At 5:15 p.m., the NYSE prints the aggregate information of all baskets executed in this session to the consolidated tape. On the third day after the trade date (T+3), the individual component stocks executed as part of a basket are printed in aggregate form in the NYSE's Daily Sales Report.

[9] *See supra* note 6.

[10] The Exchange notes that, under the rules of the NYSE members that have either facilitated a basket trade, or have paired two customers baskets, submit aggregate information to the NYSE for execution. At 5:15 p.m., the NYSE prints the aggregate information of all baskets executed in this session to the consolidated tape. On the third day after the trade date (T+3), the individual component stocks executed as part of a basket are printed in aggregate form in the NYSE's Daily Sales Report.

[11] *See supra* note 6.

additional information on T+3, or thereafter,[12] The Exchange notes that, as the closing prices are discounted, these programs may be priced away from the primary market's last sale and potentially outside of the day's trading range.

For regulatory oversight purposes, the Exchange represents that it will require each member firm that reports transactions in CP or RP Programs to: (1) Identity the issue, shares, and price on each cross; (2) indicate whether the firm is facilitating as agent or principal; (3) indicate, if principal, that it is short exempt; (4) identify the time slice period for CP entered crosses; (5) indicate the average (Benchmark) price determined by the member firm; and (6) for RP programs, identify all crosses in a particular basket. The Exchange represents that it may also require other identifiers deemed necessary to monitor pricing. The Exchange will use this information to validate Benchmark prices.

C. Request for Exemptions from Rule 10a–1 and Rule 11Aa3–1 of the Act

The Exchange requests that the Commission exempt both the CP and RP Programs from the short sale rule, Rule 10a–1, of the Act.[13] The Exchange believes that, based on the manner of pricing transactions that will occur within the CP and RP programs, the practices that Rule 10a–1 is designed to prevent are not at issue. Specifically, the Exchange indicates that over the course of the CP and RP Programs, the price direction of a particular stock, *i.e.*, the tick, will not be a factor in determining to fill customers CP and orders. The Exchange also notes that member firms will be acting as facilitators.

The Exchange also requests that the Commission exempt the RP Programs from certain reporting of transactions requiring under Rule 11Aa3–1 of the Act because under the RP Programs a composite transaction would be reported instead of individual transactions.[14]

III. Discussion

The Commission has reviewed carefully the proposed rule change, as amended, and finds that it is consistent with the Act and the rules and regulations promulgated thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b).[15] Specifically, the Commission finds that approval of the proposed rule change is consistent with Section 6(b)(5)[16] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest.

The Commission finds that the proposed rule change and the programs established thereunder will assist the BSE in allowing its member firms to use the PPS to facilitate execution of certain customer average pricing and risk based portfolio programs, and to act on either a principal or agent basis by entering crossing orders with their customers after hours to be executed with each other. By allowing access to the PPS to report these programs, the commission notes that the BSE may be able to expedite execution and customer reporting of these particular crosses at 4:15 p.m. (EST), rather than at 5:15 p.m. (EST) during the NYSE's Crossing Session II.

The BSE requests an exemption from Rule 10a–1, the short sale rule, and Rule 11Aa3–1 of the Act.[17] The Commission is currently reviewing the BSE's request for exemption from the short sale rule.[18] The Commission is granting the BSE's request for exemption of its RP Programs from the reporting requirements of Rule 11Aa3–1 of the Act because the proposed reporting procedures for the RP programs relate to composite transactions. The Commission finds that granting such an exemption would be consistent with the requirements of Rule 11Aa3–1.[19]

In the notice, the Commission indicated that it would consider granting accelerated approval of the proposal after a 15-day comment period. Although, the Commission received no comment letters on the proposal during the 15-day comment period, the Commission does not find good cause for accelerating approval of the proposed rule change, as amended.[20]

IV. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular with Section 6(b)(5).[21]

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–BSE–00–04) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–1968 Filed 1–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43849; File No. SR–GSCC–00–13]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change Relating to Establishment of a Cross-Margining Agreement With the Chicago Mercantile Exchange and a Clarification of the Government Securities Clearing Corporation's Cross-Margining Rules

January 17, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on October 13, 2000, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

GSCC is seeking to establish a cross-margining arrangement with the

[12] The Exchange states that transactions which occur ''regular way'' will settle within the standard T+3 settlement period, and that cash settlements may settle beyond the standard T+3 settlement period, according to the agreement of the parties to the transaction. The Exchange notes that the overwhelming majority of transactions occur ''regular way.'' *See* Amendment No. 1, *supra* note 3.

[13] 17 CFR 240.10a–1. *See supra* note 6.

[14] 17 CFR 240.11Aa3–1. *See supra* note 6.

[15] 15 U.S.C. 78f(b). In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[16] 15 U.S.C. 78f(b)(5).

[17] *See supra* note 6.

[18] *See supra* note 6.

[19] *See supra* note 6.

[20] The BSE originally filed the proposed rule change with the Commission on March 9, 2000, and requested accelerated approval at that time. The BSE then requested that the Commission delay noticing the proposed rule change until the impact of the rescission of NYSE Rule 390 was determined. In November 2000, the BSE decided to proceed with this filing. The Commission, therefore, does not believe that acceleration of approval of this proposed rule change would be appropriate.

[21] 15 U.S.C. 78f(b)(5).

[22] 15 U.S.C. 78s(b)(2).

[23] 17 CFR 200.30/3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

Chicago Mercantile Exchange (''CME'').[2] In addition, GSCC is proposing to revise GSCC Rule 22, Section 4, to clarify that GSCC will fulfill its obligations under any cross-margining agreement before crediting an insolvent member for any profit realized on the liquidation of the member's final net settlement positions.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in section (A), (B), and (C) below, of the most significant aspects of these statements.[3]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On August 19, 1999, the Commission approved GSCC's proposed rule change to establish a cross-margining program with other clearing organizations and to begin its program with the New York Clearing Corporation (''NYCC'').[4] GSCC is now seeking to establish a cross-margining arrangement with the CME similar to the one GSCC already has in place with NYCC. The proposal will implement GSCC's ''hub-and-spoke'' method of cross-margining, which was introduced in the rule filing establishing the GSCC–NYCC cross-margining arrangement and which applies when more than one clearing organization is involved in cross-margining with GSCC.

(i) GSCC's Cross-Margining Program

GSCC believes that the most efficient and appropriate approach for establishing cross-margining links for fixed-income and other interest rate products is to do so on a multilateral basis with GSCC as the ''hub.'' Each clearing organization that participates in a cross-margining arrangement with GSCC (hereinafter a ''Participating CO'') will enter into a separate cross-margining agreement between itself and GSCC, as in the case of NYCC and now CME. Each of the agreements will have similar terms,[5] and no preference will be given by GSCC to one Participating CO over another.

Cross-margining is available to any GSCC netting member (with the exception of inter-dealer broker netting members) that is, or that has an affiliate that is, a member of a Participating CO. Any such member (or pair of affiliated members) may elect to have its margin requirements at both clearing organizations calculated based upon the net risk of its cash and repo positions at GSCC and offsetting and correlated positions in related contracts carried at the Participating CO. Cross-margining is intended to lower the cross-margining participant's (or pair of affiliated members') overall margin requirement. The GSCC member (and its affiliate, if applicable) signs an agreement under which it (or they) agrees to be bound by the cross-margining agreement between GSCC and the Participating CO and which allows GSCC or the Participating CO to apply the member's (or its affiliate's) margin collateral to satisfy any obligation of GSCC to the Participating CO (or vice versa) that results from a default of the member (or its affiliate).

Margining based on the net combined risk of correlated positions is based on an arrangement under which GSCC and each Participating CO agree to accept the correlated positions in lieu of supporting collateral. Under this arrangement, each clearing organization holds and manages its own positions and collateral and independently determines the amount of margin that it will make available for cross-margining (referred to as the ''residual margin amount'').

GSCC computes the amount by which the cross-margining participant's margin requirement can be reduced at each clearing organization (*i.e.,* the ''cross margin reduction'') by comparing the participant's positions and the related margin requirements at GSCC against those at each Participating CO.[6] GSCC offsets each cross-margining participant's residual margin amount (based on related positions) at GSCC against the offsetting residual margin amounts of the participant (or its affiliate) at each Participating CO. If the residual margin that GSCC has available for a participant is greater than the combined residual margin submitted by the Participating COs, GSCC will allocate a portion of its residual margin equal to the combined residual margin at the Participating COs. If the combined residual margin submitted by the Participating COs is greater than the residual margin that GSCC has available for that participant, GSCC will first allocate its residual margin to the Participating CO with the most highly correlated position.[7] 1 if the positions are equally correlated, GSCC will allocate pro rata based upon the residual margin amount available at each Participating CO. GSCC and each Participating CO may then reduce the amount of collateral that they collect to reflect the offsets between the cross-margining participant's positions at GSCC and its (or its affiliate's) positions at the Participating CO.[8] In the event of the default and liquidation of a cross-margining participant, the loss sharing between GSCC and each of the Participating COs will be based upon the foregoing allocations and the cross-margin reduction.

GSCC will guarantee the cross-margining participant's (or its affiliate's) performance to each Participating CO up to a specified maximum amount which relates back to the cross-margin reduction. Each Participating CO will provide the same guaranty up to the same specified maximum amount to GSCC. The guaranty represents a contractual commitment that each clearing organization has to the other. There will always be a cap on the amount that one clearing organization is required to pay another clearing organization.

[2] CME is a Delaware corporation whose clearing division acts as the clearing organization for certain futures and options on futures contracts that are traded on the CME. The Commodity Futures Trading Commission (''CFTC''), pursuant to the Commodity Exchange Act, as amended (''CEA''), has designated the CME as a contract market for such contracts.

[3] The Commission has modified the text of the summaries prepared by GSCC.

[4] Securities Exchange Act Release No. 41766 (August 19, 1999), 64 FR 46737 (August 26, 1999) [File No. SR–GSCC–98–04]. The requisite rule changes necessary for GSCC to engage in cross-margining were made in the NYCC cross-margining rule filing. GSCC is proposing one additional rule change in this rule filing in order to further clarify that GSCC will fulfill its obligations under any cross-margining agreement before crediting an insolvent member for any profit realized on the liquidation of the member's final net settlement positions.

[5] It is anticipated that in the interest of conformity NYCC and GSCC will execute a new cross-margining agreement that is substantially the same as the draft agreement with the CME. the draft agreement is attached as Exhibit B to GSCC's rule filing.

[6] NYCC uses GSCC's margin rates to determine margin reduction. CME, which utilizes its own rates, and GSCC compare margin reduction rates and use the lower of the two in determining margin reduction.

[7] GSCC has computed and tested disallowance factors that will be applicable to each potential pair of positions being offset.

[8] GSCC and each Participating CO unilaterally have the right to not reduce a participant's's margin requirement by the cross-margin reduction or to reduce it by less than the cross-margin reduction. However, the clearing organizations may not reduce a participant's margin requirement by more than the cross-margin reduction.

(ii) Information Specific to the Current Agreement between GSCC and CME

(a) *Participation in the cross-margining program:* Any netting member of GSCC other than an inter-dealer broker will be eligible to participate. Any clearing member of CME will be eligible to participate.[9]

(b) *Products subject to cross-margining:* The products that will be eligible for the GSCC–CME cross-margining arrangement are the Treasury securities that fall into GSCC's Offset Classes A through G as defined in GSCC's Rules that are cleared by GSCC and Eurodollar futures contracts with ranges in maturity from 3 months to 10 years and options on such futures contracts cleared by CME.[10] GSCC offset classes will be offset against CME offset classes based on correlation studies, and the appropriate disallowance factors will be applied. All eligible positions maintained by a cross-margining participant in its account at GSCC and in its (or its affiliate's) proprietary account at CME will be eligible for cross-margining.[11]

(c) *Margin Rates:* GSCC and CME currently use different margin rates to establish margin requirements for their respective products. Margin reductions in the GSCC–CME cross-margining arrangement will always be computed based on the lower of the applicable margin rates. This methodology results in a potentially lesser benefit to the participant but ensures a more conservative result (*i.e.*, more collateral held at the clearing organization) for both GSCC and CME.

(d) *Daily Procedures:* On each business day, it is expected that the CME will inform GSCC of the residual amounts it is making available for cross-margining by approximately 10 p.m. New York time. GSCC will inform CME by approximately 12 a.m. New York time how much of these residual margin amounts it will use. Reductions as computed will be reflected in the daily clearing fund calculation.

[9] The draft GSCC–CME agreement requires ownership of 50 percent or more of the common stock of an entity to indicate control of the entity for purposes of the definition of ''affiliate.''

[10] The NYCC products eligible for cross-margining under the GSCC–NYCC cross-margining arrangement are Treasury futures.

[11] At least initially, the GSCC–CME cross-margining arrangement will be applicable on the futures side only to positions in a proprietary account of a cross-margining participant (or its affiliate) at the CME. The arrangement will not apply to positions in a customer account at CME that would be subject to segregation requirements under the CEA. This is also the case with respect to the arrangement with NYCC.

(iii) Benefits of Cross-Margining

GSCC believes that its cross-margining program enhances the safety and soundness of the settlement process for the Government securities marketplace by: (1) Providing clearing organizations with more data concerning members intermarket positions (which is especially valuable during stressed market conditions) to enable them to make more accurate decisions regarding the true risk of such positions to the clearing organizations; (2) allowing for enhanced sharing of collateral resources; and (3) encouraging coordinated liquidation processes for a joint participant, or a participant and its affiliate, in the event of an insolvency. GSCC further believes that cross-margining benefits participating clearing members by providing members with the opportunity to more efficiently use their collateral. More important from a regulatory perspective, however, is that cross-margining programs have long been recognized as enhancing the safety and soundness of the clearing system itself. Studies of the October, 1987 market crash gave support to the concept of cross-margining. For example, The Report of the President's Task Force on Market Mechanisms (January 1988) noted that the absence of a cross-margining system for futures and securities options markets contributed to payment strains in October 1987. The Interim Report of the President's Working Group on Financial Markets (May 1988) also recommended that the SEC and CFTC facilitate cross-margining programs among clearing organizations. As a result, the first cross-margining arrangement between clearing organizations was implemented in 1988.[12]

GSCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act[13] and the rules and regulations thereunder applicable to GSCC because it will provide members with significant benefits, such as greater liquidity and more efficient use of collateral in a prudent manner and will enhance GSCC's overall risk management process.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have an impact or impose a burden on competition.

[12] Securities Exchange Act Release No. 26153 (October 3, 1988), 53 FR 39567 (October 7, 1988) [File No. SR–OCC–86–17].

[13] 15 U.S.C. 78q–1.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. Members will be notified of the rule change filing and comments will be solicited by an Important Notice. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing also will be available for inspection and copying at the principal office of GSCC.

All submissions should refer to File No. SR–GSCC–00–13 and should be submitted by February 13, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[14]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–1907 Filed 1–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–443847; File No. SR–NYSE–00–59]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the New York Stock Exchange, Inc.; Amending the Late Filing Fee Required Under NYSE Rule 416, Questionnaires and Reports

January 16, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 21, 2000, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change amends Exchange Rule 416, Questionnaire and Reports, with respect to increasing the fee charged to members and member organizations for the failure to submit certain prescribed information required by the Exchange on a timely basis. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

Questionnaires and Reports

Rule 416. (a) Each member and member organization shall submit to the Exchange at such times as may be designated in such form and within such time period as may be prescribed such information as the Exchange deems essential for the protection of investors and the public interest.

(b) Unless a specific temporary extension of time has been granted, there shall be imposed upon each member or member organization required to file reports pursuant to this Rule, a fee of [$100] *$500* for each day that such report is not filed in the prescribed time. Requests for such extension of time must be submitted to the Exchange at least three business days prior to the due date.

(c) Any report filed pursuant to this Rule containing material inaccuracies shall, for purposes of this [r]*R*ule, be deemed not to have been filed until a corrected copy of the report has been resubmitted.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NYSE Rule 416 requires members and member organizations to submit prescribed information deemed by the Exchange to be essential for the protection of investors and the public interest. Pursuant to NYSE Rule 416, the Exchange requires the periodic submittal of specific predefined financial, operational, and other information necessary for an effective evaluation of a member's or member organization's compliance with applicable rules and regulations. NYSE Rule 416 has also been used to prepare the membership for specific initiatives such as participation in Year 2000 Testing and the conversion to Decimalization.

Since it is critical for the Exchange to ensure submission of such data, pursuant to NYSE Rule 416(b), the Exchange charges a member or member organization a fee for the failure to file reports on a timely basis. The current fee, which has been in effect since September 7, 1972, is $100 for each day that such report is not filed within the prescribed time. The Exchange proposes that this daily fee be updated and increased to $500 in order to provide members and member organizations greater incentive to submit filings in a timely manner.

2. Statutory Basis

The statutory basis for the proposed rule change is Section 6(b)(4) of the Act,[3]which permits the rules of an exchange to provide for the equitable allocation of reasonable dues, fees and other charges among the members, issuers and other persons using its services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [4] and subparagraph (f)(2) of Rule 19b–4 thereunder,[5] because the proposal is establishing or changing a due, fee or other charge. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection, of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the

[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b)(4).

[4] 15 U.S.C. 78s(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(2).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 51 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–00–59 and should be submitted by February 13, 2001.

For the Commission, by the Division of Market Regulation, pursuant to the delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–1970 Filed 1–22–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–43846; File No. SR–PCX–00–37]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 by the Pacific Exchange, Inc., To Increase Fines for Members, Floor Brokers and Market Makers for Violating Exchange Rules Under the Minor Rule Plan

January 16, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 11, 2000, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change is described in Items, I, II, and III below, which Items have been prepared by the Exchange. The Exchange amended the proposal on January 8, 2001.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX proposes to adopt an increase in the fines to be imposed on members, floor brokers and market makers (including Lead Market Makers) for violating Exchange Rules under the Minor Rule Plan. The text of the proposed rule change is available at the PCX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections, A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend PCX Rule 10.13(k) governing Minor Rule Plan violations to increase most of the fines. The PCX believes the current average Minor Rule Plan fine of $250 is too low to deter violations of PCX rules. The Exchange believes that an increase in the current fines will more adequately sanction violations of the PCX's order-handling and investigating rules, many of which are processed under the Minor Rule Plan.

Most Minor Rule Plan violations currently specify a fine of $250 for a first violation, $500 for a second, and $750 for a third. Multiple violations are calculated on a two-year basis. Under the proposed increases, most fines will be $1,000 for a first violation, $2,500 for a second and $3,500 for a third, calculated on the same two-year basis. Less serious violations such as disruptive conduct or abusive language on the options floor will be $500 for a first violation, $2,000 for a second, and $3,500 for a third.

More serious violations, such as a member's failure to cooperate with a PCX examination of its financial responsibility or operational condition will be fined $2,000 for a first violation, $4,000 for a second and $5,000 for a third. A member that impedes or fails to cooperate in an Exchange investigation will be fined $3,500 for a first violation, $4,000 for a second and $5,000 for a third. Less serious violations, such as fines for improper dress under the PCX dress code, remain unchanged at $100 for the first violation, $200 for the second, and $500 for the third.

Under the proposal, the Enforcement Department would continue to exercise its discretion under PCX Rule 10.13(f) and take cases out of the Minor Rule Plan to pursue them as formal disciplinary matters if the facts or circumstances warrant such action.

The Exchange believes that adoption of the proposed rule change will serve to significantly strengthen the ability of the Exchange to carry out its oversight responsibilities as a self-regulatory organization. The PCX also believes the proposal should aid the Exchange in carrying out its compliance and surveillance functions.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b)[4] of the Act, in general, and furthers the objectives of Section 6(b)(5),[5] in particular, in that it is designed to facilitate transactions in securities, to prevent fraudulent and manipulative acts and practices, and to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PCX consents, the Commission will:

A. By order approve such proposed rule change, or

[6] 17 CFR 200.30–2(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* January 5, 2001 letter from Cindy L. Sink, Senior Attorney, Regulatory Policy, PCX to Nancy Sanow, Assistant Director, Division of Market Regulation (''Division''), SEC and attachments (''Amendment No. 1''). In response to a request from the Division, the PCX converted the proposal from effective upon filing pursuant to Section 19(b)(3)(A) of the Act, to being considered pursuant to Section 19(b)(2) in Amendment No. 1. 15 U.S.C. 78s(b)(3)(A). 15 U.S.C. 78s(b)(2). The PCX requested accelerated approval of the proposed rule change.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to file number SR–PCX–00–37, and should be submitted by [insert date 21 days from the date of publication].

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–1971 Filed 1–22–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3315]

State of Arkansas; Amendment #2

In accordance with a notice received from the Federal Emergency Management Agency, dated January 10, 2001, the above-numbered Declaration is hereby amended to include the following counties: Baxter, Conway, Independence, Izard, Newton, Pope, Searcy and Van Buren as disaster areas due to damages caused by a severe winter ice storm beginning on December 12, 2000 and continuing through January 8, 2001.

In addition, applications for economic injury loans from small businesses located in the following contiguous counties may be filed until the specified date at the previously designated location: Boone, Fulton, Marion, Sharp and Stone in the State of Arkansas, and Ozark County in the State of Missouri.

Any counties contiguous to the above-named primary counties and not listed herein have been previously declared.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is February 27, 2001 and for economic injury the deadline is October 1, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 11, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–1789 Filed 1–22–01; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3316]

State of Oklahoma; Amendment #1

In accordance with a notice received from the Federal Emergency Management Agency, dated January 10, 2001, the above-numbered Declaration is hereby amended to establish the incident period for this disaster as beginning on December 25, 2000 and continuing through January 10, 2001.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is March 6, 2001 and for economic injury the deadline is October 5, 2001.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: January 11, 2001.

Herbert L. Mitchell,

Associate Administrator for Disaster Assistance.

[FR Doc. 01–1788 Filed 1–22–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 3551]

New Conservation Measures for Antarctic Fishing Under the Auspices of CCAMLR

ACTION: Notice.

SUMMARY: At its Nineteenth Meeting in Hobart, Tasmania, October 23 to November 3, 2000, the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), of which the United States is a member, adopted conservation measures, pending countries' approval, pertaining to fishing in the CCAMLR Convention Area. All the measures were agreed upon in accordance with Article IX of the Convention for the Conservation of Antarctic Marine Living Resources. Measures adopted restrict overall catches of certain species of fish and crabs, restrict fishing in certain areas, specify implementation and inspection obligations supporting the Catch Documentation Scheme of Contracting Parties, and promote compliance with CCAMLR measures by non-Contracting Party vessels. A complete list of all Conservation Measures in force, including those adopted at the Nineteenth Meeting are obtainable on request through the Department of State's Office of Oceans Affairs or by Internet at www.ccamlr.org. This notice, therefore, together with the U.S. regulations referenced under the Supplementary Information provides a comprehensive register of all current U.S. obligations under CCAMLR.

DATES: Persons wishing to comment on the measures or desiring more information should submit written comments within 30 days of this announcement.

FOR FURTHER INFORMATION CONTACT: Jean-Pierre Plé, Office of Oceans Affairs (OES/OA), Room 5805, Department of State, Washington, DC 20520; tel: 202–647–3263; fax: 202–647–4563; email: *plejp@state.gov;* or Jennifer Barnes, Office of Oceans Affairs (OES/OA), Room 5805, Department of State, Washington, DC 20520; tel: 202–647–3947; fax: 202–647–9099; email: *barnesjl@state.gov.*

SUPPLEMENTARY INFORMATION: Individuals interested in CCAMLR should also see 15 CFR Chapter III—International Fishing and Related Activities, Part 300—International Fishing Regulations, Subpart A—General; Subpart B—High Seas Fisheries; and Subpart G—Antarctic Marine Living Resources, for other regulatory measures related to conservation and management in the CCAMLR Convention area. Subpart B notes the requirements for high seas fishing vessel licensing. Subparts A and G describe the process for regulating U.S. fishing in the CCAMLR Convention area and contain the text of CCAMLR Conservation Measures that are not expected to change from year to year. The regulations in Subparts A and G include sections on; Purpose and scope; Definitions; Relationship to other treaties, conventions, laws, and regulations; Procedure for according protection to CCAMLR Ecosystem Monitoring Program Sites; Scientific Research; Initiating a new fishery; Exploratory fisheries; Reporting and recordkeeping requirements; Vessel and

gear identification; Gear disposal; Mesh Size; Harvesting permits; Import permits; Appointment of a designated representative; Prohibitions; Facilitation of enforcement and inspection; and Penalties.

Conservation Measures Remaining in Force: The Commission agreed that the Conservation Measures 2/III, 3/IV, 4/V, 5/V, 6/V, 7/V, 19/IX, 31/X, 40/X, 45/XIV, 61/XII, 63/XV, 65/XII, 72/XVII, 73/XVII, 95/XIV, 118/XVII, 119/XVII, 129/XVI, 146/XVII, 148/XVII, 160/XVII, 171/XVIII, 173/XVIII, and 180/XVIII, and Resolutions 7/IX and 10/XII remain in force as they stand.

Conservation Measures adopted at the Nineteeth Annual Meeting include: 18/XIX, 29/XIX, 32/XIX, 51/XIX, 62/XIX, 64/XIX, 82/XIX, 106/XIX, 121/XIX, 122/XIX, 147/XIX, 170/XIX, and 192/XIX to 215/XIX, inclusive. CCAMLR also adopted Resolutions 13/XIX, 14/XIX, 15/XIX and 16/XIX.

For a complete list of all Conservation Measures in force see the CCAMLR website, *www.ccamlr.org,* contact CCAMLR directly, or send your request to the Department of State's Office of Oceans Affairs (listed above): CCAMLR Secretariat, P.O. Box 213, North Hobart, Tasmania 7002, Tel: [61] 3 6231 0366, Fax: [61] 3 6234 9965.

Dated: January 17, 2001.

Raymond V. Arnaudo,

Acting Director, Office of Oceans Affairs, Department of State.

[FR Doc. 01–2033 Filed 1–22–01; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice 3552]

Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

AGENCY: Department of State.

ACTION: Notice of Department of State Financial Assistance Subject to Title IX of the Education Amendments of 1972, as amended.

SUMMARY: In accordance with Subpart F of the final common rule for the enforcement of Title IX of the Education Amendments of 1972, as amended (''Title IX''), this notice lists federal financial assistance administered by the U.S. Department of State that is covered by Title IX. Title IX prohibits recipients of federal financial assistance from discriminating on the basis of sex in education programs or activities. Subpart F of the Title IX common rule requires each federal agency that awards federal financial assistance to publish in the **Federal Register** a notice of the federal financial assistance covered by the Title IX regulations within sixty (60) days after the effective date of the final common rule. The final common rule for the enforcement of Title IX was published in the **Federal Register** by twenty-one (21) federal agencies, including the Department of State, on August 30, 2000 (65 FR 52858–52895). The Department of State's portion of the final common rule will be codified at 22 CFR Part 146.

SUPPLEMENTARY INFORMATION: Title IX and the Title IX common rule prohibit recipients of federal financial assistance from discriminating on the basis of sex in educational programs or activities. Specifically, the statute states that ''No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance,'' with specific exceptions for various entities, programs, and activities. 20 U.S.C. 1681(a). Title IX and the Title IX common rule apply to the educational programs or activities of any entity receiving financial assistance from the Department of State, including, but not limited to, law enforcement agencies, museums, job training institutes, and for profit and nonprofit organizations.

List of Federal Financial Assistance Administered by the Department of State to Which Title IX Applies

Note: All recipients of federal financial assistance from the Department of State are subject to Title IX, but Title IX's anti-discrimination prohibitions are limited to the educational components of the recipient's program or activity, if any.

Failure to list a type of federal assistance below shall not mean, if Title IX is otherwise applicable, that a program or activity is not covered by Title IX.

The following types of federal financial assistance are derived from Appendix A of the Department's Title VI regulations, 22 CFR Chapter I, Parts 141.

1. Assistance provided by the Bureau of Human Resources (HR) for specialized domestic services to State and local government, educational institutions, and other public or private nonprofit organizations designated by the Secretary of State (Section 503 of the Foreign Service Act of 1980, 22 U.S.C. 3983).

2. Assistance provided by the Bureau of Educational and Cultural Affairs (ECA) for educational and cultural exchanges, including studies, research, instructions and other educational programs and activities (Mutual Educational and Cultural Exchange Act of 1961, as amended, 22 U.S.C. 2451, *et seq.*).

3. Assistance provided by the Bureau of Intelligence and Research (INR) to support graduate training, advanced research, public dissemination of research data, methods and findings, contact and collaboration among Governments and private specialists, and the conduct of on site advanced training and research by American specialists to other countries (Soviet-Eastern European Research and Training Act of 1983, as amended, 22 U.S.C. 4501, *et seq.*).

4. Donation of equipment, furniture, and training materials to public and private institutions (41 CFR 101–6.2).

5. Assistance provided through long-term training programs administered by the Bureau of Human Resources (HR) (Section 703 of the Foreign Service Act of 1980, 22 U.S.C. 4022).

Additional information on the Department of State's federal financial assistance can be found by consulting the Catalog of Federal Domestic Assistance (CFDA) at *http://www.cfda.gov.* If using the Internet site, please select ''Search the Catalog,'' select ''Browse the Catalog—By Agency,'' and then click on ''The Department of State.'' Catalog information is also available by calling, toll free, 1–800–699–8331 or by writing to: Federal Domestic Assistance Catalog Staff (MVS), General Services Administration, Reports Building, Room 101, 300—7th Street, NW, Washington, DC 20407.

Authority: 28 U.S.C. 1681–1688; 65 FR 52874, to be codified at 22 CFR 146.600

Dated: January 12, 2001.

David G. Carpenter,

Acting Under Secretary of State for Management, Department of State.

[FR Doc. 01–1833 Filed 1–22–01; 8:45 am]

BILLING CODE 4710–35–P

DEPARTMENT OF STATE

[Public Notice 3554]

Privacy Act of 1974 as Amended; Removal of Systems of Records

Notice is hereby given that the Department of State is removing three systems of records, ''Biographic Register Records, STATE–01,'' ''Board of Foreign Service Records, STATE–03,'' and ''Personnel Travel Records, STATE–32,'' pursuant to the provisions of the Privacy Act of 1974, as amended [5 U.S.C. 552a(r)], and in accordance with

the record-keeping practices and the reorganization of the Bureau of Human Resources.

As reported in Public Notice 3474 dated November 3, 2000 (00 **Federal Register**/Vol. 65, No. 222, page 69359, November 16, 2000), the relevant records reflected in STATE–01, STATE–03 and STATE–32 are now part of ''Human Resources Records STATE–31,'' and STATE–01, STATE–03 and STATE–32 consequently have been removed.

Dated: January 11, 2001.

Patrick F. Kennedy,

Assistant Secretary for the Bureau of Administration, U.S. Department of State.

[FR Doc. 01–2034 Filed 1–22–01; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity To Participate, Criteria Requirements and Change of Application Procedure for Participation in the Military Airport Program (MAP)

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of criteria and application procedure for designation or re-designation, for the fiscal year 2001 MAP.

SUMMARY: This notice announces the criteria, application procedures and schedule to be applied by the Secretary of Transportation in designating or re-designating, and funding capital development annually for 15 current (joint-use) or former military airports seeking designation or re-designation to participate in the MAP. This Notice reflects and incorporates changes made to MAP in the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century.

The MAP allows the Secretary to designate current (joint-use) or former military airports for which grants may be made under the Airport Improvement Program (AIP). The Secretary is authorized to designate an airport (other than an airport so designated before August 24, 1994) if: (1) The airport is a former military installation closed or realigned under the Title 10 U.S.C. 2687 announcement of closures of large Department of Defense installations after September 30, 1977, or under Section 201 or 2905 of the Defense Authorization Amendments and Base Closure and Realignment Acts; or (2) the airport is a military installation with both military and civil aircraft operations. The Secretary shall consider for designation only those current or former military airports, at least partly converted to civilian airports as part of the national air transportation system, that will reduce delays at airports with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings, or will enhance airport and air traffic control system capacity in metropolitan areas or reduce current and projected flight delays (49 U.S.C. 47118(c)).

DATES: Airport sponsors should address written applications for new designation and re-designation in the MAP to the FAA Regional Airports Division or Airports District Office that serves the airport. That office of the FAA must receive applications on or before February 22, 2001.

ADDRESSES: Submit an original and two copies of Standard Form (SF) 424, ''Application for Federal Assistance,'' prescribed by the Office of Management and Budget Circular A–102, available at *http://www.whitehouse.gov/OMB/grants/index.html,* along with any supporting and justifying documentation. Applicant should specifically request to be considered for designation or re-designation to participate in the fiscal year 2001 MAP. Submission should be sent to the Regional FAA Airports Division or Airports District Office that serves the airport. Applicants may find the proper office on the FAA web site *http://www.faa.gov/arp/arphome.htm* or may contact the office below.

FOR FURTHER INFORMATION CONTACT: Mr. James V. Mottley (*jim.mottley@faa.gov*) or Leonard C. Sandelli (*len.sandelli@faa.gov*), Military Airport Program Branch (APP–420), Office of Airport Planning and Programming, Federal Aviation Administration (FAA), 800 Independence Avenue, SW, Washington, DC, 20591, (202) 267–8780, or (202) 267–8785, respectively.

SUPPLEMENTARY INFORMATION:

General Description of the Program

The MAP provides capital development assistance to civil airport sponsors of designated current (joint-use) military airfields or former military airports that are included in the FAA's National Plan of Integrated Airport Systems (NPIAS). Airports designated under the program may obtain funds from a set-aside (currently four-percent) of AIP discretionary funds to undertake eligible airport development, including certain types of projects not otherwise eligible for AIP assistance. Such airports may also be eligible to receive funds from other categories of AIP funding.

Number of Airports

A maximum of 15 airports per fiscal year may participate in the MAP at any time.

Term of Designation

The maximum period of eligibility for any airport to participate in the MAP is five fiscal years following designation. An airport sponsor having previously been in the program may apply for re-designation and, if found to satisfy the designation criteria upon reapplication, may have the opportunity to participate for subsequent periods, each not to exceed five fiscal years. The FAA can designate airports for a period less than five years. The FAA will evaluate the conversion needs of the airport in its five-year capital development plan to determine the appropriate length of designation.

Re-Designation

49 U.S.C. 47118(d) permits previously designated airports to apply for re-designation. Applicants reapplying need to meet current eligibility criteria set forth at 49 U.S.C. 47118(a). Re-designation will be considered largely in terms of warranted projects fundable under AIP solely through the MAP. The airport must have MAP eligible projects and the airport must continue to satisfy the designation criteria for the MAP. The FAA will carefully evaluate applications for re-designation, as new candidates tend to have the greatest conversion needs.

Eligible Projects

In addition to other eligible AIP projects, passenger terminal facilities, fuel farms, utility systems, surface automobile parking lots, hangars, and air cargo terminals up to 50,000 square feet of floor space are all eligible to be funded from the MAP. Designated or re-designated military airports can receive not more than $7,000,000 for terminal building facility special authorized projects. Designated or re-designated military airports can receive not more than $7,000,000 for special authorized projects that include hangars, cargo facilities, fuel farms, automobile surface parking, and utility work.

Designation Considerations

In making designations of new candidate airports, the Secretary of Transportation may only designate an airport (other than an airport so designated before August 24, 1994) if it meets the following general requirements:

(I)(1) The airport is a former military installation closed or realigned under—

(A) Section 2687 to title 10;

(B) Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (BRAC) (10 U.S.C. 2687 note); or

(C) Section 2905 of the Defense Authorization Amendments and Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note); or

(2) The airport is a military installation with both military and civil aircraft operations.

(II) The airport is classified as a commercial service or reliever airport in the NPIAS. One of the designated airports, if included in the NPIAS, may be a general aviation (GA) airport (public airport other than an air carrier airport, 14 CFR 152.3) that was a former military installation closed or realigned under BRAC, as amended, or 10 U.S.C. 2687. (49 U.S.C. 47118(g))

(III) In designating new candidate airports, the Secretary shall consider if a grant would:

(1) Reduce delays at an airport with more than 20,000 hours of annual delays in commercial passenger aircraft takeoffs and landings. Airports with 20,000 or more hours of delays and their associated metropolitan areas are identified in the FAA's Aviation Capacity Enhancement Plan DOT/FAA, Office of System Capacity, 1998 Aviation Capacity Enhancement Plan; or

(2) enhance airport and air traffic control system capacity in a metropolitan area or reduce current and projected flight delays.

The application for new designation will be evaluated in terms of how the proposed airport and associated projects would contribute to congestion relief and/or how the airport would enhance air traffic or airport system capacity and provide adequate user services.

Project Evaluation

Recently approved Base Closure and Realignment Acts or Title 10 U.S.C. 2678 military airports as well as active military airfields with new joint use agreements will be in the greatest need of funding successfully to convert to or incorporate civil airport operations. Newly converted airports and new joint-use locations frequently have minimum capital development resources and will therefore receive priority consideration for designation and MAP funding. The FAA will evaluate the need for eligible projects based upon information in the candidate airport's five year Airport Capital Improvement Plan (ACIP). Of particular concern is whether these projects are related to development of that airport and/or the air traffic control system. It is the intent of the Secretary of Transportation to fund those airport projects where the benefits to the capacity of the air traffic control or airport systems can be maximized, and/or where the contribution to reducing congestion can be maximized.

1. The FAA will evaluate the candidate airports and/or the airports such candidate airports would relieve based on the following specific factors:

- Compatibility of airport roles and the ability of the airport to provide an adequate airport facility;
- The capability of the candidate airport and its airside and landside complex to serve aircraft that otherwise must use the relieved airport;
- Landside surface access;
- Airport operational capability, including peak hour and annual capacities of the candidate airport;
- Potential of other metropolitan area airports to relieve the congested airport;
- Ability to satisfy, relieve or meet air cargo demand within the metropolitan area;
- Forecasted aircraft and passenger levels, type of air carrier service anticipated, i.e., scheduled and/or charter air carrier service;
- Type and capacity of aircraft projected to serve the airport and level of operations at the relieved airport and the candidate airport;
- The potential for the candidate airport to be served by aircraft or users, including the airlines, serving the congested airport;
- Ability to replace an existing commercial service or reliever airport serving the area; and
- Any other documentation to support the FAA designation of the candidate airport.

2. The FAA will evaluate the development needs, which if funded, would make the airport a viable civil airport that will enhance system capacity or reduce delays. Newly closing installations or airport sponsors with new joint-use agreements with existing military aviation facilities will be strongly considered for designation since they tend to have the greatest conversion needs.

Application Procedures and Required Documentation

Airport sponsors applying for designation or re-designation must complete and submit an SF 424, ''Application for Federal Assistance,'' and supporting documentation to the appropriate FAA office serving that airport. The SF 424 must indicate whether it is an initial application or reapplication for the MAP, and must be accompanied by the documentation and justification listed below:

(A) Identification as Current or Former Military Airport. The application must identify the airport as either a current or former military airport and indicate whether it was:

(1) Closed or realigned under Section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act, and/or Section 2905 of the Defense Base Closure and Realignment Act of 1990 (Installations Approved for Closure by the Defense Base Realignment and Closure Commissions), or

(2) Closed or realigned pursuant to 10 U.S.C. 2687 as excess property (bases announced for closure by DOD pursuant to this title after September 30, 1977 (this is the date of announcement for closure and not the date of the deed to the airport sponsor)), or

(3) A military installation with both military and civil aircraft operations.

(B) Qualifications for MAP:

For (1) through (7) below the applicant does not need to resubmit any unchanged documentation that has been previously submitted to the Regional Airports Division or Airports District Office.

(1) Documentation that the airport meets the definition of a ''public airport'' as defined in 49 U.S.C. § 47102(16).

(2) Documentation indicating that the required environmental review process for civil reuse or joint-use of the military airfield has been completed. This environmental review would not include review of the individual projects to be funded by the MAP. Rather, the documentation should reflect that the environmental review necessary to convey the property, enter into a long-term lease, or sign a joint use agreement has been completed. The military department conveying or leasing the property, or entering into a joint use agreement, generally has the lead responsibility for this environmental review. The environmental review and approvals must indicate that the operator or owner of the airport has good title, satisfactory to the Secretary, or gives assurance that good title will be acquired, to meet AIP requirements.

(3) In the case of a former military airport, documentation that the eligible airport sponsor holds or will hold satisfactory title, a long-term lease in furtherance of conveyance of property for airport purposes, or a long-term interim lease for 25 years or more, to the property on which the civil airport is being located. Documentation that an application for surplus or BRAC airport property has been accepted by the Government is sufficient to indicate the eligible airport sponsor holds or will hold adequate title or a long-term lease.

(4) In the case of a current military airport documentation that the airport sponsor has an existing joint-use agreement with the military department having jurisdiction over the airport. This is necessary so the FAA can legally issue grants to the sponsor.

(5) Documentation that the service level of the airport is expected to be classified as a ''commercial service airport'' or a ''reliever airport'' as defined in 49 U.S.C. 47102(7) and 47102(18). If the airport is applying for the one general aviation slot, it must supply documentation that it is a general aviation airport included in the FAA's National Plan of Integrated Airports Systems (as defined in 49 U.S.C. 47103).

(6) Documentation that the airport owner is an eligible airport ''sponsor'' as defined in 49 U.S.C. 47102(19).

(7) Documentation that the airport has an unconditionally approved airport layout plan (ALP) and a five-year Airport Capital Improvement Program (ACIP) indicating all eligible grant projects either seeking to be funded from the MAP or other portions of the AIP. The ACIP must also specifically identify the safety, capacity and conversion related projects, associated costs and projected five-year schedule of project construction, including those requested for consideration for MAP funding.

(8) Information identifying the existing and potential levels of visual or instrument operations and aeronautical activity at the current or former military airport and, if applicable, the relieved airport. Also, if applicable, information on how the airport contributes to air traffic system or airport system capacity. If served by commercial air carriers, the revenue passenger and cargo levels should be provided.

(9) A description of the projected civil role and development needs for transitioning from use as a military airfield to a civil airport, including how development projects would serve to reduce delays at an airport with more than 20,000 hours of annual delays by commercial passenger aircraft takeoffs and landings or enhance capacity in a metropolitan area.

(10) A description of the existing airspace capacity. Describe how anticipated new operations would affect the surrounding airspace and air traffic flow patterns in the metropolitan area in or near which a current or former military airport is located. Include a discussion of the level to which operations at this airport create airspace conflicts that may cause congestion or whether air traffic works into the flow of other air traffic in the area.

(11) A description of the five-year ACIP, including a discussion of major projects, their priorities, projected schedule for project accomplishment, and estimated costs. Those eligible MAP safety, capacity and/or conversion-related projects proposed for MAP funding should be specifically identified.

(12) A description of those projects that are consistent with the role of the airport and effectively contribute to the joint use or conversion of the airfield to a civil airport. The projects can be related to various improvement categories depending on what is needed to convert from military to civil airport use, to meet required civil airport standards, and/or to provide capacity to the airport and/or airport system. The projects selected; i.e., safety-related, conversion-related, and/or capacity-related, must be identified and fully explained based on the airport's planned use. The sponsor must submit the airport layout plan (ALP) and other maps or charts which clearly identify and help clarify the eligible projects and designate them as safety-related, conversion-related, or capacity-related. These maps and APL's should be cross-referenced with the project costs and project descriptions. Those projects that may be eligible under MAP, if needed for conversion or capacity-related purposes, must be clearly indicated, and include the following information:

Airside:

- Modification of airport or military airfield for safety purposes, including airport pavements modifications (*i.e.* widening), marking, lighting, strengthening, drainage or modifying other structures or features in the airport environs to meet civil standards for airport imaginary surfaces as described in 14 CFR 77.
- Construction of facilities or support facilities such as passenger terminal gates, aprons for passenger terminals, taxiways to new terminal facilities, aircraft parking, and cargo facilities to accommodate civil use.
- Modification of airport or military utilities (electrical distribution systems, communications lines, water, sewer, storm drainage) to meet civil standards. Also, modifications that allow utilities on the civil airport to operate independently, where other portions of the base are conveyed to entities other than the airport sponsor or retained by the Government.
- Purchase, rehabilitation, or modification of airport and airport support facilities and equipment, including snow removal, aircraft rescue, fire fighting buildings and equipment, airport security, lighting vaults, and reconfiguration or relocation of eligible buildings for more efficient civil airport operations.
- Modification of airport or military airfield fuel systems and fuel farms to accommodate civil aviation use.
- Acquisition of additional land for runway protection zones, other approach protection, or airport development.
- Cargo facility requirements.
- Modifications which will permit the airfield to accommodate general aviation users.

Landside:

- Construction of surface parking areas and access roads to accommodate automobiles in the airport terminal and air cargo areas and provide an adequate level of access to the airport.
- Construction or relocation of access roads to provide efficient and convenient movement of vehicular traffic to, on, and from the airport, including access to passenger, air cargo, fixed base operations, and aircraft maintenance areas.
- Modification or construction of facilities such as passenger terminals, surface automobile parking lots, hangars, air cargo terminal buildings, and access roads to cargo facilities to accommodate civil use.

(13) An evaluation of the ability of surface transportation facilities (road, rail, high-speed rail, maritime) to provide intermodal connections.

(14) A description of the type and level of aviation and community interest in the civil use of a current or former military airport.

(15) One copy of the FAA-approved ALP for each copy of the application. The ALP or supporting information should clearly show capacity and conversion related projects. Also, other information such as project costs, schedule, project justification, other maps and drawings showing the project locations, and any other supporting documentation that would make the application easier to understand should be included.

Re-Designation of Airports Previously Designated and Applying for up to an Additional Five Years in the Program

Airports applying for re-designation to the Military Airport Program need to submit the same information required by new candidate airports applying for a new designation. On the SF 424, Assistance for Federal Assistance, prescribed by the Office of Management and Budget Circular A–102, airports must indicate their application is for re-designation to the MAP. In addition to the above information, they must explain:

(1) Why a re-designation and additional MAP eligible project funding is needed to accomplish the conversion to meet the civil role of the airport and the preferred time period for re-designation

(2) Why funding of eligible work under other categories of AIP or other sources of funding would not accomplish the development needs of the airport;

(3) Why, based on the previously funded MAP projects, the projects and/or funding level were insufficient to accomplish the airport conversion needs and development goals; and

(4) The term of the re-designation, not to exceed five years, for which the airport is applying.

This notice is issued pursuant to Title 49 U.S.C. 47118.

Issued at Washington, DC, on January 17th, 2001.

Catherine M. Lang,

Director, Office of Airport Planing and Programming.

[FR Doc. 01–2039 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. This publication represents the quarter ending on December 31, 2000. This publication ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC–400), Federal Aviation Administration, 400 7th Street, SW., Suite PL 200–A, Washington, DC 20590: telephone (202) 366–4118.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes containing identifying information regarding materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the **Federal Register** (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, subpart G.

The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a cumulative subject-matter index and digests organized by order number. The indexes are published on a quarterly basis (*i.e.,* January, April, July, and October.)

The FAA first published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. 55 FR 45984; October 31, 1990. The FAA announced in that notice that only the subject-matter index would be published cumulatively and that the order number index would be non-cumulative. The FAA announced in a later notice that the order number indexes published in January would reflect all of the civil penalty decisions for the previous year. 58 FR 5044; 1/19/93.

The previous quarterly publications of these indexes have appeared in the **Federal Register** as follows:

Dates of quarter	Federal Register publication
11/1/89–9/30/90	55 FR 45984; 10/31/90
10/1/90–12/31/90 ..	56 FR 44886; 2/6/91
1/1/91–3/31/91	56 FR 20250; 5/2/91
4/1/91–6/30/91	56 FR 31984; 7/12/91
7/1/91–9/30/91	56 FR 51735; 10/15/91
10/1/91–12/31/91 ..	57 FR 2299; 1/21/92
1/1/92–3/31/92	57 FR 12359; 4/9/92
4/1/92–6/30/92	57 FR 32825; 7/23/92
7/1/92–9/30/92	57 FR 48255; 10/22/92
10/1/92–12/31/92 ..	58 FR 5044; 1/19/93
1/1/93–3/31/93	58 FR 21199; 4/19/93
4/1/93–6/30/93	58 FR 42120; 8/6/93
7/1/93–9/30/93	58 FR 58218; 10/29/93
10/1/93–12/31/93 ..	59 FR 5466; 2/4/94
1/1/94–3/31/94	59 FR 22196; 4/29/94
4/1/94–6/30/94	59 FR 39618; 8/3/94
7/1/94–12/31/94	60 FR 4454; 1/23/95
1/1/95–3/31/95	60 FR 19318; 4/17/95
4/1/95–6/30/95	60 FR 36854; 7/18/95
7/1/95–9/30/95	60 FR 53228; 10/12/95
10/1/95–12/31/95 ..	61 FR 1972; 1/24/96
1/1/96–3/31/96	61 FR 16955; 4/18/96
4/1/96–6/30/96	61 FR 37526; 7/18/96
7/1/96–9/30/96	61 FR 54833; 10/22/96
10/1/96–12/31/96 ..	62 FR 2434; 1/16/97
1/1/97–3/31/97	62 FR 24533; 5/2/97
4/1/97–6/30/97	62 FR 38339; 7/17/97
7/1/97–9/30/97	62 FR 53856; 10/16/97
10/1/97–12/31/97 ..	63 FR 3373; 1/22/98
1/1/98–3/31/98	63 FR 19559; 4/20/98
4/1/98–6/30/98	63 FR 37914; 7/14/98
7/1/98–9/30/98	63 FR 57729; 10/28/98
10/1/98–12/31/98 ..	64 FR 1855; 1/12/99
1/1/99–3/31/99	64 FR 24690; 5/7/99
4/1/99–6/30/99	64 FR 43236; 8/9/99
7/1/99–9/30/99	64 FR 58879; 11/1/99
10/1/99–12/31/99 ..	65 FR 1654; 1/11/00
1/1/00–3/31/00	65 FR 35973; 6/6/00
4/1/00–6/30/00	65 FR 47557; 8/2/00
7/1/00–9/30/00	65 FR 67445; 11/9/00

The civil penalty decisions and orders, and the indexes and digests are available in FAA offices. Also, the Administrator's civil penalty decisions have been published by commercial publishers (Hawkins Publishing Company and Clark Boardman Callaghan) and are available on computer on-line services (Westlaw, LEXIS, and Compuserve).

A list of the addresses of the FAA offices where the civil penalty decisions may be reviewed and information regarding these commercial publications and computer databases are provided at the end of this notice. Information regarding the accessibility of materials filed in recently initiated civil penalty cases in FAA civil penalty cases at the DOT Docket and over the Internet also appears at the end of this notice.

Civil Penalty Actions—Orders Issued by the Administrator

Order Number Index

(Includes all decisions and orders issued by the Administrator during calendar year 2000.)

2000–1—Ronald L. Gatewood
2/2/00—CP97EA0071, DMS No. FAA–1997–3292
2000–2—Ryan International Airlines
2/2/00—CP99GL0011, DMS No. FAA–1999–5805
2000–3—Warbelow's Air Ventures
2/2/00—CP97AL0012
2000–4—Ryan International Airlines
3/3/00—CP99GL0011, DMS No. FAA–1999–5805
2000–5—Blue Ridge Airlines
3/23/00—CP97NM0024
2000–6—Atlantic Coast Airlines
3/29/00—CP97SO0047
2000–7—Daniel A. Martinez
3/30/00—CP99NM0012, DMS No. FAA–1999–5984
2000–8—USA Jet Airlines
5/9/00—CP99SW0009, DMS No. FAA–1999–5783
2000–9—Tundra Copters
5/11/00—CP99AL0011, DMS No. FAA–1999–5983
2000–10—Johnny Johnson
5/11/2000—CP99SW0011, DMS No. FAA–1999–5821

2000–11—Europex
5/11/2000—CP98EA0042, DMS No. FAA–1998–4676
2000–12—Evergreen Helicopters
6/8/2000—CP97AL0001
2000–13—Empire Airlines
6/8/2000—CP98NM0011
2000–14—Warbelow's Air Ventures
6/8/2000—CP97AL0012
2000–15—David E. Everson
8/7/2000—CP99WA0002, DMS No. FAA–1999–5570
2000–16—Warbelow's Air Ventures
8/8/2000—CP97AL0012
2000–17—Howard Gotbetter
8/11/2000—CP98EA0051, DMS No. FAA–1998–4691
2000–18—California Helitech
8/11/2000—CP98WP0035
2000–19—James J. Horner
8/11/2000—CP99NM0004
2000–20—Phillips Building Supply
8/11/2000—CP99SO0024, DMS No. FAA–1999–5816
2000–21—Daniel A. Martinez
8/24/2000—CP99NM0012, DMS No. FAA–1999–5984
2000–22—John Nelson Meyer
12/13/00—CP99SW0004
2000–23—Federal Express
12/13/00—CP99SO0037, DMS No. FAA–2000–6732
2000–24—SONICO
12/21/00—CP98NM0018
2000–25—Riverdale Mills Corp.
12/21/00—CP98NE0017, DMS No. FAA–1998–4931
2000–26—Aero National
12/21/00—CP99EA0016, DMS No. FAA–1999–5449
2000–27—Phillips Building Supply
12/21/00—CP99SO0024, DMS No. FAA–1999–5816
2000–28—Lifelite Medical Air Transport
12/21/00—CP98WP0062
2000–29—William Stevenson
12/21/00—CP00NM0005

Civil Penalty Actions—Orders Issued by the Administrator

Subject Matter Index

(Current as of December 31, 2000)

Administrative Law Judges—Power and Authority:
- Continuance of hearing ..... 91–11 Continental Airlines; 92–29 Haggland.
- Credibility findings ..... 90–21 Carroll; 92–3 Park; 93–17 Metcalf; 94–3 Valley Air; 94–4 Northwest Aircraft Rental; 95–25 Conquest; 95–26 Hereth; 97–20 Werle; 97–30 Emery Worldwide Airlines; 97–32 Florida Propeller; 98–18 General Aviation; 99–6 Squire; 2000–3 Warbelow's; 2000–17 Gotbetter.
- Default Judgment ..... 91–11 Continental Airlines; 92–47 Cornwall; 94–8 Nunez; 94–22 Harkins; 94–28 Toyota; 95–10 Diamond; 97–28 Continental Airlines; 97–33 Rawlings; 98–13 Air St. Thomas.
- Discovery ..... 89–6 American Airlines; 91–17 KDS Aviation; 91–54 Alaska Airlines; 92–46 Sutton-Sautter; 93–10 Costello.
- Expert Testimony ..... 94–21 Sweeney.
- Granting extensions of time ..... 90–27 Gabbert.
- Hearing location ..... 92–50 Cullop.
- Hearing request ..... 93–12 Langton; 94–6 Strohl; 94–27 Larsen; 94–37 Houston; 95–19 Rayner.
- Initial Decision ..... 92–1 Costello; 92–32 Barnhill.
  - Lateness of ..... 97–31 Sanford Air; 2000–19 Horner.
  - Should include requirement to file appeal brief ..... 98–5 Squire.
- Jurisdiction:
  - Generally ..... 90–20 Degenhardt; 90–33 Cato; 92–1 Costello; 92–32 Barnhill.
  - After issuance of order assessing civil penalty ..... 94–37 Houston; 95–19 Rayner; 97–33 Rawlings.
  - When complaint is withdrawn ..... 94–39 Kirola.
- Motion for Decision ..... 92–73 Wyatt; 92–75 Beck; 92–76 Safety Equipment; 93–11 Merkley; 96–24 Horizon; 98–20 Koenig.
- No authority to extend due date for late Answer without showing of good cause. (See also Answer). ..... 95–28 Atlantic World Airways; 97–18 Robinson; 98–4 Larry's Flying Service.
- Notice of Hearing ..... 92–31 Eaddy.
- Regulate proceedings ..... 97–20 Werle.
- Sanction ..... 90–37 Northwest Airlines; 91–54 Alaska Airlines; 94–22 Harkins; 94–28 Toyota.
- Service of law judges by parties ..... 97–18 Robinson.
- Vacate initial decision ..... 90–20 Degenhardt; 95–6 Sutton; 2000–24 SONICO.

Aerial Photography ..... 95–25 Conquest Helicopters.
- Agency Attorney ..... 93–13 Medel.

Air Carrier/Aircraft Operator:
- Agent/independent contractor of ..... 92–70 USAir; 2000–13 Empire Airlines.
- Careless or Reckless ..... 92–48 & 92–70 USAir; 93–18 Westair Commuter.
- Duty of care: Non-delegable ..... 92–70 USAir; 96–16 Westair Commuter; 96–24 Horizon; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 99–12 TWA; 2000–3 Warbelow's; 2000–13 Empire airlines.
- Employee ..... 93–18 Westair Commuter; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 99–12 TWA; 99–14 Alika Aviation; 2000–1 Gatewood; 2000–3 Warbelow's.
- Ground Security Coordinator, Failure to provide ..... 96–16 WestAir Commuter.
- Intoxicated Passenger:
  - Allowing to board ..... 98–11 TWA.
  - Serving alcohol to ..... 98–11 TWA.
- Liability for acts/omissions of employees in scope of employment. ..... 98–11 TWA, 99–12 TWA; 99–14 Alika Aviation; 2000–1 Gatewood; 2000–3 Warbelow's.
- Liability for maintenance by independent repair station ..... 2000–13 Empire Airlines.

Use of unqualified pilot	99–15 Blue Ridge; 99–11 Evergreen; 2000–12 Evergreen.
Aircraft Maintenance (See also Airworthiness, Maintenance Manual) Generally.	90–11 Thunderbird Accessories; 91–8 Watts Agricultural Aviation; 93–36 & 94–3 Valley Air; 94–38 Bohan; 95–11 Horizon; 96–3 America West Airlines; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–9 Alphin; 97–10 Alphin; 97–11 Hampton; 97–30 Emery Worldwide Airlines; 97–31 Sanford Air; 98–18 General Aviation; 99–5 Africa Air; 2000–13 Empire Airlines; 2000–14 Warbelow's 2000–18 California Helitech.
Acceptable methods, techniques, and practices	96–3 America West Airlines.
After certificate revocation	92–73 Wyatt.
Airworthiness Directive, compliance with	96–18 Kilrain; 97–9 Alphin.
Approved data for major repairs	2000–13 Empire Airlines.
Advisory Circular 43.13–1, Not approved data	2000–13 Empire Airlines.
Not necessarily approved for another aircraft	2000–13 Empire Airlines.
DER	2000–13 Empire Airlines.
Inspection	96–18 Kilrain; 97–10 Alphin; 99–14 Alika Aviation.
Major alterations:	
Failed to prove	99–5 Africa Air.
Major/minor repairs	96–3 America West Airlines.
Minimum Equipment List (MEL)	94–38 Bohan; 95–11 Horizon; 97–11 Hampton; 97–21 Delta; 97–30 Emery Worldwide Airlines; 2000–3 Warbelow's;
Operation no maintenance entries	2000–1 Gatewood; 2000–18 California Helitech.
Repairs between required inspections	2000–18 California Helitech.
Propellers	2000–1 Gatewood.
Aircraft Records:	
Aircraft Operation	91–8 Watts Agricultural Aviation; 2000–1 Gatewood.
Flight Duty Time	96–4 South Aero.
Maintenance Records	91–8 Watts Agricultural Aviation; 94–2 Woodhouse; 97–30 Emery Worldwide Airlines; 97–31 Sanford Air; 98–18 General Aviation; 2000–1 Gatewood; 2000–3 Warbelow's; 2000–18 California Helitech.
Description of maintenance	2000–1 Gatewood.
Squawk sheets	2000–18 California Helitech.
''Yellow tags''	91–8 Watts Agricultural Aviation.
Aircraft-Weight and Balance (See Weight and Balance)	
Airmen:	
Airline Transport Pilot certificates requirement in foreign aviation by Part 135 operator.	99–11 Evergreen Helicopters; 2000–12 Evergreen.
Altitude deviation	92–49 Richardson & Shimp.
Careless or Reckless	91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–49 Richardson & Shimp; 92–47 Cornwall; 93–17 Metcalf; 93–29 Sweeney; 96–17 Fenner.
Check airman:	
Competency test	2000–26 Aero National.
Proficiency test	2000–26 Aero National.
Flight time limitations	93–11 Merkley.
Flight Time records	99–7 Premier Jets.
Follow ATC Instruction	91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–49 Richardson & Shimp.
Low Flight	92–47 Cornwall; 93–17 Metcalf.
Owner's responsibility	96–17 Fenner; 2000–1 Gatewood.
Pilots	91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–49 Richardson & Shimp; 93–17 Metcalf.
See and Avoid	93–29 Sweeney.
Unqualified for Part 135 flight	99–15 Blue Ridge.
Air Operations Area (AOA):	
Air Carrier Responsibilities	90–19 Continental Airlines; 91–33 Delta Air Lines; 94–1 Delta Air Lines.
Airport Operator Responsibilities	90–19 Continental Airlines; 91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator]; 96–1 [Airport Operator]; 98–7 LAX.
Badge Display	91–4 [Airport Operator; 91–33 Delta Air Lines; 99–1 American Airlines.
Definition of	90–19 Continental Airlines; 94–1 [Airport Operator]; 91–58 [Airport Operator].
Exclusive Areas	90–19 Continental Airlines; 91–4 [Airport Operator]; 91–58 [Airport Operator]; 98–7 LAX.
Airport Security Program (ASP):	
Compliance with	91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator]; 94–1 Delta Air Lines; 96–1 [Airport Operator]; 97–23 Detroit Metropolitan; 98–7 LAX; Airport Operator.
Responsibilities	90–12 Continental Airlines; 91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator]; 96–1 [Airport Operator]; 97–23 Detroit Metropolitan.

Air Traffic Control (ATC):
- Error as mitigating factor ..... 91–12 & 91–31 Terry & Menne.
- Error as exonerating factor ..... 91–12 & 91–31 Terry & Menne; 92–40 Wendt.
- Ground Control ..... 91–12 Terry & Menne; 93–18 Westair Commuter.
- Local Control ..... 91–12 Terry & Menne.
- Tapes & Transcripts ..... 91–12 Terry & Menne; 92–49 Richardson & Shimp.

Airworthiness ..... 91–8 Watts Agricultural Aviation; 92–10 Flight Unlimited; 92–48 & 92–70 USAir; 94–2 Woodhouse; 95–11 Horizon; 96–3 America West Airlines; 96–18 Kilrain; 94–25 USAir; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–9 Alphin; 97–10 Alphin; 97–11 Hampton; 97–21 Delta; 97–30 Emery Worldwide Airlines; 97–32 Florida Propeller; 98–18 General Aviation; 99–14 Alika Aviation; 2000–3 Warbelow's; 2000–13 Empire Airlines; 2000–14 Warbelow's; 2000–18 California Helitech.

Amicus Curiae Briefs ..... 90–25 Gabbert.

Answer:
- Extension of due date for late Answer—good cause required ..... 95–28 Atlantic World Airways; 97–18 Robinson; 97–33 Rawlings; 98–4 Larry's Flying Service; 2000–29 Stevenson.
- Good cause Not shown for late answer ..... 2000–29 Stevenson.
- Reply to each numbered paragraph in complaint required ..... 98–12 Blankson.
- Timeliness of answer ..... 90–3 Metz; 90–15 Playter; 92–32 Barnhill; 92–47 Cornwall; 92–75 Beck; 92–76 Safety Equipment; 94–5 Grant; 94–29 Sutton; 94–30 Columna; 94–43 Perez; 95–10 Diamond; 95–28 Atlantic World Airways; 97–18 Robinson; 97–19 Missirlian; 97–33 Rawlings; 97–38 Air St. Thomas; 98–4 Larry's Flying Service; 98–13 Air St. Thomas; 99–8 McDermott; 99–9 Lifeflite Medical Air Transport; 99–16 Dorfman; 2000–29 Stevenson.
- Timeliness not an issue after hearing ..... 99–16 Dorfman.
- What constitutes ..... 92–32 Barnhill; 92–75 Beck; 97–19 Missirlian.
- What does Not constitute Response to pre-complaint ..... 92–32 Barnhill; 2000–29 Stevenson.

Appeals (See also Filing; Timeliness; Mailing Rule):
- Briefs, Generally ..... 89–4 Metz; 91–45 Park; 92–17 Giuffrida; 92–19 Cornwall; 92–39 Beck; 93–24 Steel City Aviation; 93–28 Strohl; 94–23 Perez; 95–13 Kilrain.
- Additional Brief:
  - Granted ..... 93–6 Westair Commuter; 97–22 Sanford Air; 2000–23 Federal Express.
  - Denied/Struck ..... 92–3 Park; 93–5 Wendt; 94–4 Northwest Aircraft; 94–18 Luxemburg; 97–34 Continental Airlines; 98–18 General Aviation.
  - Requested by Decisionmaker ..... 93–28 Strohl; 94–29 Sutton; 97–38 Air St. Thomas; 99–11 Evergreen Helicopter, 2000–7 Martinez.
- Appeal dismissed as premature ..... 95–19 Rayner.
- Appeal dismissed as moot after complaint withdrawn ..... 92–9 Griffin.
- Appellate arguments ..... 92–70 USAir.
- Court of Appeals, appeal to (See Federal Courts)
- Good Cause for Late-Filed Brief or Notice of Appeal ..... 90–3 Metz; 90–27 Gabbert; 90–39 Hart; 91–10 Graham; 91–24 Esau; 91–48 Wendt; 91–50 & 92–1 Costello; 92–3 Park; 92–17 Giuffrida; 92–39 Beck; 92–41 Moore & Sabre Associates; 92–52 Beck; 92–57 Detroit Metro Wayne Co. Airport; 92–69 McCabe; 93–23 Allen; 93–27 Simmons; 93–31 Allen; 95–2 Meronek; 95–9 Woodhouse; 95–25 Conquest, 97–6 WRA Inc.; 97–7 Stalling; 97–28 Continental; 97–38 Air St. Thomas; 98–1 V. Taylor; 98–13 Air St. Thomas; 99–4 Warbelow's Air Ventures; 2000–11 Europex; 2000–21 Martinez.
- Informal Conference Conduct of, not on appeal ..... 99–14 Alika Aviation.
- Motion to Vacate construed as a brief ..... 91–11 Continental Airlines.
- Perfecting an Appeal, generally ..... 92–17 Giuffrida; 92–19 Cornwall; 92–39 Beck; 94–23 Perez; 95–13 Kilrain; 96–5 Alphin Aircraft; 98–20 Koeing.
  - Extension of Time for (good cause for) ..... 89–8 Thunderbird Accessories; 91–26 Britt Airea ways; 91–32 Bargen; 91–50 Costello; 93–2 & 93–3 Wendt; 93–24 Steel City Aviation; 93–32 Nunez; 98–5 Squire; 98–15 Squire; 99–3 Justice; 99–4 Warbelow's Air Ventures.

Failure to ..... 89–1 Gressani; 89–7 Zenkner; 90–11 Thunderbird Accessories; 90–35 P. Adams; 90–39 Hart; 91–7 Pardue; 91–10 Graham; 91–20 Bargen; 91–43, 91–44, 91–46 & 91–47 Delta Air Lines; 92–11 Alilin; 92–15 Dillman; 92–18 Bargen; 92–34 Carrell; 92–35 Bay Land Aviation; 92–36 Southwest Airlines; 92–45 O'Brien; 92–56 Montauk Caribbean Airways; 92–67 USAir; 92–68 Weintraub; 92–78 TWA; 93–7 Dunn; 93–8 Nunez; 93–20 Smith; 93–23 & 93–31 Allen; 93–34 Castle Aviation; 93–35 Steel City Aviation; 94–12 Bartusiak; 94–24 Page; 94–26 French Aircraft; 94–34 American International Airways; 94–35 American International Airways; 94–36 American International Airways; 95–4 Hanson; 95–22 & 96–5 Alphin Aircraft; 96–2 Skydiving Center; 96–13 Winslow; 97–3 [Airport Operator], 97–6 WRA, Inc.; 97–15 Houston & Johnson County; 97–35 Gordon Air Services; 97–36 Avcon; 97–37 Roush; 98–10 Rawlings; 99–2 Oxygen Systems; 2000–9 Tundra Copters; 2000–10 Johnson.

Notice of appeal construed as appeal brief ..... 92–39 Beck; 94–15 Columna; 95–9 Woodhouse; 95–23 Atlantic World Airways; 96–20 Missirlian; 97–2 Sanford Air; 98–5 Squire; 98–17 Blue Ridge; 98–23 Instead Balloon Services; 99–3 Justice; 99–8 McDermott; 2000–7 Martinez.

What Constitutes ..... 90–4 Metz; 90–27 Gabbert; 91–45 Park; 92–7 West; 91–17 Giuffrida; 92–39 Beck; 93–7 Dunn; 94–15 Columna; 94–23 Perez; 94–30 Columna; 95–9 Woodhouse; 95–23 Atlantic World Airways; 96–20 Missirlian; 97–2 Sanford Air.

Service of brief:

Fail to serve other party ..... 92–17 Giuffrida; 92–19 Cornwall.

Timeless of Notice of Appeal ..... 90–3 Metz; 90–39 Hart; 91–50 Costello; 92–7 West; 92–69 McCabe; 93–27 Simmons; 95–2 Meronek; 95–9 Woodhouse; 95–15 Alphin Aviation; 96–14 Midtown Neon Sign Corp.; 97–7 & 97–17 Stallings; 97–28 Continental; 97–38 Air St. Thomas; 98–1 V. Taylor; 98–13 Air St. Thomas; 98–16 Blue Ridge; 98–17 Blue Ridge; 98–21 Blankson.

Withdrawal of ..... 89–2 Lincoln-Wakler; 89–3 Sittko; 90–4 Nordrum; 90–5 Sussman; 90–6 Dabaghian; 90–7 Steele; 90–8 Jenkins; 90–9 Van Zandt; 90–13 O'Dell; 90–14 Miller; 90–28 Puleo; 90–29 Sealander; 90–30 Steidinger; 90–34 D. Adams; 90–40 & 90–41 Westair Commuter Airlines; 91–1 Nestor; 91–5 Jones; 91–6 Lowery; 91–13 Kreamer; 91–14 Swanton; 91–15 Knipe; 91–16 Lopez; 91–19 Bayer; 91–21 Britt Airways; 91–22 Omega Silicone Co.; 91–23 Continental Airlines; 91–25 Sanders; 91–27 Delta Air Lines; 91–28 Continental Airlines; 91–29 Smith; 91–34 GASPRO; 91–35 M. Graham; 91–36; Howard; 91–37 Vereen; 91–39 America West; 91–42 Pony Express; 91–49 Shields; 91–56 Mayhan; 91–57 Britt Airways; 91–59 Griffin; 91–60 Brinton; 92–2 Koller; 92–4 Delta Air Lines; 92–6 Rothegeb; 92–12 Bertetto; 92–20 Delta Air Lines; 92–21 Cronberg; 92–22, 92–23 92–24, 92–25, 92–26 & 92–28 Delta Air Lines; 92–33 Port Authority of NY & NJ; 92–42 Jayson; 92–43 Delta Air Lines; 92–44 Owens; 92–53 Humble; 92–54 & 92–55 Northwest Airlines; 92–60 Costello; 92–61 Romerdahl; 92–62 USAir; 92–63 Schaefer; 92–64 & 92–65 Delta Air Lines; 92–66 Sabre Associates & Moore; 92–79 Delta Air Lines; 93–1 Powell & Co.; 93–4 Harrah; 93–14 Fenske; 93–15 Brown; 93–21 Delta Air Lines; 93–22 Yannotone; 93–26 Delta Air Lines; 93–33 HPH Aviation; 94–9 B & G Instruments; 94–10 Boyle; 94–11 Pan American Airways; 94–13 Boyle; 94–14 B & G Instruments; 94–16 Ford; 94–33 Trans World Airlines; 94–41 Dewey Towner; 94–42 Taylor; 95–1 Diamond Aviation; 95–3 Delta Air Lines; 95–5 Araya; 95–6 Sutton; 95–7 Empire Airlines; 95–20 USAir; 95–21 Faisca; 95–24 Delta Air Lines; 96–7 Delta Air Lines; 96–8 Empire Airlines; 96–10 USAir, 96–11 USAir, 96–12 USAir; 96–21 Houseal; 97–4 [Airport Operator]; 97–5 WestAir; 97–25 Martin & Jaworski; 97–26 Delta Air Lines; 97–27 Lock haven; 97–39 Delta Air Lines; 98–9 Continental Express; 2000–8 USA Jet Airlines; 2000–15 Everson d/b/a North Valley Helicopters; 2000–22 Meyer; 2000 24 SONICO.

Assault (See also Battery, and Passenger Misconduct) ..... 96–6 Ignatov; 97–12 Mayer; 99–16 Dorfman; 2000–17 Gotbetter.

''Attempt'' ..... 89–5 Schultz.

Attorney Conduct: Obstreperous or Disruptive ..... 94–39 Kirola.

Attorney Fees (See EAJA)

Aviation Safety Reporting System ..... 90–39 Hart; 91–12 Terry & Menne; 92–49 Richardson & Shimp.

Baggage Matching ..... 98–6 Continental; 99–12 TWA.

Balloon (Hot Air) ..... 94–2 Woodhouse.

Bankruptcy ..... 91–2 Continental Airlines.

Battery (See also Assault and Passenger Misconduct) ..... 96–6 Ignatov; 97–12 Mayer; 99–16 Dorfman; 2000–17 Gotbetter.

Certificates and Authorizations:

Need for sanction despite surrender ..... 2000–28 Lifeflite.

Surrender when revoked ..... 92–73 Wyatt.

Check Airman: Proficiency and competence tests ..... 2000–26 Aero National.
Civil Air Security National Airport Inspection Program (CASNAIP) .. 91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator].
Civil Penalty amount (See Sanction)
Closing Argument (See Final Oral Argument)
Collateral Estoppel ..... 91–8 Watts Agricultural Aviation.
Complaint:
Complainant Bound By ..... 90–10 Webb; 91–53 Koller.
No Timely Answer to (See Answer)
Partial Dismissal/Full Sanction ..... 94–19 Pony Express; 94–40 Polynesian Airways.
Staleness (See Stale Complaint Rule)
Statute of Limitations (See Statute of Limitations)
Timeliness of complaint ..... 91–51 Hagwood; 93–13 Medel; 94–7 Hereth; 94–5 Grant.
Withdrawal of ..... 94–39 Kirola; 92–9 Griffin; 95–6 Sutton; 2000–24 SONICO.
Compliance & Enforcement Program:
(FAA Order No. 2150.3A) ..... 89–5 Schultz; 89–6 American Airlines; 91–38 Easu; 92–5 Delta Air Lines.
Compliance/Enforcement Bulletin 92–3 ..... 96–19 [Air Carrier].
Sanction Guidance Table ..... 89–5 Schulta; 90–23 Broyles; 90–33 Cato; 90–37 Northwest Airlines; 91–3 Lewis; 92–5 Delta Air Lines; 98–18 General Aviation; 2000–3 Warbelow's.
Concealment of Weapons (See Weapons Violations)
Consolidation of Cases ..... 90–12, 90–18 & 90–19 Continental Airlines
Constitutionality of Regulations (See also Double Jeopardy) ..... 90–12 Continental Airlines; 90–18 Continental Airlines; 90–19 Continental Airlines; 90–37 Northwest Airlines; 96–1 [Airport Operator]; 96–25 USAir; 97–16 Mauna Kea; 97–34 Continental Airlines; 98–6 Continental Airlines; 98–11 TWA; 99–1 American; 99–12 TWA; 2000–19 Horner.
Continuance of Hearing ..... 90–25 Gabbert; 92–29 Haggland.
Corrective Action (See Sanction)
Counsel:
Leave to withdraw ..... 97–24 Gordon.
No right to assigned counsel (See Due Process)
Sanctions against ..... 2000–17 Gotbetter.
Credibility of Witnesses:
Generally ..... 92–25 Conquest Helicopters; 95–26 Hereth; 97–32 Florida Propeller.
Bias ..... 97–9 Alphin; 2000–18 Gotbetter.
Defer to ALJ determination of ..... 90–21 Carroll; 92–3 Park; 93–17 Metcalf; 95–26 Hereth; 97–20 Werle; 97–30 Emery Worldwide Airlines; 97–32 Florida Propeller; 98–11 TWA; 98–18 General Aviation; 99–6 Squire; 2000–3 Warbelow's; 2000–14 Warbelow's; 2000–17 Gotbetter.
Experts (see also Witness) ..... 90–27 Gabbert; 93–17 Metcalf; 96–3 America West Airlines.
Eyewitness identification:
Reliability of ..... 97–20 Werle.
Impeachment ..... 94–4 Northwest Aircraft Rental.
De facto answer ..... 92–32 Barnhill.
Delay in initiating action ..... 90–21 Carroll.
Deliberative Process Privilege (See also Discovery) ..... 89–6 American Airlines; 90–12, 90–18 & 90–19 Continental Airlines.
Deterrence (See also Sanction) ..... 89–5 Schultz; 92–10 Flight Unlimited; 95–16 Mulhall; 95–17 Larry's Flying Service; 97–11 Hampton.
Discovery:
Deliberative Process Privilege (See also Discovery) ..... 89–6 American Airlines; 90–12, 90–18 & 90–19 Continental Airlines.
Depositions, generally ..... 91–54 Alaska Airlines.
Notice of deposition ..... 91–54 Alaska Airlines.
Evidence list
Not duty to provide if not requested ..... 2000–19 Horner.
Failure to produce ..... 90–18 & 90–19 Continental Airlines; 91–17 KDS Aviation; 93–10 Costello.
Sanction for ..... 91–17 KDS Aviation; 91–54 Alaska Airlines.
Regarding Unrelated Case ..... 92–46 Sutton-Sautter.
Double Jeopardy ..... 95–8 Charter Airlines; 96–26 Midtown.
Due Process:
Generally ..... 89–6 American Airlines; 90–12 Continental Airlines; 90–37 Northwest Airlines; 96–1 [Airport Operator]; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 99–12 TWA.
Before finding a violation ..... 90–27 Gabbert.
Multiple violations ..... 96–26 Midtown, 97–9 Alphin.
No right to assigned counsel ..... 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–9 Alphin; 99–6 Squire.
Violation of ..... 89–6 American Airlines; 90–12 Continental Airlines; 90–37 Northwest Airlines; 96–1 [Airport Operator]; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 98–19 Martin & Jaworski.
EAJA:
Adversary Adjudication ..... 90–17 Wilson; 91–17 & 91–52 KDS Aviation; 94–17 TCI; 95–12 Toyota.

Amount of award ..... 95–27 Valley Air.
Appeal from ALJ decision ..... 95–9 Woodhouse.
Expert witness fees ..... 95–27 Valley Air.
Final disposition ..... 96–22 Woodhouse.
Further proceedings ..... 91–52 KDS Aviation.
Jurisdiction over appeal ..... 92–74 Wendt; 96–22 Woodhouse.
Late-filed application ..... 96–22 Woodhouse.
Other expenses ..... 93–29 Sweeney.
Position of agency ..... 95–27 Valley Air.
Prevailing party ..... 91–52 KDS Aviation.
Special circumstances ..... 95–18 Pacific Sky.
Substantial justification ..... 91–52 & 92–71 KDS Aviation; 93–9 Wendt; 95–18 Pacific Sky; 95–27 Valley Air; 96–15 Valley Air; 98–19 Martin & Jaworski.
Supplementation of application ..... 95–27 Valley Air.
Evidence (See Proof & Evidence)
Ex Parte Communications ..... 93–10 Costello; 95–16 Mullhall; 95–19 Rayner.
Expert Witnesses (See Witness)
Extension of Time (See also Answer):
By Agreement of Parties ..... 89–6 American Airlines; 92–41 Moore & Sabre Associates.
Dismissal by Decisionmaker ..... 89–7 Zenkner; 90–39 Hart.
Good Cause for ..... 89–8 Thunderbird Accessories.
Objection to ..... 89–8 Thunderbird Accessories; 93–3 Wendt.
Who may grant ..... 90–27 Gabbert.
Federal Courts ..... 92–7 West; 97–1 Midtown Neon Sign; 98–8 Carr; 99–12 TWA.
Hazardous materials case appeals ..... 97–1 Midtown Neon Sign; 98–8 Carr; 2004–4 Ryan International.
Federal Rules of Civil Procedure ..... 91–17 KDS Aviation.
Federal Rules of Evidence (See also Proof & Evidence):
Admissions ..... 96–25 USAir, 99–5 Africa Air; 99–14 Alika Aviation.
Evidentiary admissions are rebuttable ..... 99–5 Africa Air.
Settlement Offers (Rule 408) ..... 95–16 Mulhall; 95–25 USAir; 99–5 Africa Air.
Exclusion of admissions in settlements offers ..... 99–5 Africa Air; 99–14 Alika Aviation.
Statements against interest ..... 2000–3 Warbelow's.
Subsequent Remedial Measures ..... 96–24 Horizon; 96–25 USAir.
Final Oral Argument ..... 92–3 Park.
Firearms (See Weapons)
Ferry Flights ..... 95–8 Charter Airlines.
Filing (See also Appeals; Timeliness):
Burden to prove date of filing ..... 97–11 Hampton Air; 98–1 V. Taylor.
Discrepancy between certificate of service and postmark ..... 98–16 Blue Ridge.
Service on designated representative ..... 98–19 Martin & Jaworski.
Flight & Duty Time:
Circumstances beyond crew's control:
Generally ..... 95–8 Charter Airlines.
Foreseeabilty ..... 95–8 Charter Airlines.
Late freight ..... 95–8 Charter Airlines.
Weather ..... 95–8 Charter Airlines.
Competency check flights ..... 96–4 South Aero.
Limitation of Duty Time ..... 95–8 Charter Airlines; 96–4 South Aero.
Limitation of Flight Time ..... 95–8 Charter Airlines.
''Other commercial flying'' ..... 95–8 Charter Airlines.
Recordkeeping:
Individual flight time records for each Part 135 pilot ..... 99–7 Premier Jets.
Flights ..... 94–20 Conquest Helicopters.
Freedom of Information Act ..... 93–10 Costello.
Fuel Exhaustion ..... 95–26 Hereth.
Guns (See Weapons):
Ground Security Coordinator, (See also Air Carrier; Standard Security Program): Failure to provide ..... 96–16 WestAir Commuter.
''Guilt by association'' ..... 2000–17 Gotbetter.
Hazardous Materials:
Generally ..... 90–37 Northwest Airlines; 92–76 Safety Equipment; 92–77 TCI: 94–19 Pony Express; 94–28 Toyota; 94–31 Smalling; 95–12 Toyota; 95–16 Mulhall; 96–26 Midtown; 2000–20 & 2000–27 Phillips Building Supply; 2000–25 Riverdale Mills.
Civil Penalty, generally ..... 92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 96–26 Midtown; 98–2 Carr; 2000–20 & 2000–27 Phillips Building Supply.
Corrective Action ..... 92–77 TCI; 94–28 Toyota; 2000–20 Phillips Building Supply.
Culpability ..... 92–77 TCI; 94–28 Toyota; 94–31 Smalling; 2000–27 Phillips Building Supply.
Financial hardship ..... 95–16 Mulhall.
Installment plan ..... 95–16 Mulhall.
First-time violation ..... 92–77 TCI; 94–28 Toyota; 94–31 Smalling; 2000–20 Phillips Building Supply.
Gravity of violation ..... 92–77 TCI; 94–28 Toyota; 94–31 Smalling; 96–26 Midtown; 98–2 Carr; 2000–20 Phillips Building Supply.

Minimum penalty ..... 95–16 Mulhall; 98–2 Carr.
Number of violations ..... 95–16 Mulhall; 96–26 Midtown Neon Sign; 98–2 Carr; 2000–20 Phillips Building Supply.
Redundant violations ..... 95–16 Mulhall; 96–26 Midtown Neon Sign; 98–2 Carr.
Criminal Penalty ..... 92–77 TCI; 94–31 Smalling.
EAJA, applicability of ..... 94–17 TCI; 95–12 Toyota.
Individual violations ..... 95–16 Mulhall.
Judicial review under 49 U.S.C. 5123 ..... 97–1 Midtown Neon Sign; 98–8 Carr; 2000–4 Ryan International.
Knowingly ..... 92–77 TCI; 94–19 Pony Express; 94–31 Smalling.
Remand to ALJ ..... 2000–25 Riverdale Mills.
Shipping name contested ..... 2000–25 Riverdale Mills.
Specific hazard class transported:
Combustible Paint ..... 95–16 Mulhall.
Corrosive:
Wet Battery ..... 94–28 Toyota Motor Sales.
Other ..... 92–77 TCI.
Explosive Fireworks ..... 94–31 Smalling; 98–2 Carr.
Flammable Paint ..... 96–26 Midtown Neon Sign.
Proper shipping name contested ..... 2000–25 Riverdale Mills.
Turpentine ..... 95–16 Mulhall.
Noxious Fumes ..... 2000–20 Phillips Building Supply.
Radioactive ..... 94–19 Pony Express.
Hearing:
Failure of party to attend ..... 98–23 Instead Balloon Services.
Informal Conference ..... 94–4 Northwest Aircraft Rental.
Initial Decision:
What constitutes ..... 92–32 Barnhill.
Motion to vacate denied ..... 2000–24 SONICO.
Interference with crewmembers (See also Passenger Misconduct; Assault). 92–3 Park; 96–6 Ignatov; 97–12 Mayer; 98–11 TWA; 98–12 Stout; 2000–17 Gotbetter.
Interlocutory Appeal ..... 89–6 American Airlines; 91–54 Alaska Airlines; 93–37 Airspect; 94–32 Detroit Metropolitan; 98–25 Gotbetter.
Internal FAA Policy &/or Procedures ..... 89–6 American Airlines; 90–12 Continental Airlines; 92–73 Wyatt.
Jurisdiction:
After initial decision ..... 90–20 Degenhardt; 90–33 Cato; 92–32 Barnhill; 93–28 Strohl.
After Order Assessing Civil Penalty ..... 94–37 Houston; 95–19 Rayner.
After withdrawal of complaint ..... 94–39 Kirola.
$50,000 Limit ..... 90–12 Continental Airlines.
EAJA cases ..... 92–74 Wendt; 96–22 Woodhouse.
HazMat cases ..... 92–76 Safety Equipment.
NTSB ..... 90–11 Thunderbird Accessories.
Statutory authority to regulate flights entirely outside of U.S. questioned. 99–11 Evergreen Helicopters; 2000–12 Evergreen.
Knowledge of concealed weapon (See also Weapons Violation) ..... 89–5 Schultz; 90–20 Degenhardt.
Laches (See Delay in initiating action):
Mailing Rule, generally ..... 89–7 Zenkner; 90–3 Metz; 90–11 Thunderbird Accessories; 90–39 Hart; 98–20 Koenig.
Does not extend time for filing a request for hearing ..... 2000–2 Ryan International.
Overnight express delivery ..... 89–6 American Airlines.
Maintenance (See Aircraft Maintenance):
Maintenance Instruction ..... 93–36 Valley Air.
Maintenance Manual ..... 90–11 Thunderbird Accessories; 96–25 US Air.
Air carrier maintenance manual ..... 96–3 America West Airlines.
Approved/accepted repairs ..... 96–3 America West Airlines; 2000–13 Empire Airlines.
Manufacturer's maintenance manual ..... 96–3 America West Airlines; 97–31 Sanford Air; 97–32 Florida Propeller; 2000–3 Warbelow's; 2000–13 Empire Airlines.
Minimum Equipment List (MEL) (See Aircraft Maintenance):
Motion to Dismiss:
Burden of proof ..... 200–28 Lifeflite.
Standard ..... 2000–25 Riverdale Mills.
Mootness, appeal dismissed as moot ..... 92–9 Griffin; 94–17 TCI.
National Aviation Safety Inspection Program (NASIP) ..... 90–16 Rocky Mountain
National Transportation Safety Board:
Administrator not bound by NTSB case law ..... 91–12 Terry & Menne; 92–49 Richardson & Shimp; 93–18 Westair Commuter.
Lack of Jurisdiction ..... 90–11 Thunderbird Accessories; 90–17 Wilson; 92–74 Wendt.
Notice of Hearing: Receipt ..... 92–31 Eaddy.
Notice of Proposed Civil Penalty:
Initiates Action ..... 91–9 Continental Airlines.
Signature of agency attorney ..... 93–12 Langton.
Withdrawal of ..... 90–17 Wilson.
Operate, generally ..... 91–12 & 91–31 Terry & Menne; 93–18 Westair Commuter; 96–17 Fenner.
Responsibility of aircraft owner/operator for actions of pilot ..... 96–17 Fenner; 2000–1 Gatewood.
Responsibility of aircraft owner/operator for employee's flying unairworthy aircraft. 2000–1 Gatewood.

Oral Argument before Administrator on appeal:
- Decision to hold ..... 92–16 Wendt.
- Instructions for ..... 92–27 Wendt.

Order Assessing Civil Penalty:
- Appeal from ..... 92–1 Costello; 95–19 Rayner.
- Timeliness of request for hearing ..... 95–19 Rayner.
- Withdrawal of ..... 89–4 Metz; 90–16 Rocky Mountain; 90–22 USAir; 95–19 Rayner; 97–7 Stalling.

Parachuting ..... 98–3 Fedele
Parts Manufacturer Approval (PMA) Failure to obtain ..... 93–19 Pacific Sky Supply.
Passenger List ..... 99–13 Falcon Air Express.
Passenger Misconduct ..... 92–3 Park.
- Alcoholic beverages ..... 2000–29 Stevenson.
- Assault/Battery ..... 96–6 Ignatov; 97–12 Mayer; 98–11 TWA; 99–16 Dorfman.
- Compliance with Fasten Seat Belt Sign ..... 99–16 Alika Aviation.
- Interference with a crewmember ..... 96–6 Ignatov; 97–12 Mayer; 98–11 TWA; 98–12 Stout; 99–16 Dorfman; 2000–29 Stevenson.
- Smoking ..... 92–37 Giuffrida; 99–6 Squire Claimed unable to hear ''No Smoking'' instruction; 99–6 Squire.
- Stowing carry-on items ..... 97–12 Mayer; 99–16.

Penalty (See Sanction; Hazardous Materials):
Person ..... 93–18 Westair Commuter.
Prima Facie Case (See also Proof & Evidence) ..... 95–26 Hereth; 96–3 America West Airlines.
Proof & Evidence (See also Federal Rules of Evidence):
- Admissions ..... 99–5 Africa Air; 2000–3 Warbelow's.
  - Evidentiary admission is rebuttable ..... 99–5 Africa Air.
- Affirmative Defense ..... 92–13 Delta Air Lines; 92–72 Giuffrida; 98–6 Continental Airlines.
- Burden of Proof ..... 90–26 & 90–43 Waddell; 91–3 Lewis; 91–30 Trujillo; 92–13 Delta Air Lines; 92–72 Giuffrida; 93–29 Sweeney; 97–32 Florida Propeller; 2000–3 Warbelow's.
- Circumstantial Evidence ..... 90–12, 90–19 & 91–9 Continental Airlines; 93–29 Sweeney; 96–3 America West Airlines; 97–10 Alphin; 97–11 Hampton; 97–32 Florida Propeller; 98–6 Continental Airlines.
- Credibility (See Administrative Law Judges; Credibility of Witnesses):
- Criminal standard rejected ..... 91–12 Terry & Menne; 2000–3 Warbelow's.
- Closing Arguments (See also Final Oral Argument) ..... 94–20 Conquest Helicopters.
- Extra-record material ..... 95–26 Hereth; 96–24 Horizon.
- Hearsay ..... 92–72 Giuffrida; 97–30 Emery Worldwide Airlines; 98–11 TWA.
- Motion to dismiss ..... 2000–25 Riverdale Mills; 2000–28 Lifeflite.
- New evidence 94–4 Northwest Aircraft Rental; 96–23 Kilrain; 99–15 blue Ridge.
- Offer of Proof ..... 97–32 Florida Propeller.
- Preponderance of evidence ..... 90–11 Thunderbird Accessories; 90–12 Continental Airlines; 91–12 & 91–31 Terry & Menne; 92–72 Giuffrida; 97–30 Emery Worldwide Airlines; 97–31 Sanford Air; 97–32 Florida Propeller; 98–3 Fedele; 98–6 Continental Airlines; 98–11 TWA.
- Presumption that message on ATC tape is received as transmitted. 91–12 Terry & Menne; 92–49 Richardson & Shimp.
- Presumption that a gun is deadly or dangerous ..... 90–26 Waddell; 92–30 Trujillo.
- Presumption that owner gave pilot permission ..... 96–17 Fenner.
- Prima facie case ..... 95–26 Hereth, 96–3 America West; 98–6 Continental Airlines.
- Settlement offer ..... 95–16 Mulhall; 96–25 USAir; 99–5 Africa Air.
  - Admission as part of settlement offer excluded ..... 99–5 Africa Air; 99–14 Alika Aviation.
- Subsequent remedial measures ..... 96–24 Horizon; 96–25 USAir.
- Substantial evidence ..... 92–72 Giuffrida Pro Se Parties.
- Special Considerations ..... 90–11 Thunderbird Accessories; 90–3 Metz; 95–25 Conquest.

Prosecutorial discretion ..... 89–6 American Airlines; 90–23 Broyles; 90–38 Continental Airlines; 91–41 [Airport Operator]; 92–46 Sutton-Sautter; 92–73 Wyatt; 95–17 Larry's Flying Service.
- Administrator does not review Complainant's decision not to bring action against anyone but respondent. 98–2 Carr.

Reconsideration;
- Denied by ALJ ..... 89–4 90–3 Metz.
- Denied by Administrator ..... 2000–5 Blue Ridge; 2000–14 and 2000–16 Warbelow's; 2000–27 Phillips Building Supply.
- Granted by ALJ ..... 92–32 Barnhill.
- Late request for ..... 97–14 Pacific Aviation; 98–14 Larry's Flying Service; 2000–5 Blue Ridge.
- Petition based on new material ..... 96–23 Kilrain; 2000–14 Warbelow's.
- Repetitious petitions ..... 96–9 [Airport Operator]; 2000–5 Blue Ridge; 2000–14 Warbelow's; 2000–16 Warbelow's.
- Stay of order pending ..... 90–31 Carroll; 90–32 Continental Airlines; 2000–14 Warbelow's.

Redundancy, enhancing safety ..... 97–11 Hampton.

Remand ..... 89–6 American Airlines; 90–16 Rocky Mountain; 90–24 Bayer; 91–51 Hagwood; 91–54 Alaska Airlines; 92–1 Costello; 92–76 Safety Equipment; 94–37 Houston; 2000–5 Blue Ridge; 2000–25 Riverdale Mills; 2000–28 Lifeflite.
Repair Station ..... 90–11 Thunderbird Accessories; 92–10 Flight Unlimited; 94–2 Woodhouse; 97–9 Alphin; 97–10 Alphin; 97–31 Sanford Air; 97–32 Florida Propeller; 2000–1 Gatewood.
Request for Hearing ..... 94–37 Houston; 95–19 Rayner.
Constructive withdrawal of ..... 97–7 Stalling; 98–23 Instead Balloon Services.
Timeliness of request ..... 93–12 Langton; 95–19 Rayner; 2000–2 Ryan International.
Untimely request for hearing will be excused for good cause ..... 94–27 Larsen; 93–12 Langton; 2000–2 Ryan International.
Rules of Practice (14 CFR Part 13, Subpart G):
Applicability of ..... 90–12, 90–18 & 90–19 Continental Airlines; 91–17 KDS Aviation.
Challenges to ..... 90–12, 90–18 and 90–19 Continental Airlines; 90–21 Carroll; 90–37 Northwest Airlines.
Effect of Changes in ..... 90–21 Carroll; 90–22 USAir; 90–38 Continental Airlines.
Initiation of Action ..... 91–9 Continental Airlines.
Runway incursions ..... 92–40 Wendt; 93–18 Westair Commuter Sanction.
Ability to Pay ..... 89–5 Schultz; 90–10 Webb; 91–3 Lewis; 91–38 Esau; 92–10 Flight Unlimited; 92–32 Barnhill; 92–37 & 92–72 Giuffrida; 92–38 Cronberg; 92–46 Sutton-Sautter; 92–51 Koblick; 93–10 Costello; 94–4 Northwest Aircraft Rental; 94–20 Conquest Helicopters; 95–16 Mulhall; 95–17 Larry's Flying Service; 97–8 Pacific Av. d/b/a/ Inter-Island Helicopters; 97–11 Hampton; 97–16 Mauna Kea; 98–4 Larry's Flying Service; 98–11 TWA; 99–12 TWA; 99–15 Blue Ridge; 2000–3 Warbelow's; 2000–28 Lifeflite.
Agency policy:
ALJ bound by ..... 90–37 Northwest Airlines; 92–46 Sutton-Sautter; 96–19 [Air Carrier]; 2000–3 Warbelow's.
Changes after complaint ..... 97–7 & 97–17 Stallings.
Statements of (*e.g.,* FAA Order 2150.3A, Sanction Guidance Table, memoranda pertaining to). 90–19 Continental Airlines; 90–23 Broyles; 90–33 Cato; 90–37 Northwest Airlines; 92–46 Sutton-Sautter; 96–4 South Aero; 96–19 [Air Carrier]; 96–25 USAir.
Community Service ..... 2000–21 Martinez.
Compliance Disposition ..... 97–23 Detroit Metropolitan.
Consistency with Precedent ..... 96–6 Ignatov; 96–26 Midtown; 97–30 Emery Worldwide Airlines; 98–12 Stout; 98–18 General Aviation.
But when precedent is based on superceded sanction policy 96–19 [Air Carrier].
Corrective Action ..... 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 92–5 Delta Air Lines; 93–18 Westair Commuter; 94–28 Toyota; 96–4 South Aero; 96–19 [Air Carrier]; 97–16 Mauna Kea; 97–23 Detroit Metropolitan; 98–6 Continental Airlines; 98–22 Northwest Airlines; 99–12 TWA; 99–14 Alika Aviation; 2000–20 Phillips Building Supply.
Discovery (See Discovery).
Factors to consider ..... 89–5 Schultz; 90–23 Broyles; 90–37 Northwest Airlines; 91–3 Lewis; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 92–10 Flight Unlimited; 92–46 Sutton-Sautter; 92–51 Koblick; 94–28 Toyota; 95–11 Horizon; 96–19 [Air Carrier]; 96–26 Midtown; 97–16 Mauna Kea; 98–2 Carr; 99–15 Blue Ridge; 2000–3 Warbelow's.
First-Time Offenders ..... 89–5 Schultz; 92–5 Delta Air Lines; 92–51 Koblick.
HazMat (See Hazardous Materials).
Inexperience ..... 92–10 Flight Unlimited.
Installment Payments ..... 95–16 Mulhall; 95–17 Larry's Flying Service.
Maintenance ..... 95–11 Horizon; 96–3 America West Airlines; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–9 Alphin; 97–10 Alphin; 97–11 Hampton; 97–30 Emery Worldwide Airlines; 99–14 Alika Aviation; 2000–3 Warbelow's.
Maximum ..... 90–10 Webb; 91–53 Koller; 96–19 [Air Carrier].
Minimum (HazMat) ..... 95–16 Mulhall; 96–26 Midtown; 98–2 Carr.
Modified ..... 89–5 Schultz; 90–11 Thunderbird Accessories; 91–38 Esau; 92–10 Flight Unlimited; 92–13 Delta Air Lines; 92–32 Barnhill.
Partial Dismissal of Complaint/Full Sanction (See also Complaint). 94–19 Pony Express; 94–40 Polynesian Airways.
Sanctions in specific cases:
Failed to comply with Security Directives ..... 98–6 Continental Airlines; 99–12 TWA.
Passenger/bag match ..... 98–6 Continental Airlines; 99–12 TWA.
Passenger misconduct ..... 97–12 Mayer; 98–12 Stout; 2000–17 Gotbetter.
Person evading screening (See also Screening) ..... 97–20 Werle; 2000–19 Horner.
Pilot Deviation ..... 92–8 Watkins.
Test object detection ..... 90–18 & 90–19 Continental Airlines; 96–19 [Air Carrier].
Unairworthy aircraft ..... 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–9 Alphin; 98–18 General Aviation; 99–14 Alika Aviation; 2000–3 Warbelow's.
Unauthorized access ..... 90–19 Continental Airlines; 90–37 Northwest Airlines; 94–1 Delta Air Lines; 98–7 LAX.

Unqualified pilot ..... 99–15 Blue Ridge.
Weapons violations ..... 90–23 Broyles; 90–33 Cato; 91–3 Lewis; 91–38 Esau; 92–32 Barnhill; 92–46 Sutton-Sautter; 92–51 Koblick; 94–5 Grant; 97–7 & 97–17 Stallings.
Surrender of certificate (See also Certificates and Authorizations). 2000–28 Lifeflite.
Screening of Persons and Carry-on Items (See also Test Object Detection):
Air carrier failure to detect weapon Sanction ..... 94–44 American Airlines.
Air carrier failure to match bag with passenger ..... 98–6 Continental Airlines; 99–12 TWA.
Carry-on item from person passenger does not know ..... 2000–6 Atlantic Coast Aviation.
Entering sterile areas ..... 90–24 Bayer; 92–58 Hoedl; 97–20 Werle; 98–20 Koenig; 2000–19 Horner.
Sanction for evading screening (See also Sanction) ..... 97–20 Werle; 98–20 Koenig; 2000–19 Horner.
Security (See also Screening of Persons and Carry-on Items; Standard Security Program; Test Object Detection; Unauthorized Access; Weapons Violations:
Agency directives, violations of ..... 99–12 TWA.
False information about carrying weapon or explosive ..... 98–24 Stevens.
Sealing of Record ..... 97–13 Westair Commuter; 97–28 Continental Airlines.
Separation of Functions ..... 90–12 Continental Airlines; 90–18 Continental Airlines; 90–19 Continental Airlines; 90–21 Carroll; 90–38 Continental Airlines; 93–13 Medel.
Service (See also Mailing Rule; Receipt):
Of NPCP ..... 90–22 USAir; 97–20 Werle.
Of FNPCP ..... 93–13 Medel.
Receipt of document sent by mail ..... 92–31 Eaddy; 2000–5 Blue Ridge.
Return of certified mail ..... 97–7 & 97–17 Stallings; 2000–5 Blue Ridge.
Valid Service ..... 92–18 Bargen; 98–19 Martin & Jaworski.
When no certificate of service ..... 2000–2 Ryan International.
Settlement ..... 91–50 & 92–1 Costello; 95–16 Mulhall; 99–10 Azteca; 2000–24 SONICO.
Request for hearing not withdrawn ..... 99–10 Azteca.
Skydiving ..... 98–3 Fedele.
Smoking ..... 92–37 Giuffrida; 94–18 Luxemburg; 99–6 Squire.
''Squawk sheets'' ..... 2000–18 California Helitech.
Stale Complaint Rule:
If NPCP not sent ..... 97–20 Werle.
Standard Security Program (SSP):
Compliance with ..... 90–12, 90–18 & 90–19 Continental Airlines; 91–33 Delta Air Lines; 91–55 Continental Airlines; 92–13 & 94–1 Delta Air lines; 96–19 [Air Carrier]; 98–22 Northwest Airlines; 99–1 American.
Checkpoint Security Coordinator ..... 98–22 Northwest Airlines.
Ground Security Coordinator ..... 96–16 Westair Commuter.
When airline required to have security program ..... 2000–6 Atlantic Coast Aviation.
Statute of Limitations ..... 97–20 Werle.
Stay of Orders ..... 90–31 Carroll; 90–32 Continental Airlines.
Pending judicial review ..... 95–14 Charter Airlines.
Strict Liability ..... 89–5 Schultz; 90–27 Gabbert; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–58 [Airport Operator]; 97–23 Detroit Metropolitan; 98–7 LAX; 2000–3 Warbelow's.
Test Object Detection ..... 90–12, 90–18, 90–19, 91–9 & 91–55 Continental Airlines; 92–13 Delta Air Lines; 96–19 [Air Carrier].
Proof of violation ..... 90–18, 90–19 & 91–9 Continental Airlines; 92–13 Delta Air Lines.
Sanction ..... 90–18 & 90–19 Continental Airlines; 96–19 [Air Carrier].
Timeliness (See also Complaint; Filing; Mailing Rule; and Appeals):
Burden to prove date of filing ..... 97–11 Hampton Air; 98–1 V. Taylor.
Of response to NPCP ..... 90–22 USAir.
Of complaint ..... 91–51 Hagwood; 93–13 Medel; 94–7 Hereth.
Of initial decision ..... 97–31 Sanford Air.
Of NPCP ..... 92–73 Wyatt.
Of petition to reconsider ..... 2000–5 Blue Ridge.
Of additional brief ..... 2000–21 Martinez.
Of reply brief ..... 97–11 Hampton.
Of request for hearing ..... 93–12 Langton; 95–19 Rayner; 2000–2 Ryan International.
Of EAJA application (See EAJA-Final disposition, EAJA-Jurisdiction)
Unapproved Parts (See also Parts Manufacturer Approval) ..... 93–19 Pacific Sky Supply.
Unauthorized Access:
To aircraft ..... 90–12 & 90–19 Continental Airlines; 94–1 Delta Air Lines.
To Air Operations Area (AOA) ..... 90–37 Northwest Airlines; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–58 [Airport Operator]; 94–1 Delta Air Lines.
Vacating Initial Decision ..... 2000–24 SONICO.
Visual Cues Indicating Runway, Adequacy of ..... 92–40 Wendt.

Weapons Violations, generally	89–5 Schulz; 90–10 Webb; 90–20 Degenhardt; 90–23 Broyles; 90–33 Cato; 90–26 & 90–43 Waddell; 91–3 Lewis; 91–30 Trujillo; 91–38 Esau; 91–53 Koller; 92–32 Barnhill; 92–46 Sutton-Sauter; 92–51 Koblick; 92–59 Petek-Jackson; 94–5 Grant; 94–44 American Airlines.
Concealed weapon	89–5 Schultz; 92–46 Sutton-Sautter, 92–51 Koblick.
''Deadly or Dangerous''	90–26 & 90–43 Waddell; 91–30 Trujillo; 91–38 Esau.
First-time Offenders	89–5 Schultz.
Intent to commit violation	89–5 Schultz; 90–20 Degenhardt; 90–23 Broyles; 90–26 Waddell; 91–3 Lewis; 91–53 Koller.
Knowledge Of Weapon Concealment (See also Knowlede)	89–5 Schultz; 90–20 Degenhardt.
Sanction (See Sanction)	
Weight and Balance	94–40 Polynesian Airways.
Passenger list	99–13 Falcon Air Express.
Witnesses (See also Credibility):.	
Absence of, Failure to subpoena	92–3 Park; 98–2 Carr.
Expert testimony Evaluation of	93–17 Metcalf; 94–3 Valley Air; 94–21 Sweeney; 96–3 America West Airlines; 96–15 Valley Air; 97–9 Alphin; 97–32 Florida Propeller.
Expert witness fees (See EAJA)	
Sequester order	2000–18 California Helitech.

Regulations (Title 14 CFR, unless otherwise noted)

1.1(maintenance)	94–38 Bohan; 97–11 Hampton.
1.1(major alteration)	99–5 Africa Air.
1.1(major repair)	96–3 America West Airlines.
1.1(minor repair)	96–3 America West Airlines.
1.1(operate)	91–12 91–31 Terry & Menne; 93–18 Westair Commuter; 96–17 Fenner.
1.1(person)	93–18 Westair Commuter.
1.1(propeller)	96–15 Valley Air.
3.16	90–16 Rocky Mountain; 90–22 USAir; 90–37 Northwest Airlines; 90–38 & 91–9 Continental Airlines; 91–18 [Airport Operator]; 91–51 Hagwood; 92–1 Costello; 92–46 Sutton-Sautter; 93–13 Medel; 93–28 Strohl; 94–27 Larsen; 94–37 Houston; 94–31 Smalling; 95–19 Rayner; 96–26 Midtown Neon Sign; 97–1 Midtown Neon Sign; 97–9 Alphin; 98–18 General Aviation; 2000–2 Ryan International; 2000–3 Warbelow's; 2000–24 SONICO.
13.201	90–12 Continental Airlines; 2000–24 SONICO.
13.202	90–6 American Airlines; 92–76 Safety Equipment.
13.203	90–12 Continental Airlines; 90–21 Carroll; 90–38 Continental Airlines.
13.204	
13.205	90–20 Degenhardt; 91–17 KDS Aviation; 91–54 Alaska Airlines; 92–32 Barnhill; 94–32 Detroit Metropolitan; 94–39 Kirola; 95–16 Mulhall; 97–20 Werle; 2000–17 Gotbetter; 2000–20 Phillips Building Supply.
13.206	
13.207	94–39 Kirola.
13.208	90–21 Carroll; 91–51 Hagwood; 92–73 Wyatt; 92–76 Safety Equipment 93–13 Medel; 93–28 Strohl; 94–7 Hereth; 97–20 Werle; 98–4 Larry's.
13.209	90–3 Metz; 90–15 Playter; 91–18 [Airport Operator]; 92–32 Barnhill; 92–47 Cornwall; 92–75 Beck; 92–76 Safety Equipment; 94–8 Nunez; 94–5 Grant; 94–22 Harkins; 94–29 Sutton; 94–30 Columna; 95–10 Diamond; 95–28 Atlantic World Airways; 97–7 Stalling; 97–18 Robinson; 97–33 Rawlings; 98–21 Blankson.
13.210	92–19 Cornwall; 92–75 Beck; 92–76 Safety Equipment; 93–7 Dunn; 92–28 Strohl; 94–5 Grant; 94–30 Columna; 95–28 Atlantic World Airways; 96–17 Fenner; 97–11 Hampton; 97–18 Robinson; 97–38 Air St. Thomas; 98–16 Blue Ridge.
13.211	89–6 American Airlines; 89–7 Zenkner; 90–3 Metz; 90–11 Thunderbird Accessories; 90–39 Hart; 91–24 Esau; 92–1 Costello; 92–9 Griffin; 92–18 Bargen; 92–19 Cornwall; 92–57 Detroit Metro. Wayne County Airport; 92–74 Wendt; 92–76 Safety Equipment; 93–2 Wendt; 94–5 Grant; 94–18 Luxemburg; 94–29 Sutton; 95–12 Toyota; 95–28 Valley Air; 97–7 Stalling; 97–11 Hampton; 98–4 Larry's Flying Service; 98–19 Martin & Jaworski; 98–20 Koenig; 99–2 Oxygen Systems; 2000–2 Ryan International; 2000–5 Blue Ridge.
13.212	90–11 Thunderbird Accessories; 91–2 Continental Airlines; 99–2 Oxygen Systems.
13.213	
13.214	91–3 Lewis.
13.215	93–28 Strohl; 94–39 Kirola; 2000–24 SONICO.
13.216	

13.217	91–17 KDS Aviation.
13.218	89–6 American Airlines; 90–11 Thunderbird Accessories; 90–39 Hart; 92–9 Griffin; 92–73 Wyatt; 93–19 Pacific Sky Supply; 94–6 Strohl; 94–27 Larsen; 94–37 Houston; 95–18 Rayner; 96–16 WestAir; 96–24 Horizon; 98–20 Koenig.
13.219	89–6 American Airlines; 91–2 Continental; 91–54 Alaska Airlines; 93–37 Airspect; 94–32 Detroit Metro. Wayne County Airport; 98–25 Gotbetter.
13.220	89–6 American Airlines; 90–20 Carroll; 91–8 Watts Agricultural Aviation; 91–17 KDS Aviation; 91–54 Alaska Airlines; 92–46 Sutton-Sautter; Horner 2000–19.
13.221	92–29 Haggland; 92–31 Eaddy; 92–52 Cullop.
13.222	92–72 Giuffrida; 96–15 Valley Air.
13.223	91–12 & 91–31 Terry & Menne; 92–72 Giuffrida; 95–26 Hereth; 96–15 Valley Air; 97–11 Hampton; 97–31 Sanford Air; 97–32 Florida Propeller; 98–3 Fedele; 98–6 Continental Airlines; 2000–3 Warbelow's.
13.224	90–26 Waddell; 91–4 [Airport Operator]; 92–72 Giuffrida; 94–18 Luxemburg; 94–28 Toyota; 95–25 Conquest; 96–17 Fenner; 97–32 Florida Propeller; 98–6 Continental Airlines; 2000–3 Warbelow's 2000–20 Phillips Building Supply.
13.225	97–32 Florida Propeller.
13.226	
13.227	90–21 Carroll; 95–26 Hereth.
13.228	92–3 Park.
13.229	
13.230	92–19 Cornwall; 95–26 Hereth; 96–24 Horizon.
13.231	92–3 Park.
13.232	89–5 Schultz; 90–20 Degenhardt; 92–1 Costello; 92–18 Bargen; 92–32 Barnhill; 93–28 Strohl; 94–28 Toyota; 95–12 Toyota; 95–16 Mulhall; 96–6 Ignatov; 98–18 General Aviation; 2000–19 Horner.
13.233	89–1 Gressani; 89–4 Metz; 89–5 Schultz; 89–7 Zenkner; 89–8 Thunderbird Accessories; 90–3 Metz; 90–11 Thunderbird Accessories; 90–19 Continental Airlines; 90–20 Degenhardt; 90–25 & 90–27 Gabbert; 90–35 P. Adams; 90–19 Continental Airlines; 90–39 Hart; 91–2 Continental Airlines; 91–3 Lewis; 91–7 Pardue; 91–8 Watts Agricultural Aviation; 91–10 Graham; 91–11 Continental Airlines; 91–12 Bargen; 91–24 Esau; 91–26 Britt Airways; 91–31 Terry & Menne; 91–32 Bargen; 91–43 & 91–44 Delta; 91–45 Park; 91–46 Delta; 91–47 Delta; 91–48 Wendt; 91–52 KDS Aviation; 91–53 Koller; 92–1 Costello; 92–3 Park; 92–7 West; 92–11 Alilin; 92–15 Dillman; 92–16 Wendt; 92–18 Bargen; 92–19 Cornwall; 92–27 Wendt; 92–32 Barnhill; 92–34 Carrell; 92–35 Bay Land Aviation; 92–36 Southwest Airlines; 92–39 Beck; 92–45 O'Brien; 92–52 Beck; 92–56 Montauk Caribbean Airways; 92–57 Detroit Metro. Wayne Co. Airport; 92–67 USAir; 92–69 McCabe; 92–72 Giuffrida; 92–74 Wendt; 92–78 TWA; 93–5 Wendt; 93–6 Westair Commuter; 93–7 Dunn; 93–8 Nunez; 93–19 Pacific Sky Supply; 93–23 Allen; 93–27 Simmons; 93–28 Strohl; 93–31 Allen; 93–32 Nunez; 94–9 B & G Instruments; 94–10 Boyle; 94–12 Bartusiak; 94–15 Columna; 94–18 Luxemburg; 94–23 Perez; 94–24 Page; 94–26 French Aircraft; 94–28 Toyota; 95–2 Meronek; 95–9 Woodhouse; 95–13 Kilrain; 95–23 Atlantic World Airways; 95–25 Conquest; 95–26 Hereth; 96–1 [Airport Operator; 96–2 Skydiving Center; 97–1 Midtown Neon Sign; 97–2 Sanford Air; 97–7 Stalling; 97–22 Sanford Air; 97–24 Gordon Air; 97–31 Sanford Air; 97–33 Rawlings; 97–38 Air St. Thomas; 98–4 Larry's Flying Service; 98–3 Fedele; Continental Airlines 98–6; LAX 98–7; 98–10 Rawlings; 98–15 Squire; 98–18 General Aviation; 98–19 Martin & Jaworski; 98–20 Koenig; 99–2 Oxygen Systems; 99–11 Evergreen Helicopters; 2000–23 Federal Express; 2000–24 SONICO.
13.234	90–19 Continental Airlines; 90–31 Carroll; 90–32 & 90–38 Continental Airlines; 91–4 [Airport Operator]; 95–12 Toyota; 96–9 [Airport Operator]; 96–23 Kilrain; 2000–5 Blue Ridge; Warbelow's 2000–16.
13.235	90–11 Thunderbird Accessories; 90–12 Continental Airlines; 90–15 Playter; 90–17 Wilson; 92–7 West.
Part 14	92–74 & 93–2 Wendt; 95–18 Pacific Sky Supply.
14.01	91–17 & 92–71 KDS Aviation.
14.04	91–17, 91–52 & 92–71 KDS Aviation; 93–10 Costello; 95–27 Valley Air.
14.05	90–17 Wilson.
14.12	95–27 Valley Air
14.20	91–52 KDS Aviation; 96–22 Woodhouse.
14.22	93–29 Sweeney.
14.23	98–19 Martin & Jaworski.

14.26	91–52 KDS Aviation; 95–27 Valley Air.
14.28	95–9 Woodhouse.
21.181	96–25 USAir.
21.303	93–19 Pacific Sky Supply; 95–18 Pacific Sky Supply.
25.787	97–30 Emery Worldwide Airlines.
25.855	92–37 Giuffrida; 97–30 Emery Worldwide Airlines.
39.3	92–10 Flight Unlimited; 94–4 Northwest Aircraft Rental.
43.3	92–73 Wyatt; 97–31 Sanford Air; 98–18 General Aviation; 2000–1 Gatewood.
43.5	96–18 Kilrain; 97–31 Sanford Air.
43.9	91–8 Watts Agricultural Aviation; 97–31 Sanford Air; 98–4 Larry's Flying Service.
43.13	90–11 Thunderbird Accessories; 94–3 Valley Air; 94–38 Bohan; 96–3 America West Airlines; 96–25 USAir; 97–9 Alphin; 97–10 Alphin; 97–30 Emery Worlwide Airlines; 97–31 Sanford Air; 97–32 Florida Propeller; 2000–13 Empire Airlines.
43.15	90–25 & 90–27 Gabbert; 91–8 Watts Agricultural Aviation; 94–2 Woodhouse; 96–18 Kilrain.
61.3	99–11 Evergreen Helicopters; 2000–12 Evergreen.
65.15	92–73 Wyatt.
65.81	2000–1 Gatewood.
65.92	92–73 Wyatt.
91.7	97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–16 Mauna Kea; 98–18 General Aviation; 99–5 Africa Air; 2000–1 Gatewood; 2000–3 Warbelow's; 2000–14 Warbelow's.
91.8 (91.11 as of 8/18/90)	92–3 Park.
91.9 (91.13 as of 8/18/90)	90–15 Playter; 91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–40 Wendt; 92–48 USAir; 92–49 Richardson & Shimp; 92–47 Cornwall; 92–70 USAir; 93–9 Wendt; 93–17 Metcalf; 93–18 Westair Commuter; 93–29 Sweeney; 94–29 Sutton; 95–26 Hereth; 96–17 Fenner.
91.11	96–6 Ignatov; 97–12 Mayer; 98–12 Stout; 99–16 Dorfman; 2000–17 Gotbetter.
91.29 (91.7 as of 8/18/90)	91–8 Watts Agricultural Aviation; 92–10 Flight Unlimited; 94–4 Northwest Aircraft Rental.
91.65 (91.111 as of 8/18/90)	91–29 Sweeney; 94–21 Sweeney.
91.67 (91.113 as of 8/18/90)	91–29 Sweeney.
91.71	97–11 Hampton.
91.75 (91.123 as of 8/18/90)	91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–40 Wendt; 92–49 Richardson & Shimp; 93–9 Wendt.
91.79 (91.119 as of 8/18/90)	90–15 Playter; 92–47 Cornwall; 93–17 Metcalf.
91.87 (91.129 as of 8/18/90)	91–12 & 91–31 Terry & Menne; 92–8 Watkins.
91.103	95–26 Hereth.
91.111	96–17 Fenner.
91.113	96–17 Fenner.
91.151	95–26 Hereth.
91.173 (91.417 as of 8/18/90)	91–8 Watts Agricultural Aviation.
91.203	99–5 Africa Air.
91.205	98–18 General Aviation.
91.213	97–11 Hampton.
91.403	97–8 Pacific Av. d/b/a Inter-Island Helicopters; 98–31 Sanford Air.
91.405	97–16 Mauna Kea; 98–4 Larry's Flying Service; 98–18 General Aviation; 99–5 Africa Air; 2000–1 Gatewood; 2000–18 California Helitech.
91.407	98–4 Larry's Flying Service; 99–5 Africa Air; 2000–1 Gatewood.
91.417	98–18 General Aviation.
91.517	98–12 Stout.
91.703	94–29 Sutton.
105.29	98–3 Fedele; 98–19 Martin & Jaworski.
107.1	90–19 Continental Airlines; 90–20 Degenhardt; 91–4 [Airport Operator]; 91–58 [Airport Operator]; 98–7 LAX; 2000–19 Horner.
107.9	98–7 LAX.
107.13	90–12 & 90–19 Continental Airlines; 91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator]; 96–1 [Airport Operator]; 97–23 Detroit Metropolitan; 98–7 LAX.
107.20	90–24 Bayer; 92–58 Hoedl; 97–20 Werle; 98–20 Koenig; 2000–19 Horner.
107.21	89–5 Schultz, 90–10 Webb; 90–22 Degenhardt; 90–23 Broyles; 90–26 & 90–43 Waddell; 90–33 Cato; 90–39 Hart; 91–3 Lewis; 91–10 Graham; 91–30 Trujillo; 91–38 Esau; 91–53 Koller; 92–32 Barnhill; 92–38 Cronberg; 92–46 Sutton-Sautter; 92–51 Koblick; 92–59 Petek-Jackson; 94–5 Grant; 94–31 Smalling; 97–7 Stalling.
107.25	94–30 Columna.

108.5	90–12, 90–18, 90–19, 91–2 & 91–9 Continental Airlines; 91–33 Delta Air Lines; 91–54 Alaska Airlines; 91–55 Continental Airlines; 92–13 & 94–1 Delta Air Lines; 94–44 American Airlines; 96–16 WestAir; 96–19 [Air Carrier]; 98–22 Northwest Airlines; 99–1 American; 99–12 TWA; 2000–6 Atlantic Coast Aviation.
108.7	90–18 & 90–19 Continental Airlines; 99–1 American.
108.9	98–22 Northwest Airlines; 2000–19 Horner.
10810	96–16 WestAir.
108.11	90–23 Broyles; 90–26 Waddell; 91–3 Lewis; 92–46 Sutton-Sautter; 94–44 American Airlines.
108.13	90–12 & 90–19 Continental Airlines; 90–37 Northwest Airlines.
108.18	98–6 Continental Airlines; 99–12 TWA; 2000–6 Atlantic Coast Aviation.
121.133	90–18 Continental Airlines.
121.153	92–48 & 92–70 USAir; 95–11 Horizon; 96–3 America West Airlines; 96–24 Horizon; 96–25 USAir; 97–21 Delta; 97–30 Emery Worlwide Airlines.
121.221	97–30 Emery Worldwide Airlines.
121.317	92–37 Giuffrida; 94–18 Luxemburg; 99–6 Squire; 99–16 Dorfman.
212.318	92–37 Giuffrida.
121.363	2000–13 Empire Airlines.
121.367	90–12 Continental Airlines; 96–25 USAir.
121.379	2000–13 Empire Airlines.
121.571	92–37 Giuffrida.
121.575	98–11 TWA.
121.577	98–11 TWA.
121.589	97–12 Mayer.
121.628	95–11 Horizon; 97–21 Delta; 97–30 Emery Worldwide Airlines.
121.693	99–12 Falcon Air Express.
121.697	99–13 Falcon Air Express.
135.1	95–8 Charter Airlines; 95–25 Conquest.
135.3	99–15 Blue Ridge; 2000–5 Blue Ridge.
135.5	94–3 Valley Air; 94–20 Conquest Helicopters; 95–25 Conquest; 95–27 Valley Air; 96–15 Valley Air.
135.25	92–10 Flight Unlimited; 94–3 Valley Air; 95–27 Valley Air; 96–15 Valley Air; 2000–3 Warbelow's; 2000–14 Warbelow's.
135.63	94–40 Polynesian Airways; 95–17 Larry's Flying Service; 95–28 Atlantic; 96–4 South Aero; 99–7 Premier Jets.
135.87	90–21 Carroll.
135.95	95–17 Larry's Flying Service; 99–15 Blue Ridge; 2000–5 Blue Ridge.
135.179	97–11 Hampton; 2000–3 Warbelow's; 2000–14 Warbelow's.
135.185	94–40 Polynesian Airways.
135.234	99–15 Blue Ridge; 2000–14 Warbelow's.
135.243	99–11 Evergreen Helicopters; 99–15 Blue Ridge; 2000–5 Blue Ridge; 2000–12 Evergreen.
135.263	95–9 Charter Airlines; 96–4 South Aero.
135.267	95–8 Charter Airlines; 95–17 Larry's Flying Service; 96–4 South Aero.
135.293	95–17 Larry's Flying Service; 96–4 South Aero; 99–15 Blue Ridge; 2000–5 Blue Ridge.
135.299	99–15 Blue Ridge; 2000–5 Blue Ridge.
135.337	2000–26 Aero National.
135.343	95–17 Larry's Flying Service; 99–15 Blue Ridge; 2000–5 Blue Ridge.
135.411	97–11 Hampton.
135.413	94–3 Valley Air; 96–15 Valley Air; 97–8 Pacific Av. d/b/a Inter-Island Helicopters; 97–16 Mauna Kea; 99–14 Alika Aviation.
135.421	93–36 Valley Air; 94–3 Valley Air; 96–15 Valley Air; 99–14 Alika Aviation.
135.437	94–3 Valley Air; 96–15 Valley Air.
137.19	2000–12 Evergreen.
141.101	98–18 General Aviation.
145.1	97–10 Alphin.
145.3	97–10 Alphin.
145.25	97–10 Alphin.
145.45	97–10 Alphin.
145.47	97–10 Alphin.
145.49	97–10 Alphin.
145.51	2000–1 Gatewood.
145.53	90–11 Thunderbird Accessories.
145.57	94–2 Woodhouse; 97–9 Alphin; 97–32 Florida Propeller.
145.61	90–11 Thunderbird Accessories.
191	90–12 & 90–19 Continental Airlines; 90–37 Northwest Airlines; 98–6 Continental Airlines; 99–12 TWA.
298.1	92–10 Flight Unlimited.
302.8	90–22 USAir.

49 CFR

1.47	92–76 Safety Equipment.
171 et seq.	95–10 Diamond; 2000–20 Phillips Building Supply.
171.2	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 96–26 Midtown; 98–2 Carr.
171.8	92–77 TCI.
172.101	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 96–26 Midtown.
172.200	92–77 TCI; 94–28 Toyota; 95–16 Mulhall; 96–26 Midtown; 98–2 Carr.
172.202	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 98–2 Carr.
172.203	94–28 Toyota.
172.204	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 98–2 Carr.
172.300	94–31 Smalling; 95–16 Mulhall; 96–26 Midtown; 98–2 Carr.
172.301	94–31 Smalling; 95–16 Mulhall; 98–2 Carr.
172.304	92–77 TCI; 94–31 Smalling; 95–16 Mulhall, 98–2 Carr.
172.400	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 98–2 Carr.
172.402	94–28 Toyota.
172.406	92–77 TCI.
173.1	92–77 TCI; 94–28 Toyota; 94–31 Smalling; 95–16 Mulhall; 98–2 Carr.
173.3	94–28 Toyota; 94–31 Smalling; 98–2 Carr.
173.6	94–28 Toyota.
173.22(a)	94–28 Toyota; 94–31 Smalling; 98–2 Carr.
173.24	94–28 Toyota; 95–16 Mulhall.
173.25	94–28 Toyota.
173.27	92–77 TCI.
173.62	98–2 Carr.
173.115	92–77 TCI.
173.240	92–77 TCI.
173.243	94–28 Toyota.
173.260	94–28 Toyota.
173.266	94–28 Toyota, 94–31 Smalling.
175.25	94–31 Smalling.
191.5	97–13 Westair Commuter.
191.7	97–13 Westair Commuter.
821.30	92–73 Wyatt.
821.33	90–21 Carroll.

STATUTES

5 U.S.C.:	
504	90–17 Wilson; 91–17 & 92–71 KDS Aviation; 92–74, 93–2 & 93–9 Wendt; 93–29 Sweeney; 94–17 TCI; 95–27 Valley Air; 96–22 Woodhouse; 98–19 Martin & Jaworski.
552	90–12, 90–18 & 90–19 Continental Airlines; 93–10 Costello.
554	90–18 Continental Airlines; 90–21 Carroll; 95–12 Toyota.
556	90–21 Carroll; 91–54 Alaska Airlines.
557	90–20 Degenhardt; 90–21 Carroll; 90–37 Northwest Airlines; 94–28 Toyota.
705	95–14 Charter Airlines.
5332	95–27 Valley Air.
11 U.S.C.:	
362	91–2 Continental Airlines.
28 U.S.C.:	
2412	93–10 Costello; 96–22 Woodhouse.
2462	90–21 Carroll.
49 U.S.C.:	
5123	95–16 Mulhall; 96–26 & 97–1 Midtown Neon Sign; 98–2 Carr; 2000–20 Phillips Building Supply.
40102	96–17 Fenner.
41706	99–6 Squire.
44701	99–6 Ignatov; 96–17 Fenner; 99–12 TWA; 2000–3 Warbelow's.
44704	96–3 America West Airlines; 96–15 Valley Air.
46110	96–22 Woodhouse; 97–1 Midtown Neon Sign.
46301	97–1 Midtown Neon Sign; 97–16 Mauna Kea; 97–20 Werle; 99–15 Blue Ridge; 2000–3 Warbelow's.
46302	98–24 Stevens.
46303	97–7 Stalling.
49 U.S.C. App.:	
1301(31) (operate)	93–18 Westair Commuter.
(32) (person)	93–18 Westair Commuter.
1356	90–18 & 90–19, 91–2 Continental Airlines.

1357	90–18, 90–19 & 91–2 Continental Airlines; 91–41 [Airport Operator]; 91–58 [Airport Operator].
1421	92–10 Flight Unlimited; 92–48 USAir; 92–70 USAir; 93–9 Wendt.
1429	92–73 Wyatt.
1471	89–5 Schultz; 90–10 Webb; 90–20 Degenhardt; 90–12, 90–18 & 90–19 Continental Airlines; 90–23 Broyles; 90–26 & 90–43 Waddell; 90–33 Cato; 90–37 Northwest Airlines; 90–39 Hart; 91–2 Continental Airlines; 90–18, 90–198 91–1 Continental Airlines;/ 91–3 Lewis; 91–18 [Airport Operator]; 91–53 Koller; 92–5 Delta Air Lines; 92–10 Flight Unlimited; 92–46 Sutton-Sautter; 92–51 Koblick; 92–74 Wendt; 92–76 Safety Equipment; 94–20 Conquest Helicopters; 94–40 Polynesian Airways; 96–6 Ignatov; 97–7 Stalling.
1472	96–6 Ignatov.
1475	90–20 Degenhardt; 90–12 Continental Airlines; 91–3 Lewis; 91–18 [Airport Operator]; 94–40 Polynesian Airways.
1486	90–21 Carroll; 96–22 Woodhouse.
1809	92–77 TCI; 94–19 Pony Express; 94–28 Toyota; 94–31 Smalling; 95–12 Toyota.
FRCP:	
Rule 11	2000–17 Gottbetter.
Rule 26	2000–19 Horner.

Civil Penalty Actions—Orders Issued by the Administrator

Digests

(Current as of December 31, 2000)

The digests of the Administrator's final decisions and orders are arranged by order number, and briefly summarize key points of the decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from July 1, 2000, to September 30, 2000. The FAA will publish non-cumulative supplements to this compilation on a quarterly basis (e.g., April, July, October, and January of each year).

These digests do not constitute legal authority, and should not be cited or relied upon as such. The digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of John Nelson Meyer

Order No. 2000-22 (12/13/00)

Appeal dismissed. Complainant's appeal was dismissed as a result of its withdrawal of its notice of appeal.

In the Matter of Federal Express Corporation

Order No. 2000–23 (12/13/00)

Leave to file an additional brief granted. Federal Express demonstrated good cause to file an additional brief addressing the issue of whether the shipment involved in this case constituted an interline shipment, and as a result, whether Federal Express should be held to the higher standard of care to which air carriers are held. This is a new issue, raised for the first time in Complainant's reply brief. Federal Express was granted 30 days from the date of service of this order in which to file its additional brief, and Complainant was granted 30 days from the date of service of the additional brief to file a reply.

In the Matter of SONICO, Inc.

Order No. 2000–24 (12/21/00)

Cross-appeals dismissed. As a result of a settlement agreement, the parties withdrew their cross-appeals before filing their reply briefs. The parties' notices of appeal were dismissed.

Motion to vacate the law judge's decision denied. Complainant withdrew the complaint, and SONICO withdrew the answer. The parties requested by motion that the Administrator vacate the law judge's initial decision.

Once the complaint is withdrawn, there is no jurisdictional basis for the law judge's decision. The initial decision, then, has no force and effect, and Complainant cannot collect any civil penalty assessed by the law judge.

The parties' request that the Administrator vacate the law judge's initial decision was denied because it was unclear whether the Administrator has the authority to vacate an initial decision, because to do so would be inconsistent with Federal precedent. See *U.S. Bancorp. Mortgage Co.* v. *Bonner Mall Partnership,* 513 U.S. 18, 25 (1994), holding that ''[w]here mootness results from settlement, * * * the losing party has voluntarily forfeited his legal remedy by the ordinary processes of appeal or certiorari, thereby surrendering his claim to the equitable remedy of vacatur.''

In the Matter of Riverdale Mills

Order No. 2000–25 (12/21/00)

Order dismissing the case reversed. At the beginning of the hearing, the agency attorney moved to amend the complaint. The agency attorney explained that Complainant had just learned that the correct proper shipping name and number for the substance that was shipped were Adhesives, UN 1133, not Methyl Ethyl Ketone, UN 1193, as alleged in the compliant. The law judge denied the motion to amend the complaint, and subsequently granted Riverdales' motion to dismiss.

The law judge failed to accept as true all the material allegations of the complaint when ruling on the motion to dismiss. Regardless of the proper shipping name, the complaint alleged that the substance in the cans was a hazardous material and that Riverdale violated the Hazardous Materials Regulations by failing to package, mark, and label the boxes properly, and to provide shipping papers and emergency response information. If the law judge had accepted these allegations as true, the only logical conclusion would have been that the complaint stated a valid cause of action.

Even if the wrong shipping name was alleged in the complaint, Riverdale had adequate notice of the charges against it. The allegation that Riverdale improperly shipping a flammable hazardous material still applies, as do all the same regulations allegedly violated. The issue is not whether Riverdale shipped Methyl Ethyl Ketone or Adhesives, but whether the substance it shipped was a hazardous material, and whether Riverdale complied with the regulations pertaining to packaging, marking, labeling, shipping papers, and emergency response information.

Further, no prejudice to Riverdale was shown.

The Administrator reversed the order of dismissal, and remanded the case to the law judge for a hearing.

In the Matter of Aero National, Inc.

Order No. 2000–26 (12/21/00)

Competency and proficiency checks. Aero National used a check airman to administer an instrument proficiency test to another pilot when the check airman was not current on his own instrument proficiency tests. The law judge held that this was a violation of 14 CFR 135.337(b).

A competency test is a demonstration by an airman that he is able to fly a specific make and model of aircraft. A proficiency check is a test of a pilot's capability to fly on instruments and is not aircraft-specific.

On appeal, Aero National argued that 14 CFR 135.337(b) required only that the check airman be current on either his competency or proficiency test, and that the check airman, in this instance, was current on his competency test (although not on his instrument proficiency test). The Administrator rejected this argument.

The Administrator held that Aero National's interpretation of 14 CFR 135.337(b) was flawed because it focused on the word ''or,'' ignoring the language ''that are required to serve as a pilot in command in operations under this part'' that modifies proficiency or competency checks. The use of the disjunctive ''or'' is appropriate because it indicates that there are times when the check airman must have satisfactorily passed in a timely fashion either only the appropriate competency check (to fly VFR-only flights), or both the competency and instrument proficiency checks (to fly IFR and VFR flights). Under this regulation, the Part 135 operator may not use a check airman to perform flight checks for operations in which the check airman himself would not qualified to serve as pilot in commend.

Civil Penalty. The $3,300 civil penalty is appropriate in light of the potential hazards that could result when a check airman performs checks that he is not qualified to perform.

In the Matter of Phillips Buildings Supply

Order No. 2000–27 (12/21/00)

Reconsideration denied. Phillips' argument that the Administrator in FAA Order No. 2000–20 (August 11, 2000) used a mathematical formula in determining to assess a $14,000 civil penalty. The law judge considered the factors that are required to be considered by 49 U.S.C. § 5123(c). The Administrator did not intend to criticize Phillips for training its employees after the incident concerning the transportation of hazardous materials. However, the training was not intensive or timely enough to constitute a significant mitigating factor. By informing the UPS driver that the shipment contained Formica glue, Phillips' clerk did not shift responsibility for the violation to UPS. The clerk did not contact the UPS employees who had expertise in hazardous materials and ask for advice regarding how to package and ship the Formica glue properly. It was reasonable for the Administrator to assume that Phillips regularly handles hazardous materials in light of the fact that hardware stores commonly stock many items that are regulated under the Hazardous Materials Regulations, such as paint, turpentine, and paint thinner.

In the Matter of Lifeflite Medical Air Transport

Order No. 2000–28 (12/21/00)

Lifeflite filed a motion, requesting that the law judge dismiss the case because Lifeflite had surrendered its operating certificate, closed its business, and had no staff, money or assets. The law judge canceled the hearing and dismissed the compliant with prejudice, finding that ''further proceedings, even if successful, would amount to * * * beating * * * a dead horse.''

Reversed and remanded. The Administrator granted Complainant's appeal, finding that Lifeflite had failed to sustain its burden to prove that it had no assets. The Administrator held that Lifeflite's surrender of its certificate did not obviate the need for a punitive sanction. A civil penalty would deter others similarly situated, and itself, if recertificated. The law judge's decision was reversed, and the case remanded to the Office of Hearings.

In the Matter of William Stevenson

Order No. 2000–29 (12/21/00)

The law judge construed Stevenson's failure to file an answer and to respond to an order to show cause as both a constructive withdrawal of his request for a hearing, and as an admission of the complaint's allegations.

Good cause not shown for failure to file an answer and response to order to show cause. Stevenson's argument on appeal that these failures were attributable to the use of the agency attorney and the law judge of the wrong address is rejected. Stevenson had actual notice of the requirement to file an answer because he did receive the complaint, which included information about that requirement. Also, Stevenson never supplied his new address to the agency attorney or to the law judge.

Penalty. The law judge's assessment of a $3,300 civil penalty is warranted in light of Stevenson's (1) drinking an alcoholic beverage not served to him by a flight crewmember; (2) threatening and intimidating a flight attendant, and (3) interfering with the duties of the pilot. The law judge's order was affirmed.

Commercial Reporting Services of the Administrator's Civil Penalty Decisions and Orders

1. *Commercial Publications:* The Administrator's decisions and orders in civil penalty cases are available in the following commercial publications:

Civil Penalty Cases Digest Service, published by Hawkins Publishing Company, Inc., P.O. Box 480, Mayo, MD, 21106, (410) 798–1677;

Federal Aviation Decisions, Clark Boardman Callaghan, a subsidiary of West Information Publishing Company, 50 Board Street East, Rochester, NY 14694, 1–800–221–9428.

2. On-Line Services. The Administrator's decisions and orders in civil penalty cases are available through the following on-line services:

- Westlaw (the Database ID is FTRAN–FAA)
- LEXIS [Transportation (TRANS) Library, FAA file.]
- Compuserve

Docket

The FAA Hearing Docket is located at FAA Headquarters, 800 Independence Avenue, SW, Room 926A, Washington, DC, 20591 (tel. no. 202–267–3641). The clerk of the FAA Hearing Docket is Ms. Stephanie McClain. All documents that are required to be filed in civil penalty proceedings must be filed with the FAA Hearing Docket Clerk at the FAA Hearing Docket. (See 14 CFR 13.210.) Materials contained in the docket of any case not containing sensitive security information (protected by 14 CFR Part 191) may be viewed at the FAA Hearing Docket.

In addition, materials filed in the FAA Hearing Docket in non-security cases in which the complaints were filed on or after December 1, 1997, are available for inspection at the Department of Transportation Docket, located at 400 7th Street, SW, Suite PL–40, Washington, DC, 20590, (tel. no. 202–366–9329.) While the originals are retained in the FAA Hearing Docket, the DOT Docket scans copies of documents in non-security cases in which the

complaint was filed after December 1, 1997, into their computer database. Individuals who have access to the Internet can view the materials in these dockets using the following Internet address: http://dms.dot.gov.

FAA Offices

The Administrator's decisions and orders, indexes, and digests are available for public inspection and copying at the following location in FAA headquarters:

FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW, Room 926A, Washington, DC 20591; (202) 267–3641.

These materials are also available at all FAA regional and center legal offices at the following locations:

Office of the Regional Counsel for the Aeronautical Center (AMC–7), Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169; (405) 954–3296.

Office of the Regional Counsel for the Alaskan Region (AAL–7), Alaskan Region Headquarters, 222 West 7th Avenue, Anchorage, AL 99513; (907) 271–5269.

Office of the Regional Counsel for the Central Region (ACE–7), Central Region Headquarters, 601 East 12th Street, Federal Building, Kansas City, MO 64106; (816) 426–5446.

Office of the Regional Counsel for the Eastern Region (AEA–7), 1 Aviation Plaza, 159–30 Rockaway Blvd., Springfield Gardens, NY 11434; (718) 553–3285.

Office of the Regional Counsel for the Great Lakes Region (AGL–7), Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East Devon Avenue, Suite 419, Des Plaines, IL 60018; (847) 294–7085.

Office of Regional Counsel for the New England Region (ANE–7), New England Region Headquarters, 12 New England Executive Park, Room 401, Burlington, MA 01803; (781) 238–7040.

Office of the Regional Counsel for the Northwest Mountain Region (ANM–7), Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW, Renton, WA 98055; (425) 227–2007.

Office of the Regional Counsel for the Southern Region (ASO–7), Southern Region Headquarters, 1701 Columbia Avenue, College Park, GA 30337; (404) 305–5200.

Office of the Regional Counsel for the Southwest Region (ASW–7), Southwest Region Headquarters, 2601 Meacham Blvd., Fort Worth, TX 76137; (817) 222–5064.

Office of the Regional Counsel for the Technical Center (ACT–7), William J. Hughes Technical Center, Atlantic City International Airport, Atlantic City, NJ 08405; (609) 485–7088.

Office of the Regional Counsel for the Western-Pacific Region (AWP–7), Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, CA 90261; (301) 725–7100.

Dated: Issued in Washington, DC, on January 11th, 2001.

James S. Dillman,

Assistant Chief Counsel for Litigation.

[FR Doc. 01–1675 Filed 1–22–01; 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 Ford Airport, Iron Mountain, Michigan

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 Ford Airport 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 February 22, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. William H. Marchetti of Dickinson County at the following address: Dickinson County Court House, P.O. Box 609, Iron Mountain, Michigan 49801.

Air carriers and foreign air carriers may submit copies of written comments previously provided to Dickinson County under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Gilbert, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7281). 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 Ford Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On December 28, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by Dickinson County was substantially complete within the requirements of § 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 4, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–04–C–00–IMT.

Level of the proposed PFC: $3.00.

Proposed charge effective date: March 1, 2001.

Proposed charge expiration date: December 1, 2003.

Total estimated PFC revenue: $73,815.00.

Brief description of proposed projects:

Impose and Use: Rehabilitate Runway 01/19 and Runway 31.

Impose Only: Rehabilitate Runway 13.

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.**

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Dickinson County Airport.

Issued in Des Plaines, Illinois, on January 2, 2001.

Robert Benko,

Acting Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 01–2042 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application 01–04–C–00–ISP To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Long Island MacArthur Airport, Ronkonkoma, New York

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 Long Island MacArthur Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before February 22, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: FAA–NYADO, Mr. Philip Brito, Suite 446, 600 Old County Road, Garden City, NY 11530.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Long Island MacArthur Airport, Mr. Alfred Werner, Airport Manager at the following address: Long Island MacArthur Airport, 100 Arrival Avenue, Ronkonkoma, New York 11779.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Town of Islip under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Vornea, P.E. Airport Manager, Airports District Office, FAA–NYADO Suite 446, 600 Old County Road, Garden City, New York 11530, Telephone (416) 227–3812. 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 Long Island MacArthur Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 5, 2001, the FAA determined that the application to impose and use the revenue from a PFC submitted by Town of Islip 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, no later than April 21, 2001.

The following is a brief overview of the application.

PFC Application No.: 01–04–C–00–ISP.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 2005.

Proposed charge expiration date: August 1, 2005.

Total estimated PFC revenue: $441,949.

Brief description of proposed projects:

1. Rehabilitation of Runway 10/28.
2. Terminal Master Plan and ALP Update.
3. Acquisition of ARFF Vehicle.
4. Acquisition of Two Airport Vacuum Sweepers.
5. Purchase One Airport Incident Command Vehicle.
6. Purchase Snow Removal Equipment.
7. Purchase Two Airport Security Vehicles.
8. Rehabilitate Taxiway ''A''.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Charters that operate aircraft of a capacity of less than ten (10) passengers (nonscheduled/on-demand air carriers filling FAA Form 1800–31).

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional airport office located at: Federal Aviation Administration, Eastern Region, Airports Division, AEA–610, 1 Aviation Plaza, Jamaica, New York 11434–4809.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at Long Island MacArthur Airport.

Issued in Garden City, NY on January 9, 2001.

Philip Brito,

Manager, NYADO, Eastern Region.

[FR Doc. 01–2041 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. *et seq.*), this notice announces that the Information Collection Requests (ICRs) abstracted below have been forwarded to the Office of Management and Budget for review and comment. The ICRs describes the nature of the information collection requirements and their expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collections of information was published on November 3, 2000 (65 FR 66294).

DATES: Comments must be submitted on or before February 22, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Office of Planning and Evaluation Division, RRS–21, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 17, Washington, DC 20590 (telephone: (202) 493–6292) or Dian Deal, Office of Information Technology and Productivity Improvement, RAD–20, Federal Railroad Administration, 1120 Vermont Ave., NW., Mail Stop 35, Washington, DC 20590 (telephone: (202) 493–6133). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, section 2, 109 Stat. 163 (1995) (codified as revised at 44 U.S.C. 3501–3520), and its implementing regulations, 5 C.F.R. part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. 44 U.S.C. 3506; 3507; 5 C.F.R. 1320.5, 1320.8 (d)(1), 1320.12. On November 3, 2000, FRA published a 60-day notice in the **Federal Register** soliciting comment on ICRs that the agency was seeking OMB approval. 65 FR 66294. FRA received no comments in response to this notice.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. 44 U.S.C. 3507(b); 5 CFR 1320.12(d). Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507 (b)-(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. OMB believes that the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect. 5 CFR 1320.12(c); see also 60 FR 44983, Aug. 29, 1995.

Below is a brief summary of currently approved information collection activities that FRA will submit for clearance by OMB as required under the PRA:

Title: Special Notice For Repairs.

OMB Control Number: 2130–0504.

Abstract: The collection of information is used by state and Federal inspectors to remove freight cars or locomotives from service until they can be restored to a serviceable condition. It is also used by state and Federal inspectors to reduce the maximum authorized speed on a section of track until repairs can be made. Additionally, the collection of information provides railroads written notice that an inspector has recommended to the FRA Administrator to remove from service a section of track that is not safe to use at any speed. Railroads must return the required form after the necessary repairs have been made.

Form Number(s): FRA F 6180.8 and FRA F 6180.8a.

Affected Public: Businesses.

Respondent Universe: 685 railroads.

Frequency of Submission: On occasion.

Estimated Annual Burden: 7 hours.

Type of Request: Extension of a currently approved collection.

Title: Designation of Qualified Persons.

OMB Control Number: 2130–0511.

Abstract: The collection of information is used to prevent the unsafe movement of defective freight cars. Railroads are required to inspect the freight cars for compliance and to determine restrictions on the movement of defective cars.

Affected Public: Businesses.

Respondent Universe: 685 railroads.

Frequency of Submission: On occasion.

Estimated Annual Burden: 40 hours.

Type of Request: Extension of a currently approved collection.

Pursuant to 44 U.S.C. 3507(a) and 5 C.F.R. 1320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Issued in Washington, D.C. on January 16, 2001.

Kathy A. Weiner,

Director, Office of Information Technology and Support Systems, Federal Railroad Administration.

[FR Doc. 01–1957 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–7173; Notice 2]

Decision That Nonconforming 1988–1990 Jaguar XJS and XJ6 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1988–1990 Jaguar XJS and XJ6 passenger cars are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1988–1990 Jaguar XJS and XJ6 passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to vehicles originally manufactured for importation into and sale in the United States and certified by their manufacturer as complying with the safety standards (the U.S. certified version of the 1988–1990 Jaguar XJS and XJ6), and they are capable of being readily altered to conform to the standards.

DATE: This decision is effective January 23, 2001.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. § 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

J.K. Technologies of Baltimore, Maryland (''J.K.'') (Registered Importer 90–006) petitioned NHTSA to decide whether 1988–1990 Jaguar XJS and XJ6 Passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on April 11, 2000 (65 FR 19429) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition.

One comment was received in response to the notice of the petition, from Jaguar Cars (''Jaguar''), the U.S. representative of the manufacturer of the 1988–1990 Jaguar XJS and XJ6. In this comment, Jaguar addressed several inaccuracies that it had identified in the petition. First, Jaguar noted that the petition did not identify specific models that do not require the installation of a high mounted stop lamp to conform to Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment.* Jaguar identified those as the 1990 Jaguar XJ6 and both the coupe and convertible models of the 1990 Jaguar XJS.

Jaguar next stated that the petition erroneously implied that motorized automatic safety belts had been installed on non-U.S. certified models of the 1988–1989 Jaguar XJS and the 1988–1990 Jaguar XJ6. Jaguar stated that motorized automatic safety belts were standard equipment only on vehicles built for the U.S. market and were not installed on any vehicles built for markets outside of the United States, including Canada. Jaguar stated that motorized automatic safety belts will have to be installed on non-U.S. certified models of the 1988–1989 Jaguar XJS, the 1989–1990 Jaguar XJ6, and the 1990 Jaguar XJS Coupe to conform those vehicles to Standard No. 208, *Occupant Crash Protection.*

Jaguar further stated that the petition erroneously implied that all models of the 1990 Jaguar XJS will require inspection and replacement of the driver's side air bag and knee bolster with U.S. model components where necessary. Jaguar stated that only the convertible model of this vehicle will require these measures.

Finally, Jaguar stated that the petition erroneously claimed that non-U.S. certified models of the 1988–1990 Jaguar XJS and XJ6 comply with the Bumper Standard found in 49 CFR part

581. Jaguar stated that Menasco struts must be installed on those vehicles to meet the requirements of the standard.

NHTSA accorded J.K. an opportunity to respond to Jaguar's comments. J.K. stated that it agrees with Jaguar that the high mounted stop lamp need not be replaced on all vehicles identified in the petition. J.K. stated that it will inspect all vehicles and replace the high mounted stop lamp with a U.S.-model component on vehicles that lack this equipment. J.K. also agreed with Jaguar that replacement of the driver's side air bag and knee bolster is only required on the 1990 Jaguar XJS convertible and that the 1988–1989 Jaguar XJS, the 1990 Jaguar XJS Coupe, and the 1989–1990 Jaguar XJ6 require the installation of U.S. model motorized automatic safety belts. Finally, J.K. agreed with Jaguar's comments that all vehicles covered by the petition require the installation of U.S. model Menasco struts to comply with the Bumper Standard.

In light of J.K.'s agreement with all of Jaguar's comments, and the fact that Jaguar did not contend that any of the vehicles covered by the petition are incapable of being ''readily altered to comply with applicable motor vehicle safety standards,'' NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–336 is the vehicle eligibility number assigned to vehicles admissible under this notice of final decision.

Final Decision

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1988–1990 Jaguar XJS and XJ6 passenger cars not originally manufactured to comply with all applicable Federal motor vehicle safety standards are substantially similar to 1988–1990 Jaguar XJS and XJ6 passenger cars originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and are capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 17, 2001.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 01–1958 Filed 1–22–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33993]

Delaware Valley Railway Company, Inc.—Acquisition and Operation Exemption—Delaware Transportation Group, Inc. and Gettysburg Railway Company, Inc.

Delaware Valley Railway Company, Inc. (Delaware Valley), a Class III rail carrier, has filed a notice of exemption under 49 CFR 1150.41 to acquire, pursuant to an agreement, the assets of Delaware Transportation Group, Inc.,[1] and the right to operate from Gettysburg Railway Company, Inc.,[2] over approximately 23.4 miles of rail line between milepost 31.20, at Gettsyburg, PA, and milepost 7.84, at Mt. Holly Springs, PA. Delaware Valley certifies that its projected revenues will not result in the creation of a Class II or Class I rail carrier, and further certifies that its projected annual revenues will not exceed $5 million.

The transaction was scheduled to be consummated on or shortly after January 11, 2001.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33993, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of each pleading must be served on Louis E. Gitomer, Ball Janik LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: January 16, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–1831 Filed 1–22–01; 8:45 am]

BILLING CODE 4915–00–P

[1] *See Delaware Transportation Group, Inc.—Acquisition Exemption—Delaware Valley Railway Company, Inc.,* STB Finance Docket No. 33503 (STB served Nov. 21, 1997).

[2] *See Gettysburg Railway Company, Inc.—Lease and Operation Exemption—Delaware Transportation Group, Inc.,* STB Finance Docket No. 33504 (STB served Nov. 21, 1997).

INSTITUTE OF PEACE

Announcement of the Spring Unsolicited Grant Competition Grant Program

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY: The Agency announces its Upcoming Spring Unsolicited Grant Deadline, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution.

Deadline: March 1, 2001.

DATES: Application material available on request. *Receipt date for return of application:* March 1, 2001. *Notification of awards:* June 2001.

ADDRESSES: For Application Package: United States Institute of Peace, Grant Program • Unsolicited Grants, 1200 17th Street, NW • Suite 200, Washington, DC 20036–3011, (202) 429–3842 (phone), (202) 429–6063 (fax), (202) 457–1719 (TTY), Email: grant_program@usip.org.

Applications also available on-line at our web site: www.usip.org.

FOR FURTHER INFORMATION CONTACT: The Grant Program, Phone (202) 429–3842.

Dated: January 12, 2001.

Bernice J. Carney,

Director, Office of Administration.

[FR Doc. 01–1988 Filed 1–22–01; 8:45 am]

BILLING CODE 6820–AR–M

Federal Register

Tuesday,
January 23, 2001

Part II

Department of Agriculture

Cooperative State Research, Education, and Extension Service

1890 Institution Teaching and Research Capacity Building Grants Program for Fiscal Year 2001; Request for Proposals and Request for Input; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

1890 Institution Teaching and Research Capacity Building Grants Program for Fiscal Year 2001; Request for Proposals and Request for Input

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

ACTION: Notice of request for proposals (RFP) and request for input.

SUMMARY: The Cooperative State Research, Education, and Extension Service (CSREES) is announcing the 1890 Institution Teaching and Research Capacity Building Grants Program for Fiscal Year (FY) 2001. Proposals are hereby requested from eligible institutions as identified herein for competitive consideration of capacity building grant awards.

CSREES also is requesting comments regarding this RFP from any interested party. These comments will be considered in the development of the next RFP for this program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA).

DATES: Proposals must be received on or before March 15, 2001. Proposals received after the closing date will not be considered for funding.

Comments are requested within six months from the issuance of this RFP. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Hand-delivered proposals (brought in person by the applicant or through a courier service) must be received on or before March 15, 2001, at the following address: 1890 Institution Capacity Building Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, SW.; Washington, DC 20024. The telephone number is (202) 401–5048. Proposals transmitted via a facsimile (fax) machine will not be accepted.

Proposals submitted through the mail must be received on or before March 15, 2001. Proposals submitted by mail should be sent to the following address: 1890 Institution Capacity Building Grants Program; c/o Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW.; Washington, DC 20250–2245. Form CSREES–711, ''Intent to Submit a Proposal,'' is not requested nor required for the 1890 Institution Capacity Building Grants Program.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, S.W. Washington, D.C. 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. (This e-mail address is intended only for receiving stakeholder comments regarding this RFP, and not for requesting information or forms.)

FOR FURTHER INFORMATION CONTACT: Richard M. Hood, Higher Education Programs; Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2251, 1400 Independence Avenue, SW.; Washington, DC 20250–2251; Telephone: (202) 720–2186; E-mail: rhood@reeusda.gov.

Stakeholder Input: CSREES is requesting comments regarding this RFP from any interested party. In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding. These comments will be considered in the development of the next RFP for the program. Such comments will be used in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)).

Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this Notice.

SUPPLEMENTARY INFORMATION:

Table of Contents

A. Administrative Provisions
B. Authority
C. Catalog of Federal Domestic Assistance
D. Institutional Eligibility
E. Purpose of the Program
F. Available Funds and Award Limitations
G. Limitation on Indirect Costs
H. Program Areas
I. Targeted Areas
J. Degree Levels Supported
K. Proposal Submission Limitations
L. Maximum Grant Size
M. Project Duration
N. Funding Limitations per Institution
O. Funding Limitation per Individual
P. Funding Limitation per Targeted Need Area
Q. Matching Funds
R. Evaluation Criteria
S. How to Obtain Application Materials
T. What to Submit
U. Where and when to Submit
V. Acknowledgment of Proposals

A. Administrative Provisions

This program is subject to the provisions found at 7 CFR part 3406, 62 FR 39330, July 22, 1997, as provided herein. These provisions set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects.

B. Authority

This program is authorized by section 1417(b)(4) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (NARETPA)(7 U.S.C. 3152(b)(4)). In accordance with this statutory authority, the U.S. Department of Agriculture (USDA) through the Higher Education Programs (HEP) of CSREES will award competitive grants of 18 to 36 months duration, subject to the availability of funds. These grants will be made to the historically black 1890 Land-Grant Institutions and Tuskegee University to strengthen their programs in the food and agricultural sciences in the targeted need areas as described herein.

C. Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.216, 1890 Institution Capacity Building Grants Program.

D. Institutional Eligibility

Proposals may be submitted by any of the sixteen historically black 1890 Land-Grant Institutions and Tuskegee University. The 1890 Land-Grant Institutions are: Alabama A&M University; University of Arkansas-Pine Bluff; Delaware State University; Florida A&M University; Fort Valley State University; Kentucky State University; Southern University and A&M College; University of Maryland-Eastern Shore; Alcorn State University; Lincoln University (MO); North Carolina A&T State University; Langston University; South Carolina State University; Tennessee State University; Prairie View A&M University; and Virginia State University. An institution eligible to receive an award under this program includes a research foundation maintained by an 1890 land-grant institution or Tuskegee University.

E. Purpose of the Program

The purpose of this grant program is to build the institutional capacities of the eligible colleges and universities through cooperative initiatives with Federal and non-Federal entities. This program addresses the need to (1) attract

more students from under represented groups into the food and agricultural sciences, (2) expand the linkages among the 1890 Institutions and with other colleges and universities, and (3) strengthen the teaching and research capacity of the 1890 Institutions to more firmly establish them as full partners in the food and agricultural science and education system. In addition, through this program, USDA will strive to increase the overall pool of qualified applicants for the Department to make significant progress toward achievement of the Department's goal of increasing participation of under represented groups in Departmental programs.

F. Available Funds and Award Limitations

For FY 2001, $9.5 million was appropriated for this program. CSREES anticipates that approximately $8.9 million will be available for project grants for this program in FY 2001. Of this amount, approximately $4.5 million will be used to support teaching projects, and approximately $4.4 million will be used to support research projects. Awards will be based upon merit review and recommendations of peer review panels; however, up to ten percent of the funds allocated for teaching and up to ten percent of the funds allocated for research may be used to support projects in either area based upon administrative decision by CSREES.

G. Limitation on Indirect Costs

For both teaching and research project grants—CSREES is prohibited from paying indirect costs exceeding 19 per centum of the total Federal funds provided under each award (7 U.S.C. 3310). An alternative method to calculate this limit is to multiply total direct costs by 23.456 percent.

H. Program Areas

In FY 2001, the Capacity Building Grants Program will support both teaching and research projects.

I. Targeted Areas

The targeted need areas to be supported by capacity building grants in FY 2001 are:

For teaching project grants—(1) Curricula Design and Materials Development, (2) Faculty Preparation and Enhancement for Teaching, (3) Instruction Delivery Systems, (4) Scientific Instrumentation for Teaching, (5) Student Experiential Learning, and (6) Student Recruitment and Retention. A description of these targeted need areas can be found in the Scope of a Teaching Proposal section at 7 CFR 3406.11.

For research project grants—(1) Studies and Experimentation in Food and Agricultural Sciences, (2) Centralized Research Support Systems, (3) Technology Delivery Systems, and (4) Other creative projects designed to provide needed enhancement of the nation's food and agricultural research system. A description of these targeted need areas can be found in the Scope of a Research Proposal section at 7 CFR 3406.16.

In FY 2001, eligible institutions may propose projects in any discipline(s) of the food and agricultural sciences as defined in section 1404(8) of NARETPA (7 U.S.C. 3103). There are no limits on the specific subject matter/emphasis areas to be supported.

J. Degree Levels Supported

In FY 2001, proposals may be directed to the undergraduate or graduate level of study leading to a baccalaureate or higher degree in the food and agricultural sciences.

K. Proposal Submission Limitations

In FY 2001, there is no limit on the number of proposals an eligible institution may submit. However, funding limitations in FY 2001 will affect the number of awards eligible institutions and individuals may receive. Therefore, institutions are encouraged to establish on-campus quality control panels to ensure that only high quality proposals having the greatest potential for improving academic and research programs are submitted for consideration. Eligible institutions may submit grant applications for either category of grants (teaching or research); however, each application must be limited to either a teaching project grant proposal or a research project grant proposal.

L. Maximum Grant Size

In FY 2001, the following limitations apply: A teaching proposal may request a grant for up to $200,000. A research proposal may request a grant for up to $300,000.

Note: These maximums are for the total duration of the project, not per year.

M. Project Duration

A regular, complementary, or joint project proposal may request funding for a period of 18 to 36 months duration.

N. Funding Limitations per Institution

In FY 2001, the following two limitations will apply to the institutional maximum: (1) No institution may receive more than four grants, and (2) no institution may receive more than 10 percent (approximately $890,000) of the total funds available for grant awards.

For a Joint Project Proposal (submitted by an eligible institution and involving two or more other colleges or universities assuming major roles in the conduct of the project), only that portion of the award to be retained by the grantee will be counted against the grantee's institutional maximum. Those funds to be transferred to the other colleges and universities participating in the joint project will not be applied toward the maximum funds allowed the grantee institution. However, if any of the other colleges and universities participating in the joint project are 1890 Institutions or Tuskegee University, the amount transferred from the grantee institution to such institutions will be counted toward their institutional maximums. For Complementary Project Proposals, only those funds to be retained by the grantee institution will be counted against the grantee's institutional maximum.

O. Funding Limitation per Individual

In FY 2001, the maximum number of new awards listing the same individual as Project Director or Principal Investigator is two grants. This restriction does not apply to joint projects.

P. Funding Limitation per Targeted Need Area

In FY 2001, the maximum number of new awards listing the same individual as Project Director or Principal Investigator in any one targeted need area that focuses on a single subject matter area or discipline is one grant. This restriction does not apply to proposals that address multiple targeted need areas and/or multiple subject matter areas.

Q. Matching Funds

The Department strongly encourages non-Federal matching support for the program. For FY 2001, the following incentive is offered to applicants for committing their own institutional resources or securing third-party contributions in support of capacity building projects:

Tie Breaker—The amount of institutional and third-party cash and non-cash matching support for each proposed project, will be used as the primary criterion to break any ties (when proposals are equally rated in merit) resulting from the proposal review process conducted by the peer review panels. A grant awarded on this basis will contain language requiring

such matching commitments as a condition of the grant.

Please Note: Proposals must include written verification from the donor(s) of any actual commitments of matching support (including both cash and non-cash contributions) derived from the university community, business and industry, professional societies, the States, or other non-Federal sources.

The cash contributions towards matching from the institution should be identified in the column ''Applicant Contributions to Matching Funds'' of the Higher Education Budget, Form CSREES–713. The cash contributions of the institution and third parties as well as non-cash contributions should be identified on Line N., as appropriate, of Form CSREES–713.

R. Evaluation Criteria

Section 223(2) of AREERA, amended section 1417 of NARETPA to require that certain priorities be given in awarding grants for teaching enhancement projects under section 1417(b) of NARETPA. Since this program is authorized under section 1417(b), CSREES considers all applications received in response to this solicitation as teaching enhancement project applications. To implement the AREERA priorities for proposals submitted for the FY 2001 competition, the evaluation criteria used to evaluate proposals, as provided in the administrative provisions for this program (7 CFR 3406.15), have been modified to include new criteria or extra points for proposals demonstrating enhanced coordination among eligible institutions and focusing on innovative, multidisciplinary education programs, material, or curricula. The following evaluation criteria and weights will be used to evaluate proposals submitted for funding to the FY 2001 competition:

Evaluation Criteria for Teaching Proposals (Weight)

(a) Potential for Advancing the Quality of Education (50 Points)

This criterion is used to assess the likelihood that the project will have a substantial impact upon and advance the quality of food and agricultural sciences higher education by strengthening institutional capacities through promoting education reform to meet clearly delineated needs.

(1) Impact. Does the project address a targeted need area(s)? Is the problem or opportunity clearly documented? Does the project address a significant State, regional, multistate, national, or international problem or opportunity? Will the benefits to be derived from the project transcend the applicant institution and/or the grant period? Is it probable that other institutions will adapt this project for their own use? Can the project serve as a model for others?

(2) Innovative and multidisciplinary focus. Does the project focus on innovative, multidisciplinary education programs, material, or curricula? Is the project based on a non-traditional approach toward solving a higher education problem in the food and agricultural sciences? Is the project relevant to multiple fields in the food and agricultural sciences? Will the project expand partnership ventures among disciplines at a university?

(3) Products and results. Are the expected products and results of the project clearly defined and likely to be of high quality? Will project results be of an unusual or unique nature? Will the project contribute to a better understanding of or an improvement in the quality or diversity of the Nation's food and agricultural scientific and professional expertise base?

(4) Continuation plans. Are there plans for continuation or expansion of the project beyond USDA support with the use of institutional funds? Are there indications of external, non-Federal support? Are there realistic plans for making the project self-supporting?

(b) Overall Approach and Cooperative Linkages (40 Points)

This criterion relates to the soundness of the proposed approach and the quality of the partnerships likely to evolve as a result of the project.

(1) Proposed approach. Do the objectives and plan of operation appear to be sound and appropriate relative to the targeted need area(s) and the impact anticipated? Are the procedures managerially, educationally, and scientifically sound? Is the overall plan integrated with or does it expand upon other major efforts to improve the quality of food and agricultural sciences higher education? Does the timetable appear to be readily achievable?

(2) Evaluation. Are the evaluation plans adequate and reasonable? Do they allow for continuous or frequent feedback during the life of the project? Are the individuals involved in project evaluation skilled in evaluation strategies and procedures? Can they provide an objective evaluation? Do evaluation plans facilitate the measurement of project progress and outcomes?

(3) Dissemination. Does the proposed project include clearly outlined and realistic mechanisms that will lead to widespread dissemination of project results, including national electronic communication systems, publications, presentations at professional conferences, or use by faculty development or research/teaching skills workshops?

(4) Collaborative efforts. Does the project have significant potential for advancing cooperative ventures between the applicant institution and a USDA agency? Does the project work plan include an effective role for the cooperating USDA agency(s)?

(5) Coordination and partnerships. Does the project demonstrate enhanced coordination between the applicant institution and other colleges and universities with food and agricultural science programs eligible to receive grants under this program? Will the project lead to long-term relationships or cooperative partnerships, including those with the private sector, that are likely to enhance program quality or supplement resources available to food and agricultural sciences higher education?

(c) Institutional Capacity Building (30 Points)

This criterion relates to the degree to which the project will strengthen the teaching capacity of the applicant institution. In the case of a joint project proposal, it relates to the degree to which the project will strengthen the teaching capacity of the applicant institution and that of any other institution assuming a major role in the conduct of the project.

(1) Institutional enhancement. Will the project help the institution to expand the current faculty's expertise base; attract, hire, and retain outstanding teaching faculty; advance and strengthen the scholarly quality of the institution's academic programs; enrich the racial, ethnic, or gender diversity of the faculty and student body; recruit students with higher grade point averages, higher standardized test scores, and those who are more committed to graduation; become a center of excellence in a particular field of education and bring it greater academic recognition; attract outside resources for academic programs; maintain or acquire state-of-the-art scientific instrumentation or library collections for teaching; or provide more meaningful student experiential learning opportunities?

(2) Institutional commitment. Is there evidence to substantiate that the institution attributes a high-priority to the project, that the project is linked to the achievement of the institution's long-term goals, that it will help satisfy the institution's high-priority objectives, or that the project is supported by the institution's strategic plans? Will the

project have reasonable access to needed resources such as instructional instrumentation, facilities, computer services, library and other instruction support resources?

(d) Personnel Resources (10 Points)

This criterion relates to the number and qualifications of the key persons who will carry out the project. Are designated project personnel qualified to carry out a successful project? Are there sufficient numbers of personnel associated with the project to achieve the stated objectives and the anticipated outcomes?

(e) Budget and Cost-Effectiveness (15 Points)

This criterion relates to the extent to which the total budget adequately supports the project and is cost-effective.

(1) Budget. Is the budget request justifiable? Are costs reasonable and necessary? Will the total budget be adequate to carry out project activities? Are the source(s) and amount(s) of non-Federal matching support clearly identified and appropriately documented? For a joint project proposal, is the shared budget explained clearly and in sufficient detail?

(2) Cost-effectiveness. Is the proposed project cost-effective? Does it demonstrate a creative use of limited resources, maximize educational value per dollar of USDA support, achieve economies of scale, leverage additional funds or have the potential to do so, focus expertise and activity on a targeted need area, or promote coalition building for current or future ventures?

(f) Overall Quality of Proposal (5 Points)

This criterion relates to the degree to which the proposal complies with the application guidelines and is of high quality. Is the proposal enhanced by its adherence to instructions (table of contents, organization, pagination, margin and font size, the 20-page limitation, appendices, *etc.*); accuracy of forms; clarity of budget narrative; well prepared vitae for all key personnel associated with the project; and presentation (are ideas effectively presented, clearly articulated, and thoroughly explained, etc.)?

Evaluation Criteria for Research Proposals (Weight)

(a) Significance of the Problem (50 Points)

This criterion is used to assess the likelihood that the project will advance or have a substantial impact upon the body of knowledge constituting the natural and social sciences undergirding the agricultural, natural resources, and food systems.

(1) Impact. Is the problem or opportunity to be addressed by the proposed project clearly identified, outlined, and delineated? Are research questions or hypotheses precisely stated? Is the project likely to further advance food and agricultural research and knowledge? Does the project have potential for augmenting the food and agricultural scientific knowledge base? Does the project address a significant State, regional, multistate, national, or international problem(s)? Will the benefits to be derived from the project transcend the applicant institution and/or the grant period?

(2) Innovative and multidisciplinary focus. Is the project based on a non-traditional approach? Does the project reflect creative thinking? To what degree does the venture reflect a unique approach that is new to the applicant institution or new to the entire field of study? Does the project focus on innovative, multidisciplinary education programs, material, or curricula? Is the project relevant to multiple fields in the food and agricultural sciences? Will the project expand partnership ventures among disciplines at a university?

(3) Products and results. Are the expected products and results of the project clearly outlined and likely to be of high quality? Will project results be of an unusual or unique nature? Will the project contribute to a better understanding of or an improvement in the quality or diversity of the Nation's food and agricultural scientific and professional expertise base?

(4) Continuation plans. Are there plans for continuation or expansion of the project beyond USDA support? Are there plans for continuing this line of research or research support activity with the use of institutional funds after the end of the grant? Are there indications of external, non-Federal support? Are there realistic plans for making the project self-supporting? What is the potential for royalty or patent income, technology transfer or university-business enterprises? What are the probabilities of the proposed activity or line of inquiry being pursued by researchers at other institutions?

(b) Overall Approach and Cooperative Linkages (40 Points)

This criterion relates to the soundness of the proposed approach and the quality of the partnerships likely to evolve as a result of the project.

(1) Proposed approach. Do the objectives and plan of operation appear to be sound and appropriate relative to the proposed initiative(s) and the impact anticipated? Is the proposed sequence of work appropriate? Does the proposed approach reflect sound knowledge of current theory and practice and awareness of previous or ongoing related research? If the proposed project is a continuation of a current line of study or currently funded project, does the proposal include sufficient preliminary data from the previous research or research support activity? Does the proposed project flow logically from the findings of the previous stage of study? Are the procedures scientifically and managerially sound? Are potential pitfalls and limitations clearly identified? Are contingency plans delineated? Does the timetable appear to be readily achievable?

(2) Evaluation. Are the evaluation plans adequate and reasonable? Do they allow for continuous or frequent feedback during the life of the project? Are the individuals involved in project evaluation skilled in evaluation strategies and procedures? Can they provide an objective evaluation? Do evaluation plans facilitate the measurement of project progress and outcomes?

(3) Dissemination. Does the proposed project include clearly outlined and realistic mechanisms that will lead to widespread dissemination of project results, including national electronic communication systems, publications and presentations at professional society meetings?

(4) Collaborative efforts. Does the project have significant potential for advancing cooperative ventures between the applicant institution and a USDA agency? Does the project work plan include an effective role for the cooperating USDA agency(s)?

(5) Coordination and partnerships. Does the project demonstrate enhanced coordination between the applicant institution and other colleges and universities with food and agricultural science programs eligible to receive grants under this program? Will the project lead to long-term relationships or cooperative partnerships, including those with the private sector, that are likely to enhance research quality or supplement available resources?

(c) Institutional Capacity Building (30 Points)

This criterion relates to the degree to which the project will strengthen the research capacity of the applicant institution. In the case of a joint project proposal, it relates to the degree to which the project will strengthen the research capacity of the applicant institution and that of any other

institution assuming a major role in the conduct of the project.

(1) Institutional enhancement. Will the project help the institution to advance the expertise of current faculty in the natural or social sciences; provide a better research environment, state-of-the-art equipment, or supplies; enhance library collections related to the area of research; or enable the institution to provide efficacious organizational structures and reward systems to attract, hire and retain first-rate research faculty and students—particularly those from under-represented groups?

(2) Institutional commitment. Is there evidence to substantiate that the institution attributes a high-priority to the project, that the project is linked to the achievement of the institution's long-term goals, that it will help satisfy the institution's high-priority objectives, or that the project is supported by the institution's strategic plans? Will the project have reasonable access to needed resources such as scientific instrumentation, facilities, computer services, library and other research support resources?

(d) Personnel Resources (10 Points)

This criterion relates to the number and qualifications of the key persons who will carry out the project. Are designated project personnel qualified to carry out a successful project? Are there sufficient numbers of personnel associated with the project to achieve the stated objectives and the anticipated outcomes? Will the project help develop the expertise of young scientists at the doctoral or post-doctorate level?

(e) Budget and Cost-Effectiveness (15 Points)

This criterion relates to the extent to which the total budget adequately supports the project and is cost-effective.

(1) Budget. Is the budget request justifiable? Are costs reasonable and necessary? Will the total budget be adequate to carry out project activities? Are the source(s) and amount(s) of non-Federal matching support clearly identified and appropriately documented? For a joint project proposal, is the shared budget explained clearly and in sufficient detail?

(2) Cost-effectiveness. Is the proposed project cost-effective?

Does it demonstrate a creative use of limited resources, maximize research value per dollar of USDA support, achieve economies of scale, leverage additional funds or have the potential to do so, focus expertise and activity on a high-priority research initiative(s), or promote coalition building for current or future ventures?

(f) Overall Quality of Proposal (5 Points)

This criterion relates to the degree to which the proposal complies with the application guidelines and is of high quality. Is the proposal enhanced by its adherence to instructions (table of contents, organization, pagination, margin and font size, the 20-page limitation, appendices, etc.); accuracy of forms; clarity of budget narrative; well prepared vitae for all key personnel associated with the project; and presentation (are ideas effectively presented, clearly articulated, thoroughly explained, *etc.*)?

S. How To Obtain Application Materials

Copies of this solicitation and an Application Kit containing program application materials are available at the 1890 Institution Teaching and Research Capacity Building Grants Program website (http://faeis.tamu.edu/hep/menus/msgb~~1.htm). These materials include the administrative provisions, forms, instructions, and other relevant information needed to prepare and submit grant applications. If you do not have access to the web or have trouble downloading material, you may contact the Proposal Services Unit at (202) 401–5048. When contacting them please indicate that you are requesting forms for the FY 2001 1890 Institution Capacity Building Grants Program. Hard copies of all application materials may also be requested by writing to: Proposal Services Unit; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW; Washington, DC 20250–2245.

These materials may also be requested via Internet by sending an e-mail message with your name, mailing address (not e-mail) and telephone number to psb@reeusda.gov that states that you wish to receive a copy of the application materials for the FY 2001 1890 Institution Capacity Building Grants Program. The materials will then be mailed to you (not e-mailed) as quickly as possible.

T. What To Submit

An original and seven (7) copies of a proposal must be submitted. Proposals should contain all requested information when submitted. Each proposal should be typed on 8½″ x 11″ white paper, double-spaced, on one side of the page only, and using no type smaller than 12 point font size and one-inch margins. Do not use reduced type or increase the density of the lines. Applicants are cautioned to comply with the 20-page limitation for the Narrative section of a teaching or research proposal. Reviewers will not be required to read beyond the 20-page limit for the Proposal Narrative section in evaluating a proposal. All copies of the proposal must be submitted in one package. Each copy of the proposal must be stapled securely in the upper left-hand corner (DO NOT BIND).

U. Where and When To Submit

Hand-delivered proposals (brought in person by the applicant or through a courier service) must be received on or before March 15, 2001, at the following address: 1890 Institution Capacity Building Grants Program, c/o Proposal Services Unit, Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 1307, Waterfront Centre 800 9th Street, SW., Washington, DC 20024, Telephone: (202) 401–5048.

Proposals transmitted via a facsimile (fax) machine will not be accepted.

Proposals submitted through the mail must be received on or before March 15, 2001. Proposals submitted through the mail should be sent to the following address: 1890 Institution Capacity Building Grants Program, c/o Proposal Services Unit; Office of Extramural Programs, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2245, 1400 Independence Avenue, SW., Washington, DC 20250–2245, Telephone: (202) 401–5048.

For FY 2001, Form CSREES–711, ''Intent to Submit a Proposal,'' is not requested nor required for the 1890 Institution Capacity Building Grants Program.

V. Acknowledgment of Proposals

The receipt of all proposals will be acknowledged via e-mail. Therefore it is important to include your e-mail address on Form CSREES–701 when applicable. This acknowledgment will contain a proposal identification number. Once your proposal has been assigned a proposal number, please cite that number in future correspondence.

Done at Washington, D.C., this 16th day of January 2001.

Colien Hefferan,

Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–1720 Filed 1–22–01; 8:45 am]

BILLING CODE 3410–22–P

Federal Register

Tuesday,
January 23, 2001

Part III

Department of Education

Office of Educational Research and Improvement; Field-Initiated Studies (FIS) Education Research Grant Program; Notice Inviting Applications for Second Competition of New Awards for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.305T]

Office of Educational Research and Improvement; Field-Initiated Studies (FIS) Education Research Grant Program; Notice Inviting Applications for Second Competition of New Awards for Fiscal Year (FY) 2001

Purpose of Program: The Field-Initiated Studies (FIS) Education Research Grant Program awards grants to conduct education research in which topics and methods of study are generated by investigators.

Eligible Applicants: Institutions of higher education; State and local education agencies; public and private organizations, institutions, and agencies; and individuals.

Applications Available: February 9, 2001.

Application packages will be available by mail and electronically on the World Wide Web at the following sites:

http://www.ed.gov/offices/OERI/FIS/
www.ed.gov/GrantApps/

Deadline for Transmittal of Applications: April 3, 2001.

Deadline for Receipt of Letters of Intent: March 5, 2001.

Note: A Letter of Intent is optional, but encouraged, for each application. The Letter of Intent is for OERI planning purposes and will not be used in the evaluation of the application. Instructions for the Letter of Intent will be in the application package.

Estimated Available Funds: Approximately $6 million for the second FY 2001 FIS cycle.

Estimated Range of Awards: The size of the awards will be commensurate with the nature and scope of the work proposed. In the most recent FIS competition, the grant awards ranged from approximately $77,000 to about $660,000 (for 12 months).

Budget Period: 12-month period.

Project Period: 12 to 36 months.

Note: The Department is not bound by any estimates in this notice.

Page Limit: The application narrative may not exceed the equivalent of 20 double-spaced pages, with printing on only one side of 8½ x 11-inch paper. Our reviewers will not read any pages of your application that—

- Exceed the page limit if you apply these standards; or
- Exceed the equivalent of the page limit if you apply other standards.

Thus we will remove all pages in excess of the 20-page narrative maximum or its equivalent.

Note: We have found that reviewers are able to conduct the highest quality review when applications are concise and easy to read. We strongly encourage applicants to use a 12-point or larger size font, one-inch margins at the top, bottom, and both sides, and pages numbered consecutively.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 80, 81, 82, 85, 86 (part 86 applies to IHEs only), 97, 98, and 99. (b) The regulations in 34 CFR part 700.

Application Review Procedures: On September 22, 2000 we published in the **Federal Register** (65 FR 57326–57327) a Notice of Application Review Procedures for New Awards for FY 2001. That notice will apply to the awards to be made under this announcement.

SUPPLEMENTARY INFORMATION: The FIS Education Research Grant Program is highly competitive. Strong applications for FIS grants clearly address each of the applicable selection criteria. They make a well-reasoned and compelling case for the national significance of the problems or issues that will be the subject of the proposed research, and present a research design that is complete, clearly delineated, and incorporates sound research methods. In addition, the personnel descriptions included in strong applications make it apparent that the project director, principal investigator, and other key personnel possess training and experience commensurate with their duties.

The project period of the grant may be from one to three years. In the application, the project period should be divided into 12-month budget periods. Each 12-month budget should be clearly delineated and justified in terms of the proposed activities.

Collaboration: We encourage collaboration in the conduct of research. For example, major research universities and institutions may collaborate with historically underrepresented institutions, such as Historically Black Colleges and Universities, Hispanic-Serving Institutions, and Tribal Colleges and Universities.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its web site:

http://www.ed.gov/pubs/edpubs.html

Or you may contact ED Pubs at its E-mail address:

Edpubs@inet.ed.gov

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA Number 84.305T.

FOR FURTHER INFORMATION CONTACT: Elizabeth Payer, Field-Initiated Studies Education Research Grant Program, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208–5645. Telephone: (202) 219–1310 or via Internet:

Elizabeth_Payer@ed.gov

Or you may contact Beth Fine, at the same program and address, but use the following zip code: 20208–5521. Telephone: (202) 219–1323 or via Internet:

Beth_Fine@ed.gov

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 program contact persons listed under **FOR FURTHER INFORMATION CONTACT.**

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http//ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF, you must have Adobe Acrobat Reader, which is available free at either of the previous sites. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498 or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at:

http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 6031(c)(2)(B).

Dated: January 17, 2001.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 01–1972 Filed 1–22–01; 8:45 am]

BILLING CODE 4000–01–P

Reader Aids

Federal Register

Vol. 66, No. 15

Tuesday, January 23, 2001

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@listserv.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JANUARY

1–226 2
227–704 3
705–1012 4
1013–1252 5
1253–1560 8
1561–1806 9
1807–2192 10
2193–2794 11
2795–3438 12
3439–3852 16
3853–4606 17
4607–5420 18
5421–6426 19
6427–7372 22
7373–7564 23

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7350 (see proc. 7400) 7373
7351 (see proc. 7400) 7373
7388 (see proc. 7400) 7373
7400 7373
7401 7375

Executive Orders:
12543 (continued by Notice of January 4, 2001) 1251
12544 (continued by Notice of January 4, 2001) 1251
12640 (revoked by EO 13187) 3857
12947 (see Notice of January 19, 2001 7371
13078 (amended by EO 13187) 3857
13088 (amended by EO 13192) 7379
13099 (see Notice of January 19, 2001 7371
13111 (amended by EO 13188 5419
13121 (see EO 13192) 7379
13178 (amended by EO 13196) 7395
13184 697
13185 701
13186 3853
13187 3857
13188 5419
13189 5421
13190 5424
13191 (see Proc. 7395) 7271
13192 7379
13193 7387
13194 7389
13195 7391
13196 7395

Administrative orders:
Notices:
Notice of January 19, 2000 (see Notice of January 19, 2001) 7371

Proclamations:
7389 703
7390 5417
7391 (see Proc. 7392) 7205
7392 7335
7393 7335
7394 7339
7395 7343
7396 7347
7397 7351
7398 7359
7399 7364

Administrative Orders:
Presidential Determinations
No. 2001–05 of December 15, 2000 223
No. 2001–06 of December 15, 2000 225
No. 2001–07 of December 19, 2000 1013
No. 2001–08 of December 27, 2000 1561
No. 2001–09 of January 3, 2001 2193
Memorandums:
Memorandum of March 3, 2000 3851
Notices:
January 4, 2001 1251

5 CFR

330 6427
537 2790
792 705
2604 3439

Proposed Rules:
575 5491

7 CFR

54 1190
215 2195
225 2195
226 2195
245 2195
271 2795
272 4438
273 4438
278 2795
301 6429
302 1015
760 2800
770 1563
905 227
930 ..... 229, 232
944 227
989 705
1436 4607
1446 1807
1823 1563
1902 1563
1910 1570
1941 1570
1951 1563
1956 1563

Proposed Rules:
300 6489
301 3505

319 6489
929 2838
930 1909
955 1915
1721 1604

8 CFR

3 6436
212 ....235, 1017, 3440, 6436
240 6436
Proposed Rules:
212 1053

9 CFR

1 6492
2 236
3 239
331 2206
381 ....1750, 2206
441 1750
Proposed Rules:
317 4970
381 4970

10 CFR

5 708
34 1573
36 1573
39 1573
72 ....1573, 3444
50 5427
150 5441
430 ....3314, 4474, 7170
431 3336
490 2207
719 4616
830 1810
1040 4628
1042 4628
1044 4629
Proposed Rules:
50 3886
430 6768

12 CFR

35 2052
201 2211
207 2052
225 ....257, 400
303 1018
337 1018
346 2052
362 1018
533 2052
1501 257
1780 709
Proposed Rules:
225 307
1501 307

13 CFR

108 7218
126 4643

14 CFR

25 261
39 ....1, 2, 5, 7, 263, 264, 265, 267, 1031, 1253, 1255, 1574, 1827, 1829, 2212, 3448, 3859, 3861, 4646, 4648, 4649, 4651, 4654, 4656, 4659, 6446, 6449, 6451, 6453, 6454
71 ....1033, 1831, 2214, 2801, 6456, 6457, 6458
91 1002
93 1002
97 ....2802, 2803
121 1002
135 1002
405 2176
406 2176
Proposed Rules:
23 6493
39 ....57, 59, 61, 64, 1054, 1057, 1271, 1273, 1607, 1609, 1612, 1917, 1919, 3382, 3511, 3515, 3516, 3518, 3521, 6495, 6497, 6498, 6500, 7433
71 ....1921, 2850, 3886, 3887, 7435

15 CFR

335 6459
340 6459
740 ....5443, 6459
742 5443
748 ....5443, 6459
902 3450
922 4268

17 CFR

1 1375
140 1574
239 3734
240 3734
270 3734
274 3734

18 CFR

381 3451

19 CFR

12 7399

20 CFR

401 2805
402 2805
403 2805
645 269
655 1375
Proposed Rules:
369 314
404 ....1059, 5494
416 ....1059, 5494
422 5494

21 CFR

10 6466
14 ....1257, 6466
16 6466
120 6138
178 6469
207 5447
291 4076
314 1832
522 711
524 712
558 1832
606 1834
640 1834
807 5447
1271 5447
1306 2214
Proposed Rules:
1 6503
14 1276
16 3523
20 4688
192 4706
312 4688
592 4706
601 4688
807 3523
1271 1508

22 CFR

41 1033
Proposed Rules:
41 1064

23 CFR

655 1446
940 1446

24 CFR

5 6218
15 6964
92 6218
200 6218
221 5912
236 6218
574 6218
582 6218
583 6218
888 162
891 6218
982 6218
1003 4578
Proposed Rules:
203 2851
941 1008

25 CFR

15 7068
103 3861
114 7068
115 7068
162 7068
166 7068
151 3452
170 1576

26 CFR

1 ....268, 279, 280, 713, 715, 723, 1034, 1038, 1040, 1837, 2215, 2219, 2241, 2252, 2256, 2811, 2817, 4661
7 ....2256, 2821
20 1040
25 1040
53 2144
54 ....1378, 1843
301 ....725, 2144, 2257, 2261, 2817
602 ....280, 2144, 2219, 2241, 2252, 4661
Proposed Rules:
1 ....66, 76, 315, 319, 747, 748, 1066, 1923, 2373, 2852, 2854, 3888, 3903, 3916, 3920, 3924, 3925, 3928, 3954, 4738, 4746, 4751, 5754
7 2856
31 ....3925, 3956
53 2173
54 ....1421, 1435, 1437, 3928
301 ....77, 749, 2173, 2373, 2854, 3959
601 3954

27 CFR

17 5469
18 5469
20 5472
21 5472
22 5472
25 5477
30 5480

28 CFR

Ch. VIII 1259
16 6470
25 6471

29 CFR

4 5328
1904 5916
1910 5318
1926 5196
1952 5916
1956 2265
2590 1378
4022 2822
4044 2822
Proposed Rules:
552 5481
2590 1421
4003 2857
4007 2857
4071 2857

30 CFR

Proposed Rules:
57 5526
72 5526
256 1277
870 6511
914 2374
931 4672
944 1616
948 ....335, 2866

31 CFR

501 2726
538 2726
540 3304
545 2726
Proposed Rules:
10 3276

32 CFR

Proposed Rules:
326 1280

33 CFR

66 8
95 1859
100 ....1044, 1580
117 ....1045, 1262, 1583, 1584, 1863, 3466, 6474, 7402
155 3876
165 ....6476, 6477
177 1859
323 4550
Proposed Rules:
117 ....1281, 1923, 6516
167 6517
207 7436

34 CFR

300 1474
361 ....4380, 7250
606 1262

36 CFR

7 6519
219 1864

212 3206
261 3206
294 3244
295 3206
Proposed Rules:
7 ....1069, 6519

38 CFR

Proposed Rules:
3 2376

40 CFR

9 ....3770, 6481,
31 3782
35 ....1726, 2823, 3782
52 ....8, 586, 634, 666, 730, 1046, 1866, 1868, 1871
63 ....1263, 1584, 3180, 6922
69 5002
70 16
80 5002
81 1268
82 1462
86 5002
136 3466
141 ....2273, 3466, 3466, 6922
142 ....3770, 6922
143 3466
180 ....296, 298, 1242, 1592, 1875, 2308
232 4550
271 ....22, 23, 28, 33, 733
372 4500
435 6850
745 ....1206, 1726
1610 1050
Proposed Rules:
2 2870
52 ....1796, 1925, 1927, 4756, 6524
63 1618
70 ....84, 85
122 ....2960, 5524
123 4768
136 3526
141 3526
143 3526
271 ....85, 86
300 2380
412 ....2960, 5524
413 424
433 424
438 424
463 424
464 424
467 424
471 424
745 7208

41 CFR

101-6 5362
101-17 5362
101-18 5362
101-19 5362
101-20 5362
101-33 5362
101-47 5362
102-71 5362
102-72 5362
102-73 5362
102-74 5362
102-75 5362
102-76 5362
102-77 5362
102-78 5362
102-79 5362
102-80 5362
102-81 5362
102-82 5362
301 6482

42 CFR

8 4076
400 6228
411 ....856, 3497
413 ....1599, 3358, 3497
416 4674
422 3358
424 856
430 6228
431 ....2490, 6228
433 2490
434 6228
435 ....2316, 2490, 6228
436 2490
438 6228
440 6228
441 7148
447 ....3148, 6228
457 2490
482 4674
483 7148
485 4674
489 ....1599, 3497
Proposed Rules:
413 3377

43 CFR

3100 1883
3106 1883
3108 1883
3130 1883
3160 1883
3162 1883
3165 1883

44 CFR

64 2825
65 1600
Proposed Rules:
67 1618

45 CFR

46 3878
146 1378
1310 5296
Proposed Rules:
146 1421

46 CFR

Proposed Rules:
66 2385
110 1283
111 1283

47 CFR

1 ....33, 2322, 3499, 6483
2 7402
15 7402
51 2335
64 2322
68 2322
73 ....737, 2336, 3883, 3884
74 3884
76 7410
90 33
301 4771
Proposed Rules:
1 ....86, 341, 1622
2 ....341, 7438, 7443
3 1283
5 1283
25 3960
64 1622
73 ....2395, 2396
90 ....86, 7443

48 CFR

Ch. I 2116, 2141, 5352
0
1 ....1117, 2140
2 2117
3 2117
4 2117
5 2117
6 2117
7 2117
8 2117
9 2117
11 2117
13 2117
14 2117
15 2117
17 2117
19 ....2117, 2140
22 ....2117, 2140, 5349
23 2117
24 2117
26 2117
27 2117
28 2117
29 2117
30 2136
31 2117
32 2117
33 2117
34 2117
35 2117
36 2117
37 2117
39 2117
42 ....2117, 2136, 2137, 2139, 2140
43 2117
44 2117
47 2117
48 2117
49 2117
50 2117
52 ....2117, 5349
53 2140
Ch. 3 4220
Proposed Rules:
2 7166
7 7166
8 2752
10 7166
11 7166
12 7166
39 7166
52 2752
931 4616
970 4616

49 CFR

1 2827
40 3884
213 1894
229 4104
231 4104
232 4104
390 2756
575 3388
1247 1051
Proposed Rules:
10 1294
171 6942
172 6942
173 6942
174 2870
177 ....2870, 6942
178 6942
214 1930
229 136
385 2767
390 2767
398 2767
534 6527
554 6535
567 90
571 ....968, 3527
573 6535
576 6535
591 90
592 90
594 90

50 CFR

13 6483
17 ....2828, 6483
18 1901
20 ....737, 1052
86 5282
223 1601
229 ....2336, 5489
600 2338
635 ....55, 1907
660 2338
679 ....742, 1375, 3502, 7276, 7327
Proposed Rules:
17 ....345, 1295, 1628, 1631, 1633, 3964, 4782, 4783
216 2872
229 6549
648 ....91, 1634
660 ....1945, 2873
679 3976

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JANUARY 23, 2001

FEDERAL COMMUNICATIONS COMMISSION

Satellite Home Viewer Improvement Act; broadcast signal carriage issuesand retransmission consent issues; published 1-23-01

NUCLEAR REGULATORY COMMISSION

Production and utilization facilities; domestic licensing:
- Nuclear power reactors—
  - Event reporting requirements; published 10-25-00

TREASURY DEPARTMENT

Customs Service

Merchandise, special classes:
- Archaeological and ethnological material from—
  - Italy; pre-Classical, Classical, and Imperial Roman periods; published 1-23-01

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Animal welfare:
- Dogs intended for hunting, breeding, or security purposes; dealer licensing and inspection requirements; comments due by 2-2-01; published 12-4-00

Interstate transportation of animal products (quarantine):
- Brucellosis in cattle—
  - State and area classifications; comments due by 2-2-01; published 12-4-00

AGRICULTURE DEPARTMENT

Food Safety and Inspection Service

Meat and poultry inspection:
- On-line antimicrobial reprocessing of pre-chill poultry carcasses; performance standards; comments due by 1-30-01; published 12-1-00

ENVIRONMENTAL PROTECTION AGENCY

Air pollution control:
- Interstate ozone transport reduction—
  - Nitrogen oxides budget trading program; Section 126 petitions; findings of significant contribution and rulemaking; comments due by 1-30-01; published 12-21-00
- State operating permits programs—-
  - Washington; comments due by 2-1-01; published 1-2-01
  - Washington; comments due by 2-1-01; published 1-2-01

Hazardous waste program authorizations:
- Florida; comments due by 2-1-01; published 1-2-01
- Louisiana; comments due by 2-1-01; published 1-2-01
- Oklahoma; comments due by 2-1-01; published 1-2-01

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; comments due by 1-30-01; published 12-1-00
- Toxic chemical release reporting; community-right-to-know—
  - Diisononyl phthalate category; comments due by 2-2-01; published 11-21-00

FEDERAL COMMUNICATIONS COMMISSION

Radio and television broadcasting:
- Personal attack and political editorial rules; repeal or modification; comments due by 1-31-01; published 10-11-00

Radio stations; table of assignments:
- North Carolina and Virginia; comments due by 1-29-01; published 12-19-00

FEDERAL DEPOSIT INSURANCE CORPORATION

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

FEDERAL RESERVE SYSTEM

Bank holding companies and change in bank control (Regulation Y):
- Financial subsidiaries; comments due by 2-2-01; published 1-3-01

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

FEDERAL TRADE COMMISSION

Fair Credit Reporting Act:
- Information sharing with affiliates; interpretations; comments due by 1-31-01; published 12-22-00

Textile Fiber Products Identification Act:
- Synterra; new generic fiber name and definition; comments due by 1-29-01; published 11-17-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicare:
- Inpatient rehabilitation facilities; prospectiive payment system; comments due by 2-1-01; published 12-27-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Protection of research misconduct whistleblowers; Public Health Service standards; comments due by 1-29-01; published 11-28-00

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
- Tidewater goby; northern populations; comments due by 2-2-01; published 1-3-01

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
- West Virginia; comments due by 2-2-01; published 1-3-01

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:
- Deportation proceedings; relief for certain aliens; comments due by 1-29-01; published 11-30-00

JUSTICE DEPARTMENT

Parole Commission

Federal prisoners; paroling and releasing, etc.:
- District of Columbia Code—
  - Supervision of released prisoners serving terms of supervised release; comments due by 1-30-01; published 11-24-00

TRANSPORTATION DEPARTMENT

Coast Guard

Pollution, etc.:
- Marine casualties; reporting requirements; comments due by 1-31-01; published 11-2-00

Ports and waterways safety:
- Gulf of Mexico; shipping safety fairways and anchorage areas; comments due by 1-29-01; published 12-28-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Aircraft:
- Life-limited aircraft parts; safe disposition; comments due by 1-30-01; published 10-2-00

Airworthiness directives:
- Airbus; comments due by 1-29-01; published 12-28-00
- Boeing; comments due by 1-29-01; published 11-28-00
- Bombardier; comments due by 1-30-01; published 1-5-01
- Cessna Aircraft Co.; comments due by 2-2-01; published 12-29-00
- DG Flugzeugbau GmbH; comments due by 2-1-01; published 12-27-00
- Dornier; comments due by 2-1-01; published 1-2-01
- Eurocopter France; comments due by 1-30-01; published 12-1-00
- McDonnell Douglas; comments due by 1-29-01; published 11-28-00

Airworthiness standards:
- Special conditions—
  - Dessault Aviation Mystere-Falcon 50 airplanes; comments due by 2-2-01; published 1-3-01

Restricted areas; comments due by 2-1-01; published 12-18-00

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Importation of vehicles and equipment subject to Federal safety, bumper, and theft prevention standards:
- Vehicles originally manufactured for sale in

Canada; importation expedited; comments due by 2-1-01; published 1-2-01

Motor vehicle safety standards:

Tire labeling improvement to assist in identifying tires that are being recalled; comments due by 1-30-01; published 12-1-00

TRANSPORTATION DEPARTMENT

Research and Special Programs Administration

Hazardous materials transportation:

Registration fees; temporary reduction; comments due by 2-2-01; published 12-7-00

TREASURY DEPARTMENT

Comptroller of the Currency

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

TREASURY DEPARTMENT

Internal Revenue Service

Procedure and administration:

Subsidiary corporations; entity classification, elective changes (check the box regulations); comments due by 2-2-01; published 1-17-01

TREASURY DEPARTMENT

Financial subsidiaries; comments due by 2-2-01; published 1-3-01

TREASURY DEPARTMENT

Thrift Supervision Office

Non-complex institutions; simplified capital framework; comments due by 2-1-01; published 11-3-00

LIST OF PUBLIC LAWS

Note: The List of Public Laws for the 106th Congress, Second Session has been completed and will resume when bills are enacted into public law during the next session of Congress.

A cumulative List of Public Laws was published in Part II of the **Federal Register** on January 16, 2001.

Public Laws Electronic Notification Service (PENS)

Note: PENS will resume service when bills are enacted into law during the next session of Congress.

This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.