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WASHINGTON, DC

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- WHERE:** Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



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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.

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 401, 402 and 403

RIN 0960-AE95

Testimony by Employees and the Production of Records and Information in Legal Proceedings: Delay of Effective Date

AGENCY: Social Security Administration, HHS.

ACTION: Final rules; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled Testimony by Employees and the Production of Records and Information in Legal Proceedings, published in the **Federal Register** on January 12, 2001, 66 FR 2805. These rules concern, among other matters, procedures governing testimony by Social Security Administration (SSA) employees and the production of official records and information in legal proceedings to which SSA is not a party. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the agency's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give agency officials the opportunity for further review and consideration of new regulations, consistent with the

Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

DATES: The effective date of Testimony by Employees and the Production of Records and Information in Legal Proceedings, published in the **Federal Register** on January 12, 2001 at 66 FR 2805, is delayed for 60 days, from February 12, 2001 to a new effective date of April 13, 2001.

FOR FURTHER INFORMATION CONTACT: For further information specifically about this final rule, contact Brad Howard, Attorney, Office of General Law, Office of the General Counsel, Room 617 Altmeyer Building, 6401 Security Boulevard, Baltimore, MD 21235-6401, (410) 966-1817. For information about eligibility or filing for benefits, call our national toll-free number, 1-800-772-1213 or TTY 1-800-325-0778, or visit our Internet web site, Social Security Online, www.ssa.gov.

Dated: February 5, 2001.

William A. Halter,

Acting Commissioner of Social Security.

[FR Doc. 01-3573 Filed 2-9-01; 8:45 am]

BILLING CODE 4191-02-U

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 645

RIN 1205-AB15

Welfare-to-Work (WtW) Grants: Delay of Effective Date and Comment Date

AGENCY: Employment and Training Administration (ETA), DOL.

ACTION: Final rule, interim final rule; delay of effective date and comment date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of the rule entitled

"Welfare-to-Work (WtW) Grants," published in the **Federal Register** on January 11, 2001 (66 FR 2690). That rule contains a Final Rule implementing the Welfare-to-Work (WtW) grant provisions of Title IV, Part A of the Social Security Act initiated by the publication of the Interim Final Rule (IFR1) on November 18, 1997. It also contains a new Interim Final Rule (IFR2) implementing the Welfare-to-Work and Child Support Amendments of 1999 (1999 Amendments).

DATES: Effective Date. The effective date of the "Welfare-to-Work (WtW) Grants" amendments (Final Rule and IFR2), amending 20 CFR part 645, published in the **Federal Register** on January 11, 2001, at 66 FR 2690, is delayed for 60 days, from February 12, 2001, to a new effective date of April 13, 2001.

Comment Date. The Department is extending the date for receipt of comments on the IFR2, implementing the 1999 Amendments, by 30 days from March 12, 2001, the date published in the **Federal Register** on January 11, 2001 at 66 FR 2690, to a new date of April 11, 2001. This will allow the public additional time to submit comments on those changes that are the result of the 1999 Amendments.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Lieberman, Division of Welfare-to-Work, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-4671, Washington, DC 20210. Telephone: (202) 693-3910 (voice) (this is not a toll-free number) or 1-800-326-2577 (TDD).

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the Department's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001.

Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

Signed at Washington, DC, this 7th day of February, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary, Employment and Training Administration.

[FR Doc. 01-3515 Filed 2-9-01; 8:45 am]

BILLING CODE 4510-30-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD105-3054; FRL-6916-6]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions To Visible Emissions Requirements COMAR 26.11.06.02

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Maryland State Implementation Plan (SIP). The revisions include the recodification of Maryland's general opacity regulations as well as the addition of procedures whereby a source may apply for and be granted a federally enforceable alternative visible emission standard. EPA is approving these revisions to Maryland's SIP in accordance with the requirements of the Clean Air Act.

DATES: This rule is effective on April 13, 2001 without further notice, unless EPA receives adverse written comment by

March 14, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to Mr. Denis Lohman, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814-2191, or by e-mail at knapp.ruth@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Summary of the SIP Revision

On March 21, 1991 and November 5, 1997, the State of Maryland submitted formal revisions to its State Implementation Plan (SIP). The SIP revisions consist of a recodification of Maryland's general opacity regulations and the addition of procedures whereby a source may apply for and receive a federally enforceable alternative visible emission standard. In the 1991 submittal, Maryland recodified all of its general opacity regulations as part of the State Air and Radiation Management Administration's (ARMA) transfer from the Department of Health and Mental Hygiene (DHMH) to the Maryland Department of the Environment (MDE).

As a result, the applicable citations have been revised from COMAR 10.18.06.02 and .03 to COMAR 26.11.06.02. In addition, Maryland has recodified its provisions governing control of particulate matter from materials handling and construction by separating the applicable visible emissions provisions from the applicable particulate matter control provisions. As a result, Maryland has revised the citation of the particulate matter provisions related to materials handling and construction from COMAR 10.18.06.03D(1) to COMAR 26.11.06.03D, while moving the applicable visible emissions provisions from COMAR 10.18.06.03D(2) to COMAR 26.11.06.02C(3). In the 1997 submittal, Maryland revised COMAR 26.11.06.02B to include specific procedures by which a source may apply for and be granted a federally enforceable alternative visible emission standard. On February 6, 1998, Maryland also submitted an additional provision, COMAR 26.11.06.02A(1)(j) [General Exceptions—Emissions at Federal Facilities] as a SIP revision. EPA will act upon this SIP revision request in a separate rulemaking action.

On November 3, 1992 (57 FR 49651), EPA approved the general COMAR recodification scheme as a revision of the Maryland SIP (See, 40 CFR 52.1070(c)(90)). However, that action did not include the recodification of Maryland's general opacity and the aforementioned particulate matter control provisions. EPA is now approving these revised COMAR citations of Maryland's general opacity and particulate matter control provisions as a revision of the Maryland SIP. There are no substantive revisions to the wording of these SIP provisions. The revised citations are summarized below:

Provision title/Subject matter	Current SIP citation	Revised SIP citation
• General Exceptions—Open fires (except salamanders)	10.18.06.02D(2)	26.11.06.02A(1)(b)
• General Exceptions—Fugitive emissions from iron and steel production installations	10.18.06.02D(3)	26.11.06.02A(1)(c)
• General Exceptions—Fugitive emissions from metallurgical, slot-type, byproduct coke ovens	10.18.06.02D(4)	26.11.06.02A(1)(d)
• General Exceptions—Fugitive emissions from skull cracker oxygen lancing	10.18.06.02D(6)	26.11.06.02A(1)(f)
• General Exceptions—Emissions during start-up and process modifications, or occasional cleaning of control equipment	10.18.06.02C	26.11.06.02A(2)
• Visible Emission Standards—Areas I, II, V and VI	10.18.06.02A	26.11.06.02C(1)
• Visible Emission Standards—Areas III, and IV	10.18.06.02B	26.11.06.02C(2)
• Visible emissions beyond the property lot line from any act of materials handling or construction—Areas I, II, V, and VI only	10.18.06.03D	26.11.06.02C(3)

The provisions now found at COMAR 26.11.06.02A(1)(e), (g), (h), and (i) were not part of the SIP when they were found at COMAR 10.18.06.02C, and

therefore are not being addressed in this action to approve the recodification of SIP provisions action. In conjunction with this approval action, EPA is

replacing SIP provision COMAR 10.18.01.08 [Exceptions—Case by Case] with the provisions in COMAR 26.11.06.02B which includes the

procedures by which a source may apply for and be granted a federally enforceable alternative visible emissions standard.

EPA is approving the revisions submitted on November 5, 1997, which consist of the procedures by which a source may apply for and be granted a federally enforceable alternative visible emission limit on a case-by-case basis. As discussed above, the SIP-approved general visible emission standards for the entire State of Maryland are found in 26.11.06.02C. The regulation specifies the standards within defined geographical areas. In Areas I, II, V, and VI, a person may not cause or permit the discharge of emissions from any installation, other than water in an uncombined form, which is greater than 20 percent opacity. In Areas III and IV, a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers. Also, in Areas I, II, V, and VI, a person may not cause or permit, from any act of materials handling or construction, visible emissions beyond the lot line of the property on which the emissions originate. The procedures by which a source may apply for and be granted a federally enforceable alternative visible emission limit on a case-by-case basis are contained in 26.11.06.02B, Case-by-Case Exception to Visible Emissions Standards. Those procedures are specific and require that a source must submit an application for an alternative standard which includes the following information: a description of the installation and air pollution controls, process information, a demonstration that all other applicable regulations are met when visible emissions occur, and a demonstration that it is an economic burden to attain the existing visible emission standard. The regulation requires the use of an MDE—issued document which lays out the criteria to be used to determine if it is an economic burden to meet the existing visible emission limit. The source's application must include the federally-approved and enforceable methods to be used demonstrate that it is in compliance with all applicable regulations when visible emissions occur and also to demonstrate that it can attain an alternative visible emission standard in conjunction with all other applicable air pollution control requirements. After providing the above information, a public comment period will be provided for all interested parties to review and comment upon the source's application prior to the granting an alternative

standard. If the application is approved, the source will be granted an alternative visible emission standard for up to a five year period, and the alternative standard may be renewed. The alternative visible emissions standard is to be contained in an order issued by the MDE pursuant to 26.11.06.02B. The order is to require and specify the federally-approved and enforceable test methods and procedures to be used to demonstrate that the source is in compliance with the alternative visible emission standard and all other applicable requirements. The order may contain any conditions or requirements necessary to insure continuous compliance with the alternative standard. An approved alternative visible emissions standard, applied for and granted in accordance with all of the SIP-approved procedures contained in 26.11.06.02B, Case-by-Case Exception to Visible Emissions Standards shall be federally enforceable.

In two instances, an alternative visible emission standard may be granted without going through the application process. Exceptions may be granted without going through the process when the application of the requirement to a residential building housing two or fewer families creates undue economic hardship on the individuals residing in it, or if the equipment being used has its primary way of transferring heat by a radiant method.

The procedures contained in the case-by-case visible exception in COMAR 26.11.06.02B are not applicable to the following sources or situations because they do not have limits as provided under 26.11.06.02C: Burning wood in fireplaces; open fires (except salamanders) permitted under provisions of COMAR 26.11.07.03, .04, and .05.; fugitive emissions from iron and steel production installations in compliance with COMAR 26.11.10.03B; fugitive emissions from metallurgical, slot-type, byproduct coke ovens in compliance with COMAR 26.11.10.03C; fugitive emissions from skull cracker oxygen lancing in compliance with COMAR 26.11.10.04C.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the "Proposed Rules" section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revisions if adverse comments are filed. This rule will be effective on April 13, 2001 without further notice unless EPA receives adverse comment by March 14, 2001. If EPA receives adverse comment, EPA

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

II. Final Action

EPA is approving the recodifications which revise the citations regarding opacity and control of particulate matter from materials handling and construction from COMAR 10.18.06.02 and .03D to COMAR 26.11.06.02 and .03D. EPA is also approving the revisions to COMAR 26.11.06.02B which provide procedures whereby a source may apply for and be granted a federally enforceable alternative visible emission standard.

III. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR

19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by Section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under Section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does

not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action regarding recodifications to Maryland's opacity regulations and approval of procedures for granting an alternative visible emission standard may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Particulate matter.

Dated: November 30, 2001.

Bradley M. Campbell,
Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(152) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(152) Revisions to the Maryland Regulations governing visible emissions submitted on March 21, 1991 and November 5, 1997 by the Maryland Department of the Environment:

(i) Incorporation by reference.

(A) Letters from the Maryland Department of the Environment dated March 21, 1991 and November 5, 1997 submitting revisions to the Maryland State Implementation Plan.

(B) Document entitled "Procedures To Be Used To Evaluate An Application For An Alternative Visible Emissions Standard Under COMAR 26.11.06.02B".

(C) Code of Maryland Administrative Regulations (COMAR) 10.18.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 10.18.06.02A(1), .02A(1)(a), .02A(2), and .02C(1) and (2), effective December 3, 1984.

(D) Recodified COMAR 26.11.06.02 (General Emission Standards, Prohibitions, and Restrictions—Visible Emissions), Sections 26.11.06.02A(1) [General paragraph], .02A(1)(a) through (d) and (f), .02A(2), and .02C(1) through (3), effective August 1, 1988.

(E) COMAR 26.11.06.02B (Visible Emissions—Case-by-Case Exception to the Visible Emissions Standards).

(1) COMAR 10.18.06.02B(1)(a) through (d), .02B(2)(a), .02B(4)(a) and (b), and .02B(5)(a) and (b), effective December 3, 1984. This rule replaces COMAR 10.18.01.08. [Recodified as COMAR 26.11.06.02B, effective August 1, 1988.]

(2) COMAR 26.11.06.02B(2)(b) through (e) and .02 B(4)(c), effective July 3, 1995.

(F) Recodified COMAR 26.11.06.03D (Particulate Matter from Materials Handling and Construction), effective August 1, 1988.

(ii) Additional Material.

(A) Remainder of the March 21, 1991 submittal (MD91-01) as it pertains to the recodification of COMAR 26.11.06.02 and 26.11.06.03D.

(B) Remainder of the November 5, 1997 submittal (MD97-02).

[FR Doc. 01-3378 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD107-3062; FRL-6922-8]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; New Source Review Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Maryland. This SIP revision amends the requirements for major new sources and major modifications to existing sources of volatile organic compounds (VOCs), and nitrogen oxides (NO_x) to meet certain new source review (NSR) permitting requirements if they are proposing to locate or are located within the State of Maryland. These NSR requirements apply not only in those portions of Maryland designated as ozone nonattainment areas, but throughout the State of Maryland as the entire state is located within the Ozone Transport Region (OTR). EPA is fully approving Maryland's NSR program in the Maryland portion of the Metropolitan Washington, DC Ozone Nonattainment Area and throughout the State of Maryland with the exception of the Baltimore Ozone Nonattainment Area and the Maryland portion (Cecil County) of the Philadelphia-

Wilmington-Trenton Ozone Nonattainment Area. In the Baltimore Ozone Nonattainment Area and in Cecil County, EPA is granting limited approval of Maryland's NSR regulations because they are more stringent than the currently approved NSR program and serve, therefore, to strengthen the SIP. The intended effect of this action is to grant approval of Maryland's NSR regulations.

EFFECTIVE DATE: This final rule is effective on March 14, 2001.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Perry R. Pandya, Mailcode 3AP11, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103, (215) 814-2167 or by e-mail at pandya.perry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The State of Maryland submitted a formal SIP revision to EPA on June 8, 1993. That revision consisted of its NSR regulations. On September 25, 2000, the State of Maryland submitted a revised version of its NSR regulations as a SIP revision. On October 19, 2000 (65 FR 62675), EPA proposed limited approval of the State of Maryland's NSR regulations submitted on June 8, 1993, as amended on September 25, 2000. In its October 19, 2000 (65 FR 62675) notice of proposed rulemaking, EPA also withdrew its earlier May 25, 1994 (59 FR 26994) proposal to grant limited approval/limited disapproval to Maryland's NSR regulations.

The comment period for EPA's October 19, 2000 proposal was originally scheduled to close on November 9, 2000. On November 9, 2000 (65 FR 67319), EPA published a notice announcing that the comment period had been extended to November 20, 2000. A detailed description of Maryland's NSR regulations and EPA's rationale for approving them were provided in EPA's October 19, 2000 proposed rulemaking notice (65 FR 62675) and shall not be restated here. EPA received public comments from

EarthJustice, an environmental group. A summary of the comments and EPA's responses are found in Section II, below.

II. Public Comments Received and EPA's Responses

Comment: The commenter asserts that EPA does not have the authority under the Clean Air Act to grant limited approval to Maryland's NSR program. The commenter contends unless EPA finds that Maryland's NSR program meets all applicable requirements of the Clean Air Act, it must disapprove it, either partially or fully.

Response: EPA disagrees with this comment. Although section 110(k) of the Clean Air Act may not expressly provide authority for limited approvals, section 301(a) of the Act does provide "gap-filling" authority in conjunction with the section 110(k)(3) approval authority to provide for limited approvals where EPA has determined that a revised State provision strengthens the federal enforceability of a given State SIP. EPA has determined that Maryland's revised nonattainment NSR rules strengthen the federal enforceability of the current Maryland SIP because under the revised regulations NSR is now applicable statewide in Maryland, rather than just in seven counties and Baltimore City. Under the revised regulations, NSR provisions now apply to major sources of NO_x emissions, rather than just major sources of VOC emissions. Under the Clean Air Act as amended in 1990 (the Act), the definition of a major source is determined by its size, location, the classification of that area and whether it is located in the ozone transport region (OTR), which is established by the Act. The entire State of Maryland is included in the OTR. Therefore, NSR is applicable statewide in Maryland. The Act defines a major source of NO_x as one that emits or has the potential to emit 25 or more tons of NO_x per year (TPY) in any ozone nonattainment area classified as severe (such as Cecil County, the Maryland portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area and the Baltimore Ozone Nonattainment Area), as one that emits 50 or more TPY located in any ozone nonattainment area classified as serious (such as the Maryland portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area). For any area in the OTR classified as attainment or marginal nonattainment (that is, the rest of the State), sections 182 and 184 of the Act define a major stationary source of NO_x as one that emits or has the potential to emit 100 or more TPY. Similarly, the Act defines a major source of VOC as

one that emits or has the potential to emit 25 or more tons of VOC per year (TPY) in any ozone nonattainment area classified as severe (such as Cecil County, the Maryland portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area and the Metropolitan Baltimore Ozone Nonattainment Area), as 50 or more TPY located in any ozone nonattainment area classified as serious (such as the Maryland Portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area). For any area in the OTR classified as attainment or marginal nonattainment (that is, the rest of the State), sections 182 and 184 of the Act define a major stationary source of VOC as one that emits or has the potential to emit 50 or more TPY. Maryland's revised NSR regulation defines a major source of VOC and a major source of NO_x to which NSR applies in compliance with the Act. The currently approved SIP's NSR regulations not only pertain solely to major VOC sources located in designated ozone nonattainment areas, but define a major source of VOC as one with the potential to emit 100 TPY. EPA has, therefore, also determined that Maryland's revised nonattainment NSR rules strengthen the federal enforceability of the current Maryland SIP because under the revised regulations, major sources are defined at the Act's lower definitions for applicability of NSR. Prior to 1990, offsets for NSR permitting in ozone nonattainment area had to be secured at a 1:1 ratio of actual emissions reduced for allowable emissions increased. The Act increases the ratio of required offsets for purposes of satisfying NSR requirements according to an ozone nonattainment area's classification. In severe areas (such as the Baltimore Ozone Nonattainment Area and Cecil County) the offset ratio is 1.3:1, in serious areas (such as the Metropolitan Washington, D.C. Ozone Nonattainment Area) the ratio is 1.2:1 and in areas of the OTR classified as marginal or attainment (such as the remainder of the State of Maryland), the ratio is 1.15:1. EPA has, therefore, also determined that Maryland's revised nonattainment NSR rules strengthen the federal enforceability of the current Maryland SIP because under the revised regulations, the ratio of required offsets has been increased as mandated by the Act whereas under the current SIP, the required offset ratio is 1:1. For all the reasons provided above, EPA concludes that it has proper authority under the Act to grant a limited approval action to Maryland's revised NSR regulations.

Nonetheless, upon further consideration of the comment received and further evaluation of Maryland's NSR program, EPA has determined that it is appropriate to grant full approval of the State's NSR program as it applies in the Maryland portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area and in all other portions of Maryland with the exception of the Baltimore and the Maryland portion (Cecil County) of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Areas. EPA's sole reason for proposing limited approval rather than full approval of Maryland's regulations was that they do not contain certain restrictions on the use of emission reductions from the shutdown and curtailment of existing sources or units as NSR offsets. These restrictions apply in nonattainment areas without an approved attainment demonstration [see 40 CFR part 51.165(a)(ii)(C)]. On December 15, 2000, EPA signed a final rule approving the attainment demonstration for the Metropolitan Washington, D.C. Ozone Nonattainment Area, and those restrictions do not apply in that area. With the exception of the Baltimore Ozone Nonattainment Area, and the Maryland portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (where EPA on December 16, 1999 proposed approval of the attainment demonstration, 64 FR 70397 and 70412, respectively), the State of Maryland has satisfied all applicable requirements for attainment demonstrations.

Therefore, EPA is fully approving Maryland's NSR program in the Maryland portion of the Metropolitan Washington, D.C. Ozone Nonattainment Area and throughout the State of Maryland with the exception of the Baltimore and the Maryland portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Areas (Cecil County). In the Baltimore Ozone Nonattainment Area, and the Maryland portion of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Area (Cecil County), EPA is granting limited approval of Maryland's NSR regulations because they are more stringent than the current NSR program and serve, therefore, to strengthen the SIP.

III. Final Action

EPA is approving Maryland's NSR regulations originally submitted as a SIP revision on June 8, 1993 and subsequently amended on September 25, 2000. EPA is granting full approval of these regulations as they apply in the Metropolitan Washington, D.C. Ozone Nonattainment Area and throughout the remainder of the State of Maryland with

the exception of the Baltimore and the Maryland portion (Cecil County) of the Philadelphia-Wilmington-Trenton Ozone Nonattainment Areas. EPA is granting limited approval of Maryland's NSR regulations as they apply in Cecil County and in the Baltimore Ozone Nonattainment Area. As a result of EPA's approval action, EPA is incorporating the following State provisions into the Maryland SIP: COMAR 26.11.17, as amended through October 2, 2000; and revisions to COMAR 26.11.01.01, 26.11.02, and 26.11.06.06, all as amended effective April 26, 1993. Maryland's submittals strengthen the SIP and meet the NSR requirements of the Clean Air Act. Accordingly, this action revises 40 CFR Section 52.1070 by adding paragraph (c)(148) to reflect EPA's approval action.

IV. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it

extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving Maryland's NSR regulations may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Reporting and recordkeeping requirements.

Dated: December 15, 2000.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart V—Maryland

2. Section 52.1070 is amended by adding paragraph (c)(148) to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(148) Revisions to the Maryland State Implementation Plan submitted on June 8, 1993 and September 25, 2000 by the Maryland Department of the Environment.

(i) Incorporation by Reference

(A) Letter dated June 8, 1993 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.01, 26.11.02, and 26.11.06, as well as a new COMAR 26.11.17.

(B) The following provisions of COMAR 26.11.01.01 (General Administrative Provisions—Definitions), 26.11.02 (Permits, Approvals, and Registration), 26.11.06 (General Emission Standards, Prohibitions, and Restrictions), and 26.11.17 (Requirements for Major New Sources and Modifications), effective April 26, 1993:

(1) Revised COMAR 26.11.01.01J (definition of "Modification") [currently cited as COMAR 26.11.01.01B(20)].

(2) New COMAR 26.11.01.01M-1 definition of "New Source Review Source" (NSR Source) [currently cited as COMAR 26.11.01.01B(24)], replacing COMAR 26.11.01.01L ("New Source Impacting on a Non-Attainment Area—NSINA").

(3) Revised COMAR 26.11.02.03A(1), .03B, .09A (introductory paragraph),

.09A(5), .10C (introductory paragraph), .11A (introductory paragraph), .11A(3).

(4) Revised COMAR 26.11.06.06E(1).
(5) New COMAR 26.11.17.01A; .01B(1)(a), (b); .01B(2) through .01B(14); .01B(15)(a)[introductory paragraph only], (c), (d), (e)[except iii], (f); .01B(16) through (18); .02B through .02F; .03A; .03B(1), .03B(2), .03B(3)(a) through .03B(3)(d)[except introductory paragraph]; .03B(4); .03B(5); .03C; .03D; .05A; .05B(1); .05B(3). This rule replaces COMAR 26.11.06.11.

(C) Letter dated September 25, 2000 from the Maryland Department of the Environment transmitting revisions to COMAR 26.11.17.

(D) The following provisions of COMAR 26.11.17 (Requirements for Major New Sources and Modifications), effective October 2, 2000: .01B(1)(c); .01B(15)(a)(i), .01B(15)(a)(ii), .01B(15)(b), .01B(15)(e)(iii); .02A(1), .02A(2); .03B(3), .03B(5), .03B(6)[formerly .03B(5)], .04A(1), .04A(2), .04B, .04C(1), .04C(2); .05B(2).

[FR Doc. 01-3381 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[DC-2025, MD-3064, VA-5052; FRL-6943-9]

Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, Virginia; Post 1996 Rate-of-Progress Plans, One-Hour Ozone Attainment Demonstrations and Attainment Date Extension for the Metropolitan Washington D.C. Ozone Nonattainment Area; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correcting amendment.

SUMMARY: This document corrects an error in the amendatory instruction in a final rule pertaining to EPA's approval of the Maryland portion of the post 1996 rate-of-progress plans, one-hour ozone attainment demonstrations and attainment date extension for the Metropolitan Washington D.C. Ozone Nonattainment Area.

EFFECTIVE DATE: February 12, 2001.

SUPPLEMENTARY INFORMATION: EPA published a document on January 3, 2001 (66 FR 586) inadvertently adding paragraph (d) to § 52.1076 when that paragraph already existed. The intent of that rule was to amend that section by

adding a paragraph (e). This document corrects the erroneous amendatory language.

Correction

In the final rule (FR Docket 01-61) published in the **Federal Register** on January 3, 2001 (66 FR 586), on page 632 in the first column, the fifth amendatory instruction is revised to read—"5. Section 52.1076 is amended by adding paragraphs (e) and (g) to read as follows:" and the added paragraph text originally designated as (d) is now correctly designated as paragraph (e).

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting an incorrect citation in a previous action. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and is therefore not subject to review by the Office of Management and Budget. Because the agency has made a "good cause" finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the **SUPPLEMENTARY INFORMATION** section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104-4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate, as described in sections 203 and 204 of UMRA. This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States,

or on the distribution of power and responsibilities among the various levels of governments, as specified by Executive Order 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the "Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings" issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and established an effective date of February 2, 2001. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to 40 CFR 52.1076(e) for Maryland is not a "major rule" as defined by 5 U.S.C. 804(2).

Dated: February 5, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, EPA Region III.

[FR Doc. 01-3504 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-301100; FRL-6762-9]

RIN 2070-AB78

Carboxin; Extension of Tolerance for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation re-establishes a time-limited tolerance for combined residues of the fungicide carboxin (5,6-dihydro-2-methyl-1,4-oxathiin-3-carboxanilide) and its metabolite 5,6-dihydro-3-carboxanilide-2-methyl-1,4-oxathiin-4-oxide (calculated as carboxin) in or on onions, dry bulb at 0.2 part per million (ppm) for an additional 12 month period. This tolerance will expire and is revoked on December 31, 2001. This action is in response to EPA's granting of an emergency exemption under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on onions, dry bulb. Section 408(l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA.

DATES: This regulation is effective February 12, 2001. Objections and requests for hearings, identified by docket control number OPP-301100, must be received by EPA on or before April 13, 2001.

ADDRESSES: Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301100 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Dan Rosenblatt, Registration Division (7505C), Office of Pesticide

Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-9375; and e-mail address: rosenblatt.dan@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of Potentially Affected Entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301100. The official record consists of the documents specifically referenced in this action, and other information related to this action,

including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

II. Background and Statutory Findings

EPA issued a final rule, published in the **Federal Register** of February 3, 1997 (62 FR 4911) (FRL-5584-5), which announced that on its own initiative under section 408 of the FFDCA, 21 U.S.C. 346a, as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) it established a time-limited tolerance for the combined residues of carboxin and its metabolites in or on onions, dry bulb at 0.2 ppm, with an expiration date of January 17, 1998. In a separate notice of March 10, 1999 (64 FR 11799) (FRL-6065-1), EPA extended this time-limited tolerance until June 30, 2000. EPA established the tolerance because section 408(l)(6) of the FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Such tolerances can be established without providing notice or period for public comment.

EPA received a request to extend the use of carboxin on onions, dry bulb, for this year's growing season due to anticipated crop yield losses connected with the development of onion smut. This problem is caused by the fungus *Urocystis magica*. Without the requested program, growers may not have an alternative fungicide product adequate to avert a significant economic emergency. After having reviewed the submission, EPA concurs that emergency conditions exist. EPA has authorized under FIFRA section 18 the use of carboxin on onions, dry bulb for control of onion smut in California. The treated seed may be forwarded to growers in Indiana, Iowa, Michigan, Minnesota, New Jersey, New York, Ohio, and Wisconsin.

EPA assessed the potential risks presented by residues of carboxin and its metabolites in or on onions, dry bulb. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and decided that the necessary tolerance under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. The data and other relevant material have been evaluated and discussed in the final rule of February 3, 1997 (62 FR 4911). Based on that data and information considered, the Agency reaffirms that extension of the time-limited tolerance will continue to meet the requirements of section 408(l)(6). Therefore, the time-limited tolerance is extended for an additional 12 month period. EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations (CFR). Although this tolerance will expire and is revoked on December 31, 2001, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerance remaining in or on onions, dry bulb after that date will not be unlawful, provided the pesticide is applied in a manner that was lawful under FIFRA and the application occurred prior to the revocation of the tolerance. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

III. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP-301100 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before April 13, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-

5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit III.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-301100, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

IV. Regulatory Assessment Requirements

This final rule establishes a time-limited tolerance under FFDC section 408. The Office of Management and Budget (OMB) has exempted these types

of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a FIFRA section 18 petition under FFDC section 408, such as the [tolerance] in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of

power and responsibilities established by Congress in the preemption provisions of FFDC section 408(n)(4).

For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule."

V. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: February 5, 2001.

James Jones,

Director, Registration Division, Office of Pesticides Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346(a) and 371.

§ 180.301 [Amended]

2. In § 180.301, amend paragraph (b) by revising the date “6/30/00” to read “12/31/01.”

[FR Doc. 01–3622 Filed 2–9–01; 8:45 am]

BILLING CODE 6560–50–S

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

45 CFR Part 2525

RIN 3045–AA09

AmeriCorps Education Awards: Delay of Effective Date

AGENCY: Corporation for National and Community Service.

ACTION: Final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled “Regulatory Review Plan,” published in the **Federal Register** on January 24, 2001, this action temporarily delays for 60 days the effective date of an amendment to the rule entitled “AmeriCorps Education Awards,” published in the **Federal Register** on December 13, 2000, at 65 FR 77820. This rule concerns an individual who successfully completes a term of service in a national service position (referred to as an “AmeriCorps member”) is eligible for an education award. An AmeriCorps Member may use an education award to repay qualified student loans or to pay for approved educational expenses. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, the Corporation’s implementation of this action without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3) seeking public comment is impracticable, unnecessary and

contrary to the public interest. The temporary 60-day delay in effective date is necessary to allow further review and consideration of new regulations, consistent with the Assistant to the President’s memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this rule effective immediately upon publication.

EFFECTIVE DATES: The effective date of the AmeriCorps Education Awards, published in the **Federal Register** on December 13, 2000, at 65 FR 77820, is delayed for 60 days, from February 12, 2001, to a new effective date of April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Gary Kowalczyk, Coordination of National Service Programs, Corporation for National and Community Service, (202) 606–5000, ext. 340.

Dated: February 7, 2001.

Frank R. Trinity,

Acting General Counsel.

[FR Doc. 01–3559 Filed 2–9–01; 8:45 am]

BILLING CODE 6050–\$–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 24

[WT Docket No. 97–82; FCC 01–17]

Installation Payment Financing for Personal Communications Services (PCS) Licensees

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial.

SUMMARY: This document denies five petitions for reconsideration (“Petitions”) of the Commission’s *Sixth Report and Order and Order on Reconsideration* (“*C/F Block Sixth Report and Order*”) challenging a number of the modifications to the C and F block service and auction rules. The Commission declines to further revise its rules and affirms its modifications as adopted in the *C/F Block Sixth Report and Order*.

FOR FURTHER INFORMATION CONTACT: Regina Martin, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418–0660.

SUPPLEMENTARY INFORMATION: This is a summary of an Order on

Reconsideration (*Order*) in WT Docket No. 97–82, adopted on January 16, 2001, and released on January 18, 2001. The complete text of the *Order* is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission’s copy contractor, International Transcription Services, Inc. (ITS, Inc.), 445 12th Street, SW., Room CY–B400, Washington, DC 20554, (202) 314–3070. The *Order* is also available on the Internet at the Commission’s web site: <http://www.fcc.gov/wtb/documents.html>.

I. Introduction

1. In the *Order*, we address the five petitions for reconsideration (“Petitions”) of the Commission’s *C/F Block Sixth Report and Order*, 65 FR 53624 (September 5, 2000). In that document we modified the auction and service rules for C and F block broadband Personal Communications Services (PCS) licenses. For the reasons set forth, we deny these Petitions and affirm our findings in the *C/F Block Sixth Report and Order*.

II. Background

2. The Commission outlined the original framework for C and F block auctions in the 1994 *Competitive Bidding Fifth Report and Order*, establishing the C and F blocks as “set-aside” licenses for “entrepreneurs” in which eligibility would be restricted to entities below a specified financial threshold. See 59 FR 37566 (July 22, 1994). These provisions were consistent with Congress’ mandate to promote participation of small businesses, rural telephone companies, and businesses owned by members of minority groups and women (collectively “designated entities”) in the provision of spectrum-based services. In addition, the Commission adopted special provisions for the C and F blocks to assist designated entities.

3. Section 309(j)(4) of the Communications Act directs the Commission, in prescribing regulations to implement the objectives of section 309(j)(3), to, *inter alia*: (i) Establish performance requirements to ensure prompt delivery of service to rural areas and prevent warehousing of spectrum by licensees; (ii) prescribe area designations and bandwidth assignments that promote an equitable geographic distribution of licenses and services, economic opportunity for a wide variety of applicants, including designated entities, and rapid deployment of services; and (iii) ensure

that designated entities are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider using bidding preferences and other procedures.

4. The Commission has held four entrepreneurs' block broadband PCS auctions to date. The initial C block licenses were awarded through two auctions, Auction No. 5, which ended on May 6, 1996, and Auction No. 10, which concluded on July 16, 1996. Auction No. 11, the initial F block auction, ended on January 14, 1997, and also included D and E block licenses. Auction No. 22, which concluded on April 15, 1999, made available C and F block licenses that had been returned to, or reclaimed by, the Commission. The inventory for Auction No. 35, which began on December 12, 2000, includes 422 licenses covering 195 various Basic Trading Areas (BTAs). The 422 licenses include 312 C block 10 MHz licenses, 43 C block 15 MHz licenses, and 67 F block 10 MHz licenses.

5. On June 7, 2000, we released a Further Notice of Proposed Rulemaking ("Further NPRM"), 65 FR 37092 (June 13, 2000), which set forth tentative conclusions and proposals concerning the C and F block rules. On August 29, 2000, we released the *C/F Block Sixth Report and Order*, which resolved the issues raised in the *Further NPRM* and revised the service and auction rules for the auction of C and F block broadband PCS licenses in furtherance of the various goals of section 309(j) of the Communications Act. The *C/F Block Sixth Report and Order*, among a number of other modifications to the Commission's rules, reconfigured the size of C block spectrum license size; removed the entrepreneur eligibility restrictions (permitted "open" bidding) for some, but not all, licenses available in Auction No. 35 and in future C and F block auctions; eliminated bidding credits in closed bidding; and modified the transfer restrictions for C and F block licenses. As addressed more fully, Petitioners challenge a number of the modifications to the C and F block service and auction rules adopted in the *C/F Block Sixth Report and Order*.

III. Discussion

A. Reconfiguration of C Block Spectrum License Size

6. *Background.* In the *C/F Block Sixth Report and Order*, we reconfigured each 30 MHz C block license available in Auction No. 35, or any subsequent auction, into three 10 MHz C block licenses.

7. *Discussion.* All five of the Petitioners object to the Commission's decision to split the 30 MHz C block licenses into three 10 MHz licenses. Petitioners argue that a 10 MHz license is insufficient to provide advanced mobile services. We considered and rejected similar arguments in the *C/F Block Sixth Report and Order*. As explained, we decline to further reconfigure the available C block licenses and we affirm our decision to provide for three 10 MHz C block licenses.

8. As the petitioners have not provided any new rationale to justify deviating from our conclusion in the *C/F Block Sixth Report and Order*, we decline to reconsider our decision to divide each available 30 MHz C block license into three 10 MHz licenses. Historically 10 MHz has been one of the principal license sizes used in broadband PCS. In the *C/F Block Sixth Report and Order*, we found that 10 MHz is a viable minimum license size. Moreover, we note that our rules permit aggregation, subject to the spectrum cap, and a 10 MHz license allows bidders to acquire additional spectrum in particular markets. Further, we believe dividing the spectrum into three 10 MHz C block licenses should promote a wider dissemination of licenses, provide bidders with more flexibility to adapt their bidding strategies to meet their business plans, and should make licenses more affordable, especially for entrepreneurs. As we noted in establishing both 20 MHz and 10 MHz licenses for wireless use in the 700 MHz service, 10 MHz wireless licenses "should prove of interest to parties in the record who desire spectrum to deploy innovative wireless technologies, including high-speed Internet access, that do not require as much spectrum." Thus, we continue to believe that this reconfiguration, along with the other rule modifications adopted in the *C/F Block Sixth Report and Order*, meets the diverse needs of both large and small carriers seeking to participate in the next C and F block auction. The reconfiguration ensures the most efficient use of spectrum through the competitive bidding process while at the same time promoting wider auction participation and license distribution in accordance with the goals of section 309(j) of the Communications Act. Lastly, as explained, we note that we have retained entrepreneur eligibility restrictions for some C block licenses to ensure that entrepreneurs are provided greater opportunities to acquire spectrum to fulfill their business needs.

B. Eligibility Restrictions Under a Tiered Approach

9. *Background.* In the *C/F Block Sixth Report and Order*, we divided the BTAs into two categories, "Tier 1" BTAs and "Tier 2" BTAs. Tier 1 comprises BTAs with populations that, according to the 1990 census, are equal to or greater than 2.5 million; and Tier 2 comprises the remaining BTAs. We decided to establish open bidding (bidding without entrepreneur eligibility restrictions) for two of the three newly reconfigured 10 MHz C block licenses in Tier 1 and for one of the three newly reconfigured 10 MHz C block licenses in Tier 2. We also adopted open bidding for all F block licenses available in Auction No. 35 and in all future auctions.

10. *Discussion. Tiers.* Northcoast urges the Commission to reconsider and simplify its tiering and eligibility restrictions by eliminating all tiering and by allowing open bidding only for a single 10 MHz C block license in all markets. Northcoast asserts that, under the new tiering rule, it will be unable to meet its business plans because it will not be able to competitively bid for available C block spectrum in markets with a population above 2.5 million. We considered and rejected similar arguments in the *C/F Block Sixth Report and Order*. We continue to believe that this approach is, in conjunction with the other modifications to the entrepreneur eligibility restrictions, the most effective method of accommodating the various business plans of both small and larger carriers and is fully consistent with the statutory goals for competitive bidding. This approach, in conjunction with the changes in entrepreneur eligibility restrictions, makes more spectrum available for "open" bidding in the most populous markets where the demand for spectrum by existing CMRS carriers is the greatest and the prospects of a spectrum shortage for these carriers is the most acute. At the same time, this approach keeps most of the C block spectrum (*i.e.* 20 MHz) closed in all but the very largest markets, while also retaining restricted eligibility for some spectrum (*i.e.* 10 MHz) even in those latter cases. Thus, under our new rules, entrepreneurs will have an opportunity to acquire additional spectrum on a set-aside basis in all available C block markets, which should assist them in achieving their business goals and objectives. At the same time, our new rules also take into account the need of many large carriers to acquire additional spectrum. In adopting this approach, we have also taken into account section 309(j)(3) of the Communications Act

which requires us to promote a variety of objectives, including but not limited to, the promotion of economic opportunity and competition, and the dissemination of licenses among a wide variety of applicants, in order to serve the needs of the public. We continue to believe that "our decision to establish two tiers with 2.5 million population demarcation represents the most reasonable balancing of the various competing public interest factors that bear on this issue." For the foregoing reasons, we affirm our decision in the *C/F Block Sixth Report and Order* to utilize a tiered approach, limiting non-entrepreneurs participation to certain markets.

11. *30 MHz and 15 MHz C block licenses.* Alpine maintains that the Commission, in eliminating some of the entrepreneur eligibility restrictions, failed to consider the 309(j)(3) statutory objectives, particularly the objective to avoid the excessive concentration of licenses. Additionally, several petitioners state that the record does not support the Commission's decision to eliminate some of the entrepreneur eligibility restrictions. These petitioners assert that the majority of the commenters favored maintaining the entrepreneur eligibility restrictions. As discussed, by eliminating some, but not all, of the C block entrepreneur eligibility restrictions, we give effect to, and reasonably balance, as many of the section 309(j) objectives as possible.

12. Section 309(j)(3) directs the Commission to seek to promote a variety of objectives, including economic opportunity, competition, and the rapid deployment of new technologies and services by, *inter alia*, disseminating licenses among a wide variety of applicants. In certain instances, these objectives conflict, thus requiring the Commission to balance the competing objectives. Section 309(j) does not require the Commission to seek to promote the participation of small businesses in PCS auctions at the expense of other enumerated 309(j)(3) objectives nor does it give one objective greater weight than another objective. In balancing the 309(j)(3) objectives, including the avoidance of the excessive concentration of licenses, we reviewed the record before us and have taken into account the needs of both large and small carriers to acquire additional spectrum to provide services and/or to satisfy their business plans. In the *C/F Block Sixth Report and Order*, we concluded that it was fair and appropriate to apportion the spectrum to accommodate the interests of large carriers to obtain additional spectrum to "fill out" regional or national service

areas. At the same time, we decided to maintain a significant set-aside of C block spectrum for entrepreneurs. As previously explained, section 309(j) does not mandate the use of set-asides or any other method to promote the participation of small businesses in spectrum auctions, particularly in light of changed circumstances.

13. Three petitioners argue that the record provides no justification for providing large carriers with additional spectrum. Specifically, they point to recent general statements in news articles where two large carriers asserted that they have a sufficient amount of spectrum. Therefore, petitioners argue that the record provides no justification for providing them with an opportunity to acquire additional spectrum. As we previously discussed, circumstances in the industry have changed dramatically, and continue to change, since the implementation of our rules in 1994. The introduction of wireless Internet, advanced data, and 3G services, as well as global competition within these services, has created a shortage of suitable available spectrum. The statement of two large carriers, as reported in two recent news articles, does not undermine the record as a whole, particularly where other large carriers claim that they need additional spectrum to provide advanced services or to fulfill their business plans. We believe that apportioning the spectrum as described promotes the further development of CMRS competition and innovation, especially in large markets. For these reasons, we affirm our position in the *C/F Block Sixth Report and Order* to remove the eligibility restrictions for some, but not all, of the available C block spectrum.

14. *F block licenses.* Four petitioners requested that the Commission retain entrepreneur eligibility requirements for F block licenses. These petitioners argue that the Commission failed to provide support for eliminating the F block set-aside, particularly in light of the success of F block licensees. For instance, Northcoast argues that since entrepreneurs are in the process of building out their systems and service has not been delayed to the public, the entrepreneur eligibility requirement should be maintained. These petitioners have not provided any new rationale to justify the preservation of the F block set-aside. We considered arguments such as Northcoast's when we reached our decision in the *C/F Block Sixth Report and Order*. As we stated there, the need for additional open spectrum that exists in the C block markets also extends to the F block markets. Additionally, open bidding for F block

licenses may lead to more expeditious provision of wireless services to the public. The C and F blocks have been subject to different regulatory requirements, reflecting the different bidding and marketplace histories of the two blocks as well as the corresponding different equity and reliance concerns applicable to bidders and licensees in each of the blocks. Taking into account the divergent history of F block, we decided to remove the entrepreneur eligibility restrictions and to allow open bidding for all available F block licenses in Auction No. 35 and in future auctions. This determination was informed by the fact that almost every market with an available F block license already has a significant 30 MHz C block entrepreneur presence. Thus, we found that we could modify the F block eligibility rules while preserving the diversity of opportunity and service that are goals of section 309(j). For these reasons, we affirm our position in the *C/F Block Sixth Report and Order* to allow open bidding and eliminate the F block entrepreneur eligibility restrictions.

15. *Unsold set-aside licenses.* For Auction No. 35, in the *C/F Block Sixth Report and Order*, we eliminated entrepreneur eligibility requirements for all C block licenses that were available but not sold in Auction No. 22. We also decided to eliminate the set-aside for any C and F block license that was available, but not sold, in any subsequent auction. RTG and OPASTCO urge the Commission not to eliminate entrepreneur eligibility requirements for licenses unsold in Auction No. 22, but rather provide entrepreneurs with one more opportunity to bid on such licenses on a closed basis as well as on future unsold licenses under a set-aside approach. We previously considered RTG and OPASTCO's position and determined that closed bidding for this spectrum will not result in the acquisition and construction of these licenses. The failure of certain 15 MHz C block licenses to sell in Auction No. 22 indicates that closed bidding for these licenses will not expeditiously result in the acquisition and construction of these licenses and in service to the public. By lifting the eligibility restrictions for these unsold licenses, we seek to prevent additional delays in their utilization. For these reasons, we affirm our decision in the *C/F Block Sixth Report and Order* and will provide all bidders with an opportunity to acquire previously unsold set-aside licenses.

C. Competitive Bidding Design

16. *Background.* In the *C/F Block Sixth Report and Order*, we rejected

Nextel Communications, Inc.'s ("Nextel") bulk bid proposal. We concluded that Nextel's proposal would exclude all but a very few competitors. We also left to the Bureau, under its existing delegated authority, the final selection of a competitive bidding design and methodology for Auction No. 35, including the decision whether to implement a combinatorial (package) bidding design for the auction. On September 6, 2000, the Bureau released the *Comment Public Notice*, 65 FR 55243 (September 13, 2000), which invited public comment on its auction procedures for the C and F block auction, including the proposal to adopt a simultaneous multiple round bidding methodology. On October 5, 2000, the Bureau released the *Procedures Public Notice*, 65 FR 75702 (December 4, 2000), in which, *inter alia*, it determined to utilize a simultaneous multiple round bidding design for Auction No. 35. Subsequently, on November 6, 2000, Nextel filed a petition seeking to change the Auction No. 35 design to allow package bidding. The Bureau denied Nextel's Petition.

17. *Discussion.* As an alternative to the Commission reserving at least 20 MHz of spectrum for entrepreneurs, RTG and OPASTCO have requested that the Commission provide entities with a means of combinatorial bidding on the disaggregated licenses. We reject this alternative because, as the Bureau previously explained in response to Nextel's request for combinatorial bidding, the public interest would not be served by implementing package bidding for Auction No. 35. Implementation of a package bidding design would have necessitated a notice and comment period due to the unique auction and service rules applicable to Auction No. 35. The public had ample opportunity to request an alternative bidding design prior to the start of Auction No. 35. First, we sought comment, in the *Further NPRM*, on possible ways for bidders to efficiently aggregate licenses in Auction No. 35. The Bureau also invited public comment on its proposal to adopt simultaneous multiple round bidding. No party filed comments contesting this bidding methodology. In denying Nextel's Petition, the Bureau found that establishing combinatorial bidding, after the short-form application filing deadline, would impose delay on auction participants that would not be in the public interest.

18. Moreover, the Commission has not yet conducted an auction utilizing combinatorial bidding due to the complexity of implementing such a bidding design. Although the Bureau

has adopted package bidding procedures for the auction of the 747–762 and 777–792 MHz bands (Auction No. 31), the package bidding procedures established for Auction No. 31 were not designed with Auction No. 35 in mind. Accordingly, absent significant modification, such a design would have been complex and impractical to implement for Auction No. 35, particularly in light of the large number of licenses involved. Further, applicants prepared business plans based on the Bureau's bidding methodology announced in the *Procedures Public Notice*. As noted, parties that need additional spectrum have the ability to aggregate licenses, subject to the CMRS spectrum cap. For these reasons, we affirm that the final selection of a bidding design is within the Bureau's delegated authority and we will not disturb the Bureau's final selection of a simultaneous multiple round bidding design for Auction No. 35.

D. Bidding Credits

19. *Background.* In the *C/F Block Sixth Report and Order*, we decided to maintain existing small and very small business bidding credits (15 percent and 25 percent, respectively) for licenses won in open bidding and to eliminate bidding credits for licenses won in closed bidding. With respect to open bidding, we concluded that bidding credits of 15 and 25 percent will allow effective competition by small businesses. With respect to closed bidding, we concluded that the continued use of bidding credits in restricted auctions would not serve its intended purpose.

20. *Discussion. Open Bidding.* We received petitions from Northcoast, RTG and OPASTCO requesting an increase in bidding credits in open auctions. Northcoast argues that retaining the existing levels of bidding credits (15 and 25 percent) in open bidding will not permit effective competition by small businesses. Similarly, RTG and OPASTCO argue that the Commission should increase bidding credits in open auctions to ensure that entrepreneurs have an opportunity to participate. We considered and rejected these arguments in the *C/F Block Sixth Report and Order*. We noted that in our Specialized Mobile Radio (SMR) 900 MHz auction—using bidding credits of 10 percent and 15 percent—75 percent of the winning bidders were small businesses, winning 26 percent of the licenses. Moreover, in Auction No. 11, the auction of D, E, and F block licenses, small and very small business were the high bidders for 141 of the 986 D and E block licenses won in that auction, even though bidding

credits were not available for D and E block licenses. Thus, small businesses have proven to be competitive in auctions even where we have provided for lower bidding credits than what we have adopted for Auction No. 35. Northcoast, RTG and OPASTCO have not provided any new rationale to justify increasing the level of bidding credits for licenses subject to open bidding. Therefore, for open licenses, we will maintain the current level of bidding credits for small and very small businesses.

21. *Closed Bidding.* With respect to closed bidding, four petitioners object to the Commission's decision to eliminate bidding credits in closed auctions. These petitioners argue that by eliminating the bidding credits in closed auctions, the Commission has violated the congressional mandate pursuant to section 309(j) to provide small and very small businesses with a meaningful opportunity to compete in spectrum auctions. Specifically, Northcoast, NTCA, and RTG and OPASTCO are concerned that, without bidding credits, small and very small businesses will be unable to compete against "grandfathered" entities that are generating millions of dollars in gross revenues.

22. We considered and rejected this argument in the *C/F Block Sixth Report and Order*. We noted that two groups are included among those entities eligible to participate in the entrepreneurs' block auctions. One group consists of well-capitalized new entities with small gross revenues. Another group consists of older companies with small total assets and net revenues, but high gross revenues. As we explained, this situation creates an anomaly because the first group, the well-capitalized new entities, may qualify for bidding credits, while the second group, the older companies, may not qualify for bidding credits. If we were to retain bidding credits in closed bidding, it may skew these auctions in favor of well-capitalized new entities that are uniquely structured to protect large investors from attribution. Moreover, although there may be a number of "grandfathered" entities participating in Auction No. 35, we have found that small and very small businesses have been previously successful in open auctions without bidding credits. As we are not persuaded that small and very small businesses will be unable to effectively compete against "grandfathered" entities, and as we do not want to undermine the "grandfather" exception, we reject petitioners' request to provide bidding credits in closed auctions. We

continue to believe that small and very small businesses will have a meaningful opportunity to compete in Auction No. 35 and in future spectrum auctions. For this reason, we affirm our decision in the *C/F Block Sixth Report and Order* to eliminate bidding credits in closed auctions.

E. Transfer Requirements

23. *Background.* In the *C/F Block Sixth Report and Order*, we modified the transfer restrictions for C and F block licenses. Specifically, we concluded that C and F block spectrum licenses won pursuant to open bidding would not be subject to a five-year holding and limited transfer rule. With respect to closed bidding, we concluded that a licensee would be allowed to assign or transfer a license to a non-entrepreneur as soon as the licensee completed its first construction benchmark. Additionally, we eliminated unjust enrichment payments for licenses won in Auction No. 5 and Auction No. 10, but retained unjust enrichment payments for licenses that were acquired in Auction No. 11 and Auction No. 22. Despite requests from commenters, we decided not to allow a carrier to exchange or transfer restricted C or F block licenses during the holding period where the carrier could demonstrate "substantial service" throughout its system, but not in the particular market that would be affected by the transfer.

24. *Discussion.* On August 9, 2000, fourteen days before adoption of the *C/F Block Sixth Report and Order*, Congress adopted legislation that grants qualifying Alaska Native regional corporations relief from the entrepreneur transfer restrictions and unjust enrichment payment requirements. To qualify, the corporation (or an affiliate thereof) must be organized pursuant to the Alaska Native Claims Settlement Act, hold a PCS license as of the date of the enactment of the legislation, and either have paid for the license in full or have complied with the payment schedules for the license. Cook Inlet Region, Inc. ("CIRI") is an Alaska Native regional corporation and meets the requirements of the statute. Thus, this legislation allows CIRI to transfer or assign a license to a non-entrepreneur without paying any unjust enrichment penalties. Alpine requests that the Commission, in light of this legislation, revise its transfer rules so as to apply the same relief afforded CIRI in a uniform manner to all entrepreneurs. Alpine argues that if relief from the unjust enrichment penalty requirements is not applied to all entrepreneurs, then this will result in

discriminatory application of the Commission's rule. In the alternative, Alpine asks the Commission to amend its rules to exclude CIRI from Auction No. 35 if all entrepreneurs cannot be afforded the same relief. CIRI and VoiceStream Wireless Corporation ("VoiceStream") both oppose Alpine's request to exclude CIRI from Auction No. 35. Although CIRI and VoiceStream do not oppose the elimination of all transfer restrictions for entrepreneurs, both parties object to Alpine's attempt to utilize a rulemaking proceeding to decide CIRI's eligibility to participate in Auction No. 35. Verizon opposes Alpine's request to remove all transfer restrictions on licenses won in closed bidding. Verizon states that, absent the Commission's transfer restrictions, entrepreneurs could purchase licenses and immediately sell the licenses to non-entrepreneurs.

25. As stated, we have made several modifications to the C and F block transfer restrictions. In modifying the transfer restrictions, we have attempted to level the playing field for entrepreneurs with respect to other licensees, making it easier for entrepreneurs to restructure their spectrum holdings, provide additional access to capital, and to increase effective competition by entrepreneurs. The relief accorded CIRI under the statute was specifically authorized by Congress and narrowly tailored. The legislation, therefore, does not change the Commission's application of its transfer requirements to all other entrepreneurs. As a matter of legislative initiative, Congress determined to exempt companies like CIRI from the economic consequences of the application of the unjust enrichment provisions. Congress could have provided the same relief to all applicants, but instead Congress chose to narrowly tailor the specific relief. Notably, Congress left intact the statutory directive of section 309(j)(4)(E), which requires the Commission to "require such transfer disclosures and antitrafficking restrictions and payment schedules as may be necessary to prevent unjust enrichment as a result of the methods employed to issue licenses and permits." Therefore, Congress' determination to create an exemption that applies to CIRI does not show legislative intent to exempt all applicants from the antitrafficking and unjust enrichment provisions. Nor does Congress' action negate the statutory purpose served by the transfer restrictions. Providing all applicants with the specific relief provided to CIRI

would circumvent the underlying purpose of retaining a set-aside in that entrepreneurs could acquire a license in a closed auction and immediately sell the newly acquired license on the open market at windfall prices without paying any penalties. We think that such a result is neither consistent with making licenses available for closed bidding by entrepreneurs, in furtherance of section 309(j)(4)(D) (requiring the Commission to ensure that small businesses, *inter alia*, are given the opportunity to participate in the provision of spectrum-based services, and, for such purposes, consider the use of bidding preferences and other procedures) nor, as indicated, with the directives of section 309(j)(4)(E) (requiring various measures to prevent unjust enrichment).

26. Moreover, the legislation that provides CIRI with this relief does not at the same time, in and of itself, render CIRI ineligible for entrepreneur status in Auction No. 35, or in any future auction. CIRI's eligibility to participate in Auction No. 35 as an entrepreneur is dependent on CIRI satisfying our entrepreneur eligibility restrictions. The instant rulemaking proceeding is not the proper forum to challenge congressional legislation or to determine CIRI's entrepreneur status for Auction No. 35. After the Commission by public notice announces that long-form applications have been accepted for filing, Alpine and/or any other applicant, if they choose to do so, will have an opportunity to challenge CIRI's entrepreneurial status by way of a petition to deny filed with the Commission. For these reasons, we will not further revise its transfer rules or amend its rules to exclude CIRI from Auction No. 35.

IV. Ordering Clause

27. Accordingly, it is ordered, pursuant to sections 4(i), 5(b), 5(c)(1), 303(r), and 309(j) of the Communications Act of 1934, as amended, 47 U.S.C. sections 154(i), 155(b), 156(c)(1), 303(r), and 309(j), the Petitions filed by Alpine PCS, Inc., National Telephone Cooperative Association, Northcoast Communications, LLC, Office of Advocacy of the United States Small Business Administration, and The Rural Telecommunications Group and the Organization for the Promotion and Advancement of Small Telecommunications Companies filed in response to the *C/F Block Sixth Report and Order* are denied.

List of Subjects in 47 CFR Part 24

Personal communications services.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01-3518 Filed 2-9-01; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980414095-8240-02; I.D. 121800D]

Fisheries of the Northeastern United States; Dealer Reporting Requirements

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

ACTION: Notification of termination of the deferral of Interactive Voice Response (IVR) System reporting requirements for Atlantic cod and haddock purchases; stay.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, this action temporarily stays for 60 days the effectiveness of the notification published in the **Federal Register** on December 29, 2000, that terminated the deferral of the IVR system reporting requirements for Atlantic cod and haddock purchases for dealers issued Northeast Multispecies permits.

DATES: Effective February 12, 2001, the rule document, Dealer Reporting Requirements, published at 65 FR 82944 on December 29, 2000, is stayed from January 28, 2001, until April 1, 2001.

FOR FURTHER INFORMATION CONTACT: Kelley McGrath, (978) 281-9307 or Gregory Power, (978) 281-9304.

SUPPLEMENTARY INFORMATION: To effectively monitor landings of quota-managed species on a timely basis, NMFS issued a final rule (63 FR 52639, October 1, 1998) requiring federally permitted dealers to submit a weekly summary of purchases of quota-managed species through the IVR system within 3 days of the end of the reporting week. To minimize the burden of dealer reporting requirements, the regulations implementing the use of an IVR system also include authorization for the Regional Administrator, Northeast Region, NMFS (Regional Administrator) to defer the IVR reporting requirements for any species if landings are not expected to reach levels that would cause the applicable target exploitation rate specified in the Fisheries Management Plan for that species to be achieved, resulting in specific management changes. In order to minimize the burden of dealer reporting requirements, the Regional Administrator deferred IVR reporting requirements for Atlantic mackerel, butterfish and regulated Northeast Multispecies, which included Atlantic cod and haddock in a notification action effective November 1, 1998 (63 FR 57931, October 29, 1998). The Regional Administrator determined that in order to collect accurate data on a real-time basis, she needed to terminate the deferral for Atlantic cod and haddock to ensure that the Atlantic cod and haddock species are maintained at sustainable levels. Therefore, a notification action was published on December 29, 2000 (65 FR 82944), terminating the deferral of the IVR system reporting requirements for Atlantic cod and haddock purchases. This action is effective on January 28, 2001. However, consistent with the guidance contained in the "Regulatory Review Plan," NMFS is staying the effectiveness of the IVR system reporting requirements deferral through March 31, 2001. Therefore, the deferral

of the IVR reporting requirements for Atlantic mackerel, butterfish and regulated Northeast Multispecies including Atlantic cod and haddock, will remain in effect through March 31, 2001. The termination of the stay of the IVR system reporting requirements for Atlantic cod and haddock purchases is effective April 1, 2001. All other reporting requirements as discussed in the December 29, 2000, notification remain in effect.

Classification

This action is authorized by 50 CFR part 648 and is exempt from review under Executive Order 12866.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, NMFS' implementation of this rule without opportunity for public comment is based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary stay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. Delays in implementing the stay while seeking public comment would have led to confusion in the fishing industry concerning which reporting requirements would be required for dealers during this interim period.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 6, 2001.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-3547 Filed 2-9-01; 8:45 am]

BILLING CODE 3510-22-S

Proposed Rules

Federal Register

Vol. 66, No. 29

Monday, February 12, 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-CE-26-AD]

RIN 2120-AA64

Airworthiness Directives; Cessna Aircraft Company, Models 172N, 172P, R172K, 172RG, F172N, F172P, FR172J, and FR172K Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); Extension of the comment period.

SUMMARY: This document provides additional time for the public to comment on a proposal to supersede Airworthiness Directive (AD) 80-04-08, which currently requires inspecting (one-time) the fuel line and map light switch in the left hand forward door post for chafing or arcing and repairing any damage found on certain Cessna Aircraft Company (Cessna) Model 172N, R172K, F172N, and FR172K airplanes. AD 80-04-08 also required providing at least a 0.50-inch clearance between the map light switch and the fuel line; and installing a switch cover (insulator) over the map light switch. The proposed AD would extend the inspections and installation of the switch cover requirement to certain 172N, 172P, R172K, 172RG, F172N, F172P, FR172J, and FR172K series airplanes, would require replacement of the fuel line, if damaged; and would make the switch cover inspection and replacement repetitive. Comments received on the original NPRM (66 FR 1273, January 8, 2001) specify additional time to respond to the proposed action. The actions specified by the proposed AD are intended to detect and correct any chafing between the map light switch and the bordering fuel line, which could result in a fuel leak and an in-flight fire. **DATES:** The Federal Aviation Administration (FAA) must receive any

comments on this proposed rule by April 13, 2001. This is extended from February 12, 2001.

ADDRESSES: Send three copies of comments to FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-26-AD, 901 Locust, Room 506, Kansas City, Missouri 64106. You may read comments at this location between 8 a.m. and 4 p.m., Monday through Friday, except holidays.

You may get the service information referenced in the proposed AD from the Cessna Aircraft Company, P.O. Box 7706, Wichita, Kansas 67277; telephone: (316) 941-7550, facsimile: (316) 942-9008. You may look at this information at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Clyde Erwin, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209, telephone: (316) 946-4149; facsimile: (316) 946-4407.

Issued in Kansas City, Missouri, on January 23, 2001.

David R. Showers,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-3570 Filed 2-8-01; 12:29 pm]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD13-01-001]

RIN 2115-AE47

Drawbridge Operations Regulations; Lake Washington Ship Canal, Seattle, WA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the operating regulations for the Ballard Bridge across the Lake Washington Ship Canal, mile 1.1, at Seattle, Washington. This change limits double-leaf opening of the draw daily to 5 a.m., 12:30 p.m., and 8 p.m. contingent upon five hours notice being given. Single-leaf openings would be provided in accordance with the currently established operating schedule

and would be unaffected by this rulemaking. This temporary change is needed for 15 months to accommodate a major refurbishment project to the operating and drive systems of the bridge by the City of Seattle.

DATES: Comments and related material must reach the Coast Guard on or before April 13, 2001.

ADDRESSES: You may mail comments and related material to Commander (oan), Thirteenth Coast Guard District, 915 Second Avenue, Seattle, Washington 98174-1067 or deliver them to room 3510 between 7:45 a.m. and 4:15 p.m., Monday through Friday, except federal holidays. The Aids to Navigation and Waterways Management Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying.

FOR FURTHER INFORMATION CONTACT: Austin Pratt, Project Officer, Thirteenth Coast Guard District, (206) 220-7282.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD or COTP docket number), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to Commander Thirteenth Coast Guard District (oan) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time

and place announced by a later notice in the **Federal Register**.

Background and Purpose

The City of Seattle proposes to replace the aged operating and drive systems of the bascule drawspan of the Ballard Bridge across the Lake Washington Ship Canal, mile 1.1, at Seattle, Washington. To minimize interference with navigation, only one leaf will be temporarily disabled at a time. The disabled draw leaf will be powered by a winch system that will not perform at the usual speed for this drawbridge. In order to avoid lengthy inoperative periods, the bridge owner proposes three daily periods during which the draw will open fully for vessels unable to safely pass through one-half of the span. With five hours notice, both leaves of the draw would open at 5 a.m., 12:30 p.m., and 8 p.m. on any day of the week. During the project, single-leaf openings would be available according to the operating schedule currently in effect. This rulemaking would provide that both draw leaves need not be opened for the passage of vessels, including vessels engaged in towing operations, from 7 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. Monday through Friday, except federal holidays, for any vessel under 1000 gross tons.

Discussion of Proposed Rule

The Coast Guard proposes that double-leaf openings be required only three times daily after no less than five hours notice for a requested opening. These three scheduled openings would be at 5 a.m., 12:30 p.m., and 8 p.m. Single-leaf openings would be available whenever openings are currently required by the normal operating regulations of the bridge. Unless a vessel is 1000 gross tons or over, it need not receive an opening of the Ballard Bridge from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m., Monday through Friday (federal holidays excepted). With a single leaf open the Ballard Bridge provides 62.5 feet of horizontal clearance (125 feet with both leaves open) with unrestricted vertical clearance. In the closed position, the drawbridge provides 45 feet of vertical clearance above the mean regulated lake level (Lake Washington). Shorter periods of single-span opening operations have been authorized in the past. The majority of vessels on the related reach of the waterway can safely pass through a single-leaf draw opening.

Regulatory Evaluation

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of

potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This conclusion is based on the fact that most vessels will be able to pass the bridge with little change from normal operations and that all vessels can be accommodated three times a day.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. Some vessel owners might be temporarily inconvenienced by the change, if effected, but the delay should not be significant, especially after vessel operators learn of the change and can therefore plan their trips on the canal accordingly.

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

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs

the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.IC, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A "Categorical Exclusion Determination" is available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 117

Bridges

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1–(g); section 117.255 also issued

under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. From 5 a.m. on June 4, 2001, through 8 p.m. on September 30, 2002, § 117.1051 is temporarily amended by adding paragraph (d)(4) as follows:

§ 117.1051 Lake Washington Ship Canal.

* * * * *

(d) * * *

(4) From 5 a.m. on June 4, 2001, to 8 p.m. September 30, 2002, the Ballard Bridge, mile 1.1, need not open both draw leaves for the passage of vessels, including those engaged in towing operations, except at 5 a.m., 12:30 p.m., and 8 p.m., if at least five hours notice is given.

* * * * *

Dated: February 2, 2001.

Erroll Brown,

Rear Admiral, U.S. Coast Guard, Commander, Thirteenth Coast Guard District.

[FR Doc. 01-3550 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-15-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD105-3054b; FRL-6916-5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Approval of Opacity Recodifications and Revisions to Visible Emissions COMAR 26.11.06.02

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the State of Maryland for the purposes of recodifying Maryland's general opacity regulations and for providing procedures whereby a source may apply for and be granted a federally enforceable alternative visible emission standard. In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views these as noncontroversial submittals and anticipates no adverse comments. A more detailed description of the state submittals and EPA's evaluation are included in a Technical Support Document (TSD) prepared in support of this rulemaking action. A copy of the TSD is available, upon request, from the EPA Regional Office listed in the **ADDRESSES** section of this document. If no adverse comments are received in

response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Comments must be received in writing by March 14, 2001.

ADDRESSES: Written comments should be addressed to Denis Lohman, Acting Chief, Technical Assessment Branch, Mailcode 3AP22, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224.

FOR FURTHER INFORMATION CONTACT: Ruth E. Knapp, (215) 814-2191, at the EPA Region III address above, or by e-mail at knapp.ruth@epa.gov.

SUPPLEMENTARY INFORMATION: For further information regarding the recodifications to Maryland's general opacity regulations and the procedures by which a source may apply for and be granted an alternative visible emission standard, please see the information provided in the direct final action, with the same title, located in the "Rules and Regulations" section of this **Federal Register** publication.

Dated: November 30, 2000.

Bradley M. Campbell,

Regional Administrator, Region III.

[FR Doc. 01-3379 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL-6932-8]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted

by BMW Manufacturing Corporation, Greer, South Carolina (BMW), to exclude (or "delist") a certain hazardous waste from the list of hazardous wastes. BMW will generate the petitioned waste by treating wastewater from BMW's automobile assembly plant when aluminum is one of the metals used to manufacture automobile bodies. The waste so generated is a wastewater treatment sludge that meets the definition of F019. BMW petitioned EPA to grant a generator-specific delisting, because BMW believes that its F019 waste does not meet the criteria for which this type of waste was listed. EPA reviewed all of the waste-specific information provided by BMW, performed calculations, and determined that the waste could be disposed in a landfill without harming human health and the environment. Today's proposed rule proposes to grant BMW's petition to delist its F019 waste, and requests public comment on the proposed decision. If the proposed delisting becomes a final delisting, BMW's petitioned waste will no longer be classified as F019, and will not be subject to regulation as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The waste will still be subject to local, State, and Federal regulations for nonhazardous solid wastes.

DATES: EPA is requesting public comments on this proposed decision. Comments will be accepted until March 29, 2001. Comments postmarked after the close of the comment period will be stamped "late." These "late" comments may not be considered in formulating a final decision.

Any person may request a hearing on this proposed decision by filing a request with Richard D. Green, Director of the Waste Management Division, EPA, Region 4, whose address appears below, by February 27, 2001. The request must contain the information prescribed in section 260.20(d).

ADDRESSES: Send two copies of your comments to Jewell Grubbs, Chief, RCRA Enforcement and Compliance Branch, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303. Send one copy to Cindy Carter, Appalachia III District, South Carolina Department of Health and Environmental Control, 975C North Church Street, Spartanburg, South Carolina 29303. Identify your comments at the top with this regulatory docket number: R4-00-01-BMWP. Comments may also be submitted by e-mail to *sophianopoulos.judy@epa.gov*. If files are attached, please identify the format.

Requests for a hearing should be addressed to Richard D. Green, Director, Waste Management Division, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

The RCRA regulatory docket for this proposed rule is located at the EPA Library, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. The docket contains the petition, all information submitted by the petitioner, and all information used by EPA to evaluate the petition.

The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of \$0.15 per page for additional copies.

Copies of the petition are available during normal business hours at the following addresses for inspection and copying: U.S. EPA, Region 4, Library, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8190; and Appalachia III District, South Carolina Department of Health and Environmental Control, 975C North Church Street, Spartanburg, South Carolina 29303. The EPA, Region 4, Library is located near the Five Points MARTA station in Atlanta. The Appalachia III District Office of the South Carolina Department of Health and Environmental Control is located on North Church Street between Whitney Road and Mendala, near the Spartanburg Regional Medical Center. Documents are also available for viewing and downloading at the Web Site of EPA, Region 4: <http://www.epa.gov/region4/index.html> At this site, click on "Delisting," and then on individual documents to download them.

FOR FURTHER INFORMATION CONTACT: For general and technical information about this proposed rule, contact Judy Sophianopoulos, South Enforcement and Compliance Section, (Mail Code 4WD-RCRA), RCRA Enforcement and Compliance Branch, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8604, or call, toll free, (800) 241-1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Background

A. What Laws and Regulations Give EPA the Authority to Delist Wastes?

B. How did EPA Evaluate this Petition?

1. What methods for determining delisting levels did EPA use in the past? What is the EPACML model and how is it used to calculate delisting levels?
2. What is the DRAS that uses the new EPACMTP model to calculate not only delisting levels, but also to evaluate the effects of the waste on human health and the environment?
3. Why is the EPACMTP an improvement over the EPACML?
4. Has the EPACMTP been formally reviewed?
5. Has EPA modified the EPACMTP as used in the proposed Hazardous Waste Identification Rule (HWIR)?
6. What modifications to the DRAS have been made since the proposal in 65 FR 58015-58031, September 27, 2000?
7. What methods is EPA proposing to use to determine delisting levels for this petitioned waste?

II. Disposition of Delisting Petition

- A. Summary of Delisting Petition Submitted by BMW Manufacturing Corporation, Greer, South Carolina (BMW)
 - B. What Delisting Levels Did EPA Obtain with the EPACML Model and with DRAS?
 - C. How Did EPA Use the Multiple Extraction Procedure (MEP) to Evaluate This Delisting Petition?
 - D. Conclusion
- III. Limited Effect of Federal Exclusion Will this Rule Apply in All States?
 - IV. Effective Date
 - V. Paperwork Reduction Act
 - VI. National Technology Transfer and Advancement Act
 - VII. Unfunded Mandates Reform Act
 - VIII. Regulatory Flexibility Act, as Amended by the Small Business Regulatory Enforcement and Fairness Act
 - IX. Executive Order 12866
 - X. Executive Order 13045
 - XI. Executive Order 13084
 - XII. Submission to Congress and General Accounting Office
 - XIII. Executive Order 13132

I. Background

A. What Laws and Regulations Give EPA the Authority To Delist Wastes?

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they exhibit one or more of the characteristics of hazardous wastes identified in Subpart C of part 261 (i.e., ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in section 261.11(a)(2) or (a)(3).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, sections 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility¹ should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show, first, that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See section 260.22(a) and the background documents for the listed wastes. Second, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (i.e., ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the EPA to determine whether the waste contains any other toxicants at hazardous levels. See section 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (i.e., excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their wastes continue to be nonhazardous based on the hazardous waste characteristics (i.e., characteristics which may be promulgated subsequent to a delisting decision.)

In addition, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing listed hazardous wastes are also considered hazardous wastes. See sections 261.3(a)(2)(iv) and (c)(2)(i), referred to as the "mixture" and "derived-from" rules, respectively. Such

¹ Although no one produces hazardous waste intentionally, many industrial processes result in the production of hazardous waste, as well as useful products and services. A "generating facility" is a facility in which hazardous waste is produced, and a "generator" is a person who produces hazardous waste or causes hazardous waste to be produced at a particular place. Please see 40 CFR 260.10 for regulatory definitions of "generator," "facility," "person," and other terms related to hazardous waste, and 40 CFR part 262 for regulatory requirements for generators.

wastes are also eligible for exclusion and remain hazardous wastes until excluded. On December 6, 1991, the U.S. Court of Appeals for the District of Columbia vacated the "mixture/derived-from" rules and remanded them to the EPA on procedural grounds. *Shell Oil Co. v. EPA*, 950 F.2d 741 (D.C. Cir. 1991). On March 3, 1992, EPA reinstated the mixture and derived-from rules, and solicited comments on other ways to regulate waste mixtures and residues (57 FR 7628). These rules became final on October 30, 1992, 57 FR 49278, and should be consulted for more information regarding waste mixtures and solid wastes derived from treatment, storage, or disposal of a hazardous waste. The mixture and derived-from rules are codified in 40 CFR 261.3, paragraphs (a)(2)(iv) and (c)(2)(i). EPA plans to address waste mixtures and residues when the final portion of the Hazardous Waste Identification Rule (HWIR) is promulgated.

On October 10, 1995, the Administrator delegated to the Regional Administrators the authority to evaluate and approve or deny petitions submitted in accordance with sections 260.20 and 260.22, by generators within their Regions (National Delegation of Authority 8-19), in States not yet authorized to administer a delisting program in lieu of the Federal program. On March 11, 1996, the Regional Administrator of EPA, Region 4, redelegated delisting authority to the Director of the Waste Management Division (Regional Delegation of Authority 8-19).

B. How Did EPA Evaluate This Petition?

This petition requests a delisting for a hazardous waste listed as F019. In making the initial delisting determination, EPA evaluated the petitioned waste against the listing criteria and factors cited in sections 261.11(a)(2) and (a)(3). Based on this review, the EPA agrees with the petitioner that the waste is nonhazardous with respect to the original listing criteria. (If EPA had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would have proposed to deny the petition.) EPA then evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. See section 260.22(a) and (d). The EPA considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the

constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, the quantities of waste generated, and waste variability.

1. What Methods for Determining Delisting Levels Did EPA Use in the Past?

For this delisting determination, EPA used the information described in the preceding paragraph to identify plausible exposure routes (i.e., groundwater, surface water, air) for hazardous constituents present in the petitioned waste.

What is the EPACML Model and how is it Used to Calculate Delisting Levels? EPA used the EPA Composite Model for Landfills (EPACML) fate and transport model, modified for delisting, as one approach for determining the proposed delisting levels for BMW's waste. See 56 FR 32993-33012, July 18, 1991, for details on the use of the EPACML model to determine the concentrations of constituents in a waste that will not result in groundwater contamination. Delisting levels are the maximum allowable concentrations for hazardous constituents in the waste, so that disposal in a landfill will not harm human health and the environment by contaminating groundwater, surface water, or air. A Subtitle D landfill is a landfill subject to RCRA Subtitle D nonhazardous waste regulations, and to State and local nonhazardous waste regulations. If EPA makes a final decision to delist BMW's F019 waste, BMW must meet the delisting levels and dispose of the waste in a Subtitle D landfill, because EPA determined the delisting levels based on a landfill model. However, at a future date BMW may beneficially reuse the waste after receiving approval by the EPA² that reuse is at least as protective of human health and the environment as disposal in a landfill. With the EPACML approach, EPA calculated a delisting level for each hazardous constituent by using the maximum estimated waste volume to determine a Dilution Attenuation Factor (DAF) from a table of waste volumes and DAFs previously calculated by the EPACML model, as modified for delisting. See Table 2 of section II.B. below, which is adapted from 56 FR 32993-33012, July 18, 1991. The maximum estimated waste volume is the maximum number of cubic yards

² EPA will ask for and respond to public comment before making a decision on whether the reuse that BMW may propose is at least as protective of human health and the environment as disposal in a Subtitle D landfill.

of petitioned waste that BMW estimated it would dispose of each year. The delisting level for each constituent is equal to the DAF multiplied by the maximum contaminant level (MCL) which the Safe Drinking Water Act allows for that constituent in drinking water. The delisting level is a concentration in the waste leachate that will not cause the MCL to be exceeded in groundwater underneath a landfill where the waste is disposed. This method of calculating delisting levels results in conservative levels that are protective of groundwater, because the model does not assume that the landfill has the controls required of Subtitle D landfills.

2. What Is the DRAS That Uses the New EPACMTP Model To Calculate Not Only Delisting Levels, But Also To Evaluate the Effects of the Waste on Human Health and the Environment?

The EPA is also proposing to use the Delisting Risk Assessment Software (DRAS),³ developed by EPA, Region 6, to evaluate this delisting petition. The DRAS uses a new model, called the EPA Composite Model for Leachate Migration with Transformation Products (EPACMTP). The EPACMTP improves on the EPACML model in several ways. EPA is proposing to use the DRAS to calculate delisting levels and to evaluate the impact of BMW's petitioned waste on human health and the environment.

Today's proposal provides background information on the mechanics of the DRAS, and the use of the DRAS in delisting decision-making. Please see the EPA, Region 6, *RCRA Delisting Technical Support Document* (RDTSD) for a complete discussion of the DRAS calculation methods. The RDTSD, and **Federal Registers**, 65 FR 75637-75651, December 4, 2000, and 65 FR 58015-58031, September 27, 2000, are the sources of the DRAS information presented in today's preamble, and are included in the RCRA regulatory docket for this proposed rule.

The DRAS performs a risk assessment for petitioned wastes that are disposed of in the two waste management units of concern: surface impoundments for liquid wastes and landfills for non-liquid wastes. BMW's petitioned waste is solid, not liquid, and will be disposed

³ For more information on DRAS and EPACMTP, please see 65 FR 75637-75651, December 4, 2000 and 65 FR 58015-58031, September 27, 2000. The December 4, 2000 **Federal Register** discusses the key enhancements of the EPACMTP and the details are provided in the background documents to the proposed 1995 Hazardous Waste Identification Rule (HWIR) (60 FR 66344, December 21, 1995). The background documents are available through the RCRA HWIR FR proposal docket (60 FR 66344, December 21, 1995).

in a landfill; therefore, only the application of DRAS to landfills will be discussed in this preamble.

DRAS calculates releases from solid-phase wastes in a landfill, with the following assumptions: (1) the wastes are disposed in a Subtitle D landfill and covered with a 2-foot-thick native soil layer; (2) the landfill is unlined or effectively unlined due to a liner that will eventually completely fail. The two parameters used to characterize landfills are (1) area and (2) depth (the thickness of the waste layer). Data to characterize landfills were obtained from a nationwide survey of industrial Subtitle D landfills.⁴ Parameters and assumptions used to estimate infiltration of leachate from a landfill are provided in the *EPACMTP Background Document and User's Guide*, Office of Solid Waste, U.S. EPA, Washington, DC, September 1996.

DRAS uses the EPACMTP model to simulate the fate and transport of dissolved contaminants from a point of release at the base of a landfill, through the unsaturated zone and underlying groundwater, to a receptor well at an arbitrary downstream location in the aquifer (the rock formation in which the groundwater is located). DRAS evaluates, with the EPACMTP model, the groundwater exposure concentrations at the receptor well that result from the chemical release and transport from the landfill (*Application of EPACMTP to Region 6 Delisting Program: Development of Waste Volume-Specific Dilution Attenuation Factors*, U.S. EPA, August 1996). For the purpose of delisting determinations, receptor well concentrations for both carcinogens and non-carcinogens from finite-source degraders and non-degraders are determined with this model. Delisted waste is a finite source, because in a finite period of time, the waste's constituents will leach and move out of the landfill. Please see Paragraph 8. Contaminant Release and Transport Scenario in section I.B.3. of this preamble.

3. Why Is the EPACMTP an Improvement Over the EPACML?

The EPACMTP includes three major categories of improvements over the EPACML. The improvements include:

- (1) Incorporation of additional fate and transport processes (e.g., degradation of chemical constituents; fate and transport of metals);
- (2) Use of enhanced flow and transport equations (e.g., for calculating transport in three dimensions); and

(3) Revision of the Monte Carlo methodology (e.g., to allow use of site-specific, waste-specific data) (*EPACMTP Background Document and User's Guide*, Office of Solid Waste, U.S. EPA, Washington, DC, September 1996).

A discussion of the key enhancements which have been implemented in the EPACMTP is presented here and the details are provided in the background documents to the proposed 1995 Hazardous Waste Identification Rule (HWIR) (60 FR 66344, December 21, 1995). The background documents are available through the RCRA HWIR **Federal Register** proposal docket (60 FR 66344, December 21, 1995). For explanations of mathematical and chemical terms used in the discussion, please contact Judy Sophianopoulos, South Enforcement and Compliance Section, (Mail Code 4WD-RCRA), RCRA Enforcement and Compliance Branch, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562-8604, or call, toll free, (800) 241-1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call. You may also contact her by e-mail:

sophianopoulos.judy@epa.gov.

The EPACML accounts for: one-dimensional steady and uniform advective flow; contaminant dispersion in the longitudinal, lateral, and vertical directions; and sorption. However, advances in groundwater fate and transport have been made in recent years and EPA proposes and requests public comment on the use of the EPACMTP, which is a more advanced groundwater fate and transport model, for this RCRA delisting.

The EPACML was limited to conditions of uniform groundwater flow. It could not handle accurately the conditions of significant groundwater mounding and non-uniform groundwater flow due to a high rate of infiltration from the waste disposal units. These conditions increase the transverse horizontal, as well as the vertical, spreading of a contaminant plume.

The EPACMTP model overcomes the deficiencies of the EPACML in the following way: The subsurface as modeled with the EPACMTP consists of an unsaturated zone beneath a landfill and a saturated zone, the underlying water table aquifer. Contaminants move vertically downward through the unsaturated zone to the water table. The EPACMTP simulates one-dimensional, vertically downward flow and transport of contaminants in the unsaturated zone, as well as two-dimensional or

three-dimensional groundwater flow and contaminant transport in the underlying saturated zone. The EPACML used a saturated zone module that was based on a Gaussian distribution of the concentration of a chemical constituent in the saturated zone. The module also used an approximation to account for the initial mixing of the contaminant entering at the water table (saturated zone) underneath the waste unit. The module accounting for initial mixing in the EPACML could lead to unrealistic groundwater concentrations. The enhanced EPACMTP model incorporates a direct linkage between the unsaturated zone and saturated zone modules which overcomes these limitations of the EPACML. The following mechanisms affecting contaminant migration are accounted for in the EPACMTP model: Transport by advection and dispersion, retardation resulting from reversible linear or nonlinear equilibrium sorption on the soil and aquifer solid phase, and biochemical degradation processes. The EPACML did not account for biochemical degradation, and did not account for sorption as accurately as the EPACMTP.

The EPACMTP consists of four major components:

(1) A module that performs one-dimensional analytical and numerical solutions for water flow and contaminant transport in the unsaturated zone beneath a waste management unit;

(2) A numerical module for steady-state groundwater flow subject to recharge from the unsaturated zone;

(3) A module of analytical and numerical solutions for contaminant transport in the saturated zone; and

(4) A Monte Carlo module for assessing the effect of the uncertainty resulting from variations in model parameters on predicted receptor well concentrations.

As is true of any model, the EPACMTP is based on a number of simplifying assumptions that make the model easier to use and that ensure its computational efficiency. The major simplifying assumptions used in the EPACMTP are summarized below.

1. *Soil and Aquifer Medium Properties*. It is assumed that the soil and aquifer are uniform, porous media and that flow and transport are described by Darcy's Law⁵ and the advection-dispersion equation⁵, respectively. The EPACMTP does not account for the presence of preferential pathways such as fractures and macropores. Although the aquifer properties are assumed to be uniform,

⁴ Nationwide Survey of Industrial Subtitle D Landfills, Westat, 1987

the model does allow for anisotropy⁵ in hydraulic conductivity.

2. Flow in the Unsaturated Zone.

Flow in the unsaturated zone is assumed to be steady-state, one-dimensional, vertical flow from beneath the source toward the water table. The lower boundary of the unsaturated zone is assumed to be the water table. The flow in the unsaturated zone is assumed to be predominantly gravity-driven, and therefore the vertical flow component accounts for most of the fluid flux between the source and the water table. The flow rate is assumed to be determined by the long-term average infiltration rate through the landfill.

3. *Flow in the Saturated Zone.* The saturated zone module of the EPACMTP is designed to simulate flow in an unconfined aquifer with constant saturated thickness. The model assumes regional flow in a horizontal direction with vertical disturbance resulting from recharge and infiltration from the overlying unsaturated zone and landfill. The lower boundary of the aquifer is assumed to be impermeable. Flow in the saturated zone is assumed to be steady-state. The EPACMTP accounts for different recharge rates beneath and outside the source area. Groundwater mounding beneath the source is represented in the flow system by increased head values at the top of the aquifer. This approach is reasonable as long as the height of the mound is small relative to the thickness of the saturated zone.

4. *Transport in the Unsaturated Zone.* Contaminant transport in the unsaturated zone is assumed to occur by advection and dispersion. The unsaturated zone is assumed to be initially contaminant-free, and contaminants are assumed to migrate vertically downward from the disposal facility. The EPACMTP can simulate both steady-state and transient transport in the unsaturated zone with single-

species or multiple-species chain decay reactions and with linear or nonlinear sorption.

5. *Transport in the Saturated Zone.* Contaminant transport in the saturated zone is assumed to be a result of advection and dispersion. The aquifer is assumed to be initially contaminant-free, and contaminants are assumed to enter the aquifer only from the unsaturated zone immediately beneath the waste disposal facility, which is modeled as a rectangular, horizontal plane source. The EPACMTP can simulate both steady-state and transient three-dimensional transport in the aquifer. For steady-state transport, the contaminant mass flux entering at the water table must be constant with time; for the transient case, the flux at the water table may be constant or may vary as a function of time. The EPACMTP can simulate the transport of a single species or multiple species, chain decay reactions, and linear sorption.

6. *Contaminant Phases.* The EPACMTP assumes that the dissolved phase is the only mobile phase and disregards interphase mass transfer processes other than adsorption onto the solid phase. The model does not account for volatilization in the unsaturated zone; this is a conservative approach for volatile chemicals. The model also does not account for the presence of a nonaqueous-phase liquid (such as oil) or for transport in the gas phase. When a mobile oil phase is present, significant contaminant migration may occur within it, and the EPACMTP may underestimate the movement of hydrophobic chemicals (chemicals that "prefer" not to be dissolved in water, but to be dissolved in oil or oil-like materials).

7. *Chemical Reactions.* The EPACMTP computes chemical reactions involving adsorption and decay processes. The EPACMTP assumes that sorption of organic compounds in the subsurface is represented by linear adsorption isotherms in both the unsaturated and saturated zones. It is assumed that adsorption of contaminants onto the soil or aquifer solid phase occurs instantaneously and is entirely reversible. The effect of geochemical interactions is especially important in fate and transport analyses of metals. For simulation of metals, the EPACMTP uses sorption isotherms generated by EPA's MINTEQA2 metals speciation model, which takes into account the fact that many metals can exist in more than one chemical form or species, and that geochemical conditions can have large effects on the mobility of metals. The EPACML could not account for metals speciation.

MINTEQA2 is used to generate effective sorption isotherms for individual metals. The sorption isotherms correspond to a range of geochemical conditions that cause a metal to be present in different chemical forms or species which sorb (or bind) to subsurface material in different ways with different binding strengths (*EPACMTP Metals Background Document*, Office of Solid Waste, U. S. EPA, Washington, DC, September 1996). The transport modules for both the unsaturated and saturated zones in EPACMTP have been enhanced to incorporate the nonlinear MINTEQA2 sorption isotherms. This enhancement provides the model with the capability to simulate the impact of pH, leachate organic matter, natural organic matter, iron hydroxide and the presence of other ions in the groundwater on the mobility of metals in the unsaturated and saturated zones. The EPACMTP also accounts for chemical and biological transformation processes. All transformation reactions are represented by first-order decay processes. An overall decay rate is specified for the model; therefore, the model cannot explicitly consider the separate effects of multiple degradation processes such as oxidation, hydrolysis, and biodegradation. The user must determine the overall, effective decay rate when multiple decay processes are to be represented. To maximize its flexibility, the EPACMTP has the capability of determining the overall decay rate from chemical-specific hydrolysis constants using soil and aquifer temperature and pH values. The EPACMTP assumes that reaction stoichiometry (the proportion of each chemical taking part in a chemical reaction) is prescribed for scenarios involving chain decay reactions. The speciation factors are specified as constants by the user (see the *EPACMTP Background Document and User's Guide*, Office of Solid Waste, U.S. EPA, Washington, DC, September 1996). In reality, these coefficients may change as functions of aquifer conditions (for example, temperature and pH), concentration levels of other chemical components, or both.

8. *Contaminant Release and Transport Scenario.* Two source release scenarios are considered in the EPACMTP: continuous (infinite) and finite-source. Only the finite-source scenario is considered for delisting. For finite-source scenarios, the release of contaminants occurs over a finite period of time, after which the leachate concentration becomes zero (that is, all the contaminants in the waste disposed

⁵ Definitions: *Darcy's Law* states that the quantity of groundwater (Q) moving in an aquifer, expressed as volume of water per unit of time, is equal to the product of the aquifer's hydraulic conductivity (K); the cross-sectional area (A) through which the groundwater moves and which is at a right angle to the direction of groundwater flow; and the hydraulic gradient (dh/dl): $Q=KA(dh/dl)$. The *advection-dispersion equation* indicates that contaminant transport is dependent on soil properties, such as bulk density, porosity, volumetric water content, and fraction of organic carbon; contaminant properties, such as solubility in water, diffusion coefficient in air, strength of binding to soil organic carbon, Henry's Law Constant, (the ratio of a contaminant's concentration in air to its concentration in water), and; site properties, such as recharge rate, contaminant concentrations in recharge, depth to groundwater, and dimensions of modeled layer. *Anisotropy* is a condition where properties are not the same in every direction.

of in the landfill have leached out). The landfill parameters used by the EPACMTP to calculate contaminant release include values and/or frequency distributions of the capacity and dimensions of the landfill, the leachate concentration, infiltration and recharge rates, pulse duration, the fraction of hazardous waste in the landfill, the density of the waste, and the concentration of the chemical constituent in the hazardous waste. Data on the areas, volumes, and locations of landfills were obtained from the *Nationwide Survey of Industrial Subtitle D Landfills*, Westat, 1987. Derivation of the parameters for landfills is described in the *EPACMTP Background Document and User's Guide*, Office of Solid Waste, U.S. EPA, Washington, DC, September 1996. For finite-source scenarios, simulations are performed for transient conditions, and the source is assumed to be a pulse of finite duration. In the case of landfills, the pulse duration is based on the initial amount of contaminant in the landfill, infiltration rate, landfill dimensions, waste and leachate concentration, and waste density. For a finite-source scenario, the model can

calculate either the peak receptor well concentration for non-carcinogens or an average concentration over a specified period for carcinogens. The finite-source methodology in the EPACMTP is discussed in detail in the *EPACMTP Background Document for the Finite Source Methodology for Chemicals with Transformation Products and Implementation of the HWIR*, Office of Solid Waste, U.S. EPA, Washington, DC, September 1996.

9. *EPACMTP Modeling Assumptions and Input Parameters*. Specific EPACMTP modeling assumptions (in addition to the simplifying assumptions discussed in the eight preceding paragraphs) are summarized in Table 1A, below. This table also provides information on important input parameters as well as on their data sources or details. Overall, EPACMTP input parameters can be organized in the following four groups:

1. Source-specific parameters
2. Chemical-specific parameters
3. Unsaturated zone-specific parameters
4. Saturated zone-specific parameters

For delisting, the EPACMTP is run in Monte Carlo mode (probabilistic

calculations), and the source-, chemical-, unsaturated zone-, and saturated-zone specific parameters are represented by probability distributions reflecting variations on a national or a regional level. Specific capabilities and requirements associated with running the EPACMTP in the Monte Carlo mode are presented in Chapter 3 of *EPA's Composite Model for Leachate Migration with Transformation Products, EPACMTP: User's Guide*, Office of Solid Waste, U.S. EPA, Washington, DC, 1997. The Monte Carlo analysis determines the effect of the possible range of the input parameter of concern on the receptor well concentration. Output values produced for each iteration are sorted and ranked from highest to lowest in order to obtain a probabilistic distribution of receptor well concentrations. The different groups of input parameters are summarized below. For chemicals that were not modeled using the EPACMTP fate and transport model, the most conservative DAF was assigned (i.e., DAF=18f).

TABLE 1A.—EPACMTP MODELING ASSUMPTIONS AND INPUT PARAMETERS

Modeling assumptions	
Modeling element	Description or value
Management Scenario	Landfill.
Modeling Scenario	Finite-source Monte Carlo; depleting source for organics, constant concentration pulse source for metals.
Exposure Evaluation	Downgradient groundwater receptor well; maximum well concentration of non-carcinogens during modeling period, maximum 30-year average well concentration of carcinogens; 10,000-year exposure period.
Regulatory Protection	Level 90 percent.
Source-specific parameters	
Parameter	Description or value
Landfill Area	Derived.
Landfill Volume	User-specified.
Infiltration Rate from Landfill	Site-based, derived from water balance using HELP model.
Leaching Duration from Landfill	Derived, continues until all constituents have leached out; 20 years (operational life of unit).
Chemical-specific parameters	
Parameter	Description and source
Decay Rate:	
Organic Constituents	Hydrolysis rate constants compiled by U.S. EPA ORD.
Metals	No decay.
Sorption:	
Organic Constituents	Koc constants compiled by U.S. EPA ORD.
Metals	MINTEQA2 sorption isotherm coefficients (Kd) for Pb, Hg (II), Ni, Cr (III), Ba, Cd, Ag, Zn, Cu (II), Be; pH- dependent isotherm coefficients for As (III), Cr (VI), Se (VI), Th.
Unsaturated zone-specific parameters	
Parameter	Description and source
Depth to Groundwater	Site-based, from API and USGS hydrogeologic database.

TABLE 1A.—EPACMTP MODELING ASSUMPTIONS AND INPUT PARAMETERS—Continued

Soil Hydraulic Parameters: Fraction Organic Carbon Bulk Density.	U.S. EPA ORD data based on national distribution of three soil types (sandy loam, silt loam, silty clay loam).
Saturated zone-specific parameters	
Parameter	Description and source
Recharge Rate	Site-based, derived from regional precipitation and evaporation data and soil type.
Aquifer Thickness	Site-based, from API and USGS hydrogeologic database.
Hydraulic Conductivity	Site-based, from API and USGS hydrogeologic database.
Hydraulic Gradient	Site-based, from API and USGS hydrogeologic database.
Porosity	Effective porosity derived from national distribution of aquifer particle diameter.
Bulk Density	Derived from porosity.
Dispersivity	Derived from distance to receptor well.
Groundwater Temperature	Site-based, from USGS regional temperature map.
Fraction Organic Carbon	National distribution, from U.S. EPA STORET database.
pH	National distribution, from U.S. EPA STORET database.
Receptor well parameters	
Well element	Description and source
Radial Distance from Landfill	Nationwide distribution, from U.S. EPA OSW database.
Angle Off-Center	Uniform within ± 90° from plume center line (no restriction within plume).
Depth of Intake Point	Uniform throughout saturated thickness of aquifer.

Notes:

Table is adapted from Tables 2-1, Chapter 2 of Region 6's RCRA Delisting Technical Support Document, EPA906-D-98-001, Interim Final, August 1, 2000.

API = American Petroleum Institute.

HELP = Hydrologic Evaluation of Landfill Performance; The HELP model was used to calculate landfill infiltration rates for a representative subtitle D landfill with 2-foot earthen cover, and no liner or leachate collection system, using climatic data from 97 climatic stations located throughout the United States. These correspond to the reasonable worst case assumptions as explained in the HWIR Risk Assessment Background Document for the HWIR proposed notice 60 FR 66344 (December 21, 1995). Additional details on the methodologies used by the EPACMTP to derive DAFs for waste constituents modeled for the landfill scenario are presented in the Background Documents for the proposed HWIR rule. See 60 FR 66344 (December 21, 1995). The fraction of waste in the landfill is assigned a uniform distribution with lower and upper limits of 0.036 and 1.0, respectively, based on analysis of waste composition in Subtitle D landfills. The lower bound assures that the landfill will always contain a minimum amount of the waste of concern. The waste density is assigned a value based on reported densities of hazardous waste, and varies between 0.7 and 2.1 g/cm.³

ORD = U.S. EPA Office of Research and Development.

STORET = Database Utility for STORAGE and RETRIEVAL of Chemical, Physical, and Biological Data for Water Quality.

USGS = U.S. Geological Survey.

4. Has the EPACMTP Methodology Been Formally Reviewed?

The Science Advisory Board (SAB), a public advisory group that provides information and advice to the EPA, reviewed the EPACMTP model as part of a continuing effort to provide improvements in the development and external peer review of environmental regulatory models. Overall, the SAB commended EPA for making significant enhancements to the EPACMTP's predecessor, the EPACML and for responding to previous SAB suggestions. The SAB also concluded that the mathematical formulation incorporating daughter products into the model appeared to be correct and that the site-based approach using hydrogeologic regions is superior to the previous approach used in EPACML. The model underwent public comment during the 1995 proposed HWIR. See 60 FR 66344 (December 21, 1995).

5. Has EPA Modified the EPACMTP as Used in the Proposed Hazardous Waste Identification Rule (HWIR)?

The EPACMTP, as developed for HWIR, determined the DAF using a Monte Carlo approach that selected, at random, a waste volume from a range of waste volumes identified in EPA's 1987 Subtitle D landfill survey. In delisting determinations, the waste volume of the petitioner is known. Therefore, application of EPACMTP to the delisting program has been modified to evaluate the specific waste volume, just as the original EPACML model was modified for delisting to derive DAFs related to waste volume from DAFs related to landfill area. EPA modified the DAFs determined under the HWIR proposal to account for a known waste volume. To generate waste volume-specific DAFs, EPA developed "scaling factors" to modify DAFs developed for HWIR (based on the entire range of waste disposal units) to DAFs for delisting waste volumes. This was accomplished by computing a 90th percentile DAF for a conservative

chemical (a chemical that persists in the environment) for 10 specific waste volumes (ranging from 1,000 cubic yards to 300,000 cubic yards) for each waste management scenario (landfill and surface impoundment). EPA assumed that DAFs for a specific waste volume are linearly related to DAFs developed by EPACMTP for the HWIR. DAF scaling factors were computed for the ten increment waste volumes. Using these ten scaling factor DAFs, regression equations were developed for each waste management scenario to provide a continuum of DAF scaling factors as a function of waste volume.

The regression equations are coded into the DRAS program which then automatically adjusts the DAF for the waste volume of the petitioner.

The method used to verify the scaling factor approach is presented in the document, *Application of EPACMTP to Region 6 Delisting Program: Development of Waste Volume-Specific Dilution Attenuation Factors*, U.S. EPA, August 1996. For the landfill waste management scenario, the DAF scaling factors ranged from 9.5 for 10,000 cu.

yard to approximately 1.0 for waste volumes greater than 200,000 cu. yards. Therefore, for petitioned waste volumes greater than 200,000 cu. yards, the waste volume-specific DAF is the same as the DAF computed for the proposed HWIR. The regression equation that can be used to determine the DAF scaling factor (DSF) as a function of waste volume (in cubic yards) for the landfill waste management unit is: $DSF = 6152.7 * (\text{waste volume})^{-0.7135}$. The correlation coefficient of this regression equation is 0.99, indicating a good fit of this line to the data points.

6. What Modifications to the DRAS Have Been Made Since the Proposal in 65 FR 58015-58031, September 27, 2000?

Several revisions have been made to the DRAS program in order to improve the modeling. Specifically, the groundwater inhalation pathway was revised to reflect recent advances in modeling household inhalation from home water use (e.g., showering). The basis for estimating the concentration of constituents in the indoor air is based on the mass transfer of constituent from water to shower air. The initial version of DRAS used a fate and transport model described by McKone and Bogen (1992)⁶ which predicted the highest waste concentration emitted from the water into the air during a given water use period (e.g., 10-minute shower). This method was revised to more accurately predict the average concentration occurring during the exposure event.

The revised model used in this analysis is based on the equations presented in McKone (1987)⁷. The shower model estimates the change in the shower (or bathroom or household) air concentration based on the mass of constituent lost by the water (fraction emitted or emission rate) and the air exchange rate between the various model compartments (shower, the rest of the bathroom, and the rest of the house). The resulting differential equations were solved using finite difference numerical integration. The average air concentration in the shower and bathroom are obtained by averaging the concentrations obtained for each time step over the duration of the exposure event (shower and bathroom

use). These concentrations and the durations of daily exposure are used to estimate risk from inhalation exposures to residential use of groundwater. Further, improvements were made to more accurately reflect the transfer efficiency of the waste constituent from the groundwater to the air compartment. The fraction emitted from the bathroom or household water use is a function of the input transfer efficiency (or maximum fraction emitted) and the driving force for mass transfer (the differential between air saturation concentration at air/water interface and bulk air concentration). For example, in the shower compartment, the constituent emission rate is estimated from the change in the shower water concentration as the water falls through the air.

The shower emissions can be modeled based on falling droplets as a means of estimating the surface-area-to-volume ratio for mass transfer and the residence time of the water in the shower compartment, assuming the constituent concentration in the gas phase is constant over the time frame of the droplet fall. By assuming the drops fall at terminal velocity, the surface-area-to-volume ratio and the residence time can be determined based solely on droplet size. A droplet size of approximately 1 mm (0.1 cm) was selected. The terminal velocity for the selected droplet size is approximately 400 cm/s. The fraction of constituent emitted from a water droplet at any given time can then be calculated.

The equations used to predict surface volatilization from a landfill have been modified to more accurately reflect true waste concentration releases. The previous version of DRAS used Farmer's equation⁸ to estimate the emission rate of volatiles from the surface of the landfill. Farmer's equation assumes that the emission originates as volatiles in liquids trapped in the pore spaces between solid particles of waste. The volatiles evaporate from the liquid and are emitted from the landfill following gaseous diffusion through the solid waste particles and soil cover to the surface of the landfill. Farmer's equation requires the mole fraction of a given volatile constituent in the liquid in order to calculate the emission. The previous version of DRAS used the

TCLP value of a volatile constituent in the waste to approximate the mole fraction of a given constituent in the pore liquid. Since the TCLP test includes a 20-fold dilution, the calculation might underestimate the available concentration of volatiles in freshly deposited waste. The DRAS has been revised to use Shen's modification of Farmer's equation, described in U.S. EPA Office of Air Quality Planning and Standards' 1984 *Evaluation and Selection of Models for Estimating Air Emissions from Hazardous Waste Treatment, Storage, and Disposal Facilities*, EPA-450/3-84-020. Shen took the simplified version of Farmer's equation for vapor flux from a soil surface and converted it to an emission rate by multiplying it by the exposed landfill area. Shen's modification uses the total waste constituent concentration (weight fraction in the bulk waste) to approximate the mole fraction of that constituent in the liquid phase.

In estimating the amount of a given waste constituent that is released to surface water and eventually becomes freely dissolved in the water column, previous delisting petitions and the earlier version of the DRAS used the maximum observed TCLP concentration in waste as the total amount of the waste constituent available for erosion. Further, the former method assumed that all of the constituent mass that reached the stream, based on TCLP, became dissolved in the aqueous phase. Assuming complete conversion to a dissolved state is overly conservative and not in agreement with recent EPA methodology. In the revised DRAS, the total waste constituent concentration is used to estimate the constituent mass that reaches the stream. The portion of the waste constituent that becomes freely dissolved is determined by an estimate of partitioning between suspended solids and the aqueous phase. This methodology is described in U.S. EPA's 1998 *Human Health Risk Assessment Protocol for Hazardous Waste Combustion Facilities*, Volume One, Peer Review Draft, EPA530-D-98-001A (HHRAP).

Recent developments in mercury partitioning described in the Mercury Report to Congress led to another revision to the surface water pathway. The DRAS was modified to account for bioaccumulation of methyl mercury as a result of the release of mercury into the surface water column. The primary human health hazard posed by the release of mercury into surface water is through bioaccumulation of methyl mercury in fish followed by human consumption of the contaminated fish.

⁶McKone, T.E., and K.T. Bogen, 1992, "Uncertainties in Health-Risk Assessment: An Integrated Case Study Based on Tetrachloroethylene in California Groundwater." *Regulatory Toxicology and Pharmacology*, 15:86-103.

⁷McKone, T.E. 1987, "Human Exposure to Volatile Organic Compounds in Household Tap Water. The Indoor Inhalation Pathway." *Environmental Science and Technology*, 21(12): 1194-1201.

⁸Farmer, W.J., MS. Yange and J. Letey. "Land Disposal of Hexachlorobenzene Wastes Controlling Vapor Movement in Soils." In: *Land Disposal of Hazardous Wastes, Proceedings of the Fourth Annual Research Symposium*. Held at San Antonio, TX on March 6, 7 and 8. EPA-600/9-78-016. U.S. EPA Office of Research and Development, Municipal Environmental Research Laboratory, Cincinnati OH. August.

Biological processes in surface water cause the conversion, or methylation, of elemental mercury to methyl mercury. In accordance with the HHRAP, 15% of mercury in the water column is assumed to be converted to methyl mercury. This fraction is then used, along with the current bioaccumulation factor, to determine the predicted concentration of methyl mercury in fish tissue.

7. What Methods Is EPA Proposing To Use To Determine Delisting Levels for This Petitioned Waste?

BMW submitted to the EPA analytical data from its Greer, South Carolina plant and from the BMW plant in Dingolfing, Germany. Four composite samples of wastewater treatment sludge, from approximately 60 batches of wastewater, were collected from each plant, over a three-week period. A summary of analytical data is presented in Table 1B of section II below, with analytical details in the Table footnotes.

After reviewing the analytical data and information on processes and raw materials that BMW submitted in the delisting petition, EPA developed a list of constituents of concern and calculated delisting levels for them using MCLs and EPACML DAFs and calculated delisting levels and risks using DRAS and EPACMTP DAFs as described above. EPA requests public comment on these proposed methods of calculating delisting levels and risks for BMW's petitioned waste.

EPA also requests comment on three additional methods of evaluating BMW's delisting petition and determining delisting levels: (1) Use of the Multiple Extraction Procedure (MEP), SW-846 Method 1320,⁹ to evaluate the long-term resistance of the waste to leaching in a landfill; (2) setting limits on total concentrations of constituents in the waste that are more conservative than results of calculations of constituent release from waste in a landfill to surface water and air, and release during waste transport; and (3) setting delisting levels at the Land Disposal Restrictions (LDR) Universal Treatment Standards (UTS) levels in 40 CFR 268.48. The UTS levels for BMW's constituents of concern are the following:

Barium: 21 mg/l TCLP; Cadmium: 0.11 mg/l TCLP; Chromium: 0.60 mg/l TCLP; Cyanide Total: 590 mg/kg;

Cyanide Amenable 30 mg/kg; Lead: 0.75 mg/l TCLP; Nickel: 11 mg/l TCLP.

The EPA provides notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all timely public comments (including those at public hearings, if any) on today's proposal are addressed.

II. Disposition of Delisting Petition

A. Summary of Delisting Petition Submitted by BMW Manufacturing Corporation, Greer, South Carolina (BMW)

BMW manufactures BMW automobiles, and is seeking a delisting for the sludge that will be generated by treating wastewater from its manufacturing operations, when aluminum will be used to replace some of the steel in the automobile bodies. Wastewater treatment sludge does not meet a hazardous waste listing definition when steel-only automobile bodies are manufactured. However, the wastewater treatment sludge generated at automobile manufacturing plants where aluminum is used as a component of automobile bodies, meets the listing definition of F019 in § 261.31.¹⁰

BMW petitioned EPA, Region 4, on June 2, 2000, to exclude this F019 waste, on a generator-specific basis, from the lists of hazardous wastes in 40 CFR part 261, subpart D.

The hazardous constituents of concern for which F019 was listed are hexavalent chromium and cyanide (complexed). BMW petitioned the EPA to exclude its F019 waste because BMW does not use either of these constituents in the manufacturing process. Therefore, BMW does not believe that the waste meets the criteria of the listing.

BMW claims that its F019 waste will not be hazardous because the constituents of concern for which F019 is listed will be present only at low concentrations and will not leach out of the waste at significant concentrations. BMW also believes that this waste will not be hazardous for any other reason (i.e., there will be no additional constituents or factors that could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f),

and 40 CFR 260.22(d)(2)-(4). Today's proposal to grant this petition for delisting is the result of the EPA's evaluation of BMW's petition.

In support of its petition, BMW submitted: (1) Descriptions of its manufacturing and wastewater treatment processes, the generation point of the petitioned waste, and the manufacturing steps that will contribute to its generation; (2) Material Safety Data Sheets (MSDSs) for materials used to manufacture automobiles and to treat wastewater; (3) the minimum and maximum annual amounts of wastewater treatment sludge generated from 1996 through 1999, and an estimate of the maximum annual amount expected to be generated in the future; (4) results of analysis for metals, cyanide, sulfide, fluoride, and volatile organic compounds in the currently generated waste at the BMW plants in Greer, South Carolina, and Dingolfing, Germany; (5) results of the analysis of leachate obtained by means of the Toxicity Characteristic Leaching Procedure (TCLP), SW-846 Method 1311), from these wastes; (6) results of the determinations for the hazardous characteristics of ignitability, corrosivity, and reactivity, in these wastes; (7) results of determinations of dry weight percent, bulk density, and free liquids in these wastes; and (8) results of the MEP analysis of the currently generated waste at the plant in Greer, South Carolina.

The BMW automobile assembly plant in Greer, South Carolina, manufactures automobiles for domestic consumption and for shipment to foreign markets. BMW's Standard Industrial Classification (SIC) code is 3711. The assembly plant operations include body welding, conversion coating, painting, final assembly, and shipment. The manufacturing process that will cause F019 to be generated is conversion coating, when applied to automobile bodies that contain aluminum. Conversion coating takes place in the plant's paint shop and treats the metal surface of each automobile body before painting to provide resistance to corrosion and to prepare the metal surface for optimum paint adhesion. Wastewater from all plant operations is treated at BMW's wastewater pretreatment plant which is located in an area of the paint shop. The wastewater is treated to meet the requirements of BMW's wastewater pretreatment permit before discharging the water to the publicly owned treatment works (POTW). Treatment results in the formation of insoluble

⁹ "SW-846" means EPA Publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." Methods in this publication are referred to in today's proposed rule as "SW-846," followed by the appropriate method number.

¹⁰ "Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process."

metal hydroxides and phosphates. Wastewater treatment sludge is generated when these metal hydroxides and phosphates are dewatered in a filter press. The sludge that exits from the filter press will be classified as F019 when the automobile bodies contain aluminum, and the exit from the filter press will be the point of generation of F019.

BMW began generating wastewater treatment sludge from its Greer, South Carolina, assembly plant in 1994. From

1996 through 1999, BMW generated from 264 tons to 386 tons of wastewater treatment sludge per year. BMW estimated that production could increase to 1,600 vehicles per day in the next decade, and the generation rate of wastewater treatment sludge could reach 2,400 tons per year. BMW produces relatively large quantities of sludge because the company voluntarily removes phosphate from its wastewater in order to protect water quality in a

recreational lake located downstream of the POTW discharge.

Table 1B below summarizes the hazardous constituents and their concentrations in BMW's wastewater treatment sludge generated from the manufacture of steel-only automobile bodies at the Greer, South Carolina, plant, and in the wastewater treatment sludge generated from the manufacture of automobile bodies containing steel and aluminum, at the BMW plant in Dingolfing, Germany.

TABLE 1B.—BMW MANUFACTURING CORPORATION, GREER, SOUTH CAROLINA, AND DINGOLFING, GERMANY: WASTEWATER TREATMENT SLUDGE PROFILE

Parameters ¹	1	2	3	4 ²	Max.	Mean	S.D.	C.V. ³ (percent)
Metals								
Barium:								
SC Plant	402	387 (383)	377	368	402	383.4	12.6	3.3
German Plant	144 (106)	116	120	121	144	121.4	14.0	11.5
Barium—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	NA	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	NA	NA	NA	NA
Cadmium:								
SC Plant	21.3	21.5 (21.1)	20.6	19.9	21.5	20.88	0.642	3.1
German Plant	3.77 (3.48)	3.26	ND	ND	3.77	3.42	0.22	6.5
Cadmium—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	NA	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	NA	NA	NA	NA
Chromium:								
SC Plant	202	222 (207)	213	201	222	209	8.69	4.2
German Plant	94.3 (84.2)	90.5	94.6	100	100	92.72	5.84	6.3
Chromium—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	NA	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	NA	NA	NA	NA
Lead:								
SC Plant	337	356 (348)	356	340	356	347	8.82	2.5
German Plant	1,920 (1,430)	1,540	1,490	1,240	1,920	1,524	248.9	16.3
Lead—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	NA	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	NA	NA	NA	NA
Nickel:								
SC Plant	1,400	1,660 (1,560)	1,710	1,500	1,710	1,566	124.0	7.9
German Plant	5,680 (5,350)	5,620	5,860	6,450	6,450	5,792	410.8	7.1
Nickel—TCLP:								
SC Plant	6.00	5.69 (5.80)	6.25	6.09	6.25	5.966	0.224	3.8
German Plant	0.73 (ND)	0.62	ND	ND	0.73	0.57	0.10	18.1
Zinc:								
SC Plant	15,000	15,100 (14,300)	14,000	13,300	15,100	14,300	743.6	5.2
German Plant	14,600 (12,500)	13,800	13,800	13,900	14,600	13,720	759.6	5.5
Zinc—TCLP:								
SC Plant	6.08	6.21 (6.07)	5.42	5.87	6.21	5.93	0.310	5.2
German Plant	ND (ND)	ND	ND	ND	NA	NA	NA	NA
Volatile Organic Compounds								
Acetone:								
SC Plant	5.950j	3.263j (1.432j)	3.372j	1.793j	5.950j	3.162	1.781	56.3
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Acetone—TCLP:								
SC Plant	8.28j	5.13j (0.0507j)	2.68j	1.34j	8.28j	3.50	3.27	93.4
German Plant	0.6067j (0.3581j)	1.563j	0.3090j	1.490j	1.563j	0.8654	0.6145	71.0
2-Butanone:								
SC Plant	1.055	1.122 (ND)	0.6889	0.2672	1.122	0.6623	0.4348	65.7
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
2-Butanone—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Ethylbenzene:								
SC Plant	0.6917j	0.5789j 0.2875j	0.1960j	0.7879j	0.7879j	0.5084	0.2564	50.4
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA

TABLE 1B.—BMW MANUFACTURING CORPORATION, GREER, SOUTH CAROLINA, AND DINGOLFING, GERMANY: WASTEWATER TREATMENT SLUDGE PROFILE—Continued

Parameters ¹	1	2	3	4 ²	Max.	Mean	S.D.	C.V. ³ (percent)
Ethylbenzene— TCLP:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
4-Methyl-2- pentanone:								
SC Plant	0.4100	0.3089 (ND)	0.2843	0.1948	0.410	0.2753	0.0938	34.1
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
4-methyl-2- pentanone—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	0.0733	ND	ND	0.0733	NA	NA	NA
Toluene:								
SC Plant	ND	0.0211 (ND)	ND	ND	0.0211	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Toluene—TCLP:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Xylenes, total:								
SC Plant	2.4828j	2.144j (1.089j)	0.6871j	2.445j	2.4828j	1.7696	0.8276	46.8
German Plant	1.133 (1.000)	0.5667	1.233	1.050	1.233	0.997	0.256	25.7
Xylenes, total— TCLP:								
SC Plant	ND	ND (0.0038)	ND	ND	0.0038	NA	NA	NA
German Plant	0.0273 (0.0255)	0.0343	0.0297	0.0407	0.0407	0.0315	0.0061	19.4
Hazardous Waste Characteristics								
Corrosivity:								
SC Plant	No	No (No)	No	No	NA	NA	NA	NA
German Plant	No (No)	No	No	No	NA	NA	NA	NA
Ignitability:								
SC Plant	No	No (No)	No	No	NA	NA	NA	NA
German Plant	No (No)	No	No	No	NA	NA	NA	NA
Reactive Sulfide:								
SC Plant	153j	194j (32j)	52j	78j	194j	101.8	69.0	67.8
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Reactive Cyanide:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Inorganic Non- metals								
Total Cyanide:								
SC Plant	ND	2.05j (3.35j)	ND	ND	(3.35j)	2.28	0.599	26.3
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Amenable Cyanide:								
SC Plant	ND	ND (ND)	ND	ND	ND	NA	NA	NA
German Plant	ND (ND)	ND	ND	ND	ND	NA	NA	NA
Fluoride:								
SC Plant	8.6	9.7 (9.4)	11.7	13.7	13.7	10.62	2.07	19.5
German Plant	8.0j (9.2j)	8.4j	15.6j	15.5j	15.6j	11.3	3.87	34.2
Properties								
Dry Weight Percent:								
SC Plant	30	28 (28)	28	29	30	28.6	0.894	3.1
German Plant	30 (31)	30	30	30	31	30.2	0.447	1.5
Paint Filter Test ⁴ :								
SC Plant	Pass	Pass (Pass)	Pass	Pass	NA	NA	NA	NA
German Plant	Pass (Pass)	Pass	Pass	Pass	NA	NA	NA	NA

¹ Parameters are the chemicals or properties analyzed. Results for the two plants are in separate rows below the name of the chemical or property.

² The first set of results for each chemical shows the concentrations determined by total analysis of the samples in milligrams of chemical per kilogram of waste (mg/kg). The second set of results for each chemical shows the concentrations determined by analysis of the TCLP extracts of the samples in milligrams of chemical per liter of TCLP extract of the waste (mg/L). The TCLP results are just below the row where the name of the chemical is followed by "—TCLP." ND = Not detected. NA = Not applicable. j = Parameter concentration estimated based on validation criteria. The metals, antimony, hexavalent chromium, silver, and vanadium, and the volatile organic compounds ethyl acetate, isobutanol, -butanol, and methanol were not detected by total analysis of samples from both plants and are not included in the table in order to save space. Numbers 1 through 4 in the table heading identify composite samples. Results in parentheses are for duplicate samples. As described in the petition, each composite sample is a mixture of six grab samples. Grab samples were used for total analysis of volatile organic chemicals.

³The last four columns contain a statistical analysis of the analytical results. Max. = maximum concentration found; Mean. = mean or average concentration found = sum of concentrations divided by the number of samples; S.D.= standard deviation = the square root of [(sum of squares of the differences between each measured concentration and the mean) divided by (the number of samples minus 1)]; C.V. = coefficient of variation, expressed as a percent = 100 times the standard deviation divided by the mean concentration. Statistical analyses were performed only if the parameter was detected in more than one sample. Detection limits reported by the laboratory were used in the statistical calculations when chemicals were not detected (ND). This is a conservative assumption, which is likely to result in overestimation of the mean concentration.

⁴“Pass” for the Paint Filter Test means that the sludge samples contained no free liquids.

EPA concluded after reviewing BMW’s waste management and waste history information that no other hazardous constituents, other than those tested for, are likely to be present in BMW’s petitioned waste. In addition, on the basis of test results and other information provided by BMW, pursuant to section 260.22, EPA concluded that the petitioned waste will not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See §§ 261.21, 261.22, and 261.23, respectively.

During its evaluation of BMW’s petition, EPA also considered the potential impact of the petitioned waste on media other than groundwater. With regard to airborne dispersal of waste, EPA evaluated the potential hazards resulting from airborne exposure to waste contaminants from the petitioned waste using an air dispersion model for releases from a landfill. The results of this evaluation indicated that there is no substantial present or potential hazard to human health from airborne exposure to constituents from BMW’s petitioned waste. (A description of EPA’s assessment of the potential impact of airborne dispersal of BMW’s petitioned waste is presented in the RCRA public docket for today’s proposed rule.)

EPA evaluated the potential impact of the petitioned waste on surface water resulting from storm water runoff from a landfill containing the petitioned waste, and found that the waste would not present a threat to human health or the environment. (See the docket for today’s proposed rule for a description of this analysis). In addition, EPA believes that containment structures at municipal solid waste landfills can effectively control runoff, as Subtitle D regulations (see 56 FR 50978, October 9, 1991) prohibit pollutant discharges into surface waters. While some contamination of surface water is possible through runoff from a waste disposal area, EPA believes that the dissolved concentrations of hazardous constituents in the runoff are likely to be lower than the extraction procedure test results reported in today’s proposed rule, because of the aggressive acidic medium used for extraction in the TCLP. EPA also believes that, in general, leachate derived from the waste will not directly enter a surface water body without first traveling through the

saturated subsurface where dilution of hazardous constituents may occur. Transported contaminants would be further diluted in the receiving water body. Subtitle D controls would minimize significant releases to surface water from erosion of undissolved particulates in runoff.

B. What Delisting Levels Did EPA Obtain With the EPACML Model and with DRAS?

In order to account for possible variability in the generation rate, EPA calculated delisting levels using a maximum generation rate of 2,400 tons per year. EPA converted the 2,400 tons to a waste volume of 2,850 cubic yards, by using BMW’s conservative estimate that the density of the sludge is approximately equal to the density of water. While the sludge is certainly more dense than water, using the lower density results in a higher value for the waste volume, and a lower, more conservative, Dilution Attenuation Factor (DAF). Table 2 below is a table of waste volumes in cubic yards and the corresponding DAFs from the EPACML model. EPA obtained a DAF of 70 from Table 2, for BMW’s petitioned waste.

TABLE 2.—DILUTION/ATTENUATION FACTORS (DAFs) FOR LANDFILLS CALCULATED BY THE EPACML MODEL, MODIFIED FOR DELISTING

Waste volume in cubic yards per year ¹	DAF (95th percentile) ²
1,000	3100
1,250	96
1,500	90
1,750	84
2,000	79
2,500	74
3,000	68
4,000	57
5,000	54
6,000	48
7,000	45
8,000	43
9,000	40
10,000	36
12,500	33
15,000	29
20,000	27
25,000	24
30,000	23
40,000	20
50,000	19
60,000	17
80,000	17
90,000	16

TABLE 2.—DILUTION/ATTENUATION FACTORS (DAFs) FOR LANDFILLS CALCULATED BY THE EPACML MODEL, MODIFIED FOR DELISTING—Continued

Waste volume in cubic yards per year ¹	DAF (95th percentile) ²
100,000	15
150,000	14
200,000	13
250,000	12
300,000	12

¹ The waste volume includes a scaling factor of 20 (56 FR 32993, July 18, 1991; and 56 FR 67197, Dec. 30, 1991), where the annual volume of waste in the table is assumed to be sent to a landfill every year for 20 years.

² The DAFs calculated by the EPACML are a probability distribution based on a range of values for each model input parameter; the input parameters include such variables as landfill size, climatic data, and hydrogeologic data. The 95th percentile DAF represents a value in which one can have 95% confidence that a contaminant’s concentration will be reduced by a factor equal to the DAF, as the contaminant moves from the bottom of the landfill through the subsurface environment to a receptor well. For example, if the 95th percentile DAF is 10, and the leachate concentration of cadmium at the bottom of the landfill is 0.05 mg/l, one can be 95% confident that the receptor well concentration of cadmium will not exceed 0.005 mg/l. See 55 FR 11826, March 29, 1990; 56 FR 32993, July 18, 1991; and 56 FR 67197, December 30, 1991.

³DAF cutoff is 100, corresponding to the Toxicity Characteristic Rule (55 FR 11826, March 29, 1990).

Table 3A below is a table of EPACML delisting levels for each constituent of concern in BMW’s petitioned waste. The constituents of concern are barium, cadmium, chromium, cyanide, lead, and nickel, and the EPACML DAF is 70 for the maximum estimated volume.

TABLE 3A.—DELISTING LEVELS CALCULATED FROM EPACML MODEL FOR BMW PETITIONED WASTE

Constituent	MCL ¹ (mg/l)	Delisting level (mg/l TCLP)
Barium	2	² 100
Cadmium	0.005	0.35
Chromium	0.10	² 5
Cyanide	0.20	³ 14
Lead	⁴ 0.015	1.05

TABLE 3A.—DELISTING LEVELS CALCULATED FROM EPACML MODEL FOR BMW PETITIONED WASTE—Continued

Constituent	MCL ¹ (mg/l)	Delisting level (mg/l TCLP)
Nickel	⁵ 0.73	51

¹ See the "Docket Report on Health-based Levels and Solubilities Used in the Evaluation of Delisting Petitions, Submitted Under 40 CFR 260.20 and 260.22," December 1994, located in the RCRA public docket, for the Agency's methods of calculating health-based levels for evaluating delisting petitions from MCLs, and when MCLs are not available.

² The Toxicity Characteristic (TC) regulatory level in 40 CFR 261.24 for chromium is 5 mg/l and for barium is 100 mg/l. Therefore, for chromium, although a DAF of 70 times 0.10 equals 7, the delisting level cannot be greater than 5 mg/l because a delisted waste must not exhibit a hazardous characteristic. For the same reason, the delisting level for barium cannot be 70 times 2, equal to 140, but must not be greater than 100, the TC regulatory level for barium.

³ The TCLP is to be followed for cyanide, except that deionized water must be used as the leaching medium, instead of the acetic acid or acetate buffer specified in the TCLP. SW-846 Method 9010 or 9012 must be used to measure cyanide concentration in the deionized water leachate.

⁴ This value is an action level for a Publicly Owned Treatment Works, rather than a MCL.

⁵ This value is a value that is protective of tap water, obtained from EPA Region 9's Preliminary Remediation Goals Tables. Internet address is: http://www.epa.gov/region09/waste/sfund/prg/s1_05.htm

Delisting levels and risk levels calculated by DRAS, using the EPACMTP model, are presented in Table 3B below. DRAS found that the major pathway for human exposure to this waste is groundwater ingestion, and calculated delisting and risk levels based on that pathway. The input values required by DRAS were the chemical constituents in BMW's petitioned waste; their maximum reported concentrations in the TCLP extract of the waste and in the unextracted waste (Values for the South Carolina plant in Table 1B, Preamble Section II.A.); the maximum annual volume to be disposed (2,850 cubic yards) in a landfill; the desired risk level, which was chosen to be no worse than 10⁻⁶ for carcinogens; and a hazard quotient of no greater than 1 for non-carcinogens. The only carcinogenic constituent in the waste is cadmium, and cadmium also has non-carcinogenic toxic effects. Allowable total concentrations in the waste, as calculated by DRAS for the waste, itself,

not the TCLP leachate, were all at least 1,000 times greater than the actual maximum total concentrations found in the waste, and are not included in Table 3B, since many amount to metal or cyanide concentrations of several percent. However, in addition to limits on the concentrations of constituents in the TCLP leachate of the petitioned waste, EPA does propose to set the following limits on total concentrations, in units of milligrams of constituent per kilogram of unextracted waste (mg/kg): Barium: 2,000; Cadmium: 500; Chromium: 1,000; Cyanide (Total, not Amenable): 200; Lead: 2,000; and Nickel: 20,000. EPA asks for public comment on these limits which were chosen to be both protective of human health and the environment and to be realistic, attainable values for wastewater treatment sludges that contain metals and cyanide. The maximum reported total concentrations for BMW's petitioned waste were all below these limits. The limit for cyanide was chosen so that the waste could not exhibit the reactivity characteristic for cyanide by exceeding the interim guidance for reactive cyanide of 250 mg/kg of releasable hydrogen cyanide (SW-846, Chapter Seven, Section 7.3.3.)

TABLE 3B.—DELISTING AND RISK LEVELS CALCULATED BY DRAS WITH EPACMTP MODEL FOR BMW PETITIONED WASTE

Constituent	Delisting level (mg/l of TCLP)	DAF	DRAS-calculated risk for maximum concentration carcinogen in waste	DRAS-calculated hazard quotient for maximum concentration of non-carcinogen in waste
Barium	¹ 182	69.2	1.62 × 10 ⁻¹³	4.87 × 10 ⁻²
Cadmium	¹ 1.4	74.6		3.57 × 10 ⁻²
Chromium	¹ 5.39 × 10 ⁻⁵	9,580		5.8 × 10 ⁻⁷
Cyanide	33.6	44.8		1.49 × 10 ⁻³
Lead	187	1.24 × 10 ⁻⁴		Not calculable; no reference dose for lead
Nickel	70.3	93.5	1.62 × 10 ⁻¹³	8.9 × 10 ⁻²
Total Hazard Quotient for All Waste Constituents.				
Total Carcinogenic Risk for the Waste (due to Cadmium).				

¹ These levels are all greater than the Toxicity Characteristic (TC) regulatory level in 40 CFR 261.24. A waste cannot be delisted if it exhibits a hazardous characteristic; therefore, the delisting level for each of these constituents could not be greater than the TC level of 100 for Barium; 1.0 for Cadmium; 5.0 for Chromium; and 5.0 for Lead.

EPA proposes to use the delisting levels in the TCLP leachate calculated by the older method using the EPACML DAF for BMW's petitioned waste, because the EPACML levels are more conservative for this waste. EPA requests public comment on the proposal to use the delisting levels obtained with the EPACML DAF instead of those calculated by the DRAS, using the EPACMTP, in combination with the limits on total concentrations proposed in the paragraph preceding Table 3B.

C. How Did EPA Use the Multiple Extraction Procedure (MEP) to Evaluate This Delisting Petition?

EPA developed the MEP test (SW-846 Method 1320) to help predict the long-term resistance to leaching of stabilized wastes, which are wastes that have been treated to reduce the leachability of hazardous constituents. The MEP consists of a TCLP extraction of a sample followed by nine sequential extractions of the same sample, using a

synthetic acid rain extraction fluid (prepared by adding a 60/40 weight mixture of sulfuric acid and nitric acid to distilled deionized water until the pH is 3.0 ± 0.2). The sample which is subjected to the nine sequential extractions consists of the solid phase remaining after, and separated from, the initial TCLP extract. EPA designed the MEP to simulate multiple washings of

percolating rainfall in the field, and estimates that these extractions simulate approximately 1,000 years of rainfall. (See 47 FR 52687, Nov. 22, 1982.) MEP results are presented in Table 4 below. In response to a request by EPA for additional information, BMW reported the following practical quantitation limits in the MEP test: 0.001 mg/l for cadmium, 0.003 mg/l for lead, 0.01 mg/l for nickel, and 0.02 for zinc. Table 4

presents the results of analysis of MEP extracts. The MEP data in Table 4 indicate that the petitioned waste would be expected to leach metals at low and decreasing concentrations for a period of at least 100 years, and only about 10 per cent of the amount of metal in the waste would leach during this time period.¹¹ The average life of a landfill is approximately 20 years. (See 56 FR

32993, July 18, 1991; and 56 FR 67197, Dec. 30, 1991.) The MEP pH data in Table 4 indicate that the pH of the petitioned waste would be expected to lose its alkalinity over a period of years. However, the amount of metal in the leachate remains similar to or lower than the initial TCLP results, and decreases over time.

TABLE 4.—MULTIPLE EXTRACTION PROCEDURE (SW-846 METHOD 1320) RESULTS FOR BMW'S PETITIONED WASTE¹

Extract No.	Cadmium (Cd)	Lead (Pb)	Nickel (Ni)	Zinc (Zn)	pH ² (before/after)
1 (TCLP)	0.001	0.157	5.22	4.02	8.0/5.7
2 (first extraction of the MEP)	¹ 0.001 U	0.003 U	0.299	0.165	5.6/6.5
3	0.001 U	0.003 U	0.234	0.088	5.4/6.6
4	0.001 U	0.003 U	0.654	3.25	3.0/6.6
5	0.001 U	0.003 U	0.267	5.61	3.0/3.9
6	0.001 U	0.007	0.084	1.47	3.5/3.9
7	0.001	0.003 U	0.059	0.603	3.2/3.3
8	0.001 U	0.003 U	0.018	0.222	3.1/3.2
9	0.001 U	0.003	0.028	0.139	2.9/3.1
10	0.001 U	0.003 U	0.010 U	0.073	3.0/3.3

¹ U = Not detected to level shown.

² pH is a measure of the negative logarithm of the hydrogen ion activity in an aqueous solution, and is a measure of how acidic or basic (alkaline) a solution is. At 25°C, solutions with pH values less than 7 are acidic; greater than 7 are basic (alkaline); and a pH value of 7 indicates a neutral solution. In general, metals and their compounds are less soluble in basic (alkaline) solutions. "Start" means pH at start of the extraction and "Finish" means pH at the end of the extraction.

D. Conclusion

After reviewing BMW's processes, the EPA concludes that (1) no hazardous constituents of concern are likely to be present in BMW's waste at levels that would harm human health and the environment; and (2) the petitioned waste does not exhibit any of the characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23, respectively.

EPA believes that BMW's petitioned waste will not harm human health and the environment when disposed in a nonhazardous waste landfill if the delisting levels for land disposal as proposed in Preamble section II.B. are met.

EPA proposes to exclude BMW's petitioned waste from being listed as F019, based on descriptions of waste management and waste history, evaluation of the results of waste sample analysis, and on the requirement that BMW's petitioned waste must meet proposed delisting levels before disposal. Thus, EPA's proposed decision is based on verification testing conditions. If the proposed rule becomes effective, the exclusion will be valid only if the petitioner demonstrates that the petitioned waste meets the verification testing conditions and

delisting levels in the amended Table 1 of appendix IX of 40 CFR part 261. If the proposed rule becomes final and EPA approves that demonstration, the petitioned waste would not be subject to regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR part 270. Although management of the waste covered by this petition would, upon final promulgation, be relieved from Subtitle C jurisdiction, the waste would remain a solid waste under RCRA. As such, the waste must be handled in accordance with all applicable Federal, State, and local solid waste management regulations. Pursuant to RCRA section 3007, EPA may also sample and analyze the waste to determine if delisting conditions are met.

III. Limited Effect of Federal Exclusion

Will This Rule Apply in All States?

This proposed rule, if promulgated, would be issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own, non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally issued

exclusion from taking effect in the States. Because a petitioner's waste may be regulated under a dual system (i.e., both Federal and State programs), petitioners are urged to contact State regulatory authorities to determine the current status of their wastes under the State laws. Furthermore, some States are authorized to administer a delisting program in lieu of the Federal program, i.e., to make their own delisting decisions. Therefore, this proposed exclusion, if promulgated, would not apply in those authorized States. If the petitioned waste will be transported to any State with delisting authorization, BMW must obtain delisting authorization from that State before the waste may be managed as nonhazardous in that State.

IV. Effective Date

This rule, if made final, will become effective immediately upon final publication. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule, if finalized, would reduce the existing requirements for the

¹¹ This estimate is based on the following calculation for nickel: % nickel leached out over more than 100 years = 100 × (total number of

milligrams of nickel in all the sample MEP extracts) + the number of milligrams of nickel in the 100-gram sample that was extracted by the MEP: 100 ×

$2 \times (5.22 + 0.299 + 0.234 + 0.654 + 0.267 + 0.084 + 0.059 + 0.018 + .028 + .01) + 140 = 100 \times 13.746 + 140 = 9.8\%$

petitioner. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after publication and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon final publication. These reasons also provide a basis for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

V. Paperwork Reduction Act

Information collection and record-keeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Public Law 96-511, 44 U.S.C. 3501 et seq.) and have been assigned OMB Control Number 2050-0053.

VI. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 ("NTTAA"), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards.

This proposed rulemaking involves environmental monitoring or measurement. Consistent with the Agency's Performance Based Measurement System ("PBMS"), EPA proposes not to require the use of specific, prescribed analytical methods, except when required by regulation in 40 CFR parts 260 through 270. Rather the Agency plans to allow the use of any method that meets the prescribed performance criteria. The PBMS approach is intended to be more flexible and cost-effective for the regulated community; it is also intended to encourage innovation in analytical technology and improved data quality. EPA is not precluding the use of any method, whether it constitutes a voluntary consensus standard or not, as long as it meets the performance criteria specified.

VII. Unfunded Mandates Reform Act

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("UMRA"), Public Law 104-4, which was signed into law on March 22, 1995, EPA generally must prepare a written statement for rules with Federal mandates that may result in estimated costs to State, local, and tribal governments in the aggregate, or to the private sector, of \$100 million or more in any one year. When such a statement is required for EPA rules, under section 205 of the UMRA EPA must identify and consider alternatives, including the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. EPA must select that alternative, unless the Administrator explains in the final rule why it was not selected or it is inconsistent with law. Before EPA establishes regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must develop under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, giving them meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising them on compliance with the regulatory requirements.

The UMRA generally defines a Federal mandate for regulatory purposes as one that imposes an enforceable duty upon State, local, or tribal governments or the private sector. EPA finds that today's proposed delisting decision is deregulatory in nature and does not impose any enforceable duty on any State, local, or tribal governments or the private sector. In addition, the proposed delisting does not establish any regulatory requirements for small governments and so does not require a small government agency plan under UMRA section 203.

VIII. Regulatory Flexibility Act, as Amended by the Small Business Regulatory Enforcement and Fairness Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601-612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). No regulatory flexibility

analysis is required, however, if the Administrator or delegated representative certifies that the rule will not have a significant economic impact on a substantial number of small entities.

This rule, if promulgated, will not have an adverse economic impact on any small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

IX. Executive Order 12866

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

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

OMB has exempted this proposed rule from the requirement for OMB review under section (6) of Executive Order 12866.

X. Executive Order 13045

The Executive Order 13045 is entitled "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997). This order applies to any rule that EPA determines (1) Is economically significant as defined under Executive Order 12866, and (2) the environmental health or safety risk addressed by the rule has a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children,

and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This rule is not subject to Executive Order 13045 because this is not an economically significant regulatory action as defined by Executive Order 12866.

XI. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to meaningful and timely input" in the development of regulatory policies on matters that significantly or uniquely affect their communities of Indian tribal governments. Today's proposed rulemaking does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this proposed rule.

XII. Submission to Congress and General Accounting Office

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of Congress and to the Comptroller General of the United States.

The EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability, etc. Section 804 exempts from section 801 the following types of rules: rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedures, or practice that do not substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3). This rule will become effective on the date of publication as a final rule in the **Federal Register**.

XIII. Executive Order 13132

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications."

"Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government."

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that impose substantial direct compliance costs, and that is not required by statute, unless the Federal government provides

the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This action does not have federalism implication. It will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it affects only one facility.

List of Subjects in 40 CFR Part 261

Hazardous waste, Recycling, Reporting and recordkeeping requirements.

Authority: Sec. 3001(f) RCRA, 42 U.S.C. 6921(f).

Dated: January 4, 2001.

Jewell Grubbs,

Acting Director, Waste Management Division.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX, part 261 add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* BMW Manufacturing Corporation.	* Greer, South Carolina	* Wastewater treatment sludge (EPA Hazardous Waste No. F019) that BMW Manufacturing Corporation (BMW) generates by treating wastewater from automobile assembly plant located on Highway 101 South in Greer, South Carolina. This is a conditional exclusion for up to 2,850 cubic yards of waste (hereinafter referred to as "BMW Sludge") that will be generated each year and disposed in a Subtitle D landfill after [insert date of final rule.] With prior approval by the EPA, following a public comment period, BMW may also beneficially reuse the sludge. BMW must demonstrate that the following conditions are met for the exclusion to be valid.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(1) <i>Delisting Levels:</i> All leachable concentrations for these metals and cyanide must not exceed the following levels (ppm): Barium—100; Cadmium—0.35; Chromium—5; Cyanide—14, Lead—1.05; and Nickel—51. These metal and cyanide concentrations must be measured in the waste leachate obtained by the method specified in 40 CFR 261.24, except that for cyanide, deionized water must be the leaching medium. The total concentration of cyanide (total, not amenable) in the waste, not the waste leachate, must not exceed 200 mg/kg. Cyanide concentrations in waste or leachate must be measured by the method specified in 40 CFR 268.40, Note 7. The total concentrations of metals in the waste, not the waste leachate, must not exceed the following levels (ppm): Barium—2,000; Cadmium—500; Chromium—1,000; Lead—2,000; and Nickel—20,000.</p> <p>(2) <i>Verification Testing Requirements:</i> Sample collection and analyses, including quality control procedures, must be performed according to SW-846 methodologies, where specified by regulations in 40 CFR Parts 260–270. Otherwise, methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that representative samples of the BMW Sludge meet the delisting levels in Condition (1).</p> <p>(A) <i>Initial Verification Testing:</i> BMW must conduct verification sampling initially when test runs of aluminum vehicle parts are run and again when production of vehicles with aluminum body parts commences. For verification sampling during the test runs, BMW must collect and analyze a minimum of four composite samples of the dewatered sludge that is generated from wastewater treated during the time of the test runs. For verification sampling at the initiation of the production of vehicle models with aluminum parts, BMW must collect a minimum of four composite samples from the first roll-off box of sludge generated after production of automobiles with aluminum parts reaches 50 units per day. BMW must analyze for the constituents listed in Condition (1). If BMW chooses to beneficially reuse sludge, and the reuse has been approved by EPA, following a public comment period, verification testing of the sludge must consist of analyzing a minimum of four composite samples of the sludge for the constituents listed in Condition (1).</p> <p>(B) <i>Subsequent Verification Testing:</i> If the initial verification testing in Condition (2)(A) is successful for both the test runs and the commencement of production, i.e., delisting levels of Condition (1) are met for all of the composite samples, BMW must implement an annual testing program to demonstrate that constituent concentrations measured in the TCLP extract and total concentrations measured in the unextracted waste do not exceed the delisting levels established in Condition (1).</p> <p>(3) <i>Waste Holding and Handling:</i> BMW must store as hazardous all BMW Sludge generated until verification testing, as specified in Condition (2)(A), is completed and valid analyses demonstrate that Condition (1) is satisfied. If the levels of constituents measured in the composite samples of BMW Sludge do not exceed the levels set forth in Condition (1), then the BMW Sludge is non-hazardous and must be managed in accordance with all applicable solid waste regulations. If constituent levels in a composite sample exceed any of the delisting levels set forth in Condition (1), the batch of BMW Sludge generated during the time period corresponding to this sample must be managed and disposed of in accordance with Subtitle C of RCRA.</p> <p>(4) <i>Changes in Operating Conditions:</i> BMW must notify EPA in writing when significant changes in the manufacturing or wastewater treatment processes are implemented. EPA will determine whether these changes will result in additional constituents of concern. If so, EPA will notify BMW in writing that the BMW Sludge must be managed as hazardous waste F019 until BMW has demonstrated that the wastes meet the delisting levels set forth in Condition (1) and any levels established by EPA for the additional constituents of concern, and BMW has received written approval from EPA. If EPA determines that the changes do not result in additional constituents of concern, EPA will notify BMW, in writing, that BMW must verify that the BMW Sludge continues to meet Condition (1) delisting levels.</p>

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(5) <i>Data Submittals</i>: Data obtained in accordance with Condition (2)(A) must be submitted to Jewell Grubbs, Chief, RCRA Enforcement and Compliance Branch, Mail Code: 4WD-RCRA, U.S. EPA, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303. This submission is due no later than 60 days after filling the first roll-off box of BMW Sludge to be disposed in accordance with delisting Conditions (1) through (7) for both the test runs and again for the commencement of production. Records of analytical data from Condition (2) must be compiled, summarized, and maintained by BMW for a minimum of three years, and must be furnished upon request by EPA or the State of South Carolina, and made available for inspection. Failure to submit the required data within the specified time period or maintain the required records for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).</p> <p>(6) <i>Reopener Language</i>: (A) If, at any time after disposal of the delisted waste, BMW possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by EPA in granting the petition, BMW must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (B) If the testing of the waste, as required by Condition (2)(B), does not meet the delisting requirements of Condition (1), BMW must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (C) Based on the information described in paragraphs (6)(A) or (6)(B) and any other information received from any source, EPA will make a preliminary determination as to whether the reported information requires that EPA take action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If EPA determines that the reported information does require Agency action, EPA will notify the facility in writing of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing BMW with an opportunity to present information as to why the proposed action is not necessary. BMW shall have 10 days from the date of EPA's notice to present such information.</p> <p>(E) Following the receipt of information from BMW, as described in paragraph (6)(D), or if no such information is received within 10 days, EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment, given the information received in accordance with paragraphs (6)(A) or (6)(B). Any required action described in EPA's determination shall become effective immediately, unless EPA provides otherwise.</p> <p>(7) <i>Notification Requirements</i>: BMW must provide a one-time written notification to any State Regulatory Agency in a State to which or through which the delisted waste described above will be transported, at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.</p>
*	*	*

[FR Doc. 01-1049 Filed 2-9-01; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 20 and 22

[WT Docket No. 01-14; FCC 01-28]

2000 Biennial Regulatory Review—Spectrum Aggregation Limits for Commercial Mobile Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, we open a proceeding to reexamine the need for Commercial Mobile Radio Services (CMRS) spectrum aggregation limits. Specifically, we seek comment on whether the CMRS spectrum cap and the cellular cross-interest rule should be eliminated, modified, or retained, based on the public interest standard set forth under section 11 of the Communications Act.

DATES: Comments are due on or before April 13, 2001 and reply comments are due on or before March 14, 2001.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Michael Rowan, Wireless Telecommunications Bureau, at (202) 418-7240.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's Notice of Proposed Rulemaking (NPRM), FCC 01-28, in WT Docket No. 01-14, adopted on January 19, 2001 and released on January 23, 2001. The full text of this NPRM is available for inspection and copying during normal

business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037. The full text may also be downloaded at: <http://www.fcc.gov>. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418-0260 or TTY (202) 418-2555.

Synopsis of Notice of Proposed Rulemaking

I. Introduction

1. In this Notice of Proposed Rulemaking (NPRM), we begin our reexamination of the need for Commercial Mobile Radio Services (CMRS) spectrum aggregation limits as part of our 2000 biennial regulatory review of the Commission's telecommunications regulations. Specifically, we are initiating our second comprehensive review of the two regulations that currently limit the aggregation of broadband CMRS spectrum: The CMRS spectrum cap and the cellular cross-interest rule. Pursuant to the mandate of section 11 of the Communications Act of 1934, as amended (Communications Act), 47 U.S.C. 161, we seek comment on whether competitive or other developments in CMRS markets warrant elimination or modification of one or both of these regulations.

II. Background

A. CMRS Spectrum Cap

2. The CMRS spectrum cap rule reads: "No licensee in the broadband PCS, cellular, or SMR services (including all parties under common control) regulated as CMRS * * * shall have an attributable interest in a total of more than 45 MHz of licensed broadband PCS, cellular and SMR spectrum regulated as CMRS with significant overlap in any geographic area, except that in Rural Service Areas (RSAs), * * * no licensee shall have an attributable interest in a total of more than 55 MHz of licensed broadband PCS, cellular, and SMR spectrum regulated as CMRS with significant overlap in any RSA." 47 CFR 20.6(a). No more than 10 MHz is attributed to an entity when calculating Specialized Mobile Radio (SMR) spectrum under the cap.

3. Section 20.6(d) of the Commission's rules provides generally that ownership interests of 20 percent or more are deemed attributable. Once all the applicable CMRS spectrum attributable

to a given entity is identified, one then determines whether the attributable CMRS spectrum serves markets having a "significant overlap." 47 CFR 20.6(a), (c). When a situation involves both a PCS license and a cellular or SMR license, a significant overlap exists when 10 percent or more of the population of the designated PCS licensed service area is within the cellular geographic service area (CGSA) or SMR service area(s) in question. Where only PCS licenses are involved, however, this analysis does not apply, and any overlap between BTA-licensed and MTA-licensed spectrum is considered significant.

4. In our *First Biennial Review Order*, issued in September 1999 as part of the 1998 biennial review, we decided substantially to retain the CMRS spectrum cap (and the cellular cross-interest rule), with targeted modifications to reflect circumstances in rural areas and to permit passive institutional investors to acquire greater non-attributable interests in CMRS carriers. See 1998 Biennial Regulatory Review, Spectrum Aggregation Limits for Wireless Telecommunications Carriers, WT Docket No. 98-205, *Report and Order*, 15 FCC Rcd 9219, 9249 paragraph 66 (1999) (*First Biennial Review Order*). We reaffirmed the 45 MHz limit as striking the proper balance (in non-rural areas) in providing carriers with sufficient spectrum until we could allocate additional amounts suitable for the provision of CMRS, while helping assuage the competitive consequences of the spectrum-related barriers to entry in today's CMRS markets. We concluded that a 55 MHz spectrum ceiling in RSAs recognizes the reality that higher concentration through efficiency-enhancing partnering and other arrangements is likely or inevitable in rural areas.

B. Cellular Cross-Interest Rule

5. To the extent licensees on different channel blocks have any degree of overlap between their respective CGSAs, § 22.942 of the Commission's rules prohibits any entity from having a direct or indirect ownership interest of more than 5 percent in one such licensee when it has an attributable interest in the other licensee. An attributable interest is defined generally to include an ownership interest of 20 percent or more, as well as any controlling interest. Under the rule, however, an entity may have non-controlling and otherwise non-attributable direct or indirect ownership interests of less than 20 percent in licensees for different channel blocks in overlapping CGSAs.

6. As part of our 1998 biennial review of the cellular cross-interest rule, we determined that the restriction continued to be necessary to protect against substantial anticompetitive threats from common ownership between the two cellular carriers in any given geographic area. However, because competition from other services had increased on the whole since the rule's inception in 1991, we altered what had been a near absolute bar against cross-ownership by relaxing application of the rule's attribution standards to the current limits under § 22.942.

III. Discussion

A. Section 11 Review of CMRS Spectrum Aggregation Limits

7. In passing the Telecommunications Act of 1996 to significantly amend the Communications Act, Congress anticipated that, as competition developed, market forces would reduce the need for regulation. Specifically, in adopting section 11 of the Communications Act, Congress required the Commission, every two years, to review all regulations that apply to "the operations or activities of any provider of telecommunications service" and to "determine whether any such regulation is no longer necessary in the public interest as the result of meaningful economic competition between providers of such service." 47 U.S.C. 161(a)(1), (2). If we determine that, as the result of competition in CMRS markets, certain regulations applicable to CMRS providers are no longer necessary in the public interest, then we "shall repeal or modify" those regulations per Congress' mandate. 47 U.S.C. 161(b).

8. To determine whether the CMRS spectrum cap and the cellular cross-interest rule are no longer necessary in the public interest as the result of meaningful economic competition, we are here soliciting detailed comments from wireless telecommunications carriers, consumers of their services, and other interested parties on whether we should retain, repeal or modify these limits under the standards of section 11 of the Communications Act. Under section 11, our fundamental inquiry is whether, as a result of meaningful economic competition among providers of telecommunications services, spectrum aggregation limits are no longer necessary in the public interest, e.g., to prevent harmful concentration of spectrum ownership or to ensure meaningful opportunities for broadband CMRS market entry. In order to make this determination, we seek comment

regarding what providers of “telecommunications service” fall within the purview of our section 11 analysis of our spectrum aggregation policies. What constitutes “meaningful economic competition” under section 11, and to what degree have the relevant competitive conditions changed since our 1998 biennial review of these rules? If meaningful competition between providers of telecommunications services now exists, have spectrum aggregation limits served their purpose and are they no longer in the public interest? Or, are there public interest reasons to retain spectrum aggregation limits notwithstanding the development of meaningful economic competition? We ask commenters to consider generally the relation between “public interest” and “meaningful economic competition” under section 11’s terms. We note that we are incorporating by reference all comments on the spectrum cap that we received in our *2000 Staff Report* proceeding. See in the Matter of the 2000 Biennial Regulatory Review, CC Docket No. 00–175, *Report*, FCC 00–456 (rel. Jan. 17, 2001) (*2000 Staff Report*).

B. Reexamination and Public Interest Determination

9. In this review under section 11, we seek public comment and input, including the submission of specific market data and studies, to assist our public interest determination of whether the CMRS spectrum aggregation rules are no longer necessary in the public interest and, if they are necessary, whether our existing spectrum limits should be modified.

1. Development of Meaningful Economic Competition

10. Since we last reviewed spectrum aggregation limits in September 1999, CMRS markets have continued to grow in size, range of service offerings, and the pace of technological advances. In our *Fifth Annual CMRS Competition Report*, released in August 2000, we described considerable evidence that the mobile telephony market has experienced strong growth and competitive development. See Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services, *Fifth Report*, FCC 00–289 (rel. Aug. 18, 2000) (*Fifth Annual CMRS Competition Report*). For example, we reported that non-cellular carriers had for the first time attracted a majority of the industry’s total new subscribers. As a result, cellular licensees’ market share

of mobile telephone subscribers nationwide had dropped from 86 percent at the end of 1998 to approximately 75 percent at the end of 1999. Concurrent with, and we believe largely as the result of, the continued growth of competition in the mobile telephony market, consumers have benefited from declining prices, rapidly expanding coverage areas, new service packages, and technological innovation.

11. In light of these developments in competition, we now seek comment on whether these regulations continue to serve the public interest by promoting or protecting competition in CMRS services. Will our spectrum aggregation limits continue to contribute to the rise of competition and resulting benefits to consumers, as we have found in the past, or are they no longer necessary? We seek comment regarding the correlation between the number of competitors maintained by current spectrum aggregation limits and the growth and maintenance of competition that has produced the benefits to consumers that we have observed.

12. We seek comment on whether competitive developments since 1999 have obviated the need for limits such as the spectrum cap to prevent potentially harmful reconsolidation. How valuable a role do spectrum limits play in preventing potentially harmful concentration versus allowing consolidations that benefit the public interest? In this regard, we note that spectrum aggregation limits do not appear to have prevented the consolidation of carriers into nationwide networks with the resulting beneficial service options for consumers.

13. We ask for comment on the various economic relationships on which our spectrum cap policy is based. How do recent developments affect our concern that limits were necessary in order to ensure a minimum number of competitors in any given geographic area? Should the relevant measures of market capacity (e.g., assigned spectrum, subscriber shares, etc.) be weighted differently than in the past? What role should we continue to afford HHI calculations or similar measures of concentration of ownership or control, and what inputs should we use in calculating HHI? Should we continue to apply the cap to all broadband PCS, cellular, and SMR spectrum regulated as CMRS, regardless of the use to which the spectrum currently is dedicated; or, should we limit application of the cap to CMRS spectrum used for mobile voice service? If we were to limit the cap to mobile voice services only, how would we further and clearly define the

included and excluded product markets? Also in the increasingly converging marketplace, are these product markets truly segregable? Moreover, how would such a policy affect the spectrum cap’s goal to guard against excessive accumulation of CMRS spectrum? Also, how should we define the relevant geographic market, especially in light of the trend toward nationwide footprints and affiliations? Commenters should specifically address whether today’s CMRS markets will enable new entrants—both existing carriers seeking to expand their footprints and firms, including small businesses, seeking to enter the market *ab initio*—to have access to the limited spectrum that is practically available today for mobile telephone services.

14. We also seek comment on the implications for our spectrum aggregation limits of our authority under section 310(d) of the Communications Act to determine that a particular consolidation is not in the public interest. If we were to eliminate or relax the spectrum cap, could we, or should we, adopt new standards or methodologies such as a processing threshold that if a proposed transaction would cause an applicant to exceed 45 MHz of covered spectrum (or some other threshold amount), it must provide an additional public interest showing meeting certain criteria (e.g., HHI and/or other economic data demonstrating concentration of market)? Alternatively, would it be preferable to establish a threshold based on the number of competitors providing CMRS (or CMRS mobile voice telephony) in a geographic market? Commenters should consider the impact of any standards that will increase time and expense for small businesses, which often may not have the requisite resources for case-by-case reviews. To the extent that we decide to eliminate the spectrum cap and rely on the section 310(d) review process, we note that attribution and ownership issues could also arise outside that process if licensees are permitted to lease spectrum usage rights without prior section 310(d) approval.

15. We seek comment on the implications of other agencies’ enforcement of antitrust laws for our spectrum aggregation limits and our public interest review required by section 310(d). Can we, and should we, defer to the Department of Justice (DOJ) in cases where it has entered into consent decrees with merging CMRS carriers to prevent competitive harm, and if so, what form should such deference take? For example, can we, and should we, adopt an approach such that all transfers resulting in

consolidation of spectrum below a spectrum threshold should be exempt from section 310(d) competitive analysis? Can we, and should we, eschew an independent review of the competitive implications of license transfers that are part of mergers that are subject to some specified level of DOJ review, and, if so, how should we define that level? What would be the legal and policy implications of adopting these or any alternative approaches? Do spectrum aggregation limits continue to promote other public interest goals that stress policies such as the beneficial role of market entry?

16. If we conclude that spectrum aggregation limits remain necessary at this time, we ask commenters to address whether subsequent competitive developments could obviate the need for such limits and thereby enable us to sunset these regulations. If commenters believe that a sunset provision is appropriate, we seek further comment on whether it should be tied to a specific date in the future, and how best to predict the timing of the competitive developments on which it would be based. Alternatively, we seek comment on whether a sunset should be based on the development of specified competitive conditions or other criteria, in some or all markets, regardless of when they occur.

17. We ask for comment on the potential harms or benefits of adopting limits other than the current 45/55 MHz spectrum cap thresholds. For example, assuming consolidation between broadband PCS and cellular operators, a 55 MHz cap would still ensure at least four broadband competitors under the 180 MHz of covered spectrum. However, under such a limit, it is possible that one competitor could have significantly less spectrum than the other three under current allocations. Under increased thresholds, which combinations would harm or benefit consumers?

18. We also seek comment on whether we should repeal the cellular cross-interest rule. The distinctions between cellular and PCS services appear to have decreased since our 1998 biennial review. On the other hand, most broadband PCS operators are still deploying their networks and do not yet provide facilities-based coverage comparable to the current combined nationwide cellular footprint. We therefore seek comment on whether the need for a separate cellular cross-interest rule has lessened, or whether the cellular sector may still have the potential to undermine the level of CMRS competition we have seen so far. Can we continue to make distinctions

and compare competitive differences between "cellular carriers" and their competitors, e.g., "PCS carriers"? We ask commenters to provide empirical evidence and/or studies on the relative competitive and buildout status of cellular, SMR, and broadband PCS carriers on a market-by-market as well as comprehensive basis.

19. We also seek comment on whether the cellular cross-interest rule may still be necessary to prevent cellular carriers from merging in rural and/or certain other markets where there is limited or no competition from other CMRS providers. Could the purpose of the cross-interest rule still be served by its application in these circumstances?

20. Finally, we seek comment on whether and, if so, how our spectrum aggregation limits affect CMRS providers' ability to enter into and compete in local telecommunications markets. Since September 1999, has the spectrum cap enhanced or impeded the provision of wireless services as a competitive alternative to wireline services? How significant are the opportunity costs of dedicating broadband CMRS spectrum to mobile services when other spectrum bands are available for fixed wireless services? To the extent that incumbent licensees build networks using CMRS spectrum that are targeted mainly to particular services, are opportunities for entry and development of competition in other services limited in the short to medium term?

2. Spectrum Management and Other Regulatory Considerations

21. We must also review the CMRS spectrum aggregation rules in light of our spectrum management responsibilities, pursuant to which we issue the licenses for spectrum necessary to provide CMRS, as well as other regulatory considerations. We begin by acknowledging that, relative to demand, there is a limited amount of spectrum available that, as a practical matter, is suitable for the provision of broadband CMRS within the foreseeable future. For example, the propagation characteristics of spectrum above approximately 3 GHz make it generally unsuitable for mobile use using current technology. In addition, many bands below 3 GHz are allocated for multiple uses other than CMRS, including broadcast operations, private mobile and fixed services, and various types of satellite operations. Moreover, significant amounts of spectrum below 3 GHz are allocated for important federal government uses, such as defense, national security, law enforcement, and air traffic control.

Because scarcity issues to some degree affect all users of spectrum (and, indeed, all users of any finite natural resource) and all spectrum bands, scarcity in and of itself is not sufficient to justify a limit on the aggregation of spectrum. However, significant shortages of spectrum relative to demand raise concerns, especially in service markets where there are few close non-spectrum substitutes. The scarcity of this spectrum relative to demand is evidenced by the increasing market value of broadband CMRS licenses. The Commission has found that the particular conditions that apply to broadband CMRS spectrum support the use of aggregation limits in the bands currently used for these services. In other bands, where different conditions prevail, we have taken a different approach. For instance, there are several substantial, technologically suitable bands allocated for fixed wireless services, and we do not impose any aggregation limits on such spectrum. Moreover, wireline services are for many customers close substitutes for such wireless services and so aggregation of such spectrum in a small number of licensees would not necessarily raise competitive concerns.

22. There have been a number of regulatory actions since the last biennial review that may affect our decisions here regarding CMRS spectrum aggregation limits. For example, we recently reconfigured the licenses available in the broadband PCS C and F block auction—Auction No. 35—to better enable all carriers to acquire additional CMRS spectrum in most markets without triggering any CMRS spectrum cap concerns. In addition, we decided to exclude from spectrum aggregation limits the 700 MHz bands that will be auctioned early this year. We also eliminated the separate narrowband PCS spectrum aggregation limit earlier last year.

23. Another significant regulatory consideration is spectrum efficiency. Increases in the number of competitors and the associated demand for CMRS spectrum are leading to increases in spectrum efficiency. As operators seek to increase mobile voice capacity and deploy spectrum-intensive, advanced wireless services such as high-speed Internet access and mobile video conferencing, we see the marketplace responding with technological solutions that are increasing the technical capacity of wireless networks.

24. In addition, we found in the *First Biennial Review Order* that bright-line rules like the spectrum cap and cellular cross-interest rules hold many benefits over alternative regulatory tools. In

particular, we reconfirmed that the spectrum cap would allow review of CMRS acquisitions in an administratively simple manner and lend certainty to the marketplace. We determined that bright-line rules reduce burdens placed on both the Commission and industry, especially small businesses, as well as give industry advance notice of which types of cross-ownership situations the Commission would find anticompetitive. In recognition that any bright-line test may be over-inclusive or under-inclusive in individual cases, we specifically provided that parties who believed that individualized analysis is appropriate could always request a waiver of the spectrum cap and/or cross-interest rule.

25. Choices about CMRS spectrum aggregation limits appear to involve market structure and fundamental spectrum management issues regarding this limited amount of spectrum. For example, the Commission is exploring the possible use of several frequency bands below 3 GHz to support the introduction of new advanced wireless services, including third-generation (3G) wireless systems. Accordingly, we seek comment on our above analysis of CMRS spectrum scarcity issues and its implications for our decisions on CMRS spectrum aggregation limits.

26. We seek comment on the potential efficiency benefits or costs of our spectrum aggregation limits. Have such limits provided incentives to the development and deployment of spectrum-efficient technologies that will better serve the public interest in the middle and long term? Or, would such innovation have occurred independent of our spectrum aggregation limits? In addition, do spectrum limits do more to impede the efficient development of new 3G technologies that may be spectrum-intensive in the short term?

27. We seek comment on the extent, if any, to which our regulations impede beneficial economies of scale and the introduction of innovative new technologies and services. We seek specific comment on how the decision to limit carriers' access to CMRS spectrum affects the deployment of next-generation services and the migration of 2G service providers to those services. How do aggregation limits impact the emergence of mobile Internet access and other data services? We seek comment on how to promote advanced wireless services while simultaneously ensuring that meaningful economic competition continues to develop.

28. We also seek comment on how our spectrum aggregation limits may impair potential efficiencies for all CMRS markets, including those within urban

areas. We noted in 1999 that up to a point, horizontal concentration in CMRS markets may be in the public interest because it could allow efficiencies and economies that would otherwise not be achievable. In today's CMRS markets, would achieving such economies be in the public interest despite any potential increased risk of anticompetitive consolidation?

29. In discussing the availability of spectrum for advanced wireless services, commenters should address the extent to which companies' ability to use alternative spectrum—*i.e.*, spectrum outside of the broadband PCS, cellular and SMR bands subject to the cap—should affect our analysis here. To the extent that future spectrum bands like 700 MHz are not subject to the cap, does this lessen the need to increase the spectrum cap by creating opportunities for CMRS incumbents to obtain spectrum in these bands? Or, will new spectrum eliminate the access-to-spectrum barrier to entry faced by potential competitors, and thus lessen the need to maintain a spectrum cap at all?

30. Similarly, we seek comment on how to assess the treatment of newly allocated spectrum for spectrum cap purposes. As a general matter, we believe that newly available CMRS-suitable spectrum either should be excluded from the spectrum cap or, if it is included, that the cap should be adjusted accordingly. We seek comment on the factors to consider in deciding between these two options. While we will not be making specific decisions in this proceeding on what, if any, constraints ought to apply to concentration of ownership in newly available spectrum bands, we plan to consider an analytical framework to apply to such bands.

31. We also seek comment on whether the impact of the spectrum cap on development of advanced services could be adequately addressed by continuation of the waiver policy that we adopted in the *First Biennial Review Order*. Does our specific waiver process enable carriers with a demonstrable need for additional spectrum, especially for advanced wireless services, to obtain such spectrum? We request parties to provide specific evidence and concrete examples of the extent to which carriers' holdings in markets approach or are at the 45/55 MHz cap.

32. Commenters are also asked to address whether any developments in the last year should lead us to alter our determination that a bright-line approach remains preferable to exclusive reliance on case-by-case review under section 310(d). We seek comment on the extent to which our

approach has benefited licensees, including licensees that are small businesses. Commenters are encouraged to provide specific examples where our aggregation limits either did or did not provide the certainty or efficiency that a particular marketplace transaction required.

33. Finally, we seek specific comment on whether we should make any fundamental changes in rural and high-cost markets, which appear not to have seen the development of competition in mobile wireless services to the degree that is evident in urban areas. We seek comment on whether increasing the existing spectrum cap last year in rural areas has had any impact on the delivery of service to rural customers in terms of prices, availability of digital services, or other factors. Should we, at a minimum, continue to retain the cellular cross-interest rule until increased PCS and other service deployments become more firmly established?

3. International Developments

34. We also wish to examine the significance for our reexamination of spectrum aggregation limits of foreign mobile licensing policies, and particularly the 3G licensing process now taking place in Europe and Asia. A recent study issued by the Organization for Economic Cooperation and Development has documented a global trend in mobile licensing policy towards increasing numbers of operators in a given market, a trend that predates the 3G licensing process. Moreover, many Western European countries are using the 3G licensing process as an opportunity to promote the development of competitive market structures.

35. European countries are able both to ensure a minimum number of competitors and to permit each provider access to more spectrum because substantially more suitable spectrum has been allocated for commercial mobile telecommunications services in Europe than in the United States. With the additional 140 to 145 MHz of spectrum that most Western European countries have allocated to licensed 3G use, the total amount of spectrum available for mobile telephony services in these countries now exceeds 180 MHz, in most cases by a wide margin. In particular, we estimate that the total amount of spectrum available for first-, second- and third-generation mobile communications services in most Western European countries is generally about 250–300 MHz, and ranges from a

high of almost 365 MHz in the United Kingdom to a low of about 187 MHz in Norway. Thus, because most European countries have allocated more total spectrum for mobile telecommunications services, they are able to allow individual carriers to acquire larger total spectrum holdings than would be permitted under our spectrum cap policy, while at the same time ensuring that there are at least four, and often more, competitors in their markets.

36. We also note that other countries limit the amount of spectrum operators can acquire in the secondary market. In the vast majority of countries, including European Union (EU) Member States, strict limits on trading of wireless licenses and/or spectrum rights render a spectrum cap largely superfluous. Apart from the United States, only a relative few countries, including Canada, Australia and New Zealand, allow spectrum licenses to be traded both in whole and in part.

37. We generally seek comment on the lessons to be learned from experience internationally. In addressing these issues, commenters should consider the significance of the differences summarized above, as well as the fact that unlike our "flexible use" approach in the United States, spectrum management policies abroad generally do not afford wireless operators the flexibility to deploy 3G technologies on spectrum currently licensed for 2G services.

38. We also seek comment generally on how international developments relate to the question of whether to eliminate spectrum limits to direct the course of development in U.S. CMRS markets. We note that most EU Member States have already licensed 3G spectrum or are planning to do so by the first half of 2001 to give operators sufficient lead time to plan for 3G deployment. Spectrum aggregation limits may affect U.S. development of advanced wireless services over the short term. We ask parties to comment on the trade-offs that we will face in the United States during this time. We also seek comment on whether U.S. carriers may require smaller amounts of total spectrum for 2G and 3G services than their counterparts in Europe and Asia because our policies afford U.S. carriers more flexibility with respect to spectrum use and alternative means of acquiring access to spectrum. Finally, we seek comment on whether any of the mechanisms other countries use to ensure they have an adequate number of competitors in their markets might be adapted to the U.S. market, as an

alternative to our spectrum cap approach.

C. Possible Modifications to the CMRS Spectrum Cap and Cellular Cross-Interest Rule

39. In the event that we do not eliminate our spectrum aggregation limits, we also request comment on whether specific attributes of the CMRS spectrum cap and cellular cross-interest rule should be modified to allow some of the benefits that may arise from additional cross-ownership interests. Commenters should also address any possible interim modifications that would benefit the public interest in the event that we decide to sunset our spectrum aggregation limits in the future.

1. Possible Modifications to the CMRS Spectrum Cap

40. We seek comment on aspects of the CMRS spectrum cap that could be modified to increase carriers' flexibility and promote our various public policy objectives. To begin, we seek comment on the effect of recent changes in CMRS markets, particularly the emergence of broadband PCS licensees as competitors to cellular licensees, on the rationale for a 10 percent population overlap threshold. What are the public interest benefits of increasing the threshold and do those benefits outweigh any potential for reduced consumer benefits from the concentration of ownership or control of CMRS licenses?

41. We solicit comment on whether there is a mechanism for triggering the application of a spectrum cap in given geographic areas that might be superior to our current overlap standard. We ask for comment on the pros and cons of adopting a simplified overlap standard that turns on a certain allowable percentage of overlap between *licensed* service areas. For example, assuming a 10 percent threshold, one possible approach would be a standard where a PCS BTA-based license's overlap with a partitioned MTA-based license would not come under the cap if the population covered by the overlap were less than 10 percent of the total population of the PCS BTA *and* less than 10 percent of the total population of the partitioned PCS MTA. Similarly, if we were to eliminate the cellular cross-interest rule under such a standard, an A-Block cellular license's overlap in CGSA with the CGSA of a B-Block cellular license would not trigger the cap if the population covered by the overlap were less than 10 percent of the total population of the A-Block CGSA *and* less than 10 percent of the total population of the B-Block CGSA. A

variation of this standard would be to exempt overlaps from the cap if the population in the overlap area were less than 10 percent of the total population of the more populous licensed service area. In addition, the threshold could be set at some level other than 10 percent. We seek comment on these and any other possible approaches.

42. We seek comment here on whether recent developments in the SMR industry warrant any modification of the special provisions for SMR overlap analysis and calculation of attributable spectrum. The original justification for the maximum attribution of 10 MHz was based on the conclusion that SMR spectrum is not equivalent to cellular or broadband PCS. We seek comment on whether the rationale for this 10 MHz limit continues in today's marketplace for broadband CMRS. For example, how have our recent auctions of SMR spectrum affected the rationale to limit the amount of SMR spectrum attributed to a carrier? Do we need to clarify our spectrum cap analysis to account for application of the cap when these auctioned geographic-based SMR licenses overlap with PCS licensed service areas? In addition, should significant recent acquisition and merger activity lead us to question the assumption that SMR spectrum is difficult to reconfigure? If we were to revise our approach to station-defined SMR spectrum, should we increase the maximum attributable amount from 10 MHz to a higher figure (*e.g.*, 15 or 20 MHz), or should we simply attribute to each carrier the actual spectrum it has in each market? If we were to adopt the latter approach, how would we determine the amount of spectrum and define the geographic area for our overlap analysis?

43. We also seek comment on whether we should modify our ownership attribution standards. Should the 20 percent general attribution standard be modified? We seek comment on the effect that a 40 percent attribution standard has had on the ability of CMRS providers to obtain capital. Have small businesses benefited from their general 40 percent attribution standard? We also seek comment on whether any of our other ownership attribution criteria should be modified. For example, are there situations proscribed by our attribution rules that do not pose a threat to competition? Should we attribute spectrum used pursuant to potential spectrum leasing arrangements, or to management and joint marketing agreements?

2. Possible Modifications to the Cellular Cross-Interest Rule

44. If we decide not to repeal the cellular cross-interest rule, we seek comment on whether we should modify the rule so that it does not apply in certain circumstances where other regulations will provide adequate safeguards. We seek comment on whether there is a need to maintain any cellular-specific restrictions in more urban areas, where there is generally a larger number of competitive choices for consumers. Although cellular providers still maintain large market shares in MSAs, would cellular/cellular combinations be more anticompetitive than cellular/PCS or PCS/PCS combinations if the cellular cross-interest rule is repealed in MSAs? Commenters should focus on whether cellular combinations would be able to sustain prices above the competitive level without reduction in market shares and explain their conclusions with specific data such as customer churn percentages and whether these are price driven, quality/coverage driven, or both.

45. Another possibility, given that cellular licensees can now disaggregate their spectrum, would be to replace the current rule with a separate cellular spectrum cap of 35 MHz (or some other amount). Under the current cross-interest rule, an entity with an attributable interest in a cellular license cannot hold a 5 percent interest in a disaggregated license for even 1 MHz of spectrum on the other channel block in an overlapping CGSA. Such a rule change would allow increased opportunities for partnering while maintaining protection against the complete consolidation of two 25 MHz cellular carriers. We ask parties to comment on any modifications necessary to permit parties to disaggregate spectrum.

46. In addition, we seek comment on the public interest benefits and/or harms of increasing the 5 percent ownership interest limit in a cellular licensee when one has a controlling or otherwise attributable interest in the other licensee in an overlapping CGSA. Although the cross-interest rule prohibits interests greater than 5 percent, our ownership disclosure standards for wireless telecommunications services only require licensees to report interests greater than 10 percent. We therefore seek comment on whether conformity between these two provisions would permit the Commission more accurately to regulate compliance with the cellular cross-interest rule.

47. We also seek comment on whether we should modify the divestiture provisions related to the cellular cross-interest rule. For example, should we revise the rule to operate similar to the spectrum cap? In contrast to the cross-interest rule, we consider parties to have come into compliance with the spectrum cap once they have submitted an application for assignment or transfer of control of sufficient spectrum to comply with the cap. Commenters are asked to address the competitive and public interest implications of harmonizing these and any other provisions of the two rules.

IV. Procedural Matters

A. Regulatory Flexibility Act

48. As required by the Regulatory Flexibility Act, *see* 5 U.S.C. 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible impact on small entities of the proposals in the Notice of Proposed Rulemaking. The IRFA is set forth. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the NPRM, and they must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this NPRM, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration, in accordance with the Regulatory Flexibility Act.

B. Ex Parte Rules

49. This is a permit-but-disclose notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in Commission rules. *See generally* 47 CFR 1.1202, 1.1203, 1.1206.

C. Filing Procedures

50. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before April 13, 2001 and reply comments on or before March 14, 2001. Comments and reply comments should be filed in WT Docket No. 01-14. All relevant and timely filings will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, interested parties must file an original and four copies of each filing. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal

Communications Commission, 445 12th St., SW., Rm. TW-A325, Washington, DC 20554, with a copy to Michael J. Rowan, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th St., SW., Rm. 4A-131, Washington, DC 20554. One copy of all filings should also be sent to the Commission's copy contractor.

51. Comments may also be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet E-Mail. To obtain filing instructions for E-Mail comments, commenters should send an E-mail to ecfs@fcc.gov, and should include the following words in the body of the message: "get form (your E-Mail address)." A sample form and directions will be sent in reply. Or you may obtain a copy of the ASCII Electronic Transmittal Form (FORM-ET) at <http://www.fcc.gov/e-file/email.html>.

52. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Information Center, Rm. CY-A257, at the Federal Communications Commission, 445 12th St., SW., Washington, DC 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Service, Inc. (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20037, (202) 857-3800.

V. Initial Regulatory Flexibility Analysis

53. As required by the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and proposals in this Notice of Proposed Rulemaking (NPRM), WT Docket No. 01-14. Written public comments are requested on this IRFA. These comments must be filed in accordance with the same filing deadlines for comments on the rest of this NPRM, as set forth above, and they must have a separate and distinct heading designating them as responses to the IRFA.

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

54. As part of our biennial regulatory review, pursuant to section 11 of the Communications Act, we solicit

comment on whether we should retain, modify, or eliminate the commercial mobile radio services (CMRS) spectrum cap. We also seek comment on whether we should retain, modify, or repeal the cellular cross-interest rule. In asking these questions, the NPRM looks at recent competitive changes in CMRS markets, reexamines the public interest objectives that the spectrum limits are designed to achieve, and asks whether there are alternatives to the existing rules that avoid any potential public interest costs. It seeks comment on how international trends and developments in the marketplace since the completion of our last biennial review in September 1999 may affect our analysis. The NPRM discusses reliance on case-by-case analysis of the potential competitive effects of a proposed spectrum holding pursuant to section 310(d) of the Communications Act as one potential alternative to the current rules, and it discusses possible modifications to the spectrum cap and cross-interest rules. These include, among other things: (1) increasing the amount of spectrum that a single entity may hold in a given geographic area beyond 45/55 MHz; (2) modifying the spectrum cap's 10 percent population overlap threshold and/or attribution rules; (3) eliminating or modifying the rule that limits attributable Specialized Mobile Radio (SMR) spectrum to 10 MHz; (4) altering the cellular cross-interest rule's provisions as they relate to disaggregation of spectrum and/or post-licensing divestiture; and (5) modifying the ownership attribution standards under both rules. Through the process of seeking public comment and collecting data, we hope to assess the impact of recent competitive trends, international developments, and spectrum management and other regulatory considerations.

B. Legal Basis

55. The potential actions on which comment is sought in this NPRM would be authorized under sections 1, 4(i), 11, 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 161, 303(g), and 303(r).

C. Description and Estimate of the Small Entities Subject to the Rules

56. The RFA requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rulemaking proceedings, unless the Agency certifies that "the rule will not, if promulgated, have a significant impact on a substantial number of small entities." See 5 U.S.C. 603(b)(3). The RFA generally defines the term "small

entity" as having the same meaning as the terms "small business," "small organization," and "small governmental jurisdiction." In addition, the term "small business" has the same meaning as the term "small business concern" under the Small Business Act. 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. This IRFA describes and estimates the number of small-entity licensees that may be affected if the proposals in this NPRM are adopted.

57. This NPRM could result in rule changes that, if adopted, would affect small businesses that currently are or may become licensees in the cellular, broadband Personal Communications Services (PCS) and/or SMR services.

58. *Cellular Radiotelephone Service.* Neither the Commission nor the SBA has developed a definition of small entities applicable to cellular licensees. Therefore, 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 twelve radiotelephone firms from a total of 1,178 such firms, which operated during 1992, had 1,000 or more employees. Therefore, even if all twelve of these firms were cellular telephone companies, nearly all cellular carriers were small businesses under the SBA's definition. In addition, we note that there are 1,758 cellular licenses; however, a cellular licensee may own several licenses. In addition, according to the most recent *Telecommunications Industry Revenue* data, 808 carriers reported that they were engaged in the provision of either cellular service or PCS, which are placed together in the data. We do not have data specifying the number of these carriers that are not independently owned and operated or have more than 1,500 employees, and thus are unable at this time to estimate with greater precision the number of cellular service carriers that would qualify as small business concerns under the SBA's definition. Consequently, we estimate that there are fewer than 808 small cellular service carriers that may be affected by these proposals, if adopted.

59. *Broadband Personal Communications Service (PCS).* The broadband PCS spectrum is divided into six frequency blocks designated A through F, and the Commission has held auctions for each block. The Commission defined "small entity" for

Blocks C and F as an entity that has average gross revenues of less than \$40 million in the three previous calendar years. For Block F, an additional classification for "very small business" was added and is defined as an entity that, together with its affiliates, has average gross revenues of not more than \$15 million for the preceding three calendar years. These regulations defining "small entity" in the context of broadband PCS auctions have been approved by the SBA. No small businesses within the SBA-approved definition bid successfully for licenses in Blocks A and B. There were 90 winning bidders that qualified as small entities in the Block C auctions. A total of 93 small and very small business bidders initially won approximately 40 percent of the 1,479 licenses for Blocks D, E, and F. On March 23, 1999, the Commission reaucted 347 C, D, E, and F Block licenses; there were 48 small business winning bidders. Based on this information, we conclude that the number of small broadband PCS licensees will include the 90 winning C Block bidders and the 93 qualifying bidders in the D, E, and F blocks plus the 48 winning bidders in the re-auction, for a total of approximately 231 small entity PCS providers as defined by the SBA and the Commission's auction rules. In addition, the Commission anticipates that a total of 422 licenses will be auctioned in the broadband PCS reauction of the C & F Blocks that began December 12, 2000. Therefore, we conclude that the number of additional C & F Block broadband PCS licensees that may ultimately be affected by these proposals could be as many as 422.

60. *Specialized Mobile Radio (SMR).* Pursuant to 47 CFR 90.814(b)(1), the Commission has defined "small business" for purposes of auctioning 900 MHz SMR licenses, 800 MHz SMR licenses for the upper 200 channels, and 800 MHz SMR licenses for the lower 230 channels on the 800 MHz band as a firm that has had average annual gross revenues of \$15 million or less in the three preceding calendar years. The SBA has approved this small business size standard for the 800 MHz and 900 MHz auctions. The auction of the 1,020 900 MHz SMR geographic area licenses for the 900 MHz SMR band began on December 5, 1995, and was completed on April 15, 1996. Sixty (60) winning bidders for geographic area licenses in the 900 MHz SMR band qualified as small businesses under the \$15 million size standard. The auction of the 525 800 MHz SMR geographic area licenses for the upper 200 channels began on October 28, 1997, and was completed on

December 8, 1997. Ten (10) winning bidders for geographic area licenses for the upper 200 channels in the 800 MHz SMR band qualified as small businesses under the \$15 million size standard.

61. The lower 230 channels in the 800 MHz SMR band are divided between General Category channels (the upper 150 channels) and the lower 80 channels. The auction of the 1,053 800 MHz SMR geographic area licenses (1,050—800 MHz licenses for the General Category channels, and 3—800 MHz licenses for the upper 200 channels from a previous auction) for the General Category channels began on August 16, 2000, and was completed on September 1, 2000. At the close of the auction, 1,030 licenses were won by bidders. Eleven (11) winning bidders for geographic area licenses for the General Category channels in the 800 MHz SMR band qualified as small businesses under the \$15 million size standard. The auction of the 2,800 800 MHz SMR geographic area licenses for the lower 80 channels of the 800 MHz SMR service began on November 1, 2000, and was completed on December 5, 2000. Nineteen (19) winning bidders for geographic area licenses for the lower 80 channels in the 800 MHz SMR band qualified as small businesses under the \$15 million size standard. In addition, there are numerous incumbent site-by-site SMR licensees on the 800 and 900 MHz bands. The Commission awards bidding credits in auctions for geographic area 800 MHz and 900 MHz SMR licenses to firms that had revenues of no more than \$15 million in each of the three previous calendar years.

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

62. This NPRM neither proposes nor anticipates any additional reporting, recordkeeping or other compliance measures.

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

63. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from

coverage of the rule, or any part thereof, for small entities.

64. In our September 1999 *First Biennial Review Order*, we concluded that retention of the CMRS spectrum cap and cellular cross-interest rule serves the public interest. We found that the benefits of these bright-line rules in addressing concerns about increased spectrum aggregation continued to make these approaches preferable to exclusive reliance on case-by-case review under section 310(d). By setting bright lines for permissible ownership interests, we found that the rules continued to benefit both the telecommunications industry and subscribers, including small businesses, by providing regulatory certainty and facilitating more rapid processing of transactions. Specifically, we noted that case-by-case review is especially expensive and time-consuming for small businesses, which often do not have the requisite resources.

65. In our 2000 biennial regulatory review pursuant to section 11, we here reexamine our findings and determinations in September 1999. Since that time, there have been international and economic developments that have significantly affected CMRS markets. For example, consolidation within the CMRS industry in an effort to create national service footprints has tended to reduce the number of smaller entities providing broadband CMRS on a purely local level. As part of this 2000 biennial review, we seek to develop a record regarding whether the CMRS spectrum cap and cellular cross-interest rule continue to make regulatory and economic sense in CMRS markets in the current-, mid-, and long-term. In doing so, we generally request comment on whether retention, modification, or elimination of the CMRS spectrum cap and/or cellular cross-interest rule is appropriate with respect to small businesses that are licensees in the cellular, broadband PCS and/or SMR services. We seek comment on whether there continues to be a need for these rules to ensure that new entrants, including small businesses, have access to spectrum licenses both at auction and in the secondary market. We inquire whether these bright-line rules continue to create efficiencies and reduce transaction costs for small business. We consider the impact on small businesses if we were to adopt alternative approaches that rely more heavily on case-by-case review. We also seek specific comment on various aspects of these rules that particularly affect small business, such as the whether our September 1999 decision to increase

attribution standards to 40 percent has benefited small businesses.

F. Federal Rules That May Duplicate, Overlap or Conflict With the Proposed Rules

66. None.

VI. Ordering Clauses

67. Accordingly, *It Is Ordered*, pursuant to the authority of sections 1, 4(i), 11, 303(g), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 161, 303(g), and 303(r), that this Notice of Proposed Rulemaking is *Adopted*.

68. *It Is Further Ordered* that the Commission's Consumer Information Bureau, Reference Information Center, *Shall 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.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 01-3521 Filed 2-9-01; 8:45 am]

BILLING CODE 6712-01-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AG38

Endangered and Threatened Wildlife and Plants; Reopening of Public Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Spruce-Fir Moss Spider

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of public comment period and availability of draft economic analysis.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce the availability of the draft economic analysis for the proposed designation of critical habitat for the spruce-fir moss spider (*Microhexura montivaga*). We also provide notice that the public comment period for the proposal is reopened to allow all interested parties to submit written comments on the proposal and the draft economic analysis. Comments previously submitted during the comment period need not be resubmitted as they will be incorporated into the public record and

will be fully considered in the final determination on the proposal.

DATES: The original comment period closed on December 5, 2000. The comment period is hereby reopened until April 13, 2001. We must receive comments from all interested parties by the closing date. Any comments that we receive after the closing date will not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at http://southeast.fws.gov/hotissues/hot_index.html or by writing to or calling the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801; telephone 828/258-3939.

If you wish to comment, you may submit your comments by any one of several methods:

1. You may submit written comments and information to the State Supervisor, Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina 28801.
2. You may hand-deliver written comments to our Asheville Field Office, at the above address or fax your comments to 828/258-5330.
3. You may send comments by electronic mail (e-mail) to john_fridell@fws.gov. For directions on how to submit electronic filing of comments, see the "Public Comments Solicited" section.

Comments and materials received, as well as supporting documentation used in preparation of this proposed rule, will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: John A. Fridell, Fish and Wildlife Biologist (see **ADDRESSES** section).

SUPPLEMENTARY INFORMATION:

Background

The spruce-fir moss spider is the smallest of the mygalomorph spiders, with adults measuring only 2.5 to 3.8 millimeters (0.10 to 0.15 inch) in length (Coyle 1981, Service 1995). The species' coloration ranges from light brown to a darker reddish brown, and there are no markings on the abdomen (Harp 1992). *Microhexura montivaga* is known from only the highest mountain peaks (at and above 1,646 m (5,400 ft) in elevation) in the Southern Appalachian Mountains of North Carolina and Tennessee.

Recent and ongoing surveys funded by the National Park Service, U.S. Forest Service, and us indicate that reproducing populations of the spruce-fir moss spider still survive on

Grandfather Mountain in North Carolina (Harp 1992; pers. observation 1995; Jane Thompson, The Nature Conservancy, pers. comm. 1997); Mount LeConte in Tennessee (Coyle 1997); and Mount Buckley (Coyle, pers. comm. 2000) and Roan Mountain in North Carolina and Tennessee (Coyle 1999). The Mount Mitchell population is believed to be extirpated (Harp 1992), and both the Mount Collins and Clingmans Dome populations, if still present, are extremely small, with only one spruce-fir moss spider having been found at each of these two sites in recent years (Harp 1991, 1992).

The microhabitat of the spruce-fir moss spider appears to be virtually restricted to certain areas of rock outcrops and boulders in Fraser fir and/or fir-dominated spruce-fir forests. The primary threat to, and reason for, the recent decline of the spruce-fir moss spider at all of the sites from which it has been recorded appears to be associated with the loss of suitable moss habitat, due primarily to the loss of mature Fraser firs (Coyle, *in litt.*, 1991, 1999; Harp 1991, 1992; Service 1998).

On February 6, 1995, we listed the spruce-fir moss spider as endangered (60 FR 6968) under the Endangered Species Act of 1973, as amended (Act). The primary threat to the species was identified as deterioration of the spider's high-elevation forest habitat due primarily to exotic insects and possibly to past land use history, air pollution, and other factors not yet fully understood. On October 6, 2000, we published in the **Federal Register** a proposal to designate critical habitat for this species (65 FR 59798). The proposal includes: (1) Areas at and above 1,646 meters (m) (5,400 feet (ft)) in elevation in the Great Smoky Mountains National Park (GSMNP) on and/or in the vicinity of Mount LeConte in Sevier County, Tennessee, and Mount Collins, Clingmans Dome, and Mount Buckley in Swain County, North Carolina, and Sevier County, Tennessee; (2) areas at and above 1,646 m (5,400 ft) in elevation at Grandfather Mountain in Avery, Caldwell, and Watauga Counties, North Carolina; and (3) portions at and above 1,646 m (5,400 ft) in elevation at Roan Mountain, Avery and Mitchell Counties, North Carolina, and Carter County, Tennessee. All of the areas on or in the vicinity of Mount LeConte, Mount Collins, Clingmans Dome, and Mount Buckley that are proposed for critical habitat designation are within the boundaries of the GSMNP; all of the areas of Roan Mountain that are proposed for critical habitat designation are within the boundaries of the Pisgah National Forest in North Carolina and

the Cherokee National Forest in Tennessee; and the areas of Grandfather Mountain that are proposed for critical habitat designation are privately owned.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment at the above Internet and mailing addresses.

Public Comments Solicited

We solicit comments on the draft economic analysis described in this notice, as well as any other aspect of the proposed designation of critical habitat for the spruce-fir moss spider. Our final determination on the proposed critical habitat will take into consideration comments and any additional information received by the date specified above. All previous comments and information submitted during the comment period need not be resubmitted. Written comments may be submitted to the State Supervisor (see **ADDRESSES** section).

Please submit electronic comments as an ASCII file format and avoid the use of special characters and encryption. Please also include "Attn: [RIN number]" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Asheville Field Office (see **ADDRESSES** section).

Our practice is to make all comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. In some circumstances, we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish for us to withhold your name and/or address, you must state this prominently at the beginning of your comments. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from

individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

References Cited

A complete list of all references cited in this document is available upon request from the Asheville Field Office (see ADDRESSES section).

Author

The primary author of this document is John A. Fridell (see ADDRESSES section).

Authority The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: January 18, 2001.

H. Dale Hall,

Acting Regional Director, Fish and Wildlife Service.

[FR Doc. 01-2270 Filed 2-9-01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 010118020-1020-01; I.D. 010801A]

RIN 0648-AO86

Endangered and Threatened Species: Threatened Status for One Evolutionarily Significant Unit of Steelhead in California and Oregon

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS' completed Endangered Species Act (ESA) status reviews for steelhead (*Oncorhynchus mykiss*) populations in Washington, Oregon, Idaho, and California resulted in proposed listings for several steelhead Evolutionarily Significant Units (ESUs), including a Klamath Mountains Province (KMP) steelhead ESU. Steelhead in this ESU inhabit coastal river basins between the Elk River in Oregon and the Klamath River in California, inclusive. After reviewing additional information, including biological data on the species' status and an assessment of protective efforts, NMFS concluded in 1998 that this ESU did not warrant listing. However, the U.S. District Court for the Northern District of California (Court) recently

overturned that decision and remanded the rule to the agency. The District Court concluded that NMFS erred in relying on the expected effects of future conservation measures when making its final listing determination. In light of the Court's order and of the need to formally solicit any new information regarding the status of KMP steelhead, the agency now re-proposes to list the KMP steelhead ESU as a threatened species under the ESA.

DATES: Public hearings on this proposal will be held on February 22, 2001, in Gold Beach, OR, and Eureka, CA. Comments on this proposal must be received no later than 5 p.m. Pacific time, on March 5, 2001. Comments will not be accepted if submitted via e-mail or the Internet.

ADDRESSES: Two public hearings on this proposal will be held: (1) on Thursday, February 22, 2001, from 6:30 p.m. to 9 p.m. at the Gold Beach City Hall, City Council Chambers, 29592 Ellensburg Avenue, Gold Beach, OR; and (2) on Thursday, February 22, 2001, from 6:30 p.m. to 9 p.m. at the Eureka Inn, 518 7th Street, Eureka, CA.

Comments on this proposed rule and requests for reference materials should be sent to the Chief, Protected Resources Division, NMFS, Northwest Region, 525 NE Oregon Street, Suite 500, Portland, OR 97232-2737. Comments may also be sent via facsimile (fax) to (503) 230-5435, but will not be accepted if submitted via e-mail or the Internet.

FOR FURTHER INFORMATION CONTACT:

Garth Griffin, 503-231-2005, Craig Wingert, 562-980-4021, or Chris Mobley, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Previous Federal ESA Actions Related to West Coast Steelhead

The first petition to address steelhead in the Klamath Mountains Province or "KMP" (named after a geological province in southwest Oregon and northwest California) was received on May 5, 1992, and dealt with winter steelhead in the Illinois River, a tributary to Oregon's Rogue River. The agency conducted a status review of this population (NMFS, 1993) and published a May 20, 1993, determination (58 FR 29390) wherein NMFS concluded that Illinois River winter steelhead did not warrant listing because they did not represent a "species" under the ESA. However, NMFS recognized that this population was part of a larger ESU whose extent had not yet been determined, but whose status might warrant listing because of declining trends in steelhead abundance observed in several southern Oregon streams.

In its May 20, 1993, finding regarding Illinois River winter steelhead, NMFS announced that it would conduct an expanded status review to identify all coastal steelhead ESUs within California, Oregon, and Washington and to determine whether any identified ESUs warranted listing under the ESA (58 FR 29390). Subsequently, on February 16, 1994, NMFS received a petition from the Oregon Natural Resources Council and from 15 co-petitioners to list all steelhead (or specific ESUs, races, or stocks) within the States of California, Oregon, Washington, and Idaho. In response to this petition, NMFS announced the expansion of its status review of steelhead to include inland steelhead populations occurring in eastern Washington and Oregon and the State of Idaho (59 FR 27527, May 27, 1994).

On March 16, 1995, NMFS identified a KMP steelhead ESU and published a proposed rule to list it as a threatened species under the ESA (60 FR 14253). The proposed ESU included steelhead populations inhabiting coastal river basins between the Elk River in Oregon and the Klamath River in California, inclusive. Subsequent to this proposal, the agency completed a coastwide status review of steelhead (NMFS, 1996a) that identified a total of 15 steelhead ESUs in the states of Washington, Oregon, Idaho, and California. By August 9, 1996, the agency had proposed 10 steelhead ESUs, including KMP steelhead, for listing as threatened or endangered under the ESA (61 FR 41541). While the agency had proposed listing KMP steelhead prior to the other ESUs, unresolved issues and practical considerations made it more prudent to consider a final determination on KMP steelhead in the context of final listing decisions for all West Coast steelhead ESUs.

On August 18, 1997, NMFS published a final rule listing five ESUs as threatened and endangered under the ESA (62 FR 43937). In a separate document published on the same day, NMFS determined that substantial scientific disagreement remained for five proposed ESUs, including the KMP steelhead ESU (62 FR 43974, August 18, 1997). In accordance with section 4(b)(6)(B)(i) of the ESA, NMFS deferred its decision on these five steelhead ESUs for 6 months for the purpose of soliciting additional data. During this 6-month period of deferral, NMFS' scientist evaluated new information regarding the status of these proposed steelhead ESUs. This new information resulted in the updating of status review documents for these five ESUs (NMFS, 1997; NMFS, 1998).

Based on a review of the updated information for these ESUs and of a review and evaluation of Federal, state, and local conservation efforts being made to reduce the threats to these ESUs, NMFS issued a final rule on March 19, 1998 (63 FR 13347) listing two ESUs as threatened (Lower Columbia River and Central Valley California) and a notice of determination that three ESUs (KMP, Oregon Coast, and Northern California) did not warrant listing. The latter determination was based on the best available scientific and commercial data that these ESUs had been at a lower risk of extinction than they were at the time of the proposed listing determinations. Even though the risks confronting these ESUs had been reduced to a point at which listing was not warranted, NMFS still expressed concerns about the status of these three ESUs in the notice of determination and, therefore, identified them as candidate species, which the agency would continue to monitor and re-assess by 2002.

The Recent District Court Ruling

On October 25, 2000, the U.S. District Court for the Northern District of California (Court) issued a finding that NMFS' March 19, 1998, determination regarding the KMP steelhead ESU was arbitrary and capricious (*Federation of Fly Fishers v. Daley*, Civ. No. C-99-0981-SI). The Court vacated NMFS' "not warranted" determination and remanded the case to NMFS for further consideration. In vacating the agency's decision, the Court held that the ESA does not allow NMFS to consider the expected effects of future conservation actions or to rely exclusively on voluntary conservation efforts. Hence, the Court's finding essentially reinstates NMFS' original proposal to list KMP steelhead as a threatened species under the ESA. Due to time constraints imposed by the Court, NMFS will be able to accept public comments only until March 5, 2001, on this listing re-proposal so that new information can be efficiently evaluated and a final agency determination be promulgated by March 31, 2001.

Life History of KMP Steelhead

Biological information for West Coast steelhead and the KMP ESU, in particular, can be found in agency assessments conducted by NMFS (NMFS, 1993, 1994, 1996a, 1997, 1998) and in previous **Federal Register** documents (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996). Steelhead exhibit one of the most complex suites of life history traits of any salmonid species. Individuals may

exhibit anadromy (meaning they migrate as juveniles from fresh water to the ocean, and then return to spawn in fresh water) or freshwater residency (meaning they reside their entire life in fresh water). Resident forms are usually referred to as "rainbow" or "redband" trout, while anadromous life forms are termed "steelhead." Few detailed studies have been conducted regarding the relationship between resident and anadromous *O. mykiss*, and, as a result, the relationship between these two life forms is poorly understood. The scientific name for the biological species that includes both steelhead and rainbow trout has been changed from *Salmo gairdneri* to *O. mykiss*. This change reflects the premise that all trouts from western North America share a common lineage with Pacific salmon. Nonanadromous *O. mykiss* may co-occur with the anadromous form. The KMP steelhead ESU includes both life forms. However, only the anadromous form is under the jurisdiction of NMFS; the U.S. Fish and Wildlife Service (USFWS) maintains ESA authority over resident life forms.

Historically, steelhead were distributed throughout the North Pacific Ocean from the Kamchatka Peninsula in Asia to the northern Baja California Peninsula. Presently, the species distribution extends from the Kamchatka Peninsula, east and south along the Pacific coast of North America, to at least Malibu Creek in southern California. Within the KMP ESU, the species inhabits coastal river basins between the Elk River in Oregon and the Klamath River in California, inclusive.

Steelhead typically migrate to marine waters after spending 2 years in fresh water. They then reside in marine waters for typically 2 or 3 years prior to returning to their natal stream to spawn as 4- or 5-year-olds. Unlike other Pacific salmon, steelhead are iteroparous, meaning they are capable of spawning more than once before they die. However, it is rare for steelhead to spawn more than twice before dying; most that do so are females. Biologically, steelhead can be divided into two reproductive ecotypes, based on their state of sexual maturity at the time of river entry and the duration of their spawning migration. These two ecotypes are termed "stream maturing" and "ocean maturing." Stream maturing steelhead enter fresh water in a sexually immature condition and require several months to mature and spawn. Ocean maturing steelhead enter fresh water with well developed gonads and spawn shortly after river entry. These two reproductive ecotypes are more

commonly referred to by their season of freshwater entry (i.e., summer (stream maturing) and winter steelhead (ocean maturing)). The KMP steelhead ESU contains populations of both winter and summer steelhead. In addition, the Rogue and Klamath River Basins are distinctive in that they are two of the few basins producing "half-pounder" steelhead. This life history type refers to immature steelhead that return to fresh water after only 2-4 months in the ocean, generally overwinter in fresh water, then outmigrate again the following spring (Snyder, 1925; Kesner and Barnhart, 1972; Everest, 1973; Barnhart, 1986).

Consideration as a "Species" Under the ESA

To qualify for listing as a threatened or endangered species, the identified populations of steelhead must be considered "species" under the ESA. The ESA defines "species" to include "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." NMFS published a policy (56 FR 58612, November 20, 1991) describing how the agency will apply the ESA definition of "species" to Pacific salmonid species. This policy provides that a salmonid population will be considered distinct, and hence a species, under the ESA, if it represents an ESU of the biological species. A population must satisfy two criteria to be considered an ESU: (1) It must be reproductively isolated from other conspecific population units and (2) it must represent an important component in the evolutionary legacy of the biological species. The first criterion, reproductive isolation, needs not be absolute, but must be strong enough to permit evolutionarily important differences to accrue in different population units. The second criterion is met if the population contributes substantially to the ecological/genetic diversity of the species as a whole. Guidance on the application of this policy is contained in Waples (1991), a NOAA Technical Memorandum entitled "Definition of 'Species' Under the Endangered Species Act: Application to Pacific Salmon," which is available upon request (see **ADDRESSES**). The genetic, ecological, and life history characteristics, as well as human-induced genetic changes that NMFS assessed to identify the number and geographic extent of steelhead ESUs on the West Coast, including the KMP steelhead ESU, are discussed in detail in NMFS' steelhead status reviews (NMFS, 1993, 1994, 1996a, 1997, 1998) and in

listing proposals (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996).

KMP Steelhead ESU Determination

The KMP steelhead ESU has been described in NMFS' status review documents and **Federal Register** notices cited earlier; no new scientific information has been received to indicate that the ESU should be redefined. This ESU includes both winter and summer steelhead inhabiting coastal river basins between the Elk River in Oregon and the Klamath River in California, inclusive. Half-pounder juveniles (described previously under "Life History of KMP Steelhead") also occur in this geographic area. Geologically, this region includes the Klamath Mountains Geological Province, which is not as erosive as the Franciscan formation terrains south of the Klamath River Basin. Dominant vegetation along the coast is redwood forest, while some interior basins are much drier than the surrounding areas. The region is characterized by many endemic plant species. Elevated stream temperatures are a factor affecting steelhead and other species in some of the larger river basins. With the exception of major river basins, such as the Rogue and Klamath, most rivers in this region have a short duration of peak flows. Strong and consistent coastal upwelling begins at about Cape Blanco and continues south into the central California coast, resulting in a relatively productive nearshore marine environment. Protein electrophoretic analyses of coastal steelhead have indicated genetic discontinuities between the steelhead of this region and those to the north and south (Hatch, 1990; NMFS, 1993 and 1994). Chromosomal studies have also identified a distinctive karyotype that has been reported only from populations within this ESU.

The relationship between hatchery steelhead populations and naturally spawned steelhead within this ESU was also assessed in a NMFS' status review update (NMFS, 1998). Based on this assessment, NMFS' steelhead Biological Review Team (BRT) concluded that seven steelhead hatchery stocks are part of this ESU because they were established from indigenous natural populations. In Oregon these stocks are Applegate River, Oregon Department of Fish and Wildlife (ODFW) stock 162 (winter run); Upper Rogue River, ODFW stock 152 (winter run); Upper Rogue River, ODFW stock 152 (summer run); and Chetco River, ODFW stock 196 (winter run). In California, the stocks are Iron Gate Hatchery stock (winter run); Trinity River Hatchery stock (winter

run); and Rowdy Creek Hatchery stock. The majority of the BRT also concluded that these hatchery stocks were not likely to be essential for the recovery of the ESU (i.e., if the ESU were listed).

Status of the KMP Steelhead ESU

Section 3 of the ESA defines the term "endangered species" as "any species that is in danger of extinction throughout all or a significant portion of its range." The term "threatened species" is defined as "any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." In its previous status reviews for West Coast salmon and steelhead, NMFS has identified a number of factors that should be considered in evaluating the level of risk faced by an ESU, including (1) absolute numbers of fish and their spatial and temporal distribution, (2) current abundance in relation to historical abundance and current carrying capacity of the habitat, (3) trends in abundance, (4) natural and human-influenced factors that cause variability in survival and abundance, (5) possible threats to genetic integrity (e.g., from strays or outplants from hatchery programs), and (6) recent events (e.g., a drought or changes in harvest management) that have predictable short-term consequences for abundance of the ESU.

Based on these factors and on the best available scientific information, NMFS' BRT first reviewed the status of the KMP steelhead in 1994 (NMFS, 1994) and determined that it was likely to become endangered in the foreseeable future. The agency subsequently proposed this ESU for listing as a threatened species (60 FR 14253, March 16, 1995), noting that available information indicated that most of the steelhead populations in the KMP ESU were in significant decline and not self-sustaining. After completing a coastwide status review in 1996, the agency restated its proposal to list the ESU as threatened and highlighted concerns for summer steelhead as well as the apparent replacement of natural fish with hatchery-produced fish. The status of the ESU was last reassessed in a 1997 status review update (NMFS, 1997), wherein the NMFS' BRT analyzed new information and once again concluded that the KMP ESU was likely to become endangered in the foreseeable future. The BRT expressed concern about the lack of reliable and recent data for many populations and the almost universal decline of native summer steelhead populations in this ESU. Although the percentage of naturally spawning hatchery fish was

considered low to moderate in Oregon streams in the ESU, the BRT had major concerns regarding stray hatchery fish in the Klamath and Trinity River Basins. In addition, the BRT cited significant risks resulting from habitat loss and degradation (e.g., due to dams, logging, water withdrawals, and mining) within the range of this ESU.

In addition to the BRT's assessment, the agency also considered existing and recently implemented conservation efforts focused on KMP steelhead. Significant state efforts in Oregon and California (including harvest restrictions, monitoring, and habitat improvements) appeared to have reduced threats to this species. In addition, NMFS believed that biological risks associated with habitat modification and degradation on Federal lands had decreased as a result of the Northwest Forest Plan (Forest Ecosystem Management Assessment Team (FEMAT), 1993). While NMFS remained concerned about habitat conditions on non-Federal lands within the range of the ESU, the agency noted that the majority of lands were actually under Federal ownership. After reviewing all of the available types of information, NMFS concluded in March 1998 that the KMP steelhead ESU did not warrant listing as a threatened species but instead should be classified as a candidate species and its status re-evaluated by 2002. However, the recent ruling by the Court on October 25, 2000, states that NMFS erred in arriving at this determination and requires the agency to re-assess this ESU.

NMFS scientists have recently conducted a preliminary survey of new information on KMP steelhead populations that has become available since the BRT last reviewed the species in December 1997 (NMFS, 2000). Available new data for Oregon populations in the KMP steelhead ESU are concentrated in the Rogue River Basin and show no major changes since the last assessment. New information on California steelhead populations in NMFS' possession is also very limited and consist primarily of short-term data from creel and snorkel surveys. This paucity of available data compels the agency to re-propose the ESU as a threatened species at this time. However, the agency is hopeful that data sets currently being compiled in Oregon and California, as well as any new information received in response to this listing proposal, will permit a more rigorous assessment prior to a final listing determination.

Summary of Factors Affecting the Species

Section 4(a)(1) of the ESA and NMFS' implementing regulations (50 CFR part 424) set forth procedures for listing species. The Secretary of Commerce (Secretary) must determine, through the regulatory process, whether a species is endangered or threatened based upon any one or a combination of the following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or education purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or human-made factors affecting its continued existence. The factors threatening naturally reproducing steelhead are numerous and varied. For KMP steelhead populations, the present depressed condition is the result of longstanding, human-induced factors that serve to exacerbate the adverse effects of natural environmental variability from such factors as drought, floods, and poor ocean conditions.

NMFS has prepared a report that summarizes the factors leading to the decline of steelhead on the West Coast (NMFS, 1996b). This report, available upon request (see **ADDRESSES** section), concludes that all of the factors identified in section 4(a)(1) of the ESA have played a role in the decline of West Coast steelhead. The report further identifies several factors that were considered to have contributed to the decline of the KMP steelhead ESU, including: hatchery introgression, logging, water diversion/extraction, habitat blockages, poaching, agriculture, hydropower development, historic flooding, and mining. As a result of previous listing proposals (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996), NMFS has received numerous comments regarding the relative importance of various factors contributing to the decline of KMP steelhead. These comments will be considered along with any new information resulting from the current listing proposal prior to the agency making a final listing determination for this ESU.

Efforts Being Made to Protect West Coast Steelhead

Section 4(b)(1)(A) of the ESA requires the Secretary of Commerce to make listing determinations solely on the basis of the best scientific and commercial data available after conducting a review of the status of the species and after taking into account

efforts being made to protect the species. Therefore, in making its listing determinations, NMFS first assesses the status of the species and identifies factors that have led to the decline of the species. NMFS then assesses conservation measures to determine whether they ameliorate risks to the species. In judging the efficacy of existing conservation efforts, NMFS considers the following: (1) The substantive, protective, and conservation elements of such efforts; (2) the degree of certainty such efforts will be reliably implemented; (3) the degree of certainty such efforts will be effective; and (4) the presence of monitoring provisions that determine effectiveness and that permit adaptive management. In some cases, conservation efforts may be relatively new and may not have had time to demonstrate their biological benefit. In such cases, provisions for adequate monitoring and funding of conservation efforts are essential to ensure that intended conservation benefits are realized.

As part of its West Coast steelhead status review, NMFS reviewed an array of protective efforts for steelhead and other salmonids, ranging in scope from regional strategies to local watershed initiatives. NMFS has summarized some of the major efforts in a supplement to the earlier status reviews (NMFS, 1996c). NMFS also reviewed steelhead conservation measures being implemented by the states of California and Oregon at the time of its March 19, 1998, listing determination for the KMP steelhead ESU (63 FR 13347). During the next two months, NMFS will seek to update the current status of conservation efforts affecting KMP steelhead and, in keeping with the recent Court order, will take into account appropriate conservation efforts when assessing the final ESA status of KMP steelhead. NMFS encourages all parties to submit information on such efforts, on particularly existing conservation efforts, or on those that have only recently been implemented (e.g., since 1997) but will likely ameliorate risks faced by KMP steelhead.

Proposed Determination

In keeping with an October 25, 2000, order by the U.S. District Court for the Northern District of California, NMFS is re-proposing to list the KMP steelhead ESU as a threatened species under the ESA. This proposal is supported by previous agency listing proposals (60 FR 14253, March 16, 1995; 61 FR 41541, August 9, 1996) and BRT reports (NMFS, 1994; NMFS, 1997), which

concluded that steelhead in the KMP ESU are likely to become endangered in the foreseeable future. Also, a preliminary review of updated abundance and trend information available for this ESU indicates that the current biological status of the ESU has changed little since it was last evaluated by the NMFS BRT. The agency believes that many conservation efforts have helped reduced the risks faced by KMP steelhead. However, the recent Court ruling will require that NMFS reconsider the manner in which these efforts factor into a final listing determination for this ESU.

As described in agency status reviews and in the proposed listing determination cited above, NMFS defines the KMP steelhead ESU to include all native, naturally spawned populations of steelhead (and their progeny) residing in streams between the Elk River (Oregon) and Klamath River Basins (California), inclusive. NMFS scientists have previously examined the relationship between hatchery and natural populations of steelhead in this ESU and also assessed whether any hatchery populations are essential for their recovery (NMFS, 1998). At this time, NMFS does not believe any specific hatchery populations warrant listing. Also, NMFS is proposing to list only the anadromous life forms of *O. mykiss*.

Prohibitions and Protective Measures

Section 4(d) of the ESA requires NMFS to issue protective regulations it finds necessary and advisable to provide for the conservation of threatened species. Section 9 of the ESA prohibits violations of protective regulations for threatened species promulgated under section 4(d). The 4(d) protective regulations may prohibit, with respect to the threatened species, some or all of the acts which section 9 of the ESA prohibits with respect to endangered species. These section 9 prohibitions and 4(d) regulations apply to all individuals, organizations, and agencies subject to U.S. jurisdiction. If NMFS determines that the KMP steelhead ESU warrants listing as a threatened species, then the agency will develop and promulgate a 4(d) protective regulation for the ESU in a separate rulemaking. The process for completing the 4(d) rule will provide the opportunity for public comment on the proposed protective regulations.

In the case of threatened species, NMFS has flexibility under section 4(d) to tailor the protective regulations to provide for the conservation of the species. NMFS has recently published 4(d) regulations for 14 threatened ESUs

of salmon and steelhead (65 FR 42422, July 10, 2000) that adopt an array of limits on take prohibitions. Some of the broad categories of activities addressed by these limits include: scientific research; fish harvest; artificial propagation; habitat restoration; screening water diversions; routine road maintenance; and municipal, residential, commercial, and industrial development and redevelopment. By receiving NMFS approval under a limit, governments and individuals obtain assurance that their activities, when implemented in accordance with the criteria in the 4(d) rule, do not violate ESA "take" prohibitions and will not be subject to enforcement actions.

Section 7(a)(2) of the ESA requires Federal agencies to consult with NMFS to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or adversely modify critical habitat. Examples of Federal actions likely to affect steelhead in the KMP steelhead ESU include authorized land management activities (e.g., timber sales and harvest, and livestock grazing) of the U.S. Forest Service and Bureau of Land Management, operation of hydroelectric and storage projects permitted by the Federal Energy Regulatory Commission, and activities permitted by the U.S. Army Corps of Engineers under the Clean Water Act and River and Harbors Act.

Sections 10(a)(1)(A) and 10(a)(1)(B) of the ESA provide NMFS with authority to grant exceptions to the ESA's "take" prohibitions. Section 10(a)(1)(A) scientific research and enhancement permits may be issued to entities (Federal and non-Federal) for scientific purposes or to enhance the propagation or survival of a listed species. NMFS has issued section 10(a)(1)(A) research/enhancement permits for listed salmon and steelhead for a number of activities, including trapping and tagging, electroshocking to determine population presence and abundance, removal of fish from irrigation ditches, and collection of adult fish for artificial propagation programs.

Section 10(a)(1)(B) of the ESA incidental take permits may be issued to non-Federal entities performing activities which may incidentally take listed species, so long as the taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity. The types of activities potentially requiring a section 10(a)(1)(B) incidental take permit include the operation and release of artificially propagated fish by state or privately operated and funded hatcheries, state or academic research

not receiving Federal authorization or funding, logging, road building, grazing, and diverting water onto private lands.

Policies on Endangered and Threatened Fish and Wildlife

On July 1, 1994, NMFS, jointly with USFWS, published a series of policies regarding listings under the ESA, including: (1) a policy regarding peer review of scientific data (59 FR 34270) and (2) a policy to identify, to the maximum extent possible, those activities that would or would not constitute a violation of section 9 of the ESA (59 FR 34272). The intent of the first policy is to ensure that listings are based on the best scientific and commercial data available. Prior to a final listing and concurrent with the public comment period, NMFS will solicit the expert opinions of at least three qualified specialists. Independent peer reviewers will be selected from the academic and scientific community, Native American tribal groups, Federal and state agencies, and the private sector. The intent of the second policy is to increase public awareness of the effect of this listing on proposed and ongoing activities within the species' range. If NMFS determines that the KMP steelhead ESU warrants listing as a threatened species, the agency will identify activities that will be considered likely to result in section 9 violations as well as specific activities (to the extent known) that will not be considered likely to result in section 9 violations once a 4(d) rule has been adopted.

Critical Habitat

Section 4(a)(3)(A) of the ESA requires that, to the maximum extent prudent and determinable, NMFS designate critical habitat concurrently with a determination that a species is endangered or threatened. While NMFS has completed an initial analysis of the biological status of steelhead in the KMP steelhead ESU, it has not performed the full analysis necessary for designating critical habitat at this time. If this ESU is listed under ESA, it is NMFS' intent to develop a critical habitat proposal as soon as the analysis can be completed.

Public Comments Solicited

NMFS has exercised its best professional judgement in developing this proposal to list the KMP steelhead ESU. To ensure that the final action resulting from this proposal will be as accurate and effective as possible, NMFS is soliciting data, comments, and suggestions from the public, other governmental agencies, the scientific

community, industry, and any other interested parties. NMFS is interested in any additional information concerning: (1) biological or other relevant data concerning any threats to steelhead in this ESU; (2) the range, distribution, and population size of steelhead in this ESU; (3) current or planned activities in the range of the ESU and their possible impact on KMP steelhead; (4) steelhead escapement, particularly recent escapement data partitioned into natural and hatchery components; (5) the proportion of naturally reproducing fish that were reared as juveniles in a hatchery; (6) homing and straying of natural and hatchery fish; (7) the reproductive success of naturally reproducing hatchery fish (i.e., hatchery-produced fish that spawn in natural habitat) and their relationship to the proposed ESU; (8) efforts being made to protect native, naturally reproducing populations of steelhead in this ESU; and (9) suggestions for specific regulations under section 4(d) of the ESA that should apply to steelhead in this ESU. Suggested regulations may address activities, plans, or guidelines that, despite their potential to result in the take of listed fish, will ultimately promote the conservation and recovery of threatened steelhead. NMFS will review all public comments and any additional information regarding the status of the KMP steelhead ESU and will complete a final rule by March 31, 2001, as required under the recent Court order.

Joint Commerce-Interior ESA implementing regulations state that the Secretary "shall promptly hold at least one public hearing if any person so requests within 45 days of publication of a proposed regulation to list ... or to designate or revise critical habitat." (see 50 CFR 424.16(c)(3)). A public hearing schedule on this proposal is contained in this notice. Public hearings will provide the opportunity for the public to give comments and to permit an exchange of information and opinion among interested parties. NMFS encourages the public's involvement in such ESA matters. Written comments on the proposed rule should be submitted to NMFS by March 5, 2001. (see **ADDRESSES** and **DATES**).

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other aids should be directed to Garth Griffin or Craig Wingert (see **ADDRESSES**).

References

A complete list of all cited references is available upon request (see ADDRESSES).

Classification

National Environmental Policy Act

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v. Andrus*, 675 F. 2d 825 (6th Cir. 1981), NMFS has concluded that ESA listing actions are not subject to the environmental assessment requirements of the National Environmental Policy Act (NEPA). See NOAA Administrative Order 216-6.

Executive Order 12866 and Regulatory Flexibility Act

As noted in the Conference Report on the 1982 amendments to the ESA, economic impacts cannot be considered when assessing the status of species. Therefore, the economic analysis requirements of the Regulatory Flexibility Act (RFA) are not applicable to the listing process. In addition, this proposed rule is exempt from review under Executive Order 12866.

Executive Order 13132—Federalism

In keeping with the intent of the Administration and Congress to provide continuing and meaningful dialogue on issues of mutual state and Federal interest, NMFS has conferred with state and local government agencies in the course of assessing the status of the KMP steelhead ESU and considered, among other things, state and local conservation measures. State and local governments have expressed support for the conservation of KMP steelhead and made efforts to reduce risks faced by the ESU. The history and content of this dialogue, as well as the basis for this proposed action, are described in the SUPPLEMENTARY INFORMATION section of this document and in other Federal Register documents preceding this proposed action. (See 61 FR 41541, August 9, 1996; 62 FR 43974, August 18, 1997; and 63 FR 13347, March 19, 1998). NMFS' staff have had numerous discussions with various governmental agency representatives regarding the status of this ESU and have sought working relationships with agencies and others in order to promote salmonid restoration efforts. In addition, NMFS' staff have given presentations to interagency forums and other interested groups considering conservation measures. As the process continues,

NMFS intends to continue engaging in informal and formal contacts with affected state, local, or regional entities, giving careful consideration to all written or oral comments received. As one part of that continued process, NMFS has scheduled public hearings on this proposed action. NMFS also intends to consult with appropriate elected officials in consideration of a final rule.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

NMFS has consulted with affected tribes throughout the course of the West Coast steelhead status review. These consultations have included numerous presentations and discussions with tribal officials and representatives, in particular, the Klamath River Basin tribes, regarding the status of the KMP steelhead and conservation efforts directed at this ESU. NMFS will continue to actively engage the affected tribes and will seek their assistance and expertise to complete the agency's KMP steelhead status review. Moreover, the agency will carry out its responsibilities under the Act in a manner that recognizes tribal sovereignty and harmonizes the agency's statutory missions with Federal trust responsibilities to tribes and that strives to ensure that Indian tribes do not bear a disproportionate burden for the conservation of listed species. In keeping with E.O. 13175, NMFS will summarize the history of consultations with affected tribes and describe the manner in which tribal concerns were addressed at the time of the final listing determination for KMP steelhead.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: February 7, 2001.

William T. Hogarth,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 223 is proposed to be amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*; 31 U.S.C. 9701.

2. In § 223.102, paragraph (a)(23) is added to read as follows:

§ 223.102 Enumeration of threatened species.

* * * * *

(a) * * *

(23) Klamath Mountains Province steelhead (*Oncorhynchus mykiss*). Includes all naturally spawned populations of steelhead (and their progeny) in coastal river basins ranging from the Elk River in Curry County, Oregon, to the Klamath River, inclusive, in Del Norte County, California.

* * * * *

[FR Doc. 01-3545 Filed 2-9-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 013001A]

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery of the South Atlantic; Public Hearings

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

ACTION: Notice of public hearing; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a public hearing to address issues regarding the use of powerhead gear (or "bangsticks") by recreational and commercial divers fishing in the Exclusive Economic Zone off the east coast of Florida, within the Council's area of jurisdiction, for reef fish species in the management unit of the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region (FMP).

DATES: Written comments will be accepted until 12 noon, February 26, 2001. For the specific date and time of the hearing see SUPPLEMENTARY INFORMATION.

ADDRESSES: Written comments should be sent to Bob Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699; telephone: (843) 571-4366; FAX (843) 769-4520; email address: safmc@noaa.gov. Copies of the Options Paper addressing powerhead gear issues are available from the Council at the same address. The meeting will be held in Atlantic Beach, FL.

FOR FURTHER INFORMATION CONTACT: Kim Iverson, Public Information Officer, South Atlantic Fishery Management Council, telephone: 843-571-4366; fax: 843-769-4520; email address: kim.iverson@noaa.gov.

SUPPLEMENTARY INFORMATION: The public hearing will be convened to obtain the views of fishery participants and the general public regarding specific issues about the use of powerhead gear to target reef fish species in the FMP's management unit. The issues to be addressed include the following: Conflicts/competition between user groups; harvest of lethargic fish during the winter months; harvest of aggregations of spawning fish; excessive harvesting by divers; and, the illegal sale of fish. The Council intends that proposed regulatory actions to address these issues would be through a regulatory amendment under the FMP's framework procedure for regulatory adjustments.

Date, Time, and Location for Public Hearing

The public hearing will be held on Tuesday, February 20, 2001, beginning at 6 p.m., and will be held at the Sea Turtle Inn, One Ocean Boulevard, Atlantic Beach, FL 32233; telephone: (904) 249-7402; FAX (904) 247-1517.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council (see **ADDRESSES**) by February 12, 2001.

Dated: February 6, 2001

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 01-3548 Filed 2-9-01; 8:45 am]

BILLING CODE: 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011101A]

RIN 0648-AF87

Fisheries of the Northeastern United States; Tilefish Fishery Management Plan

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

ACTION: Notice of availability of a fishery management plan; request for comments.

SUMMARY: NMFS announces that the Mid-Atlantic Fishery Management Council (Council) has submitted the Tilefish Fishery Management Plan (FMP) for Secretarial review and is requesting comments from the public. The FMP would initiate Federal management of golden tilefish (*Lopholatilus chamaeleonticeps*) (tilefish) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The overall goal of the FMP is to rebuild tilefish so that the optimum yield can be obtained from this resource.

DATES: Comments must be received not later than 5 p.m., Eastern Standard Time, on April 13, 2001.

ADDRESSES: Comments on the FMP should be sent to Patricia A. Kurkul, Regional Administrator, 1 Blackburn Drive, Gloucester, MA 01930-2298. Mark the outside of the envelope, "Comments on Tilefish FMP."

Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

Copies of the FMP, its regulatory impact review, initial regulatory flexibility analysis, final environmental impact statement, and supporting documents are available from Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, DE 19904-6790.

FOR FURTHER INFORMATION CONTACT: Myles Raizin, Fishery Policy Analyst, (978) 281-9104, e-mail at M.A.Raizin@noaa.gov, fax at (978) 281-9135.

SUPPLEMENTARY INFORMATION: FMPs and amendments must meet the requirements of the Magnuson-Stevens Act as well as a number of other Federal laws and regulations. The FMP has been developed to meet all Federal requirements and contains all the required elements of an FMP. In particular, the FMP addresses the Magnuson-Stevens Act requirement that an FMP be developed for overfished species and that targets and thresholds for stock size and fishing mortality be established.

A recent NMFS stock assessment indicates that the tilefish stock north of North Carolina is at a low biomass level and is overexploited. Total tilefish biomass in 1998 was estimated to be 6.8 million lb (3.1 million kg), which is about 35 percent of the biomass (B) that would produce maximum sustainable

yield (MSY) or B_{MSY} . Biomass-based fishing mortality (F) was estimated to be 0.45, which is about double the F at MSY (F_{MSY}) of 0.22. Total landings in 1998 were 2.7 million lb (1.2 million kg) and significantly below the estimated MSY of 4.2 million lb (1.9 million kg). Current fishing mortality rates are unsustainable, as indicated by a shift in the exploitation pattern towards smaller fish.

The management unit for the FMP is defined as all golden tilefish under United States jurisdiction in the Atlantic Ocean north of the Virginia/North Carolina border. Tilefish south of the Virginia/North Carolina border are currently managed as part of the Fishery Management Plan for the Snapper-Grouper Fishery prepared by the South Atlantic Fishery Management Council. The fishing year for tilefish would be the 12-month period beginning with the implementation date of the FMP.

To meet the overall goal of the FMP, the Council adopted the following objectives: (1) Prevent overfishing and rebuild the resource to the biomass that would support MSY; (2) prevent overcapitalization and limit new entrants; (3) identify and describe essential fish habitat; and (4) collect necessary data to develop, monitor, and assess biological, economic, and social impacts of management measures designed to prevent overfishing and to reduce bycatch in all fisheries.

The FMP would establish: (1) An overfishing definition; (2) a 10-year rebuilding schedule; (3) permit and reporting requirements for commercial vessels, operators, and dealers; (4) an FMP Monitoring Committee; (5) a framework adjustment process; (6) a commercial quota to be divided into full-time, part-time, and incidental categories; (7) a trip limit for the incidental category (non-longline); (8) a limited entry scheme for the full-time and part-time quota categories; and (9) an identification and description of essential fish habitat (EFH) for tilefish.

Overfishing Definition

The Magnuson-Stevens Act requires each fishery management plan to specify objective and measurable status determination criteria for identifying when stocks or stock complexes are overfished. Status determination criteria for tilefish would specify a maximum fishing mortality rate (F) threshold and minimum stock size threshold. The maximum F threshold would be specified as F_{MSY} , and the minimum biomass threshold would be specified as $\frac{1}{2} B_{MSY}$. Guidelines for the Magnuson-Stevens Act National Standards suggest that a risk-averse fishing mortality rate

target and a biomass target be specified. The Council adopted a target fishing mortality rate consistent with the recommended rebuilding schedule for tilefish. The FMP specifies a target stock biomass equal to B_{MSY} .

EFH Definition

The Magnuson-Stevens Act requires fishery management plans to identify EFH and to address habitat issues such as description of non-fishing and fishing threats. EFH designations for tilefish under the FMP would be reviewed and, if needed, updated at least every 5 years. The FMP provides the authority to implement new or amended measures through a framework process.

Permits for Commercial Vessels, Operators, and Dealers

Vessel owners desiring to fish for tilefish within the EEZ with the intent to sell, transport, or deliver for sale, any tilefish taken from the EEZ, would be required to obtain a Federal commercial vessel permit. Any individual who operates a vessel for the purpose of fishing commercially for tilefish would be required to obtain an operator's permit. Any vessel fishing commercially for tilefish would be required to have on board at least one operator who holds an operator's permit. Any dealer of tilefish would be required to have a permit.

Reporting Requirements for Commercial Vessels, Operators and Dealers

Federal commercial permit holders would be required to submit completed logbooks within 15 days of the end of the reporting month in order to monitor the fishery. Dealers with permits issued pursuant to the FMP would be required to submit weekly landings reports. Dealers would also be required to use the NMFS interactive voice response reporting system. Dealers would be required to report all purchases of tilefish, regardless of whether a vessel possesses a valid commercial permit issued by NMFS. Buyers who do not

purchase directly from vessels would not be required to submit reports under this provision. The processing sector would be required to submit the Processed Product Report, as is required in all Northeast FMPs.

Tilefish Monitoring Committee (Monitoring Committee)

The Monitoring Committee would be a joint committee made up of staff representatives of the Council, the NMFS Northeast Regional Office, the NMFS Northeast Fisheries Science Center, state representatives, and an industry member. The Monitoring Committee would annually review the best available data and make recommendations to the Council through its Tilefish Committee regarding annual specifications and management measures consistent with the rebuilding schedule for the tilefish fishery.

Framework Adjustment Process

In addition to the annual specification setting procedure, the Council could add or modify management measures through a framework adjustment process. This adjustment procedure would allow the Council to add or modify management measures through an expedited process while allowing opportunities for public review.

Commercial Quota

Landings for each of the next 10 fishing years would be set at 1.995 million lb (905,172 kg). The quota would be divided among three categories: Incidental, part-time, and full-time. The full-time category would in turn be divided into two tiers. Placement of a vessel into a full-time or part-time category is based on qualifying criteria that reflect historical and present participation in the fishery. The incidental permit, which is open access, would allow vessels to retain up to 300 lb (138 kg) of tilefish per trip. The "target" estimate of landings for the incidental category (5 percent of the

total allowable landings (TAL)) would first be subtracted from the TAL and then the remainder of the TAL would be divided among the full-time tier 1 category, which would receive 66 percent; the full-time tier 2 category, which would receive 15 percent; and the part-time category, which would receive 19 percent.

Stock Rebuilding Schedule

The rebuilding schedule in the FMP would have a 50-percent probability of rebuilding the tilefish stock to B_{MSY} in 10 years. The rebuilding schedule would reduce F from the 1998 level of 0.45, to 0.31 in the first year of the FMP. The rebuilding plan would allow for a constant harvest of 1.995 million lb (905,172 kg) per year for 10 years, beginning in 2001.

Public Comments

Public comments are being solicited on the FMP through the end of the comment period (see **DATES**). A proposed rule that would implement the FMP may be published in the **Federal Register** for public comment following NMFS' evaluation under Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the FMP in order to be considered in the approval/disapproval decision on the FMP. All comments received by the end of the comment period on the FMP, whether specifically directed to the FMP or the proposed rule to implement the FMP, will be considered the approval/disapproval decision on the FMP. All comments received on the FMP or on the proposed rule will be responded to in the preamble to the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: February 6, 2001.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01-3546 Filed 2-9-01; 8:45 am]

BILLING CODE 3510-22-S

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

Commodity Credit Corporation

Announcement of the Quality Samples Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice.

SUMMARY: Commodity Credit Corporation is inviting proposals for the FY 2001 Quality Samples Program. Approval criteria are being revised for FY 2001.

DATES: All proposals must be received by 5 p.m. Eastern Standard Time, March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Marketing Operations Staff, Foreign Agricultural Service, Room 4932-S, Stop 1042, U.S. Department of Agriculture, 1400 Independence Ave., SW., Washington, DC 20250-1042, or telephone: (202) 720-4327.

SUPPLEMENTARY INFORMATION:

Introduction

The Commodity Credit Corporation (CCC) announces that proposals may be submitted for participation in the Quality Samples Program (QSP) during FY 2001. The QSP is a pilot program designed to encourage the development and expansion of export markets for U.S. agricultural commodities, under the authority of the CCC Charter Act, 15 U.S.C. 714c(f). The QSP is designed to assist U.S. entities in providing commodity samples to potential foreign importers to promote a better understanding and appreciation for the high quality of U.S. agricultural commodities. CCC will consider providing funds on a reimbursement basis to U.S. entities to assist them in providing such samples if a proposal has been submitted by the interested U.S. entity and accepted by CCC. QSP participants will be responsible for procuring (or arranging for the

procurement of) commodity samples, exporting the samples, and providing the technical assistance necessary to facilitate successful use of the samples by importers. CCC will review all proposals it receives against the evaluation criteria contained herein and award QSP funds on a competitive basis. CCC is currently allocating \$1.25 million to fund the QSP.

Under the QSP, CCC will enter into agreements with those entities whose proposals have been accepted. The QSP agreement between CCC and the participant will include the maximum amount of CCC funds that may be used to reimburse certain activity costs which have been approved by CCC and paid by the QSP participant. A QSP participant will be reimbursed after CCC reviews its reimbursement claim and determines that the claim is complete. CCC will not reimburse the costs of providing technical assistance. QSP agreements will be subject to verification by the Foreign Agricultural Service's (FAS) Compliance Review Staff. Upon request, a QSP participant shall provide to CCC the original documents which support the participant's reimbursement claims. CCC may deny a claim for reimbursement if the claim is not supported by adequate documentation. Cash advances will not be made available to any QSP participants.

The QSP will be administered by FAS personnel. CCC will carefully monitor the operation of the pilot QSP through Fiscal Year 2001. This notice supercedes any prior notices concerning the QSP.

General Scope of QSP Projects

QSP projects are the activities undertaken by a QSP participant to provide an appropriate sample of a U.S. agricultural commodity to a foreign importer, or a group of foreign importers, in a given market. The purpose of the project is to provide information to an appropriate target audience regarding the attributes, characteristics, and proper use of the U.S. commodity. A QSP project addresses a single market/commodity combination. As a general matter, QSP projects should conform to the following guidelines:

- Projects should benefit the represented U.S. industry and not a specific company or brand;

- Projects should develop a new market for a U.S. product, promote a new U.S. product, or promote a new use for a U.S. product, rather than promote the substitution of one established U.S. product for another;

- Sample commodities provided under a QSP project must be in sufficient supply and available on a commercial basis;

- The QSP project must either subject the commodity sample to further processing or substantial transformation in the importing country, or the sample must be used in technical seminars designed to demonstrate to an appropriate target audience the proper preparation or use of the sample in the creation of an end product;

- Samples provided in a QSP project shall not be directly used as part of a retail promotion or supplied directly to consumers; and

- Samples shall be in quantities less than a typical commercial sale and limited to the amount sufficient to achieve the project goal (e.g., not more than a full commercial mill run in the destination country).

QSP projects shall target foreign importers and target audiences who:

- Have not previously purchased the U.S. commodity which will be shipped under the QSP;

- Are unfamiliar with the variety, quality attribute, or end-use characteristic of the U.S. commodity which will be shipped under the QSP;

- Have been unsuccessful in previous attempts to import, process, and market the U.S. commodity which will be shipped under the QSP (e.g., because of improper specification, blending, or formulation; or sanitary or phytosanitary (SPS) issues);

- Are interested in testing or demonstrating the benefits of the U.S. commodity which will be shipped under the QSP; or

- Need technical assistance in processing or using the U.S. commodity which will be shipped under the QSP.

Major Changes From the Initial Pilot Program

CCC announced its initial pilot program in the **Federal Register** (64 FR 61814) on November 15, 1999. During FY 2000, CCC was only able to enter into QSP agreements with 10 participants. CCC is modifying the pilot program to allow more organizations to

participate. This will be achieved by expanding the types of commodities which can be shipped under the QSP, limiting the amount which a participant can be reimbursed per project, and limiting the number of countries which an organization can target.

The initial program allowed only sample commodities which were subject to further processing or substantial transformation in the importing country. Proposals under this announcement may also include commodity samples to be used in technical seminars designed to demonstrate, to an appropriate audience in the importing country, the proper preparation or use of the sample in the creation of an end product. Sample commodities provided in a QSP project may not be directly used in retail promotions or supplied directly to consumers. However, the end product; that is, the product resulting from further processing, substantial transformation, or a technical seminar; may be provided to end use consumers to demonstrate to importers consumer preference for that end product.

The initial program did not limit the number of projects which could be undertaken by a participant. Under this announcement, participants will be allowed no more than three projects, that is, no more than three market/commodity combinations.

The initial program did not limit funding to individual participants. Under this announcement, projects will be limited to \$50,000 of QSP reimbursement. Projects comprised of technical preparation seminars; that is, projects which do not include further processing or substantial transformation; will be limited to \$10,000 of QSP reimbursement, as these projects require smaller samples. Under the QSP, participants may be reimbursed for certain costs of purchasing and transporting commodity samples. Although providing technical assistance is required for all projects, costs of providing the actual technical assistance will not be reimbursed under the QSP. Both the funding and project limitations are intended to increase the number of participants that will receive QSP funding.

The initial program allowed participants to seek reimbursement for costs of sample procurement, shipping, and incidental costs. Participants that are funded under this announcement may seek reimbursement for the sample purchase price and the costs of transporting the samples domestically to the port of export and then to the foreign port of entry. Transportation costs from the foreign port, or point, of entry to the final destination will not be

eligible for reimbursement under this notice. Costs incidental to purchasing and transporting samples, for example, inspection or documentation fees, will not be eligible for reimbursement under this notice.

Finally, the initial pilot program placed no priority on targeted countries. In an effort to support the USDA's primary export objective of increasing the U.S. share of world agricultural trade, priority under this announcement will be given to proposals which target countries which meet either of the following criteria:

- Per capita income less than \$9,360 (the ceiling on upper middle income economies as determined by the World Bank [World Development Indicators 2000]); and population greater than 1 million. Proposals may address suitable multi-country regional groupings, for example, the island countries of the Caribbean Basin; or
- U.S. market share of imports of the commodity identified in the proposal is 10 percent or less.

Proposal Process

In order to be considered for participation in the QSP, interested parties should submit proposals to FAS as described in this notice. QSP proposals must contain complete information about the proposed projects. This notice is complemented by concurrent notices announcing four other foreign market development programs administered by FAS, including the Market Access Program (MAP), the Foreign Market Development Cooperator (Cooperator) Program, the Emerging Markets Program, and the Section 108 Foreign Currency Program.

The MAP and Cooperator Program notices detail a Unified Export Strategy (UES) application process which provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for any or all of these programs. Some applicants to the QSP, particularly those who also are applying for funding under the MAP or Cooperator Program, are encouraged to use the UES application process. The Internet-based UES application, including step-by-step instructions for its use, is located at the following URL address: <http://www.fas.usda.gov/cooperators.html>. Other applicants should follow the application procedures contained in this notice, and can request a suggested format for proposals from the contact listed above.

Organizations which submitted QSP proposals in their UES applications in March 2000 must resubmit those

proposals as they will not automatically be considered. Such applicants are encouraged to modify and resubmit their proposals, or submit new proposals, based on the details provided in this announcement.

Entities interested in participating in the QSP are not required to submit proposals in any specific format; however, FAS recommends that proposals contain, at a minimum, the following: (a) Organizational information, including:

- Organization's name, address, Chief Executive Officer (or designee), and Federal Tax Identification Number (TIN);
- Type of organization;
- Name, telephone number, fax number, and e-mail address of the primary contact person;
- A description of the organization and its membership;
- A description of the organization's prior export promotion experience; and
- A description of the organization's experience in implementing an appropriate trade/technical assistance component;

(b) Market information, including:

- An assessment of the market;
 - A long-term strategy in the market;
- and
- U.S. export value/volume and market share (historic and goals) for 1998–2003;

(c) Project information, including:

- A brief project title;
- Request for funding;
- A brief description of the specific market development trade constraint or opportunity to be addressed by the project, performance measures for the years 2001–2003 which will be used to measure the effectiveness of the project, a benchmark performance measure for 2000, the viability of long term sales to this market, the goals of the project, and the expected benefits to the represented industry;
- A description of the activities planned to address the constraint or opportunity, including how the sample will be used in the end-use performance trial, the attributes of the sample to be demonstrated and their end-use benefit, and details of the trade/technical servicing component (including who will provide and who will fund this component);

- A sample description (i.e., commodity, quantity, quality, type, and grade), including a justification for selecting a sample with such characteristics (this justification should explain in detail why the project could not be effective with a smaller sample);
- An itemized list of all estimated costs associated with the project for

which reimbursement will be sought; and

- The importer's role in the project regarding handling and processing the commodity sample;

(d) Information indicating all funding sources and amounts to be contributed by each entity that will contribute to implementation of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, CCC, FAS, or other Federal agencies. Contributed resources may include cash, goods, and services.

Review Process

Proposals will be evaluated by the applicable FAS commodity division. The divisions will review each proposal against the factors described below. The purpose of this review is to identify meritorious proposals, recommend an appropriate funding level for each proposal based upon these factors, and submit the proposals and funding recommendations to the Deputy Administrator, Commodity and Marketing Programs.

FAS will use the following criteria in evaluating proposals:

- The ability of the organization to provide an experienced staff with the requisite technical and trade experience to execute the proposal;
- The extent to which the proposal is targeted to a market in which the United States is generally competitive;
- The potential for expanding commercial sales in the proposed market;
- The nature of the specific market constraint or opportunity involved and how well it is addressed by the proposal;
- The extent to which the importer's contribution in terms of handling and processing enhances the potential outcome of the project;
- The amount of reimbursement requested and the organization's willingness to contribute resources, including cash and goods and services of the U.S. industry and foreign third parties; and
- How well the proposed technical assistance component assures that performance trials will effectively demonstrate the intended end-use benefit.

Highest priority for funding under this announcement will be given to meritorious proposals which target countries which meet either of the following criteria:

- Per capita income less than \$9,360 (the ceiling on upper middle income economies as determined by the World

Bank [World Development Indicators 2000]); and population greater than 1 million. Proposals may address suitable regional groupings, for example, the islands of the Caribbean Basin; or

- U.S. market share of imports of the commodity identified in the proposal of 10 percent or less.

Agreements

Following approval of a proposal, CCC will enter into an agreement with the organization that submitted the proposal. Agreements will incorporate the details of each project as approved by FAS. Each agreement will identify terms and conditions pursuant to which CCC will reimburse certain costs of each project. Agreements will also outline the responsibilities of the participant, including, but not limited to, procurement (or arranging for procurement) of the commodity sample at a fair market price, arranging for shipment of the commodity sample within the time limit specified in the agreement (organizations should endeavor to ship commodities within 6 months of effective date of agreement), compliance with cargo preference requirements (shipment on United States flag vessels, as required), timely and effective implementation of technical assistance, and submission of a written evaluation report within 90 days of expiration of the agreement. Evaluation reports should address all performance measures which were presented in the proposal.

Closing Date for Proposals

All proposals must be submitted in triplicate and received by 5 p.m. Eastern Standard Time, March 12, 2001, at one of the following addresses:

Hand Delivery (including FedEx, DHL, etc.): U.S. Department of Agriculture, Foreign Agricultural Service, Marketing Operations Staff, Room 4932-S, 14th and Independence Avenue, SW., Washington, DC 20250-1042.

U.S. Postal Delivery: Marketing Operations Staff, STOP 1042, 1400 Independence Ave., SW., Washington, DC 20250-1042.

Dated: January 31, 2001.

Mattie R. Sharpless,

Acting Administrator, Foreign Agricultural Service, and Vice President, Commodity Credit Corporation.

[FR Doc. 01-3572 Filed 2-9-01; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Section 108 Foreign Currency Program

AGENCY: Foreign Agricultural Service.

ACTION: Notice.

SUMMARY: The Foreign Agricultural Service invites proposals from interested parties to use certain foreign currencies acquired by the United States for activities to expand markets for U.S. agricultural commodities and for technical assistance activities. All proposal submitted under the UES must be received by 5 pm Eastern Standard Time, March 12, 2001.

DATES: All proposals submitted under the UES must be received by 5 pm Eastern Standard Time, March 12, 2001.

FOR FURTHER INFORMATION CONTACT: Director, Marketing Operations Staff, Foreign Agricultural Service, U.S. Department of Agriculture, STOP 1042, 1400 Independence Ave., SW., Washington, DC 20250-1042, (202) 720-4327.

SUPPLEMENTARY INFORMATION:

Introduction

The Foreign Agricultural Service (FAS) will use available currencies of Costa Rica, Dominican Republic, Jamaica, and Tunisia, to provide assistance in the implementation of market development and agricultural technical assistance activities. This use of foreign currencies is commonly referred to as the "Section 108 foreign currency program." These foreign currencies were acquired by USDA pursuant to agreements made under Title I of the Agricultural Trade Development and Assistance Act of 1954, (Pub. L. 480).

Title I, Pub. L. 480 authorizes the U.S. government to finance the sale and exportation of agricultural commodities to foreign governments on concessional terms. Between 1986 and 1991, the U.S. entered into various Title I, Pub. L. 480 agreements with foreign governments, on terms which allowed repayment to the United States in local currencies. Pub. L. 480 authorizes the U.S. government to use these foreign currencies to implement market development and agricultural technical assistance activities.

This announcement supersedes all previous announcements regarding this program. On July 8, 1998, FAS published a notice in the **Federal Register** (63 FR 36872) inviting proposals to use Tunisian or Moroccan currencies for market development projects and technical assistance

activities. On October 1, 1998, FAS published a notice in the **Federal Register** (63 FR 52677) inviting proposals to use currencies of Costa Rica, Dominican Republic, Guatemala, Jamaica, or Sri Lanka for market development projects and activities.

The currencies of Guatemala, Morocco, and Sri Lanka, which were available under the previous announcements, are no longer available. Consequently, FAS is now limiting new proposals to those which involve the use of currencies of Costa Rica, Dominican Republic, Jamaica, or Tunisia for market development projects or technical assistance activities.

FAS must disburse local currencies to program participants, through the disbursing officer in the U.S. embassy in the country of origin. That is, FAS may not convert the local currency to any other currency prior to disbursement. Activities funded with Section 108 currencies are not limited to the country where the currency originated. It is the responsibility of the recipient to arrange for receiving and using the foreign currencies made available, or converting the funds to other currencies. At the time of this announcement, approximately 750,000,000 Costa Rica colones; 200,000,000 Dominican Republic pesos; 500,000,000 Jamaica dollars; and 12,000,000 Tunisia dinars are available.

Proposal Process

This notice is complemented by concurrent notices announcing four other foreign market development programs administered by FAS, including the Market Access Program (MAP), the Foreign Market Development Cooperator (Cooperator) Program, the Emerging Markets Program, and the Quality Samples Program (QSP). The MAP and Cooperator Program notices detail a Unified Export Strategy (UES) application process which provides a means for interested applicants to submit a consolidated and strategically coordinated single proposal that incorporates funding requests for any or all of these programs. Some applicants to the Section 108 foreign currency program, particularly those who are applying for funding under more than one program, may wish to use the UES application process. The Internet-based UES application, including step-by-step instructions for its use, is located at the following URL address: <http://www.fas.usda.gov/cooperators.html>. Other applicants, particularly those who are applying for funding only under the Section 108 foreign currency program, should follow the application procedures contained in this notice.

Interested applicants that are unsure of how to apply are urged to contact the Marketing Operations Staff at the address or phone number above.

FAS recommends that proposals to participate in the Section 108 foreign currency program contain, at a minimum, the following:

- (a) Organizational information, including:
 - Organization's name, address, Chief Executive Officer (or designee), and Federal Tax Identification Number (TIN);
 - Type of organization, *e.g.*, corporation, non-profit organization;
 - Name, telephone number, fax number, and e-mail address of the primary contact person;
 - If a trade organization, a description of the organization and its membership;
 - A description of the organization's prior export promotion experience; and
 - A description of the organization's experience in implementing a trade or technical assistance activity;
- (b) Market information, including:
 - An assessment of the targeted market;
 - A long-term strategy in the market; and
 - U.S. export value/volume and market share data and goals for 1998–2003;
- (c) Project information, including:
 - A brief project title;
 - Request for funding in one of the available foreign currencies;
 - A brief description of the specific market development trade constraint to be addressed by the project, performance measures for the years 2001–2003 which will be used to measure the effectiveness of the project, a benchmark performance measure for 2000, the viability of long term sales to this market, the goals of the project, and the expected benefits to the represented industry;
 - A method for evaluating and reporting results;
 - A description of the activities planned to address the constraint; and
 - An itemized list of all estimated costs associated with each project activity for which reimbursement will be sought;
 - (d) Information indicating all funding sources and amounts to be contributed by each entity that will contribute to implementation of the proposed project. This may include the organization that submitted the proposal, private industry entities, host governments, foreign third parties, Commodity Credit Corporation, FAS, or other Federal agencies. Contributed resources may include cash, goods, and services;
 - (e) A completed Standard Form 424 (SF-424). This form is available on the

Internet via the Section 108 fact sheet at the following URL address: <http://www.fas.usda.gov/mos/108/108fact.htm>, or by calling the contact listed above.

Review Process and Allocation Criteria

FAS will provide financial assistance under this program on a competitive basis and applications will be reviewed against the evaluation criteria contained herein. FAS will consider the following factors when evaluating proposals:

- The ability of the organization to provide an experienced staff with the requisite technical and trade expertise to execute the proposal;
 - The funding request and the organization's willingness to contribute resources, including cash, goods and services of the U.S. industry and foreign third parties;
 - The conditions or constraints affecting the level of U.S. exports and market share for the agricultural commodities and products;
 - The degree to which the proposed project is likely to contribute to the creation, expansion, or maintenance of the targeted foreign market; and
 - The degree to which the organization's proposal is coordinated with other private or U.S. government-funded market development projects.
- Proposals will be evaluated by the applicable FAS commodity division. The divisions will recommend funding levels for each applicant based on a review of the applications against the factors described above. The purpose of this review is to identify meritorious proposals and to suggest an appropriate funding level for each application based upon these factors.

Meritorious proposals will then be reviewed by representatives of each FAS program area for the purpose of allocating available funds among the applicants. FAS will allocate funds according to the following criteria.

First priority consideration will be given to proposals which target the growth markets listed below. These developing markets account for a significant share of world imports of major farm commodities and much of the projected long-term growth in global import demand. As such, they are expected to be among the most supportive of USDA's primary export objective of increasing the U.S. share of world agricultural trade.

First priority growth markets for allocation of Section 108 funds: Brazil, countries in Central America and the Caribbean Basin, China, India, Indonesia, Mexico, Philippines, Russia, South Korea, Thailand, Tunisia, and Turkey.

Second priority consideration will be given to proposals which target other markets where growth prospects for the relevant agricultural product are high. These proposals would serve to open new markets or bring about substantial growth in existing markets.

In all cases, preference is given to nonprofit U.S. agricultural trade organizations that represent an entire industry or are nationwide in membership and scope.

Note: FAS generally reviews Section 108 proposals on a quarterly basis (in January, April, July, and October.) However, FAS may also consider proposals on an accelerated basis if an urgent marketing opportunity becomes available. FAS will evaluate such proposals according to the criteria specified in this notice. Details concerning the accelerated review can be obtained from the Section 108 fact sheet on the Internet at the following URL address: <http://www.fas.usda.gov/mos/108/108fact.htm> or by calling the contact listed above.

Agreements

Following approval of a proposal, FAS will enter into an agreement with the organization that submitted the proposal. Agreements will incorporate the project details as approved by FAS and specify any other terms and conditions applicable to project funding. Agreements include the maximum amount of funds, in local currencies rather than U.S. dollars, which may be made available for a participant's approved activities. All agreements with non-profit organizations under this program are administered under 7 CFR 3019—Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and other Non-profit Organizations.

Submission of Proposals

Proposals may be submitted on a continuous basis. However, all Internet-based Section 108 proposals (using the UES application) must be properly submitted by 5 p.m. Eastern Standard Time, March 12, 2001, because the UES entry website closes at that time. Signed certification statements must be delivered to one of the addresses listed below.

All proposals on diskette (with two accompanying paper copies and a signed certification statement) and any other proposals must be delivered to one of the following addresses:

Hand Delivery (including FedEx, DHL, etc.): U.S. Department of Agriculture, Foreign Agricultural

Service, Marketing Operations Staff, Room 4932-S, 14th and Independence Ave., SW., Washington, DC 20250-1042.

U.S. Postal Delivery: U.S. Department of Agriculture, Foreign Agricultural Service, Marketing Operations Staff, STOP 1042, 1400 Independence Ave., SW., Washington, DC 20250-1042.

Dated: January 31, 2001.

Mattie R. Sharpless,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 01-3571 Filed 2-9-01; 8:45 am]

BILLING CODE 3410-10-P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Request for Proposals (RFP): Demonstration Program for Agriculture, Aquaculture, and Seafood Processor Worker Housing Grants

AGENCY: Rural Housing Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Housing Service (RHS) announces the availability of funds, the timeframe to submit proposals, and the guidelines for proposals for agriculture, aquaculture, and seafood processor worker housing grants in the States of Mississippi and Alaska. Public Law 106-387 (Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Act, 2001) authorizes RHS to establish a demonstration program to provide financial assistance (grants) for agriculture, aquaculture, and seafood processing workers in the States of Mississippi and Alaska. This RFP requests proposals from qualified private and public nonprofit agencies, cooperatives, state and local governments, and tribal organizations in Mississippi and Alaska to construct housing for agriculture, aquaculture, and seafood processing workers. Any one project may not receive grant funds of more than \$1.5 million from this program. At least one project in Alaska and one project in Mississippi will be funded under this program. Housing facilities constructed under this RFP are expected to increase the supply of housing for agriculture, aquaculture, and seafood processing workers in markets where adequate housing is not available.

DATES: The deadline for receipt of all applications in response to this RFP is 5 p.m., Eastern Standard Time, on May 14, 2001. The application closing deadline is firm as to date and hour. RHS will not consider any application

that is received after the closing deadline. Applicants intending to mail applications must provide sufficient time to permit delivery on or before the closing deadline. Acceptance by a post office or private mailer does not constitute delivery. Facsimile (FAX), COD, and postage due applications will not be accepted.

ADDRESSES: Applications should be submitted to the USDA-Rural Housing Service; Attention: David Layfield, Senior Loan Specialist, USDA, Rural Housing Service, Multi-Family Housing Processing Division, STOP 0781, Room 1239, 1400 Independence Ave., SW., Washington, DC 20250-0781. RHS will date and time certify incoming applications to evidence timely receipt and, upon request, will provide the applicant with a written acknowledgement of receipt.

FOR FURTHER INFORMATION CONTACT: For further information and an application package including all required forms, contact David Layfield, Senior Loan Specialist, USDA, Rural Housing Service, Multi-Family Housing Processing Division, Stop 0781, Room 1239, 1400 Independence Avenue, SW., Washington, DC 20250-0781, telephone (202) 720-1604. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

Under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, OMB must approve all "collections of information" by the Rural Housing Service. The Act defines "collection of information" as a requirement for "answers to * * * identical reporting or recordkeeping requirements imposed on ten or more persons * * *." (44 U.S.C. 3502(3)(A).) Because this RFP will receive less than 10 respondents, the Paperwork Reduction Act does not apply.

General Information

The agriculture, aquaculture, and seafood processor worker housing grants authorized by Public Laws 106-387 and 106-554 are for the purpose of developing a housing demonstration program for agriculture, aquaculture, and seafood processor worker housing in markets in Mississippi and Alaska that have a demonstrated need for housing for such workers. Under Public Laws 106-387 and 106-554, RHS has the authority to award \$5,000,000 in grant funds for a housing demonstration program for agriculture, aquaculture, and seafood processor workers in Mississippi and Alaska.

I. Purpose

Public Laws 106-387 and 106-554 authorized funds to the Department to implement a demonstration grant program for the construction of housing for agriculture, aquaculture, and seafood processing workers in Mississippi and Alaska.

The demonstration program has been designed to increase the supply of rental housing for a growing segment of the population whose needs are not currently being met. The program is expected to provide housing opportunities for processing workers in markets that cannot support other forms of conventional and government housing models. Developers of housing under this program will receive a grant of up to 75% of the Total Development Cost (TDC) of the project. TDC includes all hard costs, soft costs, initial operating reserves, administrative fees, furnishings and equipment, and related facilities.

Housing constructed under this program may not receive RHS Rental Assistance or Operating Subsidies authorized under 7 U.S.C. 1490a for payment of tenant rents. Project financial models should be structured to work without rental subsidies while keeping rents affordable for the target population.

Projects should be located close to tenants' workplaces and services as much as feasible. Location of the project is limited to rural areas as defined in 42 U.S.C. 1490.

II. Project Threshold Criteria

All applications must meet the minimum threshold requirements contained in this RFP. The threshold criteria are as follows:

A. Occupancy Requirements

Eligibility for residency in facilities constructed under this RFP is limited to individuals and families who earn at least 40% of their income from the processing of agriculture, aquaculture, and seafood commodities and earn less than or equal to 60% of the National Median Income for a family of four as reported by the U.S. Census Bureau. Residents must be United States citizens or legally admitted for permanent residence.

B. Eligible Grantees

Eligibility for grants under this notice is limited to private and public nonprofit agencies, non-profit cooperatives, state and local governments, and tribal organizations. Applicants must possess the experience, knowledge, and capacity to develop

affordable multifamily housing in rural areas.

C. Grant Limit

A grant under this RFP may fund up to and including 75% of a project's Total Development Cost (TDC). TDC includes all hard costs, soft costs, initial operating reserves, administrative fees, furnishings and equipment, and related facilities. In addition, any one project may not receive grant funds of more than \$1.5 million from this program. At least one project in Alaska and one project in Mississippi will be funded by this program.

D. Eligible Costs

Eligible costs for grants under this RFP include all project related costs including all hard costs, soft costs, initial operating reserves, administrative fees, furnishings and equipment, and related facilities.

E. Term of Use

The project will remain in use for the intended purpose for the life of the project as required under 7 CFR. 3015, 3016, or 3019, as applicable. These provisions require the grant recipient to use the real property for the authorized purpose of the project as long as it is needed.

F. Site Control

The developer must own or demonstrate evidence of site control of the proposed site. At a minimum, site control should extend 180 days past the date of application submission and is preferred to be for one year. Proof of site control should be submitted with the application. This can be in the form of a contract of sale, option agreement, long-term lease agreement, or deed or other documentation of ownership by the applicant. The applicant must exercise care in site selection. Site approval is subject to completion of an environmental assessment by RHS and sites with environmental problems will increase the amount of time necessary to complete this assessment. Proposals which will directly or indirectly impact protected resources, such as floodplains or wetlands, can require consideration of alternative sites, changes in project design, or the implementation of other mitigation measures to lessen adverse effects on the environment.

G. Zoning

A zoning designation adequate to develop the type of housing and number of units proposed is required. Evidence of proper zoning must be included with the application. Where there is a clear plan to have a site rezoned, a narrative

explaining the situation and detailing the process and timeline for rezoning may be accepted.

H. Utilities

Adequate capacity to connect the project to water, sewer, electricity, and telephone services must be demonstrated. Letters from utility providers must be included in the application. If on-site utilities are proposed, engineering reports indicating correct soil types, adequate land capacity, etc. must be included in the application.

I. Market Demand

Projects funded under this RFP must be in markets with demonstrated need for agriculture, aquaculture, and seafood processing worker housing. All applications should include documentation of this need in the form of a market analysis, survey, or other documentation of need.

J. Design Characteristics

Housing constructed under this demonstration may be of any architectural style as long as it is permitted by local zoning laws, meets all applicable building codes, and fits with the character of the surrounding community. Building design is subject to the requirements of section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, the Fair Housing Act, and any state or local accessibility requirements. For these reasons, buildings must be designed and constructed in accordance with the Uniform Federal Accessibility Standards, the Americans with Disabilities Act Accessibility Guidelines, the Fair Housing Act Accessibility Guidelines, and any state or local standards.

K. Civil Rights

Title VI of the Civil Rights Act of 1964 prohibits recipients of Federal financial assistance from discriminating in their programs and activities on the basis of race, color, or national origin. It also requires recipients (1) to sign a civil rights assurance agreement (i.e., Form RD 400-4), (2) to collect statistical data on race and national origin, (3) submit to the Agency timely, complete, and accurate compliance reports so that the Agency can determine compliance with program regulations and applicable civil rights laws, and (4) to disseminate information to the public stating that the recipient operates a program that is subject to the non-discrimination requirements of Title VI and briefly explain the procedures for filing complaints.

Section 504 of the Rehabilitation Act of 1973 prohibits recipients of Federal financial assistance from discriminating against persons with disabilities and requires recipients to make their programs and activities accessible to, and usable by, persons with disabilities.

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended by the Housing Amendments Act of 1988) prohibits discrimination because of race, color, religion, sex, handicap, familial status, and national origin in the sale, rental, or advertising of dwellings in providing services or availability of residential real estate transactions.

The Age Discrimination Act of 1975 prohibits recipients of Federal financial assistance from discriminating in their programs and activities on the basis of age.

As part of the grant proposal, the applicant must provide (1) a notice of all civil rights law suits filed against it; (2) a description of assistance applications they have pending in other Agencies and of Federal assistance being provided; (3) a description of any civil rights compliance reviews of the applicant during the preceding two years; and (4) a statement as to whether the applicant has been found in noncompliance with any civil rights requirements.

Successful applicants have a duty to affirmatively further fair housing. Proposals will include specific steps that the applicant will take to promote and ensure and affirmatively further fair housing.

In the event Federal financial assistance will be used to obtain or improve real property, instruments of conveyance shall contain a covenant running with the land assuring non-discrimination for the period the real property is used for the same or similar purpose for which the Federal financial assistance is being extended, or for another purpose involving the provision of similar services or benefits. The covenant shall be as follows:

“The property described herein was obtained or improved with Federal financial assistance and is subject to the provisions of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the regulations issued thereto. This covenant is in effect for as long as the property continues to be used for the same or similar purpose for which the financial assistance was extended, or for as long as the above recipient owns it, whichever is longer.”

Contractors must comply with the Equal Employment Opportunity

Executive Order 11246, as amended by Executive Orders 11478 and 13087, and construction contracts must contain the specific non-discrimination language that is required by the Executive Order.

Before funds are disbursed, a pre-award civil rights compliance review will be conducted by the Agency to determine whether the applicant is, and will be, in compliance with Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Fair Housing Act, and the Age Discrimination Act of 1975. In addition, the Agency will conduct a Civil Rights Impact Analysis.

L. Environmental Requirements

All applications are subject to satisfactory completion of the appropriate level of environmental review by RHS in accordance with 7 CFR part 1940, subpart G. For the purposes of 7 CFR part 1940, subpart G, applications under this RFP will be considered multi-family projects.

All applications are subject to the requirements of Executive Order 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations,” as further addressed in Administrative Notice 3548(2006-P), dated April 28, 2000 (available via the Internet at <http://rdinit.usda.gov/regs>).

All applications are subject to the flood insurance requirements of 7 CFR part 1806, subpart B, and Administrative Notice No. 3538(426.2), dated June 6, 2000 (available via the Internet at <http://rdinit.usda.gov/regs>).

M. Applicable Regulations

All grants funded under this program must meet the requirements of 7 CFR 3015 and 3016 or 3019, as applicable, RD Instructions 1924-A (7 CFR part 1924, subpart A), and 1924-C (7 CFR part 1924, subpart C).

III. Proposal Format

A. Proposals must include the following:

1. SF-424 “Application for Federal Assistance”.
2. Applicant Financial Statements.
3. HUD 935.2 “Affirmative Fair Housing Marketing Plan”.
4. RD 1944-30 and 1944-31 “Identity of Interest” forms.
5. HUD 2530 “Previous Participation Certification”.
6. RD 1924-13 “Estimate and Certificate of Actual Cost”.
7. RD 1930-7 “Multiple Family Housing Project Budget” including rent schedule and operating and maintenance budget.

8. RD 1940-20 “Request for Environmental Information”.

9. Statement of applicants experience in developing multifamily housing.

10. A Sources and Uses Statement showing all sources of funding included in the proposed project. The terms and schedules of all sources included in the project should be included in the Sources and Uses Statement.

11. Applicant organizational documents (articles of incorporation, by laws, etc.).

12. Narrative description of the proposed project including description of site, housing, amenities, etc.

13. A location map showing the site and surrounding services.

14. Evidence of site control.

15. Evidence of proper zoning or explanation of how proper zoning will be achieved.

16. Evidence of utilities availability or evidence that the site is suitable for on-site utilities.

17. A description of any related facilities including justification and cost of such facilities.

18. Schematic design drawings including a site plan, building elevations, and floor plans.

19. Outline design specifications.

20. A statement agreeing to pay any cost overruns from the applicants own sources.

21. Documentation of need in the form of a market study, survey, or other sources.

22. If seeking points under Evaluation Criteria, a copy of the Tenant Services Plan.

23. If seeking points under Evaluation Criteria, documentation verifying the unemployment rate of the place where the project is located.

B. The above items are required for the RFP response. If a proposal is accepted for further processing, there will be additional submittals required.

IV. Evaluation Criteria

A. Leveraging (Up to 20 Points)

Points will be awarded based on the percent of non-RHS funds specifically identified and designated to supplement RHS funds. Leveraged funds may include donated land per 7 CFR part 1944 subpart E. In the case of donated land, the amount of leveraging will be determined by an opinion of value to be prepared by a licensed appraiser. Points will be awarded as follows:

Percent of leveraging	Points
Over 50%	20
36% to 50%	10
25% to 35%	5

B. Tenant Services (Up to 25 Points)

Points will be awarded based on the presence of and extent to which a tenant services plan exists that clearly outlines services that will be provided to residents of the proposed project.

These services include but are not limited to:

1. Day care or before and after school child care.
2. Computer learning centers.
3. Homeownership and budget counseling.
4. Parenting programs for young parents (such as family support centers), parenting skills sessions for all interested parents, and parent and child activities.
5. Literacy programs (such as book clubs, toddler reading programs, and story groups), libraries, and book sharing groups or centers.
6. Art activities or art centers for children that include painting, photography, ceramics, etc.
7. Health education and referral or health care outreach centers.
8. Job training and preparation centers.
9. Housing services and/or community coordinators.
10. Mentoring programs where young adults mentor adolescents or more established adults mentor other adults.
11. Community meeting centers.
12. Recreation centers located within housing complexes.
13. Nutritional services.
14. Transportation services.

A tenant services plan must be submitted with the application to receive points under this criteria. Points may be awarded based on the extent to which the plan is comprehensive, well defined, feasible, appropriate for the proposed tenant population, innovative, and involves a unique collaboration, partnership, ownership or management structure. Projects that include on-site services must be designed to include the necessary physical space for the services. Letters or agreements documenting a service provider's involvement with the project should be submitted. Five points will be awarded for each resident service included in the tenant services plan up to a maximum of 25 points.

C. High Unemployment (Up to 10 Points)

Points will be awarded to projects which are located in counties, boroughs, or census areas that are characterized by high unemployment levels. Evidence of unemployment rates must be included in the application to receive points under this criterion. All rates must be

the 2000 annual average as reported by the state agency responsible for recording and reporting unemployment rates in the proposed state. Points will be awarded as follows:

Unemployment rate	Points
≥10%	10
≥6%<10%	5

V. Review Process

All proposals will be received, evaluated, and accepted or rejected by a RHS grant committee. The grant committee will consist of three RHS National Office staff and two RHS staff from the state where the project is located.

The grant committee will inform applicants of proposal acceptance for further processing or rejection within 30 days of the closing date of the RFP.

If the proposal is accepted for further processing, the applicant will be expected to submit additional information prior to grant obligation. In addition, RHS must complete the appropriate level of environmental review prior to grant obligation. The applicant is expected to assist RHS, as necessary, in the development of this environmental review.

Prior to grant obligation, the grant recipient shall enter into a grant agreement with the RHS which shall outline the roles and responsibilities of both parties. A sample grant agreement will be made available to the grant recipient prior to grant obligation.

VI. RHS Monitoring

During construction, RHS will take part in periodic progress meetings at the project site and shall inspect completed work. RHS approval of work completed must be given before grant funds can be disbursed for that work.

RHS monitoring shall continue throughout the useful life of the project or until the grant is terminated under provisions established in 7 CFR parts 3015, 3016, and 3019. Monitoring shall consist of initial and annual tenant certifications, civil rights compliance reviews, tri-annual physical inspections, annual proposed and actual operating budgets, and annual audits. If other funding sources involved in the project require reporting, those formats may be used in place of RHS methods as long as those formats meet RHS requirements.

Tenants and grantees must execute an Agency-approved tenant certification form establishing the tenant's eligibility prior to occupancy. In addition, tenant households must be recertified and

must execute a tenant certification form at least annually.

Grantees will submit to a tri-annual (once every three years) physical inspection of the project. RHS will inspect for health and safety issues, deferred maintenance, and other physical problems that can endanger the provision of decent, affordable housing to the target population on a long-term basis.

Annual proposed and actual operating and maintenance budgets will be required to insure that all project needs are being met and all RHS guidelines are being followed. The form of operating and maintenance budgets will be designated by RHS.

The grantee must submit to RHS annual audits of the project finances in accordance with the requirements established by OMB, in accordance with Departmental requirements in 7 CFR part 3052.

Dated: January 19, 2001.

James C. Kearney,

Administrator, Rural Housing Service.

[FR Doc. 01-3510 Filed 2-9-01; 8:45 am]

BILLING CODE 3410-XV-U

DEPARTMENT OF COMMERCE**Patent and Trademark Office****Grant of Certificate of Interim Extension of the Term of U.S. Patent No. 4,229,449: Roboxetine Mesylate**

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice of Interim Patent Term Extension.

SUMMARY: The United States Patent and Trademark Office has issued a certificate under 35 U.S.C. 156(d)(5) for a third one-year interim extension of the term of U.S. Patent No. 4,229,449.

FOR FURTHER INFORMATION CONTACT: Karin Tyson by telephone at (703) 306-3159; by mail marked to her attention and addressed to the Assistant Commissioner for Patents, Box Patent Ext., Washington, DC 20231; by fax marked to her attention at (703) 872-9411, or by e-mail to karin.tyson@uspto.gov.

SUPPLEMENTARY INFORMATION: Section 156 of Title 35, United States Code, generally provides that the term of a patent may be extended for a period of up to 5 years if the patent claims a product, or a method of making or using a product, that has been subject to certain defined regulatory review, and that the patent may be extended for interim periods of up to a year if the

regulatory review is anticipated to extend beyond the expiration date of the patent.

On November 17, 2000, patent owner Pharmacia & Upjohn, S.p.A., filed an application under 35 U.S.C. 156(d)(5) for a third interim extension of the term of U.S. Patent No. 4,229,449. The patent claims the active ingredient roboxetine mesylate (Vestra™). The application indicates a New Drug Application for the human drug product roboxetine mesylate (Vestra™) has been filed and is currently undergoing regulatory review before the Food and Drug Administration for permission to market or use the product commercially. The original term of the patent expired on January 8, 1999, and has been previously extended under 35 U.S.C. 156(d)(5) to January 9, 2001.

Review of the application indicates that except for permission to market or use the product commercially, the subject patent would be eligible for an extension of the patent term under 35 U.S.C. 156. Since it is apparent that the regulatory review period will extend beyond the extended expiration date of the patent, the term of the patent is extended under 35 U.S.C. 156(d)(5) for a term of one year from January 9, 2001.

Dated: January 19, 2001.

Q. Todd Dickinson,

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

[FR Doc. 01-3552 Filed 2-9-01; 8:45 am]

BILLING CODE 3510-16-P

DEPARTMENT OF DEFENSE

Office of the Secretary

**Submission for OMB Review;
Comment Request**

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 230, Cost Accounting Standards Administration; DD Form 1861; OMB Number 0704-0267.

Type of Request: Extension.
Number of Respondents: 36,428.
Responses Per Respondent: 1.1.
Annual Responses: 42,058.
Average Burden Per Response: 10 hours.
Annual Burden Hours: 420,580.

Needs and Uses: This information collection includes requirements relating to DFARS Part 230, Cost Accounting Standards Administration, DFARS Subpart 230.70, Facilities Capital Employed for Facilities in Use, prescribes use of DD form 1861. Contacting officers use this form in computing profit objectives for negotiated contracts. The form enables contracting officers to differentiate profit objectives for various types of contractor assets (land, buildings, equipment).

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. Lewis W. Oleinick.

Written comments and recommendations on the proposed information collection should be sent to Mr. Oleinick at the Office of Management and Budget, Desk Officer for DoD (Acquisition), Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: February 5, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-3496 Filed 2-9-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

**Submission for OMB Review;
Comment Request**

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form Number, and OMB Number: Commercial Airlift Review; AMC Form 207; OMB Number 0701-0137.

Type of Request: Reinstatement.
Number of Respondents: 15.
Responses Per Respondent: 1.
Annual Responses: 15.
Average Burden Per Response: 20 hours.

Annual burden Hours: 300.

Needs and Uses: The information collection requirement is necessary to assist the overall evaluation of commercial aircraft to provide quality, safe, and reliable airlift service when procured by the Department of Defense. Respondents are commercial air carriers desiring to supply airlift services to DoD. The AMC Form 207 provides vital information from carriers needed to determine their eligibility to participate in the DoD Air Transportation Program.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cusing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: February 5, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-3497 Filed 2-9-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

**Submission for OMB Review;
Comment Request**

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 225, Foreign Acquisition and Related Clauses at Part 252.225; DD Form 2139; OMB Number 0704-0229.

Type of Request: Extension.
Number of Respondents: 31,347.
Responses Per Respondent: 7.
Annual Responses: 223,942.
Average Burden Per Response: 1.6 hours (average).

Annual Burden Hours: 374,268 (74,173 reporting hours; 300,095 recordkeeping hours).

Needs and Uses: DoD needs this information to ensure compliance with restrictions on the acquisition of foreign products imposed to statute or policy to protect the industrial base; to ensure compliance with U.S. trade agreements and memoranda of understanding that promote reciprocal trade with U.S. allies; and to prepare reports for submission to the Department of Commerce on the Balance of Payments.

Affected Public: Business or other for-profit.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Lewis W. Oleinick.

Written comments and recommendations on the proposed information collection should be sent to Mr. Oleinick at the Office of Management and Budget, Desk Officer for DoD (Acquisition), Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302.

Dated: January 30, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-3498 Filed 2-9-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF EDUCATION

Privacy Act of 1974; Computer matching Program

AGENCY: Department of Education.

ACTION: Notice—Computer Matching between the U.S. Department of Education and the Social Security Administration.

SUMMARY: Pursuant to the Computer Matching and Privacy Protection Act of 1988, Pub. L. 100-503, and the Office of Management and Budget (OMB) Guidelines on the Conduct of Matching Programs, a notice is hereby given of a computer matching program between the U.S. Department of Education (ED) (the recipient agency), and the Social Security Administration (SSA) (the source agency). This computer matching program between SSA and ED will become effective as explained below.

In accordance with the Privacy Act of 1974 (5 U.S.C. 552a), as amended by the Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100-503), the Office of Management and Budget (OMB) Final Guidelines on the Conduct of Matching Programs (see 54 FR 25818, June 19, 1989), and OMB Circular A-130, we provide the following information:

1. Names of Participating Agencies

The U.S. Department of Education and the Social Security Administration.

2. Purpose of the Match

The purpose of this matching program between ED and SSA is to assist the Secretary of Education in his obligation to "verify immigration status and social security numbers [SSN] provided by a student to an eligible institution" under 20 U.S.C. 1091(g) and (p). The SSA will verify the issuance of an SSN to, and the citizenship status of, those students and parents who provide their SSN's in the course of applying for aid under a student financial assistance program authorized under Title IV of the Higher Education Act (HEA). Verification of this information by SSA will help ED to satisfy its obligation to ensure that the individual applying for financial assistance meets eligibility requirements imposed by the HEA.

Verification by this computer matching program effectuates the purpose of the statute, because it provides an efficient and comprehensive method of verifying the accuracy of each individual's SSN and claim to a citizenship status that permits that individual to qualify for Title IV, HEA assistance.

3. Legal Authority for Conducting the Matching Program

ED is authorized to participate in the matching program under sections 484(p)(20 U.S.C. 1091(p)); 484(g)(20 U.S.C. 1091(g)); 483(a)(7)(20 U.S.C. 1090(a)(7)) and 428B(f)(2)(20 U.S.C. 1078-2(f)(2)) of the HEA.

The SSA is authorized to participate in the matching program under section 1106(a) of the Social Security Act, (42 U.S.C. 1306(a)), and the regulations promulgated pursuant to that section (20 CFR part 401).

4. Categories of Records and Individuals Covered by the Match

The Federal Student Aid Application File (18-11-01) (which contains the applicant information on authority from ED) and the ED PIN Registration System of Records (18-11-12) (which contains the applicant's information to receive an ED PIN), will be matched against SSA's

Master Files of Social Security Numbers Holders and SSN Applications System, SSA/OSR, 60-0058 which maintains records about each individual who has applied for and obtained an SSN.

5. Effective Dates of the Matching Program.

This matching program will become effective after the Data Integrity Board of each agency approves the agreement and either 40 days after the approved agreement is sent to Congress and OMB (or later if OMB objects to some or all of the agreement), or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months after the effective date and may be extended for an additional 12 months thereafter, if the conditions specified in 5 U.S.C. 552a(o)(2)(D) have been met.

6. Address for Receipt of Public Comments or Inquires

Individuals wishing to comment on this matching program, or obtain additional information about the program, including a copy of the computer matching agreement between ED and SSA, should contact Ms. Edith Bell, Management and Program Analyst, U.S. Department of Education, Room 4021, ROB-3 400 Maryland Avenue, SW., Washington, DC 20202-5400. Telephone: (202) 708-5591. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape or computer diskette) on request to the contact person listed in the preceding paragraph.

Electronic Access to the Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following sites:

<http://ocfo.ed.gov/fedreg.htm>
<http://www.ed.gov/news.html>
<http://ifap.ed.gov>

To use PDF you must have Adobe Acrobat Reader, which is available free at the first 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 Code

of Federal Regulations is available on GPO access at: <http://www.access.gpo.gov/nara/index.html>

Dated: February 6, 2001.

Greg Woods,

Chief Operating Officer, Office of Student Financial Assistance.

[FR Doc. 01-3422 Filed 2-9-01; 8:45 am]

BILLING CODE 4000-01-U

DEPARTMENT OF ENERGY

[FE Dockets No. PP-231]

Application for Presidential Permit; Northern States Power Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: Northern States Power Company (NSP) has applied for a Presidential permit to construct, operate, maintain, and connect a 230,000-volt (230-kV) electric transmission line across the U.S. border with Canada.

DATES: Comments, protests, or requests to intervene must be submitted on or before March 14, 2001.

ADDRESSES: Comments, protests, or requests to intervene should be addressed as follows: Office of Coal & Power Import and Export (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350.

FOR FURTHER INFORMATION CONTACT: Steven Mintz (Program Office) 202-586-9506 or Michael T. Skinker (Program Attorney) 202-586-2793.

SUPPLEMENTARY INFORMATION: The construction, operation, maintenance, or connection of facilities at the international border of the United States for the transmission of electric energy between the United States and a foreign country is prohibited in the absence of a Presidential permit issued pursuant to Executive Order (EO) 10485, as amended by EO 12038.

On November 2, 2000, NSP, a wholly-owned subsidiary of Xcel Energy Incorporated (Xcel), filed an application with the Office of Fossil Energy (FE) of the Department of Energy (DOE) for a Presidential permit. NSP, doing business as Excel, proposes to construct a 230-kV transmission line that would extend approximately 53 miles from a new substation to be built in Rugby, North Dakota, to the U.S.-Canadian border. From the border, the proposed transmission line would extend an additional 50 miles into Canada to an existing substation located in Glenboro, Manitoba, Canada. The facilities within

Canada will be developed, owned, and operated by Manitoba Hydro. The proposed Rugby-to-Glenboro transmission line is one component of a larger set of 230-kV transmission system improvements being implemented jointly by Xcel and Otter Tail Power Company.

Since the restructuring of the electric power industry began, resulting in the introduction of different types of competitive entities into the marketplace, DOE has consistently expressed its policy that cross-border trade in electric energy should be subject to the same principles of comparable open access and non-discrimination that apply to transmission in interstate commerce. DOE has stated that policy in export authorizations granted to entities requesting authority to export over international transmission facilities. Specifically, DOE expects transmitting utilities owning border facilities constructed pursuant to Presidential permits to provide access across the border in accordance with the principles of comparable open access and non-discrimination contained in the FPA and articulated in Federal Energy Regulatory Commission Order No. 888, as amended (Promoting Wholesale Competition Through Open Access Non-Discriminatory Transmission Services by Public Utilities). In furtherance of this policy, DOE intends to condition any Presidential permit issued in this proceeding on compliance with these open access principles.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above. Additional copies of such petitions to intervene or protests also should be filed directly with: James Alders, Xcel Energy, Inc., 414 Nicollet Mall—4th Floor, Minneapolis, MN 55401.

Before a Presidential permit may be issued or amended, the DOE must determine that the proposed action will not adversely impact on the reliability of the U.S. electric power supply system. In addition, DOE must consider the environmental impacts of the proposed actions pursuant to the National Environmental Policy Act of 1969. DOE also must obtain the

concurrence of the Secretary of State and the Secretary of Defense before taking final action on a Presidential permit application.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above. In addition, the application may be reviewed or downloaded from the Fossil Energy Home Page at: <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity" from the options menu, and then "Pending Proceedings."

Issued in Washington, D.C., on February 5, 2001.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Fossil Energy.

[FR Doc. 01-3491 Filed 2-9-01; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-389-019]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

February 6, 2001.

Take notice that on January 30, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing with the Commission the following Amendment Agreement to a recently filed negotiated rate transaction:

Amendment Agreement to ITS-2 Service Agreement No. 70052 between Columbia Gulf Transmission Company and Amoco Energy Trading Corporation Dated November 30, 2000, as Amended January 26, 2001

Columbia Gulf states that this transportation service was scheduled to commence December 1, 2000 and terminate December 31, 2000. On January 16, 2001, FERC approved an amendment to extend the term through January 31, 2001 (Docket No. RP96-389-017). The parties have executed an Amendment Agreement extending the term through February 28, 2001. All other terms and provisions remain unchanged and in full force and effect.

Columbia Gulf states that copies of the filing have been served on all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments 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. 01-3444 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-224-000]

Dauphin Island Gathering Partners; Notice of Proposed Changes in FERC Gas Tariff

February 6, 2001.

Take notice that on February 1, 2001, Dauphin Island Gathering Partners (DIGP) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed below to become effective January 1, 2001. DIGP states that these tariff sheets reflect changes to shipper names, Maximum Daily Quantities (MDQ's), and Delivery Points.

Fourth Revised Sheet No. 9
First Revised Sheet No. 9A
Third Revised Sheet No. 10

DIGP states that copies of this filing are being served on its customers and other interested parties.

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. 01-3429 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-383-019]

Dominion Transmission, Inc.; Notice of Tariff Filing

February 6, 2001.

Take notice that on January 31, 2001, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Second Revised Sheet No. 1400, with an effective date of February 1, 2001.

DTI states that the tariff sheet disclosing a recently negotiated transaction. DTI states that the tariff sheet relates to a specific negotiated rate transaction between DTI and Sithe Power Marketing, LP. The transaction provides Sithe Power Marketing, LP with FT service and conforms to the forms of service agreement contained in DTI's tariff. The term of the agreement is February 1, 2001, through January 31, 2002.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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. 01-3450 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-210-000]

Eastern Shore Natural Gas Company; Notice of Tariff Filing

February 6, 2001.

Take notice that on January 12, 2001, Eastern Shore Natural Gas Company (Eastern Shore) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Twenty-Third Revised Sheet No. 7 and Twenty-Third Revised Sheet No. 8, with an effective date of February 1, 2001.

Eastern Shore states that the purpose of the filing is to track rate changes attributable to storage services purchased from Columbia Gas Transmission Corporation (Columbia) under its Rate Schedules FSS and SST. The costs of the above referenced storage service comprise the rates and charges payable under Eastern Shore's respective Rate Schedule CFSS. Eastern Shore states that this tracking filing is being made pursuant to Section 3 of Eastern Shore's Rate Schedule CFSS.

Eastern Shore states that copies of the filing have been served upon its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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 385.200(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. 01-3428 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-225-000]

Gulf South Pipeline Company, LP; Notice of Proposed Changes to FERC Gas Tariff

February 6, 2001.

Take notice that on February 1, 2001, Gulf South Pipeline Company, LP (Gulf South) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective March 1, 2001:

First Revised Sheet No. 100
First Revised Sheet No. 300
First Revised Sheet No. 400
First Revised Sheet No. 500
First Revised Sheet No. 603
First Revised Sheet No. 1104
First Revised Sheet No. 1105
Original Sheet No. 1416
Sheet Nos. 1417-1499 Reserved
Original Sheet No. 2902
Original Sheet No. 2903
Original Sheet No. 2904
Original Sheet No. 2905

In Docket No. EC00-106-000 the Commission issued an order on November 24, 2000, 93 FERC ¶ 61,219 (2000), authorizing Entergy Power Marketing Corp. and Koch Energy Trading, Inc., to consolidate their jurisdictional facilities and form a new power market company. That company, in turn, would be a wholly-owned, indirect subsidiary of a newly formed limited partnership between Entergy Corporation and Koch Energy, Inc. (Koch Energy), called Entergy-Koch, LP.

In addition, Koch Energy contributed its ownership interest in Gulf South (formerly, Koch Gateway Pipeline Company). In that proceeding, the Commission accepted Gulf South's commitment to formalize its current open tap policy and to establish an open season process on its system to assure that rival generators will have access to services and capacity on future system expansions.

Gulf South states that this tariff filing complies with the requirements of the Commission's November 24, 2000 order, as the limited partnership was formed on January 31, 2001.

Gulf South copies of this filing have been served upon Gulf South's customers, state commissions and other interested parties.

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. 01-3434 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. GT01-6-001]

Gulf South Pipeline Company, LP; Notice of Compliance Filing

February 6, 2001.

Take notice that on January 29, 2001, Gulf South Pipeline Company, LP (Gulf South) tendered for filing as part of its

FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective December 31, 2000:

First Revised Sheet No. 4000
First Revised Sheet No. 4001
First Revised Sheet No. 4002

Gulf South submitted the above referenced tariff sheets in accordance with the Commission's letter order issued January 22, 2001, in Docket No. GT01-6-000 to reflect its recent name change from Koch Gateway Pipeline Company to Gulf South Pipeline Company, LP.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 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. 01-3436 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-320-036]

Gulf South Pipeline Company, LP; Notice of Negotiated Rate Filing

February 6, 2001.

Take notice that on January 31, 2001 Gulf South Pipeline Company, LP (Gulf South) filed with the Commission a contract between Gulf South and the following company for disclosure of a recently negotiated rate transaction. Gulf South requests an effective date of February 1, 2001.

Special Negotiated Rate Between Gulf South Pipeline Company, LP and Mobile Energy LLC

Gulf South states that it has served copies of this filing upon all parties on the official service list created by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims/htm> (call 202-208-2222 for assistance). Comments 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. 01-3441 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-340-001]

Gulf South Pipeline Company, LP; Notice of Pro Forma Tariff

February 6, 2001.

Take notice that on February 1, 2001, Gulf South Pipeline Company, LP (Gulf South) tendered for filing pro forma tariff sheets listed on the attachment to the filing, in compliance with Order No. 637 issued in Docket Nos. RM98-10 and RM98-12 on February 9, 2000.

On June 15, 2000 Gulf South filed the pro forma tariff sheets necessary to implement Order No. 637 on its system. Since June Gulf South has participated in two technical conferences and has convened three customer meetings to discuss its implementation of Order No. 637. Through the course of these discussions, certain aspects of Gulf South's original filing have been modified or eliminated and new provisions have been added. While

there is agreement on certain aspects of these proposed tariff sheets, there is not universal agreement on every aspect of this filing. The pro forma tariff sheets Gulf South has submitted replace the previously filed pro forma tariff sheets and represent a just and reasonable approach to implementing Order No. 637 on this pipeline.

Gulf South states that copies of this filing have been served upon Koch's customers, state commissions and other interested parties.

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. 01-3448 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-177-005]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Negotiated Rate Filing

February 6, 2001.

Take notice that on February 1, 2001, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet, to become effective on February 1, 2001:

Sixth Revised Sheet No. 9

Maritimes states that it is filing the above tariff sheet to implement a new negotiated rate agreement pursuant to Rate Schedule MN365 and section 24 of

the General Terms and Conditions of Maritimes' FERC Gas Tariff.

Any person desiring to be heard or to protest said filing should file 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. 01-3425 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-219-000]

Midwestern Gas Transmission Company; Notice of Cashout Report

February 6, 2001.

Take notice that on January 31, 2001, Midwestern Gas Transmission Company (Midwestern) tendered for filing its annual cashout report for the September 1999 through August 2000 period.

Midwestern states that the cashout report reflects a net cashout gain during this period of \$97,700. Midwestern will refund this gain to its firm shippers within forty-five days of the Commission's acceptance of this cashout report.

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 on or before

February 13, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 01-3431 Filed 2-09-01; 8:45am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00-305-002]

Mississippi River Transmission Corporation; Notice of Negotiated Rate Filing

February 6, 2001.

Take notice that on February 1, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No.1, the following tariff sheet to be effective February 1, 2001:

Original Sheet No. 10

MRT states that the purpose of this filing is to reflect the implementation of a new negotiated rate contract.

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. 01-3426 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-223-000]

National Association of Gas Consumers, v. All Sellers of Natural Gas in the United States of America in Interstate Commerce; Notice of Filing

February 6, 2001.

Take notice that on February 1, 2001, the National Association of Gas Consumers (NAGC) tendered for filing a complaint alleging that the markets for natural gas in the United States are not workably competitive and that the prices in those markets are unjust and unreasonable.

NAGC alleges that the prices for natural gas do not reflect legitimate forces of supply and demand. NAGC asserts that the Commission's order issued on December 15, 2000 in *San Diego Gas & Electric Co. v. Sellers of Energy and Ancillary Services into the Markets Operated by the California, Independent System Operator and the California Exchange*, 93 FERC ¶ 61,294, provides a basis for the Commission to issue an immediate order setting a benchmark price for natural gas in the United States at \$2.74 as projected by the National Petroleum Council, and rule that any sales above the level be subject to complaints filed at the Commission for refunds of unjust and unreasonable rates for three years commencing January 1, 2001.

In the alternative, NAGC requests that the level of the present high natural gas prices be set for investigation and hearing as unjust and unreasonable, and upon the conclusion thereof, orders that sellers refund excessive prices to consumers. NAGC requests that in light of the severe impact of current prices on consumers of natural gas in the United States, that the Commission act as quickly as possible.

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 on or before March 1, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the 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>. Answers to the filing shall be due on or before March 1, 2001.

David P. Boergers,

Secretary.

[FR Doc. 01-3433 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-220-000]

National Fuel Gas Supply Corporation; Notice of Tariff Filing

February 6, 2001.

Take notice that on January 31, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheet to become effective February 1, 2001.

Thirty Second Revised Sheet No. 9

National states that under Article II, Section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under Section 1 of Article II. The recalculation produced an IG rate of 52 cents per dth. In addition, Article III, Section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

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. 01-3430 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-331-016]

National Fuel Gas Supply Corporation; Notice of Proposed Changes in FERC Gas Tariff

February 6, 2001.

Take notice that on February 1, 2001, National Fuel Gas Supply Corporation (National Fuel) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Sub. Fourth Revised Sheet No. 12, with a proposed effective date of February 3, 2001.

National Fuel states that the filing is made to correct the termination date of two negotiated rate agreements between National Fuel and TXU Energy Trading Company, accepted by the Commission by letter order dated January 26, 2001, in Docket No. RP96-331-015.

National Fuel states that copies of the filing were served upon its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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 385.200(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. 01-3443 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-272-028]

Northern Natural Gas Company; Notice of Negotiated Rate

February 6, 2001.

Take notice that on January 31, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, proposed to become effective on February 1, 2001:

Sixteenth Revised Sheet No. 66
Seventh Revised Sheet No. 66A
Third Revised Sheet No. 66B

Northern states that the above sheets are being filed to implement a negotiated rate transaction with Aquila Energy Marketing Corporation in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines. In addition, the transaction that has expired has been deleted.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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. 01-3440 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-200-066]

Reliant Energy Gas Transmission Company; Notice of Negotiated Rate

February 6, 2001.

Take notice that on February 1, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet to be effective February 1, 2001:

Original Sheet No. 8N

REGT states that the purpose of this filing is to reflect the addition of a new negotiated rate contract.

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. 01-3439 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-216-000]

Southern Natural Gas Company; Notice of Revised Tariff Sheets

February 6, 2001.

Take notice that on January 29, 2001, Southern Natural Gas Company (Southern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, the following revised sheets, to be effective March 1, 2001:

Second Revised Sheet No. 46
Third Revised Sheet No. 134
Third Revised Sheet No. 98A
Third Revised Sheet No. 135
Original Sheet No. 98B
Original Sheet No. 135A
Fourth Revised Sheet No. 132
Seventh Revised Sheet No. 136
Sixth Revised Sheet No. 133
First Revised Sheet No. 164

Southern proposes to revise its tariff to remove the historical restriction on its Rate Schedule FT-NN (Firm Transportation—No Notice) service so that any customer can contract for no-notice service if it is available either from Southern or an FT-NN contract holder. Of particular importance is the fact that this will allow shippers to acquire FT-NN service through capacity release and utilize it on a no-notice basis pursuant to the terms of Rate Schedule FT-NN instead of having to nominate the service.

In order to facilitate this change, Southern also proposes to revise its allocation procedures and offer a fifth predetermined allocation (PDA) method called Operator Provided Value (OPV). The OPV allocation method is a recognized GISB standard that is optional for pipelines to offer.

Southern states that copies of this filing have been served on all customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 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. 01-3427 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96-312-040]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

February 6, 2001.

Take notice that on January 31, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing and approval a Gas Transportation Agreement between Tennessee and AFG Industries, Inc. (AFG) pursuant to Tennessee's Rate Schedule FT-A (FT-A Agreement) and a copy of a January 26, 2001 Firm Transportation Negotiated Rate Agreement entered into between Tennessee and AFG (Negotiated Rate Agreement). The filed FT-A Agreement and the Negotiated Rate Agreement reflect a negotiated rate arrangement between Tennessee and AFG to be effective February 1, 2001 through October 31, 2010.

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. 01-3442 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01-218-000]

Texas Gas Transmission Corporation; Notice of Annual Cash-Out Report

February 6, 2001.

Take notice that on January 31, 2001, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a report that compares its cash-out revenues with cash-out costs for the annual billing period November 1, 1999 through October 31, 2000.

Texas Gas states that the filing is being made in accordance with the Federal Energy Regulatory Commission's December 16, 1993, "Order on Third Compliance filing and Second Order on Rehearing" in Docket Nos. RS92-24, et al. There is no rate impact to customers as a result of this filing.

Texas Gas states that copies of this filing have been served upon all of Texas Gas's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before

February 13, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the 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. 01-3432 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-106-006]

TransColorado Gas Transmission Company; Notice of Revenue Report

February 6, 2001.

Take notice that on February 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing Pro Forma Sixth Revised Sheet No. 20 to Original Volume No. 1 of its FERC Gas Tariff reflecting Proposed Final Rates for transportation services to be effective February 1, 2001.

The Proposed Final Rates were supported by a Cost & Revenue Report, which contains operating and other relevant information for the period from March 31, 1999, through September 30, 2000.

TransColorado states that this filing is made in compliance with an Offer of Settlement (Settlement) approved by a Commission Order on January 14, 2000, in Docket No. RP99-106. In its Order approving the Settlement, the Commission clarified that TransColorado must file the Cost & Revenue report with the Commission for the specific purpose of allowing new parties to file interventions in the ongoing proceedings to acquire the same rights and obligations afforded the current participants to the proceeding.

TransColorado states a copy of this filing has been served upon TransColorado's jurisdictional customers, the Colorado Public Utilities Commission, the New Mexico Public

Utilities Commission, and each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, on or before February 13, 2001. 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. 01-3424 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-255-021]

TransColorado Gas Transmission Company; Notice of Compliance Filing

February 6, 2001.

Take notice that on February 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of February 1, 2001:

Twenty-First Revised Sheet No. 21
Seventeenth Revised Sheet No. 22

TransColorado states that the filing is being made in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97-255-000.

TransColorado states that the tendered tariff sheets revised TransColorado's tariff to reflect the new negotiated-rate contract with Texaco Natural Gas Inc., as well as the deletion of three expired contracts.

TransColorado stated that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission

and the New Mexico Public Utilities Commission.

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. 01-3446 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-71-025]

Transcontinental Gas Pipe Line Corporation; Notice of Compliance Filing

February 6, 2001.

Take notice that on February 1, 2001, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets which sheets are enumerated in Appendix A to the filing, with an effective date of February 1, 2001.

Transco states that the purpose of the instant filing is to submit revised tariff sheets in compliance with Ordering Paragraph (C) of the Commission's Order on Rehearing and Compliance Filing issued January 24, 2001, which directed Transco to file within 30 days of the issuance of the order revised tariff sheets to be effective February 1, 2001. The tariff sheets submitted therein reflect the Commission's final resolution

of the reserved issues set out in Article VIII of the Stipulation and Agreement filed in the referenced proceeding on January 20, 1998. Specifically, the tariff sheets contain revised rates to be effective February 1, 2001 that reflect (1) The removal of the effects of the Rate Schedule X-15 rate discount from Transco's billing determinants in its rate design volumes, (2) the rate of return approved in the March 17 Order, and (3) a rate equivalent to the forward haul rate under Transco's Rate Schedule IT for backhaul service provided under that Rate Schedule.

Transco states that copies of the filing are being mailed to each of its affected customers, interested State Commissions, and other interested parties.

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. 01-3445 Filed 2-9-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR01-7-000]

Transok, LLC; Notice of Petition for Rate Approval

February 6, 2001.

Take notice that on January 22, 2001, Transok, LLC (Transok) filed a Petition for Rate Approval (Petition) pursuant to section 284.123(b)(2) of the Commission's regulations. Transok seeks to modify its fuel tracker for its

Oklahoma Transmission System to take account of changes in the price of natural gas from one year to the next. Transok proposes to do this by comparing the cost of gas under or over collected in the base year to the projected cost of gas in the succeeding year, as measured by the average of the monthly NYMEX contracts for delivery at the Henry Hub. Transok seeks an effective date of February 1, 2001 for the revised tracker and fuel percentage.

Pursuant to section 284.123(b)(2)(ii) of the Commission's regulations, if the Commission does not act within 150 days of the Petition's filing date, the rates proposed therein will be deemed to be fair and equitable and not in excess of an amount that interstate pipelines would be permitted to charge for similar services. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding.

Any person desiring to participate in this rate proceeding must 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 motions must be filed with the Secretary of the Commission on or before February 22, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. 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 instruction on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,
Secretary.

[FR Doc. 01-3438 Filed 2-9-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-288-010]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 6, 2001.

Take notice that on February 1, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No.

1, the following tariff sheets, proposed to become effective on February 2, 2001:

Seventh Revised Sheet No. 5B.05
Sixth Revised Sheet No. 5B.07

Transwestern states that the above sheets are being filed to describe a negotiated rate agreement with Richardson Products Company in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said 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 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. 01-3447 Filed 2-9-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97-288-009]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

February 6, 2001.

Take notice that on January 31, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No.

1, the following tariff sheets, proposed to become effective on February, 2001:

Seventh Revised Sheet No. 5B.05

Sixth Revised Sheet No. 5B.07

Transwestern states that the above sheets are being filed to describe a negotiated rate agreement with Sempra Energy Trading Corp. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said 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 sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions and 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. 01-3449 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00-2413-003, et al.]

American Electric Power Service Corporation, et al.; Electric Rate and Corporate Regulation Filings

February 5, 2001.

Take notice that the following filings have been made with the Commission:

1. American Electric Power Service Corporation

[Docket No. ER00-2413-003]

Take notice that on January 31, 2001, American Electric Power Service Corporation tendered for filing, on behalf of the operating companies of the American Electric Power System, proposed amendments to the Open Access Transmission Tariff, in compliance with the Commission's December 29, 2000, Order Accepting for Filing, as Modified, Revisions to Open Access Transmission Tariff.

AEP requests effective dates of July 1, 2000.

Copies of AEP's filing have been served upon AEP's transmission customers and the public service commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Tennessee, Texas, Virginia and West Virginia and the Oklahoma Corporation Commission.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Edison Company

[Docket No. ER01-628-003]

Take notice that on January 30, 2001, Commonwealth Edison Company (ComEd), tendered for filing a second amendment to its December 8, 2000, filing to revise Schedules 4, 4A and 4G to ComEd's Open Access Transmission Tariff (OATT). Revised Schedule 4A, First Revised Sheet No. 125G, and Revised Schedule 4G, First Revised Sheet No. 125V, of ComEd's OATT reference the Ancillary and Other Control Area Services Resource Purchase Agreement (Agreement) between ComEd and Exelon Generation, L.L.C., filed contemporaneously in Docket No. ER01-627-000. Pursuant to a second informal request from the FERC, ComEd is amending its filing in ER01-628-000 to remove the reference in First Revised Sheet No. 125G and First Revised Sheet No. 125V to the Agreement.

Comment date: February 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Carolina Power & Light Company

[Docket No. ER01-498-001]

Take notice that on January 31, 2001, Carolina Power & Light Company (CP&L), tendered for filing a request to withdraw its January 19, 2001, compliance filing in the above-referenced docket.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Bangor Hydro-Electric Company

[Docket No. ER01-638-002]

Take notice that on January 31, 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 proper designation in compliance with Order No. 614.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Duke Electric Transmission

[Docket No. ER01-283-002]

Take notice that on January 31, 2001, Duke Electric Transmission (Duke), tendered for its compliance filing in this proceeding.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Exelon Generation Company, L.L.C.

[Docket No. ER00-803-004]

Take notice that on January 31, 2001, Exelon Generation Company, L.L.C. (ExGen), tendered for filing a compliance filing consisting of corrected sheets to a Call Contract between ExGen and PECO Energy Company (PECO) designated as ExGen's Rate Schedule FERC No. 1, to be effective on 12 January 2001.

Copies of this filing were served on ExGen, the Pennsylvania Public Utility Commission and parties of the service list in this docket.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. California Department of Water Resources, California Power Exchange

[Docket No. ER01-1116-000]

Take notice that on January 31, 2001, the California Department of Water Resources (DWR) tendered for filing a Notice of Termination of its Participation Agreement with the California Power Exchange (PX), PX Agreement No. 55. DWR states that it makes this filing out of an abundance of caution. DWR states that it has given the PX notice of termination pursuant to the PX Tariff, which DWR asserts should be sufficient to effect immediate termination.

DWR requests any waivers as may be necessary to make this termination effective at 0001 hours on January 31, 2001.

DWR states that this filing has been served on the California Power Exchange.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. American Transmission Systems, Inc., Ohio Edison Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company

[Docket No. ER01-1117-000]

Take notice that on January 31, 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, a Service Agreement for Network Integration Service and Operating Agreement for the Network Integration Transmission Service under the Ohio Retail Electric Program with AES Power Direct LLC, pursuant to the American Transmission Systems, Inc., Open Access Tariff. This agreement will enable the party to obtain Network Integration Service under the Ohio Retail Electric Program in accordance with the terms of the Tariff.

The proposed effective date under this agreement is January 8, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Duke Electric Transmission, a Division of Duke Energy

[Docket No. ER01-1118-000]

Take notice that on January 31, 2001, Duke Electric Transmission, a division of Duke Energy Corporation (Duke), tendered for filing a revised network integration transmission service agreement (NITSA) between Duke Electric Transmission, Duke Power Company, a division of Duke Energy Corporation, (Duke Power), and South Carolina Electric and Gas Company, a division of SCANA Corporation (SCE&G). The only rate change effected by the NITSA relates to the direct assignment of costs of a new delivery point for SCE&G.

Duke Electric Transmission requests an effective date of February 1, 2001 for the NITSA.

Duke states that copies of this filing have been mailed to Duke Power, SCE&G and the South Carolina Public Service Commission.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Illinois Power Company

[Docket No. ER01-1119-000]

Take notice that on January 31, 2001, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62521-2200, tendered for filing

with the Commission seven (7) Firm Long-Term Point-To-Point Service Agreements entered into with Dynegy Power Marketing, Inc. (DPM) pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of January 1, 2001 for the Agreements and accordingly seeks a waiver of the Commission's notice requirement.

Illinois Power states that a copy of this filing has been sent to DPM.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Electric Energy, Inc.

[Docket No. ER01-1120-000]

Take notice that on January 31, 2001, Electric Energy, Inc. (EEInc.), tendered for filing an executed Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between EEInc., and Ameren Energy, Inc., (Ameren). Under the Transmission Service Agreement, EEInc., will provide Non-Firm Point-to-Point Transmission Service to Ameren pursuant to EEInc.'s open access transmission tariff filed in compliance with Order No. 888 and allowed to become effective by the Commission.

EEInc., has requested that the Service Agreement be allowed to become effective as of April 1, 2001.

Copies of this filing have been sent to Ameren.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01-1123-000]

Take notice that on January 31, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed unilateral Service Sales Agreement between Companies and Powerex Corp. under the Companies' Rate Schedule MBSS.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01-1124-000]

Take notice that on January 31, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed transmission service agreement with LG&E Energy Marketing, Inc. The agreement allows LG&E Energy Marketing, Inc., to take firm point-to-

point transmission service from LG&E/KU. The point of receipt is LG&E Energy (LGEE) and the point of delivery is Tennessee Valley Authority (TVA).

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Louisville Gas And Electric Company/Kentucky Utilities Company

[Docket No. ER01-1125-000]

Take notice that on January 31, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed transmission service agreement with LG&E Energy Marketing, Inc. The agreement allows LG&E Energy Marketing, Inc., to take firm point-to-point transmission service from LG&E/KU. The point of receipt is LG&E Energy (LGEE) and the point of delivery is Cinergy (CIN).

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01-1126-000]

Take notice that on January 31, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed transmission service agreement with LG&E Energy Marketing, Inc. The agreement allows LG&E Energy Marketing, Inc., to take firm point-to-point transmission service from LG&E/KU. The point of receipt is LG&E Energy OASIS #69418706 (LGEE) and the point of delivery is Electric Energy Inc., (EEI).

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Louisville Gas and Electric Company/Kentucky Utilities Company

[Docket No. ER01-1127-000]

Take notice that on January 31, 2001, Louisville Gas and Electric Company (LG&E)/Kentucky Utilities (KU) (hereinafter Companies), tendered for filing an executed transmission service agreement with LG&E Energy Marketing, Inc. The agreement allows LG&E Energy Marketing, Inc., to take firm point-to-point transmission service from LG&E/KU. The point of receipt is LG&E Energy (LGEE) OASIS #69459535 and OASIS #69459534 and the point of delivery is American Electric Power (AEP).

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Monroe Power Company

[Docket No. ER01-1128-000]

Take notice that on January 31, 2001, Monroe Power Company (Monroe), tendered for filing First Revised Service Agreement No. 3 (Revised Agreement) between Monroe and the Municipal Electric Authority of Georgia (MEAG) under Monroe's market-based sales tariff, FERC Electric Tariff, Original Volume No. 1. The Revised Agreement provides for the sale of output of the Monroe Unit (Unit) from Monroe to MEAG. The revisions include special provisions for the period commencing January 2, 2001 until such time as repairs to the Unit's turbine blades and other repairs are made to restore the Unit to full operational capacity.

Monroe respectfully requested that the Revised Agreement become effective on January 2, 2001.

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission, the Georgia Public Service Commission and MEAG.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Duke Energy Power Marketing, LLC

[Docket No. ER01-1129-000]

Take notice that on January 31, 2001, Duke Energy Power Marketing, LLC (DEPM), tendered for filing pursuant to Section 205 of the Federal Power Act its proposed FERC Electric Tariff, Original Volume No. 1. DEPM seeks authority to sell energy and capacity, as well as ancillary services, at market-based rates, together with certain waivers and preapprovals. DEPM also seeks authority to sell, assign, or transfer transmission rights that it may acquire in the course of its marketing activities.

DEPM seeks an effective date 60 days from the date of filing for its proposed rate schedules.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Cinergy Services, Inc.

[Docket No. ER01-1130-000]

Take notice that on January 31, 2001, Cinergy Services, Inc. (Cinergy), tendered for filing a Network Service Agreement, Network Operating Agreement, and Specifications for Network Integration Service under Cinergy's Open Access Transmission Tariff (OATT) entered into between Cinergy and The Village of Hamersville. An application for Network Integration Service for The Village of Hamersville, Ohio has been included as an Exhibit to the Service Agreement under OATT.

Copies of the filing were served upon The Village of Hamersville, Ohio.

Cinergy and The Village of Hamersville are requesting an effective date of January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Cinergy Services, Inc.

[Docket No. ER01-1131-000]

Take notice that on January 31, 2001, Cinergy Services, Inc. (Cinergy), tendered for filing a Network Service Agreement, Network Operating Agreement, and Specifications for Network Integration Service under Cinergy's Open Access Transmission Tariff (OATT) entered into between Cinergy and The Village of Georgetown.

An application for Network Integration Service for The Village of Georgetown, Ohio has been included as an Exhibit to the Service Agreement under OATT.

Copies of the filing were served upon The Village of Georgetown, Ohio.

Cinergy and The Village of Georgetown are requesting an effective date of January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Cinergy Services, Inc.

[Docket No. ER01-1132-000]

Take notice that on January 31, 2001, Cinergy Services, Inc. (Cinergy), tendered for filing a Network Service Agreement, Network Operating Agreement, and Specifications for Network Integration Service under Cinergy's Open Access Transmission Tariff (OATT) entered into between Cinergy and The Village of Ripley.

An application for Network Integration Service for The Village of Ripley, Ohio has been included as an Exhibit to the Service Agreement under OATT.

Copies of the filing were served upon The Village of Ripley, Ohio.

Cinergy and The Village of Ripley are requesting an effective date of January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Deseret Generation & Transmission Co-operative, Inc.

[Docket No. ER01-1133-000]

Take notice that on January 31, 2001, Deseret Generation & Transmission Co-operative, Inc. (Deseret), tendered for filing a long-term Service Agreement between Deseret and Kanab City, Utah. Deseret requests that the Commission

accept this filing as a service agreement under the Company's Market-Based Rate Tariff, designated Service Agreement No. 6 to FERC Electric Tariff, Original Volume No. 3.

Deseret requests an effective date of January 3, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

23. Canal Electric Company

[Docket No. ER01-1134-000]

Take notice that on January 31, 2001, Canal Electric Company (Canal), tendered for filing the Seventh Amendment to the Power Contract between Canal and its retail affiliates Cambridge Electric Light Company and Commonwealth Electric Company (Canal Rate Schedule FERC No. 33, the Seabrook Power Contract). The Seventh Amendment updates the Seabrook Power Contract's Composite Cost of Capital provision to reflect Canal's retirement of long-term debt and substitution of the long-term debt rate of Canal's parent company, NSTAR. The Seventh Amendment also updates the schedule of annual decommissioning expenses to reflect Canal's current obligation as determined by the New Hampshire Nuclear Decommissioning Financing Committee.

Canal requests an effective date of January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. Cinergy Services, Inc.

[Docket No. ER01-1135-000]

Take notice that on January 31, 2001, Cinergy Services, Inc. (Cinergy), tendered for filing a Network Service Agreement, Network Operating Agreement, and Specifications for Network Integration Service under Cinergy's Open Access Transmission Tariff (OATT) entered into between Cinergy and The Village of Bethel.

An application for Network Integration Service for The Village of Bethel, Ohio has been included as an Exhibit to the Service Agreement under OATT.

Copies of the filing were served upon The Village of Bethel, Ohio.

Cinergy and The Village of Bethel are requesting an effective date of January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Ameren Services Company

[Docket No. ER01-1136-000]

Take notice that on January 31, 2001, Ameren Services Company (ASC),

tendered for filing an unexecuted Service Agreement for Network Integration Transmission Service and an unexecuted Network Operating Agreement between ASC and Rolla Municipal Utilities (Rolla). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Rolla pursuant to Ameren's Open Access Tariff.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Central Illinois Light Company

[Docket No. ER01-1137-000]

Take notice that on January 31, 2001, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing with the Commission an Interconnection Agreement with the Village of Riverton for Interconnection.

CILCO requested an effective date of March 1, 2001.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. Duquesne Light Company

[Docket No. ER01-1138-000]

Take notice that on January 31, 2001, Duquesne Light Company (Duquesne), tendered for filing under Duquesne's market-based rate tariff a long-term service agreement, the Revised QF Agency Agreement between Duquesne and Orion Power Midwest, L.P., (Orion Midwest).

Duquesne has requested that the Commission waive its notice requirements to allow the Service Agreement to become effective as of January 31, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. Ameren Services Company

[Docket No. ER01-1139-000]

Take notice that on January 31, 2001, Ameren Services Company (ASC), tendered for filing notice that effective as of January 1, 2001 the Long-Term Firm Point-to-Point Transmission Service Agreement dated August 18, 2000 (Docket No. ER00-369) filed with the Federal Energy Regulatory Commission by Ameren Services Company is to be canceled.

Notice of the proposed cancellation has been served upon Tenaska Power Service Company.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. American Transmission Systems, Inc.

[Docket No. ER01-1140-000]

Take notice that on January 31, 2001, American Transmission Systems, Incorporated tendered for filing revised specifications to its service agreements with American Municipal Power-Ohio, Inc., Detroit Edison Company, and FirstEnergy Corp., for firm Point-to-Point Transmission Service.

Copies of this filing have been served on the counter-parties, and the public utilities commissions of Ohio and Pennsylvania.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

30. Ameren Services Company

[Docket No. ER01-1141-000]

Take notice that on January 31, 2001, Ameren Service Company (ASC), tendered for filing Service Agreements for Long-Term Firm Point-to-Point Transmission Services between ASC and Dynegy Power Marketing, Inc., and Aquila Energy Marketing Corp. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to the parties pursuant to Ameren's Open Access Transmission Tariff.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

31. Commonwealth Edison Company

[Docket No. ER01-1142-000]

Take notice that on January 31, 2001, Commonwealth Edison Company (ComEd), tendered for filing two revised Firm Service Agreements with Commonwealth Edison Company, in its Wholesale Merchant Function (WMD), under the terms of ComEd's Open Access transmission tariff (OATT).

ComEd requests an effective date of January 1, 2001 for the revised Service Agreements, and accordingly, seeks waiver of the Commission's notice requirements.

Copies of this filing were served on WMD.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

32. MidAmerican Energy Company

[Docket No. ER01-1143-000]

Take notice that on January 31, 2001, MidAmerican Energy Company (MidAmerican), 666 Grand Avenue, Des Moines, Iowa 50303 tendered for filing with the Commission a First Revised Partial Requirements Wholesale Service Agreement dated January 11, 2001 with the City of Fonda, Iowa entered into

pursuant to MidAmerican's Rate Schedule for Power Sales, FERC Electric Tariff, Original Volume No. 7 (Tariff).

MidAmerican requests an effective date of January 1, 2001 for this Agreement, and accordingly seeks a waiver of the Commission's notice requirement.

MidAmerican has served a copy of the filing on the City of Fonda, Iowa, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

33. Central Maine Power Company

[Docket No. ER01-1144-000]

Take notice that on January 31, 2001, Central Maine Power Company (CMP), tendered for filing as an initial rate schedule pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (the Commission) Regulations, 18 CFR 35.12, an unexecuted interconnection agreement (the Unexecuted IA) and an unexecuted Form of Service Agreement for Non-Firm Local Point-to-Point Transmission Service (the Unexecuted TSA) between CMP and Abbott's Mill Hydro (Abbott's Mill). These agreements are intended to replace the Purchased Power Agreement between the parties, which expired on May 31, 2000.

CMP is requesting that the Unexecuted IA and the Unexecuted TSA become effective January 1, 2001.

Copies of this filing have been served upon the Commission, the Maine Public Utilities Commission, and Abbott's Mill.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

34. Central Maine Power Company

[Docket No. ER01-1145-000]

Take notice that on January 31, 2001, Central Maine Power Company (CMP), tendered for filing pursuant to Section 205 Federal Power Act (FPA) of the Federal Energy Regulatory Commission (Commission or FERC), Central Maine Company (CMP) submits to the Federal Energy Regulatory Commission a Settlement and Release Agreements between Central Maine Power Company (CMP or Central Maine) and Engage Energy America Corp. (Engage) (collectively referred to hereinafter as the Parties).

CMP respectfully requests that the Commission, accept both Settlement and Release Agreements, as effective December 29, 2000, without modification or condition; and Grant waiver of any and all requirements,

including the Commission's notice requirements for good cause, for both Settlement and Release Agreements to become effective.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

35. New England Power Pool

[Docket No. ER01-1146-000]

Take notice that on January 31, 2001, the New England Power Pool (NEPOOL) Participants Committee tendered for filing changes to Market Rules 2, Appendix 2-A, 6, 9, and 20-I to become effective as of April 1, 2001.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

36. Southern Company Services, Inc.

[Docket No. ER01-1150-000]

Take notice that on January 31, 2001, Southern Company Services, Inc., as agent for Georgia Power Company (Georgia Power), tendered for filing the Purchased Power Agreement between Georgia Power and North Carolina Municipal Power Agency No. 1 (NCMPA1), dated March 17, 2000 (the Agreement), pursuant to the Commission's authorization for Georgia Power to sell power at market rates under the Market-Based Rate Tariff, FERC Electric Tariff, First Revised Volume No. 4 (Supersedes Original Volume No. 4). The Agreement provides the general terms and conditions for capacity and associated energy sales from Georgia Power to NCMPA1 commencing on January 1, 2001.

Comment date: February 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, 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. 01-3423 Filed 2-9-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01-45-000]

Colorado Interstate Gas Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Valley Line Expansion Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Meetings and Route Inspection

February 6, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Valley Line Expansion Project, involving construction and operation of facilities by Colorado Interstate Gas Company (CIG) along the eastern slope of the Rocky Mountain Front Range in Colorado.¹ These facilities would consist of about 119 miles of 20- and 24-inch-diameter pipeline in two sections and 4,450 horsepower (hp) of compression to be added at the recently-proposed Fort Lupton Compressor Station.² This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a pipeline company representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline

¹ CIG's application was filed with the Commission under Section 7(c) of the Natural Gas Act and Subpart A of Part 157 of the Commission's regulations.

² CIG's Front Range Expansion proposal, filed with the Commission in Docket No. CP01-1-000 on October 2, 2000, included construction of the new 6,675-hp Fort Lupton Compressor Station.

company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" was attached to the project notice CIG provided to landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website, <http://www.ferc.fed.us>.

Summary of the Proposed Project

CIG wants to expand the capacity of its existing natural gas transmissions system along the eastern slope of the Rocky Mountain Front Range in Colorado. The primary purpose of the expansion is to meet additional natural gas fuel requirements for electric power generation. Secondly, this proposal would provide a limited amount of additional capacity to local natural gas distribution systems for meeting increased demand along the portion of CIG's Valley Line between its Watkins Compressor Station and El Paso County south of Colorado Springs. The expansion would enable CIG to transport an additional 278.8 million cubic feet of natural gas per day (MMcf/d) on the portion of its system between the Cheyenne Hub in northern Weld County and its Watkins Compressor Station, and an additional 344.4 MMcf/d on the portion of the Valley Line which the new pipeline would parallel.

To support the expansion, CIG seeks authority to construct and operate:

- About 35.1 miles of 24-inch-diameter looping pipeline between CIG's existing Ault Meter Station and the Fort Lupton Compressor Station, all in Weld County, Colorado;
- Two new natural gas-fired reciprocating engine-driven compressors, totaling 4,450 horsepower at CIG's proposed Fort Lupton Compressor Station in Weld County, Colorado;
- About 84 miles of 20-inch-diameter pipeline which would generally parallel CIG's existing Valley Line between its Watkins Compressor Station in southern Adams County east of Denver and a location adjacent to the existing Nixon Power Plant in El Paso County south of Colorado Springs; and
- Appurtenant and ancillary facilities, including cathodic protection systems (rectifier/groundbed facilities and aboveground test stations); pig

launchers and/or receivers;³ mainline block valve assemblies; and a side tap and valve assembly. Additionally, equipment related to the new compressors at the Fort Lupton Compressor Station would include a gas cooler; jacket water coolers; inlet, exhaust and vent silencers; a compressor building; miscellaneous pipe valves and fittings; and station yard lighting.⁴

The general location of the project facilities is shown in appendix 1.⁵

Land Requirements for Construction

Construction would disturb about 1,303 acres of land, consisting of that associated with pipeline construction (1,125 acres), material/equipment staging areas (37 acres), extra work areas (80 acres), and rail sidings/pipe storage yards (61 acres). Following construction, about 722 acres would be maintained as new pipeline right-of-way. The remaining acreage would be restored and allowed to revert to its former use. Disturbance would also occur within the 11-acre Fort Lupton Compressor Station during installation of the two new compressors. However, this area is already dedicated to natural gas facilities, and no expansion of the station is proposed.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us⁶ to discover and address concerns the public may have about proposals. We call this "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments

³ A pipeline "pig" is a device used to internally clean or inspect the pipeline. A pig launcher/receiver is a surface facility where pigs are inserted or retrieved from the pipeline.

⁴ CIG proposes to install these appurtenant and ancillary facilities under section 2.55(a) of the Commission's regulations.

⁵ The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE., Washington, DC 20426, or call (202) 208-1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

⁶ "We," "us," and "our" refer to the environmental staff of the Office of Energy Projects (OEP).

received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- geology and soils
- water resources
- vegetation and wildlife
- threatened and endangered species
- land use
- air quality and noise
- cultural resources
- public safety

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section beginning on page 5.

Currently Identified Environmental Issues

We have already identified the following issue that we think deserves attention, based on a preliminary review of the proposed facilities and the environmental information provided by CIG. This preliminary issue list may be changed based on your comments and our analysis.

- Routing of the pipeline through developed areas in west Greeley, Colorado.
- Limiting impact on woody riparian and forested areas.
- Six federally listed threatened or endangered species may occur in the project area, as well as four other species that are either proposed or candidates for federal listing.

Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (especially alternative routes in areas of environmental resource conflict), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. 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 letter to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas 1, PJ-11.1.
- Reference Docket No. CP01-45-000.
- Mail your comments so that they will be received in Washington, DC on or before March 8, 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."

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request (appendix 3), your name will be taken off the mailing list.

In addition to asking for written comments, we invite you to attend any of the public scoping meetings that we will conduct in the project area. The purpose of the scoping meetings is to provide state and local agencies, interested groups, landowners, and the general public with an opportunity to learn more about the project and another chance to present us with environmental issues or concerns they believe should be addressed in the EA. CIG representatives will be present at the meetings to describe the proposed project, both in general and for the specific area where each meeting is held, and to answer project-related questions.

The locations and times for these meetings are listed below. Priority will be given to commenters who represent groups, and a transcript of each meeting will be made so that your comments will be accurately recorded.

Date and time	Location
Tuesday, February 27, 2001.	Pikes Peak Community College, Rampart Campus—Room W101, 11195 Highway 83, Colorado Springs, Colorado.
Wednesday, February 28, 2001.	Pioneer Elementary School Cafeteria, 10881 Riva Ridge Drive, Parker, Colorado.
Thursday, March 1, 2001.	Aims Community College, Corporate Education Center—Room 129A, 5590 11th Street, Greeley, Colorado.

Route Inspection

On February 27–March 2, 2001, we will also be conducting an inspection of the proposed routes and locations of facilities associated with CIG's proposal. This inspection may include both aerial and ground components. Anyone interested in participating in the inspection activities may contact the FERC's Office of External Affairs (identified at the end of this notice) for more details and must provide their own transportation.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor". Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor, you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). 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 environmental 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 website (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. 01–3435 Filed 2–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of Licenses and Soliciting Comments, Motions To Intervene, and Protests

February 6, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Amendment of License.

b. *Project No.:* 2530–022.

c. *Date Filed:* September 14, 1998, supplemented October 17, 2000.

d. *Applicant:* FPL Energy Maine Hydro LLC.

e. *Name and Location of Project:* The Hiram Project is located on the Saco River, in Cumberland and Oxford Counties, Maine. The project does not occupy federal or tribal lands.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r) and Section 4.202(a) of the Commission's regulations.

g. *Applicant Contact:* F. Allen Wiley, P.E., FPL Energy Maine Hydro LLC, 150 Main Street, Lewiston, ME 04240, (207) 771–3534.

h. *FERC Contact:* Any questions on this notice should be addressed to Heather Campbell at (202) 219–3097 or Peter McGovern at (202) 219–2867.

i. *Deadline for filing comments and or motions:* March 2, 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 Applicant requests an amendment to extend the expiration date of the license from November 30, 2022 to November 30, 2032 stating that it wishes to coordinate the expiration date of the Hiram license with the new expiration dates of its new licenses for the Skelton and Bonny Eagle projects that expire in 2038. In addition, the Applicant references significant new investment and environmental improvements in the project vicinity resulting from the Instream Flow Agreement for Hydroelectric Projects on the Saco River dated April 30, 1997. On October 17, 2000, the licensee filed supplemental information about the economic costs of implementing the flow agreement, including the impact on project generation.

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.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies 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.

o. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

David P. Boergers,
Secretary.

[FR Doc. 01–3437 Filed 2–9–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting; Agenda Addition

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: February 5, 2001, 66 FR 8959.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 7, 10 a.m.

CHANGE IN THE MEETING: The following Item No. has been added to the February 7, 2001 Commission meeting.

Item No.: CAC–7.

Docket No. and Company: CP01–28–000, Columbia Gulf Transmission Company.

David P. Boergers,
Secretary.

[FR Doc. 01–3555 Filed 2–7–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00308; FRL–6764–5]

Correction of Misreported Chemical Substances on the TSCA Chemical Substance Inventory; Request for Comment on Renewal of Information Collection Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), EPA is seeking public comment and information on the following Information Collection Request (ICR): Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory (EPA ICR No. 1741.03, OMB No. 2070–0145). This ICR involves a collection activity that is currently approved and scheduled to expire on September 30, 2001. The information collected under this ICR relates to the reporting of corrected information to the TSCA section 8(b) Inventory of Chemical Substances. The ICR describes the nature of the information collection activity and its expected burden and costs. Before submitting this ICR to the Office of Management and Budget (OMB) for review and approval under the PRA, EPA is soliciting comments on specific aspects of the collection.

DATES: Written comments, identified by the docket control number OPPTS–00308 and administrative record number AR–233, must be received on or before April 13, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–00308 and administrative record number AR–233 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: For general information contact: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Henry Lau, Economics, Exposure and Technology Division (7406), Office of Pollution Prevention and Toxics,

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 260–1555; fax number: (202) 260–0981; e-mail address: lau.henry@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

You may be potentially affected by this action if you are a manufacturer or importer of chemical substances, mixtures, or categories. Potentially affected categories and entities may include, but are not limited to:

Type of business	NAICS codes
Basic chemical manufacturing	3251
Resin, synthetic rubber and artificial synthetic fibers and filaments manufacturing	3252
Paint, coating, and adhesive manufacturing	3255
Pesticide, fertilizer, and other agricultural chemical manufacturing	3253
Other chemical product and preparation manufacturing	3259
Petroleum refineries	32411

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this table could also be affected. The North American Industry Classification System (NAICS) codes are provided to assist you and others in determining whether or not this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

A. Electronically

You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. 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/>.

B. Fax-on-Demand

Using a faxphone call (202) 401-0527 and select item 4086 for a copy of the ICR.

C. In Person

The Agency has established an official record for this action under docket control number OPPTS-00308 and administrative record number AR-233. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Non-Confidential 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 for the Center is (202) 260-7099.

III. How Can I Respond to this Action?

A. How and to Whom Do I Submit the Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS-00308 and administrative record number AR-233 on the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260-7093.

3. *Electronically.* Submit your comments and/or data electronically by e-mail to: oppt.ncic@epa.gov, or mail your computer disk to the address identified in Units III.A.1. and 2. Do not

submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS-00308 and administrative record number AR-233. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

C. What Should I Consider when I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the collection activity.
7. Make sure to submit your comments by the deadline in this notice.

8. To ensure proper receipt by EPA, be sure to identify the docket control number and administrative record number assigned to this action in the

subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

D. What Information is EPA Particularly Interested in?

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA specifically solicits comments and information to enable it to:

1. Evaluate whether the proposed collections of information are 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 estimates of the burdens of the proposed collections of information.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

IV. What Information Collection Activity or ICR Does this Action Apply to?

EPA is seeking comments on the following ICR:

Title: Correction of Misreported Chemical Substances on the Toxic Substances Control Act (TSCA) Chemical Substance Inventory.

ICR numbers: EPA ICR No. 1741.03, OMB No. 2070-0145.

ICR status: This ICR is currently scheduled to expire on September 30, 2001. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

Abstract: Section 8(b) of the TSCA requires EPA to compile and keep current an Inventory of Chemical Substances in Commerce, which is a listing of chemical substances manufactured, imported, and processed for commercial purposes in the U.S. The purpose of the Inventory is to define, for the purpose of TSCA, what chemical substances exist in the U.S. commerce. Since the Inventory thereby performs a

regulatory function by distinguishing between existing chemicals and new chemicals, which TSCA regulates in different ways, it is imperative that the Inventory be accurate.

However, from time to time, EPA or respondents discover that substances have been incorrectly described by reporting companies. Reported substances have been unintentionally misidentified as a result of simple typographical errors, the misidentification of substances, or the lack of sufficient technical or analytical capabilities to characterize fully the exact chemical substances. EPA has developed guidelines (45 FR 50544, July 29, 1980) under which incorrectly described substances listed in the Inventory can be corrected.

This information collection request pertains to the use of the TSCA Chemical Substance Inventory Reporting Form C (EPA Form 7710-3C), which is used by the chemical industry in submitting requests to EPA to correct misreported chemical identities of substances listed on the Inventory. The correction mechanism ensures the accuracy of the Inventory without imposing an unreasonable burden on the chemical industry. Without the Inventory correction mechanism, a company that submitted incorrect information would have to file a premanufacture notification (PMN) under TSCA section 5 to place the correct chemical substance on the Inventory whenever the previously reported substance is found to be misidentified. This would impose a much greater burden on both EPA and the submitter than the existing correction mechanism.

Responses to this collection of information are voluntary. Respondents may claim all or part of a notice confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

V. What are EPA's Burden and Cost Estimates for this ICR?

Under the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal Agency. For this collection it includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the

existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The ICR provides a detailed explanation of this estimate, which is only briefly summarized in this notice. The annual public burden for this collection of information is estimated to average 1.0 hour per response. The following is a summary of the estimates taken from the ICR:

Respondents/affected entities: Manufacturers and importers of chemical substances, mixtures, or categories.

Estimated total number of potential respondents: 100.

Frequency of response: On occasion.

Estimated average number of responses for each respondent: 1.

Estimated total annual burden hours: 100 hours.

Estimated total annual burden costs: \$8,075.

VI. Are There Changes in the Estimates from the Last Approval?

There is a decrease of 100 hours (from 200 hours to 100 hours) in the total estimated respondent burden compared with that identified in the information collection request most recently approved by OMB. This decrease reflects EPA's experience over the last 3 years in which the Agency received fewer Inventory corrections annually than was anticipated in the current information collection.

VII. What is the Next Step in the Process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** notice pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

Environmental protection, Reporting and recordkeeping requirements.

Dated: February 2, 2001.

Stephen L. Johnson,
*Acting Assistant Administrator for
Prevention, Pesticides and Toxic Substances.*

[FR Doc. 01-3508 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6944-1]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at 260-2740, or email at Farmer.sandy@epa.gov, and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 1962.01; Business Ownership Representation; was approved 11/20/2000; OMB No. 2030-0041; expires 11/30/2002.

EPA ICR No. 1972.01; National Primary Drinking Water Regulations: Radionuclides; was approved 11/21/2000; OMB No. 2040-0228; expires 11/30/2003.

EPA ICR No. 0976.10; The 2001 Hazardous Waste Report (Biennial Report); in 40 CFR part 262.41, 264.75, and 265.75; was approved 12/01/2000; OMB No. 2050-0024; expires 06/30/2003.

EPA ICR No. 2005.01; The RCRA Subtitle C. Site Identification Form; in 40 CFR part 262.41, 264.75, and 265.75; was approved 12/01/2000; OMB No. 2050-0175; expires 12/31/2003.

EPA ICR No. 1882.02; Unregulated Contaminant Monitoring Regulations for Public Water Systems; Analytical Methods for List 2 Contaminants (Proposed Rule); was approved 12/08/

2000; OMB No. 2040-0208; expires 12/31/2003.

Short Term Extensions

EPA ICR No. 1826.01; Information Collection for Equipment Manufacturer Flexibility; in 40 CFR part 89, subpart K; OMB No. 2060-0369; on 11/29/2000 OMB extended the expiration date through 04/30/2001.

EPA ICR No. 1132.05; NSPS for Volatile Organic Liquid Storage Vessels; in 40 CFR part 60, subpart Kb; OMB No. 2060-0074; on 11/28/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1414.03; Hazardous Organic NESHAP (HON); in 40 CFR part 60, subparts K, Kb, S, T, U, V, W, X, AAA, and 40 CFR part 63, subparts F, G, H, and I; OMB No. 2060-0282; on 11/28/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 0857.07; Polychlorinated biphenyls (PCBs): Manufacturing, Processing, and Distribution in Commerce Exemption; in 40 CFR part 750; OMB No. 2070-0021; on 11/22/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1001.06; Polychlorinated Biphenyls (PCBs): Exclusions, Exemptions, and Use Authorizations; in 40 CFR part 761; in 40 CFR part 60, subpart S; OMB No. 2070-0008; on 11/22/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1683.02; NSPS for Primary Aluminum Reduction Plants, Recordkeeping and Reporting; in 40 CFR part 60, subpart S; OMB No. 2060-0031; on 11/22/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1684.04; Compression Ignition Non-Road Engine Certification Application; in 40 CFR part 86 and 89; OMB No. 2060-0287; on 11/28/2000 OMB extended the expiration date through 02/28/2001.

EPA ICR No. 1695.06; Non-Road Spark-Ignition Engine at or Below 19 Kilowatts for Emission Certification and the Averaging, Banking, and Trading Program; in 40 CFR part 63, subpart R; OMB No. 2060-0338; on 11/28/2000 OMB extended the expiration date through 02/28/2001.

Dated: February 1, 2001.

Oscar Morales, Director,

Director, Collection Strategies Division.

[FR Doc. 01-3506 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6944-2]

Agency Information Collection Activities; EPA ICR No. 1503.04; Submission to OMB; Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of submission to OMB.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Data Acquisition for Registration (EPA ICR No. 1503.04; OMB No. 2070-0122). The ICR, which is abstracted below, describes the nature of the information collection activity and its expected burden and costs. The **Federal Register** document, required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on August 2, 2000 (65 FR 47491). EPA received no comments on this ICR during the 60-day comment period.

DATES: Additional comments may be submitted on or before March 14, 2001.

ADDRESSES: Send your comments, referencing the proper ICR numbers to: Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information, Collection Strategies Division (2822), 1200 Pennsylvania Ave, NW., Washington, DC 20460; And send a copy of your comments to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone on 202-260-2740, by e-mail:

farmer.sandy@epa.gov or access the ICR at <http://www.epa.gov/icr/icr.htm> and refer to EPA ICR No. 1503.04; OMB Control No. 2070-0122.

SUPPLEMENTARY INFORMATION:

ICR Title: Data Acquisition for Registration (EPA ICR 1503.04, OMB Control No. 2070-0122).

ICR Status: This is a request for extension of an existing approved collection that is currently scheduled to expire on March 31, 2001. EPA is asking OMB to approve this ICR for three years. Under 5 CFR 1320.10(e)(2), the Agency may continue to conduct or sponsor the

collection of information while the submission is pending at OMB.

Abstract: The Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136) requires the Environmental Protection Agency (EPA, the Agency) to register pesticides prior to distribution and sale within the United States. FIFRA also requires applicants for pesticide registration to provide EPA with the data needed to assess whether the registration of a pesticide would cause unreasonable adverse effects on human health or the environment, and grants EPA the authority to require registrants to provide additional data to maintain an existing registration.

Burden Statement: The annual "respondent" burden for this ICR is estimated to range from 6,267 hours to 54,288 hours per response, depending on the type of DCI.

According to the PRA, "burden" means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. The Agency may not conduct or sponsor, and a person is not required to respond to a collection of information that is subject to approval under the PRA, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's information collections appear on the collection instruments or instructions, in the **Federal Register** notices for related rulemakings and ICR notices, and, if the collection is contained in a regulation, in a table of OMB approval numbers in 40 CFR part 9.

The following is a summary of the burden estimates taken from the ICR:
Respondents/affected entities: 20.

Estimated total number of potential respondents: 9.

Frequency of response: As needed.

Estimated total/average number of responses for each respondent: 1-2.

Estimated total annual burden hours: 91,196.

Estimated total annual Non-labor burden costs: \$0.

Dated: February 1, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01-3507 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6943-7]

Science Advisory Board; Notification of Public Advisory Committee Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Environmental Models Subcommittee (EMS) National-Scale Air Toxics Assessment (NATA) Review Panel (hereafter, "NATA Review Panel") of the USEPA Science Advisory Board's (SAB) Executive Committee (EC) will meet on the dates and times noted below. All times noted are Eastern Standard Time. All meetings are open to the public; however, seating is limited and available on a first come basis.

Important Notice: Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

1—EC/EMS NATA Review Panel Teleconference—February 21, 2001

The Agency is planning to conduct an initial, national-scale assessment of the potential health risks associated with inhalation exposures to 32 air toxics identified as priority pollutants by the Agency's Integrated Urban Air Toxics Strategy, plus diesel emissions. While a number of the elements of this assessment plan have already undergone scientific peer review, the entire assembly of these elements and application of the full assessment approach have not. Therefore, the Agency is asking the NATA Review Panel to comment on the appropriateness of the overall approach, including the data, models, and methods used, and the ways these elements have been integrated, as well as to suggest ways to improve these approaches for subsequent national-scale assessments.

As a first step in this review, the NATA Review Panel will conduct a public conference call on Wednesday February 21, 2001 from 11 am to 1 pm (Eastern Standard Time). The call will be hosted out of the EPA Science Advisory Board Conference Room (Room 6013), Ariel Rios Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. Interested members of the public may attend in person or connect to the teleconference by phone. The purpose

of the call is to provide Panel Members with the opportunity to clarify the Charge questions (see below), request any supplemental materials from the Agency, ask questions on materials already received from the Agency, and discuss preparations for a public meeting of the NATA Review Panel on March 20-21, 2001 in Durham, NC (see below for details on the March meeting).

Providing Public Comments—The NATA Review Panel will not be accepting oral or written public comments at the conference call, since this is an information-gathering meeting. Public comments in both formats will be accepted at the meeting on 20-21, 2001 (see details below).

For Further Information—To obtain information concerning this teleconference, please contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO) (see contact information below). To obtain information about how to participate in this teleconference, please contact Ms. Betty Fortune (see contact information below). A draft agenda for the teleconference will be posted on the SAB website (www.epa.gov/sab) approximately 10 days prior to the teleconference.

2—NATA Review Panel Meeting—March 20-21, 2001

The NATA Review Panel will meet on Tuesday and Wednesday, March 20-21, 2001 at the USEPA Environmental Research Center (ERC) Annex Building, Room S-23, 79 T.W. Alexander Drive, Durham, NC. The meeting will begin at 9 am and end no later than 5 pm each day.

Purpose of the Meeting—The NATA Review Panel will review and receive technical public comments on the EPA Document entitled "National-Scale Air Toxics Assessment for 1996", (EPA-453/R-01-003), dated January, 2001. The Panel will respond to questions in the Charge (see below) that has been negotiated with the Agency: The Panel is free to address additional questions, as it sees fit.

Charge Questions—Keeping in mind the stated goals and preliminary nature of this assessment, EPA asks the NATA Review Panel to generally comment on the appropriateness of the overall approach, including the data, models, and methods used, and the ways in which these elements have been integrated. Also, EPA solicits suggestions on ways to improve these approaches for subsequent national-scale assessments. Specifically:

1. Given the nature of the National Toxics Inventory (NTI) and the methods by which it was developed and reviewed, have available emissions data been appropriately adapted for use in this assessment? Can the Panel suggest improvements to EPA's application of the NTI for use in future initial national-scale assessments?

(a) Can the Panel suggest improvements to the treatment of compound classes (e.g., chromium and compounds), given the nature of the information available in the inventory?

(b) Can the Panel suggest improvements to the methods used to spatially distribute area and mobile source emissions?

(c) Can the Panel suggest improvements to the methods used to specify default point

source emission characteristics in lieu of missing emissions data?

2. Is the approach taken for the geographic aggregation of ambient and exposure concentrations generated by the ASPEN and HAPEM4 models appropriate in light of the limitations of the models and of the available emissions data?

3. Has available dose-response information (e.g., different sources of information, a different prioritization scheme) been appropriately used in this assessment? Can the Panel suggest methods that could improve upon the use of available dose-response information?

4. What are the strengths and the weaknesses of the overall conceptual approach to risk characterization used in this assessment? Given the underlying science and the intended purposes of the assessment, can the Panel suggest ways in which the risk characterization could be improved?

(a) Is the method used to aggregate cancer risks appropriate? The aggregation of carcinogenic risk within two categories, based on weight-of-evidence classifications, is of particular interest.

(b) Is the method used to aggregate non-cancer hazards appropriate? The summation of hazard quotients within target organs, the categorization of sums by ranges of uncertainty factors, and the inclusion of all target organs (as opposed to only the organs associated with the critical effect) are of particular interest.

5. Although EPA has concluded that available data are not sufficient to develop a reliable quantitative estimate of cancer unit risk for diesel emissions, it is clear that this pollutant class may be of significant concern in a number of urban settings. The risk characterization in this report includes a discussion of diesel particulate matter to help states and local areas frame the importance of this pollutant compared to the other air toxics. In the context of this assessment, is the discussion in this report regarding making risk comparisons among other air toxics appropriate? Can the Panel provide any suggestions that would improve upon this approach to comparing the toxic health effects of diesel particulate matter with other pollutants?

6. Given the limitations inherent in this preliminary assessment, have uncertainty and variability been appropriately characterized?

(a) Can the Panel suggest ways that the characterization of uncertainty and variability could be improved, made more transparent, or integrated more effectively into the risk characterization?

(b) Can the Panel suggest methods for quantifying individual as well as composite uncertainties associated with the emissions inventory, dispersion modeling, exposure modeling, dose-response assessment, quantitative risk estimates, and accumulation of risk across air toxics?

7. Have the results of the assessment been appropriately and clearly presented? Can the Panel suggest alternative methods or formats that could improve the presentation and communication of these results?

8. Does the Panel have suggestions for research priorities that would improve such air toxics assessments in the future?

Availability of Review Materials—To obtain a copy of the review document (National-Scale Air Toxics Assessment for 1996, EPA-453/R-01-003, dated January, 2001) and supporting appendices, please contact Ms. Barbara Miles at U.S. EPA, OAQPS/ESD/REAG (MD-13), Research Triangle Park, NC 27711; telephone (919) 541-5648; facsimile (919) 541-0840; e-mail miles.barbara@epa.gov. Please provide the title and the EPA number for the document, as well as your name and address. The document will be dispensed in CD ROM format unless the requestor requires a paper copy. Internet users may download a copy from EPA's National Center for Environmental Assessment's (NCEA) website (<http://www.epa.gov/nata/>).

Following the meeting, the NATA Review Panel will draft a publicly available report that will be forwarded to the SAB Executive Committee for final review and approval, prior to transmittal to the Agency. This review will be announced in a subsequent **Federal Register** notice.

For Further Information—Members of the public desiring additional information about the meeting should contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO), Environmental Models Subcommittee, National-Scale Air Toxics Assessment Review Panel, US EPA Science Advisory Board (1400A), U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460 (FedEx address: US EPA Science Advisory Board, Suite 6450, 1200 Pennsylvania Avenue, NW, Washington, DC 20004); telephone/voice mail at (202) 564-4557; fax at (202) 501-0582; or via e-mail at kooyoomjian.jack@epa.gov. The draft agenda will be available approximately two weeks prior to the meetings on the SAB website (<http://www.epa.gov/sab>) or from Ms. Betty Fortune at (202) 564-4534; fax: (202) 501-0582; or e-mail at fortune.betty@epa.gov.

Providing Public Comments—Members of the public who wish to make a brief oral presentation at the meeting must contact Dr. Kooyoomjian in writing (by letter, fax, or e-mail—see previously stated information) no later than 12 noon Eastern Time, Wednesday, March 14, 2001 in order to be included on the Agenda. Written statements will be accepted in the SAB Staff office up until two days following the meeting (by close of business, March 23, 2001).

3. NATA Review Panel Contingent Teleconference—April 24, 2001

The NATA Review Panel, may, depending on progress achieved in developing its report from the March 20-21, 2001 meeting, convene in a public teleconference on Tuesday, April 24, 2000 between 1 and 3 pm. The meeting will be coordinated through a conference call connection in Room 6013 in the US EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The public is encouraged to attend the meeting in the conference room noted above, however, a limited number of the public may also attend through a telephonic link. Additional instructions about how to participate in the meeting can be obtained by calling Ms. Betty Fortune prior to the meeting (see contact information given above).

Purpose of the Meeting—The NATA Review Panel is planning a teleconference for the above noted date on a contingency basis. The teleconference will be convened only if, in the opinion of the Panel Chair, it is needed to address issues that require further discussion prior to completion of the Committee's report. A decision as whether or not the teleconference [announced in this meeting notice] will be convened will be made by close of business, Friday, April 13, 2001, 11 days prior to the tentatively scheduled date. The decision on the teleconference will be posted to the SAB website (www.epa.gov/sab); or members of the public may call or email Ms. Betty Fortune at the telephone and e-mail address previously given.

Availability of Review Materials—If this teleconference is to be held, a list of the issues to be discussed, along with a draft meeting agenda, will be posted on the SAB website (www.epa.gov/sab) under the "Agenda" heading on or about April 13, 2001. If the meeting is canceled, a notice will be posted on the SAB website to that effect, as well.

For Further Information—To obtain information concerning this contingent teleconference, please contact Dr. K. Jack Kooyoomjian, Designated Federal Officer (DFO) (see contact information previously given). To obtain information about how to participate in this teleconference, please contact Ms. Betty Fortune (see contact information previously given).

Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements.

Oral Comments: In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total, unless otherwise stated. Deadlines for getting on the public speaker list for a meeting are given above. Speakers should bring at least 35 copies of their comments and presentation slides for distribution to the reviewers and public at the meeting.

Written Comments: Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file formats: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format)). Those providing written

comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

General Information—Additional information concerning the EPA Science Advisory Board, its structure, function, and composition, may be found on our Website (<http://www.epa.gov/sab>) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0256. Committee rosters, draft Agendas and meeting calendars are also located on our website.

Meeting Access—Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Dr. Kooyoomjian at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: February 1, 2001.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 01-3503 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6942-9]

Proposed Administrative Cost Recovery Agreement Under CERCLA Section 122(h) for Recovery of Past Response Costs at the Onondaga Nation Drum Superfund Site, Onondaga Indian Nation Territory, Town of Nedrow, New York

AGENCY: Environmental Protection Agency.

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement, entered into pursuant to Section 122(h) of CERCLA, 42 U.S.C. 9622(h), for recovery of past response costs concerning the Onondaga Nation Drum Superfund Site ("Site") located in Onondaga Indian Nation Territory, Town of Nedrow, New York. The settlement with the U.S. Environmental Protection Agency ("EPA") is entered into with Aventis CropScience USA, Inc. and Stauffer Management Company ("Settling Parties"). The Settling Parties have agreed to reimburse \$100,000.00 of past response costs incurred by EPA with respect to the Site. This settlement includes a covenant not to sue the Settling Parties pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a), for

all costs that EPA paid at or in connection with the Site through the effective date of the agreement. For thirty (30) days following the date of publication of this notice, EPA will receive written comments relating to the settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations that indicate that the proposed settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA, Region II, 290 Broadway, New York, New York 10007-1866.

DATES: Comments must be submitted on or before March 14, 2001.

ADDRESSES: The proposed settlement is available for public inspection at the United States Environmental Protection Agency, Region II, 290 Broadway, New York, New York 10007-1866. A copy may be requested from Brian Carr, Assistant Regional Counsel, at the address listed below. Comments should be addressed to Brian Carr, and should reference the Onondaga Nation Drum Superfund Site located in Onondaga Indian Nation Territory, Town of Nedrow, New York, Docket No. CERCLA-02-2000-2022.

FOR FURTHER INFORMATION CONTACT: Brian Carr, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007-1866. Telephone: 212-637-3170.

Dated: January 19, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 01-3505 Filed 2-9-01; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

February 2, 2001.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control

number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 14, 2001. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, SW., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0779.

Title: Amendment to Part 90 of the Commission's Rules to Provide for Use of the 220-222 MHz Band by the Private Land Mobile Radio Service, PR 89-552.

Form Numbers: FCC 601.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; Individuals or households; and State, Local, or Tribal Government.

Number of Respondents: 27,062.

Estimated Time per Response: 8 hours.

Frequency of Response: On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 112,450 hours.

Total Annual Costs: \$28,490,000.

Needs and Uses: This information collection includes rules to govern the future operation and licensing of the 220-222 MHz band (220 MHz service). In establishing this licensing plan, the FCC's goal is to establish a flexible regulatory framework that allows for efficient licensing of the 220 MHz service, eliminates unnecessary

regulatory burdens, and enhances the competitive potential of the 220 MHz service in the mobile service marketplace. However, as with any licensing and operational plan for radio service, a certain number of regulatory and informational burdens are necessary to verify licensee compliance with FCC rules.

OMB Control Number: 3060-0897.

Title: MDS and ITFS Two-Way Transmissions.

Form Numbers: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 130,888.

Estimated Time per Response: 8 hours.

Frequency of Response: Recordkeeping; On occasion reporting requirements; Third party disclosure.

Total Annual Burden: 223,618 hours.

Total Annual Costs: \$5,431,000.

Needs and Uses: This information collection includes rules that collectively form the MDS and ITFS two-way services. The FCC rules for two-way transmissions for MDS and ITFS will allow two-way licensing and provide greater flexibility in the use of the allotted spectrum to licensees. The rules will further eliminate market entry barriers for small entities. The FCC will use this information to ensure that MDS and ITFS applicants, conditional licensees, and licensees have considered properly under the FCC's rules the potential for harmful interference from their facilities.

OMB Control Number: 3060-0914.

Title: Petition, Pursuant to Section 7 of the Act, for a Waiver of the Airborne Cellular Rule, or, in the Alternative, for a Declaratory Ruling.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Federal Government; and State, Local, or Tribal Government.

Number of Respondents: 30.

Estimated Time per Response: 8 hours.

Frequency of Response:

Recordkeeping; On occasion reporting requirements.

Total Annual Burden: 240 hours.

Total Annual Costs: None.

Needs and Uses: The FCC has reset an Order it adopted on December 24, 1998, that grants conditionally AirCell's waiver request of 47 CFR 22.925. The waiver permits AirCell, Inc. and a number of cellular licensees, which

jointly entered into resale agreements with AirCell, Inc., to furnish system capacity for the provision of cellular service on a secondary, conditional basis to airborne terminal units using technology developed by AirCell, Inc. The waiver also gives AirCell the authority to operate a specially designed mobile cellular telecommunications unit for use aboard general aviation aircraft. The AirCell system gives the public greater access to safety-related data and wireless telephone services for general aviation and equips pilots with a transmission facility that can provide a method of receiving real-time information about changing weather conditions, navigation, telemetry, and aircraft operations.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 01-3520 Filed 2-9-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[DA 01-188]

Process to Update the International Bureau's Records for Carriers That Provide International Telecommunications Services, Correction

AGENCY: Federal Communications Commission.

ACTION: Notice; correction.

SUMMARY: This document contains corrections to the Notice which was published in the **Federal Register** on Monday, February 5, 2001 (66 FR 8972). The date announcing the commencement of the 90-day period was incorrect. This document corrects that error.

DATES: The 90-day filing period commences on February 5, 2001.

ADDRESSES: Federal Communications Commission, Secretary, 445 12th Street, SW., Room TW-B204F, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rebecca Arbogast, International Bureau, (202) 418-1460.

SUPPLEMENTARY INFORMATION: The FCC published a document in the **Federal Register** on February 5, 2001 (66 FR 8972). In that document (page 8972, column 2) and (page 8973 column 2), the dates for the commencement of the 90-day period are incorrect. The correct date is February 5, 2001.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 01-3519 Filed 2-9-01; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2463]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

February 2, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY-A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed by February 27, 2001. See section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Federal-State Joint Board on Universal Service (CC Docket No. 96-45), Western Wireless Corporation Petition for Designation as an Eligible Telecommunications Carrier In the State of Wyoming.

Number of Petitions Filed: 2.

Subject: Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

Number of Petitions Filed: 1.

Subject: Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations. (Strattanville and Farmington Township, Pennsylvania) (MM Docket No. 99-58, RM-9461, RM-9611)

Number of Petitions Filed: 1.

Subject: Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Alva, Mooreland, Tishomingo, Tuttle, and Woodward, Oklahoma) (MM Docket No. 98-155, RM-9082, RM-9133)

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,
Secretary.

[FR Doc. 01-3517 Filed 2-9-01; 8:45 am]

BILLING CODE 6712-01-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 period 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—01/08/2001			
20005155	Atmos Energy Corporation	Citizens Communications Company	Citizens Communications Company.
20010375	Winn-Dixie Stores, Inc	Bruckmann, Rosser, Sherrill & Co., L.P ..	Delchamps, Inc., debtor-in-possession Interstate Jitney Jungle Stores, Inc., debtor-in-possession. Jitney Jungle Stores of America, Inc., debtor-in-possession. P&S Operations, Inc., debtor-in-posses- sion.

Trans#	Acquiring	Acquired	Entities
			Pump & Save, Inc., debtor-in-possession. Southern Jitney Jungle Company, Inc., debtor-in-possession. Supermarket Cigarette Sales, Inc., debtor-in-possession.

TRANSACTIONS GRANTED EARLY TERMINATION—01/09/2001

20011034	Aventis	aaiPharma Inc	aaiPharma Inc.
20011075	U.S. Concrete, Inc	Blue Circle Industries, PLC	Blue Circle Materials Inc.
20011106	University Community Hospital, Inc	Sun Coast Hospital, Inc	Sun Coast Hospital, Inc.
20011113	Total Fina Elf S.A	Dickerson L. Whitney, Jr	McGean—Rohco Worldwide, Inc. McGean-Rohco, Inc.
20011177	Westboro Properties LLC	Bunge International Limited	Bunge First Capital Limited.

TRANSACTIONS GRANTED EARLY TERMINATION—01/11/2001

20011081	General Electric Company	R. Mark Bostick	Comcar Leasing, Inc.
20011103	Madison Dearborn Capital Partners IV, L.P.	Burt I. Harris, Sr	Harriscope of Los Angeles, Inc.
20011130	Paul Levy	Rational Software Corporation	Rational Software Corporation
20011154	The Kroger Co	Fleming Companies, Inc	Baker's Food Group, Inc.
20011159	iBasis, Inc	Priceinteractive, Inc	Priceinteractive, Inc.
20011162	Aurora Equity Partners II L.P	Har Technologies, Inc	Har Technologies, Inc.
20011178	Infogrames Entertainment SA	Hasbro, Inc	Hasbro, Inc.
20011180	Telephone and Data Systems, Inc. Voting Trust.	Chorus Communications Group, Ltd	Chorus Communications Group, Ltd.
20011184	Sola International, Inc	Charles E. Crews	Oracle Lens Manufacturing Corporation.
20011188	Thomas H. Lee Equity Fund III, L.P	Covance Inc	Covance Clinical and Periapproval Services Ltd. Covance Pharmaceutical Packaging Services AG. Covance Pharmaceutical Packaging Services Inc.
20011190	Polycom, Inc.	Accord Networks, Inc.	Accord Networks, Inc.
20011191	KINO Management, LLC	IFCO Enterprises, Inc.	IFCO Enterprises, Inc.
20011192	Anheuser-Bush Companies, Inc.	La Jolla Capital, Inc.	La Jolla Capital, Inc.
20011193	United Auto Group, Inc.	George C. Andreas	Lantzsch-Andreas Enterprises, Inc.
20011196	Citizens Communications Company	Berkshire Telephone Company	Berkshire Telephone Company.
20011198	Business News Publishing Company II, LLC.	Elsevier NV	Reed Elsevier Inc.
20011199	McLeodUSA Incorporated	OSPG III, Inc.	OSPG III, Inc.
20011201	Michael S. Smith	Stone Energy Corporation	Stone Energy Corporation.
20011202	Western Distributing Company	Zulanas Partners	Zulanas Distributors, Inc.
20011206	Kent P. Dauten	Paul B. Steeter, Sr.	Freed's Bakery, Inc.
20011208	Bessemer Securities L.L.C.	Stanley G. Pride	Pride Manufacturing Company and Pride Golf Tee Company.
20011215	American Express Company	Pacific Century Financial	Pacific Century Financial.
20011218	ITOCHU Corporation	Allied Products Corporation	Allied Products Corporation.
20011223	Kearny Mesa Financial Credit Union	Santel Federal Credit Union	Santel Federal Credit Union.
20011229	Berkshire Hathaway Inc.	Manville Personal Injury Settlement Trust	Johns Manville Corporation.

TRANSACTIONS GRANTED EARLY TERMINATION—01/17/2001

20011115	Hampshire Equity Partners II, L.P.	Connector Service Corporation	Connector Service Corporation.
20011140	Northwestern Corporation	The Montana Power Company	The Montana Power Company.
20011152	Dominion Resources, Inc	Powergen pic	LG&E Westmoreland Altavisa. LG&E Westmoreland Hopewell. LG&E-Westmoreland Southampton.
20011200	Michael W. Lynch	Alcoa Inc.	Reynolds Metals Company.
20011203	Converge, Inc	Vertical Net, Inc	NECX.com LLC.
20011204	VerticalNet, Inc	Converge, Inc	Converge, Inc.
20011213	GATX Corporation	El Camino Resources International, Inc ..	El Camino Resources, Ltd.
20011214	Plum Creek Timber Company, Inc	Georgia-Pacific Corporation	GPW Timber, Inc., LRFP Timber, Inc., NPC Timber, Inc. N. America Timber Corp., NPI Timber, Inc., GNN Timber, Inc.
20011216	Transcore Holdings, Inc	M. Albin Jubitz	EuroDAT Services, s.c.a. EuroDAT, Ltd. Jubitz Corporation.
20011217	Transcore Holdings, Inc	Frederick K. Jubitz	EuroDAT Services, s.c.a. EruoDAT, Ltd. Jubitz Corporation.

Trans#	Acquiring	Acquired	Entities
20011225	Tyco International Ltd	Pactiv Corporation	Pactiv Corporation.
20011230	George Abi Zeid	AT&T Corp.	AT&T Corp.
20011231	Inter-Tel, Incorporated	Convergent Communications, Inc.	Convergent Communications Services, Inc.
20011232	Eni SpA	LASMO pic	LASMO pic
20011235	SHC Investment Partnership	Donald R. Danner	Leland-Powell Fastners, Inc.
20011236	SHC Investment Partnership	Joseph R. Exum	Leland-Powell Fastners, Inc.
20011242	Steven B. Klinsky	Ron and Beverly Bailey	Strayer Education, Inc.
20011245	M. Francois Pinault	Eugene M. Winner	Electric Supply Company of Asheville, Inc.
20011246	Virginia Wadsworth Wirtz Trust	U.S. Bancorp	U.S. Bancorp.
20011247	GTCR Fund VII, L.P.	SBC Communications Inc	SecurityLink from Ameritech, Inc.
20011248	J.R. Shaw	Randall L. Moffat	Moffat Communications Limited.
20011253	Bernard Arnault	Donna Karan and Stephan Weiss	Gabrielle Studio, Inc.
20011263	Frank Lyon, Jr. Trust	U.S. Bancorp	U.S. Bancorp.

TRANSACTIONS GRANTED EARLY TERMINATION—01/18/2001

20011176	Baxter International Inc	Sera-Tec Biologicals Limited Partnership	Sera-Tec Biologicals Limited Partnership.
20011187	Asyst Technologies, Inc	Glenn A. Roberson, Jr	Semifab, Inc.
20011228	CarrAmerica Realty Corporation	FrontLine Capital Group	HQ Global Holdings, Inc.
20011237	Centennial Communications Corp.	Hector R. Gonzalez	TPC Communications PR, Inc.
20011251	Emulex Corporation	GigaNet, Inc.	GigaNet, Inc.

TRANSACTIONS GRANTED EARLY TERMINATION—01/19/2001

20011135	Ralcorp Holdings, Inc	T&C Holdings Corporation	T&C Holdings Corporation.
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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 Director of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01-3495 Filed 2-9-01; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

[File No. 991 0301]

The Dow Chemical Company, et al.; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 7, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary,

Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT:

Rhett Krulla, FTC/S-3105, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326-2608.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 5, 2001), on the World Wide Web, at <http://www.ftc.gov/os/2001/02/index.htm>. A paper copy can be obtained from the FTC Public Reference Room, H-130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette

containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of the Complaint and Proposed Consent Order To Aid Public Comment**I. Introduction**

The Federal Trade Commission ("Commission") has accepted for public comment a Decision and Order ("Order"), pursuant to an Agreement Containing Consent Orders ("Consent Agreement"), against The Dow Chemical Company ("Dow") and Union Carbide Corporation ("Carbide") (collectively "Respondents"). The Order is intended to resolve anticompetitive effects stemming from the proposed merger of Dow and Carbide (the "Merger"). As described below, the Order seeks to remedy anticompetitive effects of the merger in polyethylene, ethyleneamines, ethanalamines and methyl-diethanolamine ("MDEA"). The Order remedies those anticompetitive effects by requiring Respondents to divest and license certain intellectual property and other assets relating to polyethylene to BP Amoco plc ("BP"); to divest Dow's worldwide businesses in ethyleneamines to Huntsman International LLC ("Huntsman"); and to divest Dow's worldwide ethanalamines

business and its MDEA business in the United States and Canada to Ineos Group plc ("Ineos"). The Commission has also issued an Order to Maintain Assets that requires Respondents to preserve the businesses they are required to divest as a viable, competitive, and ongoing operation until the divestiture is achieved.

The Order, if finally issued by the Commission, would settle charges that the Merger may have substantially lessened competition in the markets for polyethylene and Polyethylene technology, ethyleneamines, ethanalamines and MDEA. The Commission has reason to believe that the Merger would violate Section 7 of the Clayton Act and Section 5 of the Federal Trade Commission Act. The proposed complaint, described below, relates the basis for this belief.

II. Description of the Parties and the Proposed Merger

Dow, headquartered in Midland, Michigan, is a large, worldwide chemical company, with particular strength in polyethylene, the world's most widely used plastic, and in key technologies relating to the manufacture of polyethylene. Carbide, headquartered in Danbury, Connecticut, is also a large, worldwide chemical company, and a leading developer and licensor of polyethylene process technology.

Pursuant to a merger agreement dated August 8, 1999, Dow and Carbide propose to merge in a transaction pursuant to which Carbide shareholders would exchange their shares for shares of Dow.

III. The Proposed Complaint

According to the Commission's proposed complaint, the merger would substantially reduce competition in four lines of commerce: linear low density polyethylene ("LLDPE") in the United States and Canada, and related technology (both metallocene catalysts and reactor processes) worldwide; the worldwide market for metallocene catalysts for use in producing LLDPE; the worldwide market for LLDPE reactor process technology; the worldwide market for ethyleneamines; the worldwide market for ethanalamines; and the market for branded MDEA in the United States and Canada.

A. Count One: Polyethylene

The proposed complaint alleges that the merger would substantially reduce competition in polyethylene. Three interrelated polyethylene markets are affected by the merger: (1) LLDPE in the United States and Canada; (2) metallocene catalysts for LLDPE

production worldwide; and (3) LLDPE reactor process technology worldwide. As alleged in the proposed complaint and described below, the reduction or elimination of competition in metallocene catalyst technology, resulting from the merger, in turn reduces competition in LLDPE itself and in LLDPE reactor process technology. The reduction in competition in LLDPE process technology in turn further reduces competition in LLDPE.

Polyethylene is the world's most widely used plastic, and LLDPE is the fastest growing type of polyethylene. LLDPE is particularly well suited for applications that require both flexibility and strength. One of the most significant uses of LLDPE is in making trash bags, and LLDPE is used to make bags out of plastic films that are strong, thin and puncture resistant. Dow and Carbide are leading producers of LLDPE in the United States and Canada, and throughout the world.

The proposed complaint alleges that LLDPE is a differentiated product, and that Dow and Carbide are among the LLDPE producers that have succeeded in developing specialty, high performance polymers demanded by significant users of LLDPE (notably makers of branded trash bags and cast stretch film).¹ Dow has historically led the industry in production and sale of premium LLDPE polymers tailored to deliver performance characteristics demanded by many LLDPE users, and has been able to sell premium LLDPE at premium prices.

Polyethylene is made in polymerization reactions in the presence of a catalyst. Both the reactor technology and the catalyst technology are patented, and both Dow and Carbide are leading developers of reactor technology. Carbide's reactor technology, called "Unipol," is the world's most widely licensed polyethylene process technology. The other significant licensed LLDPE technology is "Innovene," owned by BP. Both Unipol and Innovene make polyethylene in a process in which ethylene is in a gaseous form during polymerization ("gas phase"). Dow's reactor technology, which Dow does not license, polymerizes ethylene in solution. The large majority of LLDPE

reactor capacity is gas phase rather than solution.

Dow and Exxon Mobil Corp. ("Exxon") have succeeded in developing and commercializing "metallocene" catalysts, which represent a significant advance over conventional LLDPE catalysts. The proposed complaint alleges that, if metallocene catalysts were generally available to LLDPE producers, those producers likely would be able to erode Dow's position as the world's leading producer of premium LLDPE polymers.

Both Dow and Exxon entered into joint ventures with the leading gas technology firms (BP and Carbide, respectively) to develop and commercialize metallocene catalysts for use in gas reactors. Both the Dow/BP joint development program and the Exxon/Carbide joint venture, Univation Technologies LLC ("Univation"), succeeded in adapting metallocene catalysts for use in gas reactors; both sought to license that technology to other gas-process LLDPE producers; and both indeed sold licenses to metallocene catalysts for gas reactors.

In 1999, however, Dow entered into an agreement to merge with Carbide, which would result in Dow becoming a partner with Exxon in Univation. As alleged in the proposed complaint, at or about the time Dow entered into the merger agreement with Carbide, Dow determined that it would not continue its joint development program with BP, and that it would not license its metallocene catalyst to BP (with rights to sublicense), thereby effectively terminating any ability by BP to license metallocene catalysts in competition with Univation (in which Dow would, as a result of the merger, succeed to Carbide's interest).

The proposed complaint alleges that each of the polyethylene markets would be highly concentrated as a result of the merger. The proposed complaint further alleges that Dow and Carbide are direct and significant actual competitors in the market for LLDPE in the United States and Canada; that Dow and Carbide (through Univation) are direct and significant actual competitors in the market for metallocene catalyst technology worldwide; and that Dow and Carbide are actual and potential competitors in the market for LLDPE process technology worldwide. The proposed complaint further alleges that, as part of its course of dealing in connection with the merger, Dow's actions terminating the Dow/BP joint development program and refusing to license metallocene catalysts to BP significantly reduced competition in LLDPE process technology by impairing

¹ In a differentiated product market, the merger of firms whose products are closer substitutes is more likely to result in a significant lessening of competition, because sales that (pre-merger) one of the merging parties would have lost to the other, in the event of a price increase, would now be retained by the merged firm. U.S. Dep't of Justice & Federal Trade Comm'n, Horizontal Merger Guidelines § 2.21; *FTC v. Swedish Match*, slip op. 33-34 (D.D.C. Dec. 14, 2000) (Civ. No. 00-1501 TFH)

BP's ability to compete in that market.² The proposed complaint also alleges that entry into the relevant markets would not be timely, likely, or sufficient to deter or offset adverse effects of the acquisition on competition.

The proposed complaint alleges that Respondents' merger would eliminate actual or potential, direct, and substantial competition between Respondents in the relevant markets. Elimination of this competition would likely result in increased prices for LLDPE polymers, metallocene technology licenses and LLDPE process technology licenses; and lessened innovation in each of these markets. Specifically, by eliminating BP as an alternative source of metallocene catalysts for Dow's competitors (the majority of which use gas phase LLDPE reactor technology), and by acquiring Carbide's interest in Univation, Dow would be in a position to impede the development, licensing and use of metallocene catalysts and thereby benefit Dow's own polyethylene business. The merger (and the related termination of the BP/Dow joint development agreement) would also lessen BP's ability to compete with Univation in polyethylene process technology, and thereby further impair competition in polyethylene.

B. Count Two: Ethyleneamines

Ethyleneamines are a family of chemicals containing at least one ethylene and one amine molecule and are used in a broad variety of applications, including lubricating oil additives, chelating agents, wet-strength resins, epoxy curing agents, surfactants, personal care products, pulp and paper products, and fungicides. Dow and Carbide are the only producers of ethyleneamines in the United States and Canada, and together sold approximately \$170 million worth of ethyleneamines in 1999. There are no cost-effective substitutes for ethyleneamines in the end-uses for which they are used.

Dow and Carbide compete in the United States and Canada in the production and sale of ethyleneamines,

and also compete outside the United States and Canada. The proposed complaint alleges that the United States and Canada constitute a properly defined geographic market, and that the world also constitutes a properly defined geographic market. Whether the market is defined as the United States and Canada (in which Dow and Carbide are the only producers) or the world (in which the market is highly concentrated, and Dow and Carbide combined would have more than 50% of worldwide capacity), the merger would result in a highly concentrated market, and concentration would increase substantially. The proposed complaint alleges that entry would not be timely, likely or sufficient to constrain an anticompetitive price increase or reduction in output.

C. Count Three: Ethanolamines

Ethanolamines are a family of chemicals, comprising monoethanolamine ("MEA"), diethanolamine ("DEA"), and triethanolamine ("TEA"), made by reacting ethylene oxide and ammonia. Ethanolamines are used in a broad variety of applications, including the production of ethyleneamines, and in surfactants, personal care products, herbicides, oil and gas refining applications, pharmaceuticals and fabric softeners. The proposed complaint alleges that there are no cost-effective substitutes for ethanolamines in the end-uses for which they are used, and that the proper geographic market to analyze the effect of the merger on the sale of ethanolamines is the United States and Canada.

Carbide and Dow are the largest and third largest producers, respectively, of ethanolamines in the United States and Canada. As a result of the merger, proposed Respondents would have more than 60% of sales in the relevant market, and two firms would have more than 90%. The proposed complaint alleges that entry would be unlikely to remedy the likely anticompetitive effects of the merger.

D. Count Four: MDEA-Based Gas Treating Products

Methyldiethanolamine ("MDEA") is a powerful solvent used in gas treating to remove unwanted compounds from gas streams. MDEA is used in oil refineries, natural gas plants, ammonia plants and other facilities that handle hydrocarbon gases. While some MDEA is sold alone, a substantial portion of the MDEA sold in the United States and Canada is sold blended with additives and other chemicals, including ethanolamines, and is sold on a branded basis. Branded

MDEA is often sold bundled with engineering services relating to gas treating.

The proposed complaint alleges that MDEA-based gas treating products constitute a relevant product market and that the United States and Canada constitute a relevant geographic market. As alleged in the proposed complaint, because of the high cost associated with failure of gas treating products, customers that purchase MDEA-based gas treating products would be unlikely to substitute commodity MDEA in the event of a small but significant, nontransitory price increase of MDEA-based gas treating products. Dow and Carbide are the two largest sellers of MDEA-based gas treating products. As a result of the merger, Respondents would have approximately 60% of the relevant market, and three firms would have approximately 90% of that market. The proposed complaint alleges that entry is unlikely to counteract the competition lost by the merger.

IV. Terms of the Agreement Containing Consent Order

The proposed Order is designed to remedy the anticompetitive effects of the merger in the markets alleged in the proposed complaint, as described below.

A. Polyethylene

The proposed Order would remedy the anticompetitive effects of the merger by (1) allowing BP to develop and license metallocene catalysts to the majority of LLDPE producers worldwide, i.e., those that make LLDPE in gas phase reactors, without being subject to patent claims by Dow, Univation or Exxon; and (2) enabling Exxon to develop and license metallocene catalysts and Unipol reactor process technology independently of Dow, should Dow's participation in Univation frustrate Exxon's interest in developing and licensing that technology.

Section VI of the proposed Order would enable BP to develop and license metallocene catalysts by (1) divesting to BP Dow's interest in the intellectual property developed jointly by Dow and BP, to which BP's rights were uncertain as a result of Dow's decision to terminate the joint development effort without resolving the ownership of those rights; (2) divesting Dow's remaining intellectual property (and related assets) specific to the gas phase process; (3) licensing Dow's metallocene catalyst technology to BP, with the right to sublicense that technology; and (4) licensing to BP, with rights to sublicense, Exxon patents controlled by

² The Commission can, under Section 5 of the FTC Act, 15 U.S.C. 45, infer that facially independent actions or agreements nonetheless constitute intertwined events that should be considered together for the purpose of evaluating whether their effect constitutes a violation of the Act. SKF Industries, Inc., 94 F.T.C. 6, 95 (1979). The proposed complaint alleges that Dow's decision to enter into the merger agreement with Carbide, and its decisions (1) to allow the Dow/BP joint development agreement to expire by its terms and (2) not to license its metallocene technology to BP, are sufficiently related to consider together in examining the effects of the merger.

Univation that otherwise would expose BP's efforts to develop, commercialize and license metallocene catalysts to infringement suit brought by Exxon or Univation. The divestiture and license would be made pursuant to a Divestiture and License Agreement executed by Dow and BP, which agreement is incorporated in and made part of the proposed Order.³

The purpose of the divestiture and license of intellectual property and related assets to BP is to enable BP to compete with Univation in developing, commercializing and licensing metallocene technology, remedying the anticompetitive effect in the market for metallocene catalyst technology. Moreover, by allowing BP to offer metallocene catalysts in connection with licenses of its Innovene gas phase reactor technology, the proposed Order is intended to preserve the viability of that technology as an alternative to Carbide's Unipol technology (which, through Univation, can offer metallocene technology). By preserving competition in both metallocene catalyst technology and LLDPE reactor process technology, the proposed order would allow BP licenses (or future licensees) in the United States and Canada to obtain metallocene catalysts from a source not controlled by Dow, thereby preserving metallocenes as a threat to Dow's premium polymer business, and providing a reactor process technology solution (including metallocenes) independent of Respondents.

Section VII of the proposed Order enables Exxon to retain rights, including the right to sublicense, in all Univation technology and in Carbide's Unipol process should the Univation venture be dissolved or should Dow come to control the Univation venture. The grant of this right to Exxon provides additional remedy to the anticompetitive effects alleged in the proposed complaint by allowing Exxon to develop and license the Unipol process independently of Dow, should Dow seek to impede Univation's licensing business for the benefit of Dow's polyethylene business.

B. Ethyleneamines

The provisions of Section II of the proposed Order would remedy the anticompetitive effects in the markets for ethyleneamines, as alleged in Count Two of the proposed complaint, by requiring proposed Respondents to

divest Dow's global ethyleneamines business to Huntsman, a worldwide producer of chemicals and plastics, including ethylene derivatives. Huntsman does not today produce ethyleneamines.

If the Commission, at the time that it makes the proposed Order final, notifies Respondents that it does not approve of the proposed divestiture to Huntsman, or the manner of the divestiture, the proposed Order provides that Respondents would rescind the sale to Huntsman and divest Dow's global ethyleneamines business within six months to an acquirer approved by the Commission and in a manner approved by the Commission. If Respondents did not complete the divestiture in that period, a trustee would be appointed who, upon Commission approval, would have the authority to divest Dow's global ethyleneamines business to a Commission-approved acquirer.

C. Ethanolamines

The provisions of Section III of the proposed Order would remedy the anticompetitive effects in the markets for ethanolamines, as alleged in Count Three of the proposed complaint, by requiring proposed Respondents to divest Dow's global ethanolamines business to Ineos, a producer of ethylene derivatives and other chemicals which does not today produce ethanolamines.

If the Commission, at the time that it makes the proposed Order final, notifies Respondents that it does not approve of the proposed divestiture to Ineos, or the manner of the divestiture, the proposed Order provides that Respondents would rescind the sale to Ineos and divest Dow's global ethanolamines business within six months to an acquirer approved by the Commission and in a manner approved by the Commission. If Respondents did not complete the divestiture in that period, a trustee would be appointed who, upon Commission approval, would have the authority to divest Dow's global ethanolamines business to a Commission-approved acquirer.

D. MDEA-Based Gas Treating Products

The provisions of Section IV of the proposed Order would remedy the anticompetitive effects in the markets for MDEA-based gas treating products, as alleged in Count Four of the proposed complaint, by requiring proposed Respondents to divest Dow's "Gas Spec" MDEA business to Ineos.

If the Commission, at the time that it makes the proposed Order final, notifies Respondents that it does not approve of the proposed divestiture to Ineos, or the

manner of the divestiture, the proposed Order provides that Respondents would rescind the sale to Ineos and divest Dow's Gas Spec MDEA business within six months to an acquirer approved by the Commission and in a manner approved by the Commission. If Respondents did not complete the divestiture in that period, a trustee would be appointed who, upon Commission approval, would have the authority to divest Dow's Gas Spec MDEA business to a Commission-approved acquirer.

E. Other Provisions of the Proposed Order

The proposed Order requires Respondents to provide the Commission with an initial report setting forth in detail the manner in which Respondents will comply with the provisions relating to the divestiture of assets. The proposed Order further requires Respondents to provide the Commission with a report of compliance with the Order within thirty (30) days following the date the Order becomes final and every thirty (30) days thereafter until they have complied with the terms of the Order.

F. The Order To Maintain Assets

Respondents have also agreed to the entry of an Order to Maintain Assets, which has been entered by the Commission and is effective immediately. The Order to Maintain Assets requires Respondents to preserve the ethyleneamine, ethanolamine and MDEA businesses that they are required to divest as viable and competitive businesses and conduct the businesses in the ordinary course of business until those businesses are divested to the Commission-approved acquirer. The Order to Maintain Assets also requires Respondents to preserve and maintain the polyethylene assets to be divested and licensed to BP.

V. Opportunity for Public Comment

The proposed Order has been placed on the public record for thirty (30) days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After thirty days, the Commission will again review the proposed Order and the comments received and will decide whether it should withdraw from the proposed Order or make it final. By accepting the proposed Order subject to final approval, the Commission anticipates that the competitive problems alleged in the proposed complaint will be resolved. The purpose of this analysis is to invite public comment on the

³ That Divestiture and License Agreement is confidential and is not being placed on the public record. However, that Agreement may not contradict the terms of the proposed Order.

proposed Order, including the proposed divestiture, to aid the Commission in its determination of whether to make the proposed Order final. This analysis is not intended to constitute an official interpretation of the proposed Order, nor is it intended to modify the terms of the proposed Order in any way.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01-3494 Filed 2-9-01; 8:45 am]

BILLING CODE 6750-01-M

FEDERAL TRADE COMMISSION

[File No. 002 3237]

Jore Corporation; Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: The consent agreement in this matter settles alleged violations of federal law prohibiting unfair or deceptive acts or practices or unfair methods of competition. The attached Analysis to Aid Public Comment describes both the allegations in the complaint that accompanies the consent agreement and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

DATES: Comments must be received on or before March 8, 2001.

ADDRESSES: Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Laura Koss or Walter Gross, FTC/S-4302, 600 Pennsylvania Ave., NW., Washington, DC 20580. (202) 326-2890 or 326-3319.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 6, 2001), on the World Wide Web, at <http://www.ftc.gov/os/2001/02/>

index.htm. A paper copy can be obtained from the FTC Public Reference Room, Room H-130, 600 Pennsylvania Avenue, NW., Washington, DC 20580, either in person or by calling (202) 326-3627.

Public comment is invited. Comments should be directed to: FTC/Office of the Secretary, Room 159, 600 Pennsylvania Ave., NW., Washington, DC 20580. Two paper copies of each comment should be filed, and should be accompanied, if possible, by a 3½ inch diskette containing an electronic copy of the comment. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement, subject to final approval, to a proposed consent order from respondent Jore Corporation.

The proposed consent order has been placed on the public record for thirty (30) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After thirty (30) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns U.S. origin claims contained on packaging for certain Jore Corporation products, including power tool accessories. The Commission's complaint charges that respondents misrepresented on this packaging that the products were all or virtually all made in the United States. In truth and in fact, these products were actually made with significant foreign content and/or processing.

The proposed consent order contains a provision that is designed to remedy the charges and to prevent the respondent from engaging in similar acts and practices in the future. Part I of the proposed order prohibits Jore Corporation from misrepresenting the extent to which any product is made in the United States. The proposed order would allow Jore Corporation to represent that such products are made in the United States as long as all, or virtually all, of the components of the products are of U.S. origin, and all, or virtually all, of the labor in manufacturing them is performed in the United States.

Part II of the proposed order requires respondent to maintain materials relied upon in disseminating any representation covered by the order. Part III of the proposed order requires Jore Corporation to distribute copies of the order to certain company officials and employees. Part IV of the proposed order requires Jore Corporation to notify the Commission of any change in the corporation that may affect compliance obligations under the order. Part V of the proposed order requires Jore Corporation to file one or more compliance reports. Part VI of the proposed order is a provision whereby the order, absent certain circumstances, terminates twenty years from the date of issuance.

The purpose of this analysis is to facilitate public comment on the proposed consent order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01-3493 Filed 2-9-01; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention and Agency for Toxic Substance and Disease Registry

Meeting; Correction

The Office of the Director of the Centers for Disease Control and Prevention (CDC) and Agency for Toxic Substance and Disease Registry (ATSDR) announces the following correction.

ACTION: Notice; correction.

SUMMARY: In accordance with Departmental policy on consultation with (AI/AN) Governments and Organizations, CDC/ATSDR will host this meeting to give AI/AN people an opportunity to present their public health program needs and priorities. The timing of this meeting will allow CDC and ATSDR to consider these needs and priorities in developing the FY 2002 budget request.

Correction

In the **Federal Register** of January 31, 2001, (Volume 66, Number 21) [Notices] Page 8404—"Contact Person for More Information" email: Sgerger@cdc.gov—should read agerber@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 2, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01-3483 Filed 2-9-01; 8:45 am]

BILLING CODE 4160-19-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Community and Tribal Subcommittee of the Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following subcommittee meetings.

Name: Community and Tribal Subcommittee.

Times and Dates: 8:30 a.m.–5 p.m., February 26, 2001, 8:30 a.m.–5 p.m., February 27, 2001.

Place: Radisson Inn at Executive Park, 2061 North Druid Hills Road, Atlanta, Georgia 30329.

Status: Open to the public, limited by the available space. The meeting room accommodates approximately 50 people.

Purpose: This subcommittee brings to the Board of Scientific Counselors, ATSDR, advice, citizen input, and recommendations on community and tribal programs, practices, and policies of the Agency.

Matters to be Discussed: Agenda items include an update on Action Items and Recommendations from previous meeting; CTS Special Consultant will update on attendance to the Environmental Protection Agency's National Environmental Justice Advisory Committee meeting; review of ATSDR's Research Agenda activities and new proposals; a presentation of the Strategic Planning current plan, mission and goal; viewing of the cultural sensitivity training issues video tape; CTS will give an update on the Task Group progress report and interactive session, and discuss the future activities of the Task Group.

Written comments are welcomed and should be received by the contact person listed below prior to the opening of the meeting.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Robert Spengler, ScD, Executive Secretary, BSC, ATSDR contact, ATSDR, M/S E-28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639-0708.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 5, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01-3486 Filed 2-9-01; 8:45 am]

BILLING CODE 4163-70-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01016]

Grants for Violence-Related Injury Prevention Research; Notice of Availability of Funds; Amendment

A notice announcing the availability of Fiscal Year 2001 funds to fund grants for Injury Prevention and Control Research in the priority areas of Violence and Abuse Prevention which was published in the **Federal Register** on December 22, 2000, (Volume 65, No. 247, pages 80891–80895). The notice is amended as follows:

On page 80892, first column, under Section C. Availability of Funds, first paragraph, line 1 should be changed to read "Approximately \$2.4 million * * *".

On page 80892, first column, under Section C. Availability of Funds, first paragraph, line 1 should be changed to read "* * * approximately 8–10 awards * * *".

On page 80892, first column, under Programmatic Interest, the following paragraph should be inserted between the first and second paragraph:

"Research is sought to document and improve understanding of similarities and differences among types of perpetrators and violence. To that end it will be necessary to examine: (1) Programs for intervening with men who only batter intimate partners may have to be different than those for men who batter intimate partners and maltreat their children, (2) whether among adolescents, prevention programs that currently focus on peer violence exclusively should assess and address

dating violence, (3) the value of screening for intimate partner violence and sexual violence in primary health care settings. Currently, we lack information on available screening practices and their impact on women and the prevention of violence against women."

On page 80893, first column, item numbered (2.) should be changed to read, "Document and improve understanding of the relationships and links between different types and of violence; and different forms of perpetration, especially among adolescent offenders. Of particular concern are:" On page 80893, first column, under item numbered (2.), first bullet should be changed to read, "* * * and perpetration to child abuse and sexual violence."

On page 80893, first column, under item numbered (2.), between first and second bullet insert a bullet that reads: "The relationship between perpetration of intimate partner violence and perpetration of child abuse and sexual violence."

On page 80893, first column, under item numbered (2.) following the last bullet insert a bullet that reads: "The relationship between youth violence directed at non-intimates and that directed at dates in the form of either sexual violence or physical abuse."

On page 80893, first column, item number (3.) should be changed to read "* * * and child abuse. Of particular interest is:"

On page 80893, first column, under item numbered (3.) insert a bullet that reads "interventions that seek to prevent multiple types of violence perpetration."

Dated: February 6, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 01-3482 Filed 2-9-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Meeting; Correction

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following correction.

ACTION: Notice; correction.

SUMMARY: The Department of Health and Human Services, Center for Disease Control and Prevention published a

document in the **Federal Register** of January 29, 2001, concerning the Safety and Occupational Health Study Section will review, discuss, and evaluate grant application(s) received in response to the Institute's standard grants review and funding cycles pertaining to research issues in occupational safety and health and allied areas.

Correction

In the **Federal Register** of January 29, 2001, (Volume 66, Number 19) [Notices] Page 8115—"Matters to be Discussed" should read: The meeting will convene in open session from 8:30–9:30 a.m. on February 15, 2001, to address matters related to the conduct of Study Section business. The remainder of the meeting will proceed in closed session. The purpose of the closed sessions is for the Safety and Occupational Health Study Section to consider safety and occupational health related grant applications. These portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6) title 5 U.S.C., and the Deputy Director for Program Management, CDC, pursuant to Pub. L. 92–463.

CONTACT PERSON FOR MORE INFORMATION:

Charles N. Rafferty, Ph.D., NIOSH Scientific Review Administrator, Bethesda, Maryland. Telephone (301) 435–3562, E-mail rafferc@csr.nih.gov.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: February 2, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–3485 Filed 2–9–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering and Environmental Laboratory Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act

(Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering and Environmental Laboratory Health Effects Subcommittee.

Times and Dates: 8:30 a.m.–5:15 p.m., March 6, 2001.

8:30 a.m.–2:15 p.m., March 7, 2001.

Place: WestCoast ParkCenter Suites, 424 East ParkCenter Boulevard, Boise, Idaho 83706, telephone, 208/342–1044.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with DOE, and replaced by MOUs signed in 1996 and 2000, the Department of Health and Human Services (HHS) was given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992, 1996, and in 2000, between ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator ATSDR, regarding community concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community interaction and serve as a vehicle for community concerns to be expressed as advice and recommendations to CDC and ATSDR.

Matters to be Discussed: Agenda items include presentations from the National Center for Environmental Health (NCEH) and ATSDR on updates regarding progress of current studies. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Arthur J. Robinson, Jr., Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton

Road NE., (E–39), Atlanta, GA 30333, telephone 404/639–2550, fax 404/639–2575.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: February 2, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–3484 Filed 2–9–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–1174–N]

Medicare Program; Meeting of the Advisory Panel on Ambulatory Payment Classification Groups

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. App. 2), this notice announces the first annual meeting of the Advisory Panel on Ambulatory Payment Classification Groups. The purpose of this panel is to review the ambulatory payment classification (APC) groups and provide technical advice to the Secretary of the Department of Health and Human Services (the Secretary) and the Administrator of the Health Care Financing Administration (the Administrator) concerning the clinical integrity of the APC groups and their associated weights. This meeting is taking place at this time because the technical advice of the panel will be considered as HCFA prepares its annual Notice of Proposed Rulemaking that will propose changes to the Outpatient Prospective Payment System (OPPS) that will be published in the spring of 2001. The next meeting of the panel will be in early calendar year 2002.

DATES: The meeting is scheduled for Tuesday, February 27, Wednesday, February 28, and Thursday, March 1, 2001 from 9 a.m. to 5 p.m. e.s.t.

ADDRESSES: The meeting will be held in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Paul Olenick (410) 786–0282. Please refer to the HCFA Advisory Committees

Information Line (1-877-449-5659 toll free)/(410-786-9379 local), or the Internet (<http://www.hcfa.gov/fac/apcpage.htm>) for additional information and updates on committee activities.

SUPPLEMENTARY INFORMATION: The Secretary is required by section 1833(t)(9)(A) of the Social Security Act, as added by section 201(h)(1)(B) and redesignated by section 202(a)(2) of the Balanced Budget Refinement Act of 1999, to consult with an APC advisory panel. The panel will meet once annually to review the APC groups and provide technical advice to the Secretary and the Administrator of HCFA concerning the clinical integrity of the groups and their associated weights. The technical advice provided by the panel at its annual meeting will be considered as HCFA prepares the annual Notice of Proposed Rulemaking that will propose changes to the OPSS for the next calendar year.

The panel consists of 15 representatives of Medicare providers that are subject to the OPSS. The members were selected by the Administrator of HCFA based upon either self-nominations or nominations submitted by providers or organizations.

The current members of the panel are: Michelle Burke, R.N.; Leslie Jane Collins, R.N.; Geneva Craig, R.N.; Lora A. DeWald, M.Ed.; Gretchen M. Evans, R.N.; Robert E. Henkin, M.D.; Lee H. Hilborne, M.D.; Stephen T. House, M.D.; Kathleen P. Kinslow, CRNA, Ed.D.; Mike Metro, R.N.; Gerald V. Naccarelli, M.D.; Beverly K. Philip, M.D.; Karen L. Rutledge, B.S.; William A. Van Decker, M.D.; and Paul E. Wallner, D.O. The panel Chairperson is Paul M. Rudolf, M.D., J.D., a HCFA medical officer.

The agenda will provide for discussion and comment on the following topics:

- Reconfiguration of APCs, such as splitting of an APC and moving CPT codes from one APC to another.
- Removal of specific surgical procedures from the inpatient list.
- Specific clinical issues regarding observation care.
- Other technical issues concerning APC structure.

For more detailed information on the agenda topics see our website at <http://www.hcfa.gov/fac/apcpage.htm>. We are soliciting comments from the public on specific proposed items falling within the agenda topics for this meeting of the panel. We will consider proposed items for this meeting only if they fall within the agenda topics listed above. In order to be considered as a potential agenda topic for this meeting, comments must be in writing. We urge commenters to

send comments as soon as possible. Comments relating to this meeting must be received no later than 5 p.m. on Tuesday, February 20, 2001. Send comments to the following address: Health Care Financing Administration, Department of Health and Human Services, Attn: Paul J. Olenick, Mail Stop C4-01-26, 7500 Security Boulevard, Baltimore, MD 21244-1850.

Comments may also be sent via electronic mail to outpatientpps@hcfa.gov. Because of staffing and resource limitations, we cannot accept comments by facsimile (FAX) transmission and cannot acknowledge or respond individually to comments we receive. Comments that are included in the agenda topics will be addressed in the proposed rule that will be published in the spring of 2001.

Comments on agenda topics for future meetings will also be accepted at the above addresses.

The meeting is open to the public, but attendance is limited to the space available. Individuals or organizations wishing to make oral presentations on the agenda items should submit a copy of the presentation and the name, address and telephone number of the proposed presenter. In order to be scheduled to speak, this information must be received no later than 5 p.m., Tuesday, February 20, 2001 at the above address. Alternatively, the information may be sent electronically to the email address specified above. Because of staffing and resource limitations, we cannot accept this information by facsimile (FAX).

Presentations are limited to no more than 5 minutes and must be on the listed agenda topics only. The number of presentations may be limited by the time available.

- In addition to formal presentations, there will be an opportunity during the meeting for public comment, limited to one minute for each individual or organization. The number of speakers may be limited by the time available.

Individuals requiring sign language interpretation for the hearing impaired or other special accommodations should contact Paul Olenick at (410) 786-0282 at least 10 days before the meeting.

(Section 1833 of the Social Security Act (42 U.S.C. 1395l) and section 10(a) of Pub. L. 92-463 (5 U.S.C. App. 2, section 10(a)); 45 CFR part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare-Hospital Insurance; and Program No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: January 30, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 01-3122 Filed 2-9-01; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Privacy Act of 1974; Report of New System

AGENCY: Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

ACTION: Notice of new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records, "Complaints Against Health Insurance Issuers and Health Plans (CAHII)" HHS/HCFA/CMSO, System No. 09-70-9005. The CAHII will enable HCFA to fulfill its statutory charge to enforce four Federal Acts, which is mandated by the Public Health Service (PHS) Act at sections 2722 and 2761 (42 U.S.C. 300gg-22 and 300gg-61). Specifically, Section 2722 requires HCFA to enforce Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Mental Health Parity Act of 1996 (MHPA), the Newborns' and Mothers' Health Protection Act of 1996 (NMHPA), and the Women's Health and Cancer Rights Act of 1998 (WHCRA) with respect to non-Federal governmental plans. Section 2722 also requires HCFA to enforce these provisions with respect to health insurance issuers in the group market in States that fail to substantially do so. Section 2761 requires HCFA to enforce certain HIPAA Title I requirements with respect to health insurance issuers in the individual market in States that substantially fail to do so and fail to submit an acceptable alternative mechanism. Section 2761 also requires HCFA to enforce NMHPA and WHCRA with respect to health insurance issuers in the individual market in States that substantially fail to do so.

We have provided background information about the proposed system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that the "routine use" portion of the system be published for comment, HCFA invites comments on all portions of this notice. See **EFFECTIVE DATES** section for comment period.

EFFECTIVE DATES: HCFA filed a new system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on February 6, 2001. To ensure that all parties have adequate time in which to comment, the new system of records, including routine uses, will become effective 40 days from the publication of the notice, or from the date it was submitted to OMB and the Congress, whichever is later, unless HCFA receives comments that require alterations to this notice.

ADDRESSES: The public should address comments to: Director, Division of Data Liaison and Distribution (DDL), HCFA, Room N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., Eastern Time zone.

FOR FURTHER INFORMATION CONTACT: Mr. Dave Mlawsky, 410-786-6851, Health Insurance Specialist, Private Health Insurance Group, HCFA, 7500 Security Boulevard, Mail Stop S3-16-26, Baltimore, Maryland 21244-1850.

SUPPLEMENTARY INFORMATION:

I. Description of the New System of Records

Statutory and Regulatory Basis for System of Records

HCFA proposes a new system of records to collect, retrieve and act on information obtained when consumers contact HCFA and inform the agency that their health insurance issuer and/or non-Federal governmental health plan allegedly has violated Title I of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Mental Health Parity Act of 1996 (MHPA), the Newborns' and Mothers' Health Protection Act of 1996 (NMHPA), and the Women's Health and Cancer Rights Act of 1998 (WHCRA). HIPAA aims to ensure the availability of health coverage for certain people who change or lose their jobs, and to small businesses, by imposing a number of requirements on health insurance issuers and certain types of group health plans. MHPA generally prohibits health insurance issuers in the large group market and certain types of health plans from setting lower annual and lifetime dollar coverage limits for mental health benefits than for medical/surgical benefits. NMHPA generally prohibits health insurers and certain types of

health plans from covering post-childbirth maternity stays of less than 48 hours following a normal delivery and 96 hours following a cesarean section. WHCRA generally requires health insurance issuers and certain types of health plans that provide mastectomy benefits to also provide certain follow-up care. The portions of these Acts that apply to non-Federal governmental health plans and to health insurance issuers have been codified in the PHS Act. This system of records is necessary for HCFA to fulfill its statutory charge to enforce these four Federal Acts, which is mandated by the PHS Act at sections 2722 and 2761 (42 U.S.C. 300gg-22 and 300gg-61). Specifically, section 2722 requires HCFA to enforce Title I of HIPAA, MHPA, NMHPA and WHCRA with respect to non-Federal governmental plans. Section 2722 also requires HCFA to enforce these provisions with respect to health insurance issuers in the group market in States that fail to substantially do so. Section 2761 requires HCFA to enforce certain HIPAA requirements with respect to health insurance issuers in the individual market in States that substantially fail to do so and fail to submit an acceptable alternative mechanism. Section 2761 also requires HCFA to enforce NMHPA and WHCRA with respect to health insurance issuers in the individual market in States that substantially fail to do so.

II. Collection and Maintenance of Data in the System

Scope of the Data Collected

The collected information will include a consumer's name, address, phone number, the name and address of their health plan or health insurance issuer, their plan ID number or social security number, the nature of their complaint/inquiry against their health plan or issuer, and any medical and other additional information that is necessary for HCFA to help resolve the consumer's complaint.

Agency Policies, Procedures, and Restrictions on the Routine Use

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose, which is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a "routine use." The government will only release information contained in this system of records as provided for under Section III "Proposed Routine Use Disclosures of Data in the System".

We will only disclose the minimum personal data necessary to achieve the purpose of the system of records. HCFA has the following policies and procedures concerning disclosures of information, which will be maintained in the system. Disclosure of information from the system of records will be approved only for the minimum information necessary to accomplish the purpose of the disclosure after HCFA:

- (a) Determines that the use or disclosure is consistent with the reason that the data is being collected; i.e., assisting consumers to resolve their complaints and/or inquiries regarding their rights under Title I of HIPAA, MHPA, NMHPA and/or WHCRA,
- (b) Determines:
 - (1) That the purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;
 - (2) That the purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and
 - (3) That there is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).
- (c) Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

The routine use disclosures in this system may occur only to the following categories of entities (i.e., the entities, which can get identifiable data only if we apply the policies and procedures in Section II. B. above). Disclosures may be made:

- 1. To agency contractors, or consultants who have been engaged by the agency to assist in accomplishment of an HCFA function relating to the purposes for this system of records and who need to have access to the records in order to assist the HCFA.

We contemplate disclosing information under this routine use only in situations in which HCFA may enter a contractual or similar agreement with a third party to assist in accomplishing HCFA functions relating to purposes for this system of records. HCFA occasionally contracts out certain of its functions when this would contribute to effective and efficient operations. HCFA must be able to give a contractor whatever information is necessary for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract and to

return or destroy all information at the completion of the contract.

2. To a Member of Congress or to a congressional staff member in response to an inquiry of the Congressional Office made at the written request of the constituent about whom the record is maintained.

Beneficiaries sometimes request the help of a member of Congress in resolving some issue relating to a matter before HCFA. The member of Congress then writes HCFA, and HCFA must be able to give sufficient information to be responsive to the inquiry.

3. To the Department of Justice (DOJ), court or adjudicatory body when:

(a) The agency or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

(d) The United States Government;

Is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation.

Whenever HCFA is involved in litigation, or occasionally when another party is involved in litigation and HCFA's policies or operations could be affected by the outcome of the litigation, HCFA would be able to disclose information to the DOJ, court or adjudicatory body involved. A determination would be made in each instance that, under the circumstances involved, the purposes served by the use of the information in the particular litigation is compatible with a purpose for which HCFA collects the information.

4. To a health insurance issuer and/or health plan, who has been named in a complaint and is believed to be potentially in violation of relevant portions of the PHS Act.

When individuals file complaints or inquiries asking HCFA to clarify or enforce their rights under Title I of HIPAA, MHPA, NMHPA and/or WHCRA, HCFA often must disclose information maintained in this system of records to the individual's health insurance issuer or health plan in order for HCFA to satisfy its statutory charge to enforce these Federal Acts with respect to non-Federal governmental health plans in all States and health insurance issuers in some States.

5. To another Federal or State agency:

(a) To refer a complaint or inquiry with respect to Title I of HIPAA, MHPA, NMHPA and WHCRA or

(b) To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds.

HCFA shares enforcement responsibilities with the U.S. Department of Labor, the U.S. Department of Treasury and State regulatory bodies with respect to Title I of HIPAA, MHPA, NMHPA and WHCRA. HCFA's enforcement responsibilities are discussed in the "Description of the New System of Records" section above. The Department of Labor enforces Title I of HIPAA, MHPA, NMHPA and WHCRA with respect to private group health plans. The Department of Treasury may levy excise taxes against private group health plans that do not comply with these Acts, except for WHCRA. In States that are substantially enforcing Title I of HIPAA, MHPA, NMHPA and WHCRA, the appropriate State agency enforces these provisions with respect to health insurance issuers. Occasionally, HCFA will receive an inquiry or complaint related to one of these four Acts in situations where it is within Labor's or Treasury's or a State's, and not HCFA's, jurisdiction to resolve. In such cases, HCFA must disclose information from the system of records to the appropriate agency so they can perform their enforcement function.

6. To third party contacts when the party to be contacted has, or is expected to have, information relating to the individual's complaint against a health insurance issuer and/or health plan, when:

(a) The individual is unable to provide the information being sought. An individual is considered unable to provide certain types of information when:

(1) He or she is incapable or of questionable mental capability;

(2) He or she cannot read or write;

(3) He or she has a hearing impairment; and is contacting HCFA by telephone through a telecommunications relay system operator;

(4) He or she cannot afford the cost of obtaining the information;

(5) A language barrier exists; or

(6) The custodian of the information will not; as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her complaint against a health insurance

issuer and/or health plan; or HCFA is reviewing the information as a result of suspected violation of the PHS Act.

Although most of the information that will be maintained in this system will already be in HCFA's files, HCFA will occasionally need to obtain additional information from other sources. When an individual has difficulty communicating with HCFA or obtaining needed information because of a physical handicap, a language barrier, or other reason, HCFA helps the individual as needed. There can also be other situations in which HCFA requests information from a source other than the subject individual. To request needed information from such other sources, HCFA must disclose minimal information about the individual to them, for example, information identifying the individual and the fact that the subject individual is making a complaint against an health insurance or health plan.

IV. Safeguards

A. *Authorized users:* Personnel having access to the system have been trained in Privacy Act requirements. Records are used in a designated work area and system location is attended at all times during working hours.

- To ensure security of the data, the proper level of class user is assigned for each individual user level. This prevents unauthorized users from accessing and modifying critical data.

B. *Physical Safeguards:* All server sites have implemented the following minimum requirements to assist in reducing the exposure of computer equipment and thus achieve an optimum level of protection and security for the CAHII system:

Access to all servers is controlled, with access limited to only those support personnel with a demonstrated need for access. Servers are to be kept in a locked room accessible only by specified management and system support personnel. Each server requires a specific log-on process. All entrance doors are identified and marked. A log is kept of all personnel who were issued a security card, key and/or combination, which grants access to the room housing the server, and all visitors are escorted while in this room. All servers are housed in an area where appropriate environmental security controls are implemented, which include measures implemented to mitigate damage to Automated Information Systems (AIS) resources caused by fire, electricity, water and inadequate climate controls.

Protection applied to the workstations, servers and databases include:

- User Log-on—Authentication is performed by the Primary Domain Controller/Backup Domain Controller of the log-on domain.

- Workstation Names—Workstation naming conventions may be defined and implemented at the agency level.

- Hours of Operation—May be restricted by Windows NT. When activated all applicable processes will automatically shut down at a specific time and not be permitted to resume until the predetermined time. The appropriate hours of operation are determined and implemented at the agency level.

- Inactivity Lockout—Access to the NT workstation is automatically locked after a specified period of inactivity.

- Warnings—Legal notices and security warnings display on all servers and workstations.

- Remote Access Security—Windows NT Remote Access Service (RAS) security handles resource access control. Access to NT resources is controlled for remote users in the same manner as local users, by utilizing Windows NT file and sharing permissions. Dial-in access can be granted or restricted on a user-by-user basis through the Windows NT RAS administration tool.

There are several levels of security found in the CAHII system. Windows NT provides much of the overall system security. The Windows NT security model is designed to meet the C2-level criteria as defined by the U.S. Department of Defense's Trusted Computer System Evaluation Criteria document (DoD 5200.28-STD, December 1985). Netscape Enterprise Server is the security mechanism for all CAHII transmission connections to the system. As a result, Netscape controls all CAHII information access requests. Anti-virus software is applied at both the workstation and NT server levels.

Access to different areas on the Windows NT server are maintained through the use of file, directory and share level permissions. These different levels of access control provide security that is managed at the user and group level within the NT domain. The file and directory level access controls rely on the presence of an NT File System (NTFS) hard drive partition. This provides the most robust security and is tied directly to the file system. Windows NT security is applied at both the workstation and NT server levels.

C. *Procedural Safeguards*: All automated systems must comply with Federal laws, guidance, and policies for information systems security. These include, but are not limited to: the Privacy Act of 1974; the Computer

Security Act of 1987; OMB Circular A-130, revised; Information Resource Management (IRM) Circular #10; HHS Automated Information Systems Security Program; the HCFA Information Systems Security Policy and Program Handbook; and other HCFA systems security policies. Each automated information system should ensure a level of security commensurate with the level of sensitivity of the data, risk, and magnitude of the harm that may result from the loss, misuse, disclosure, or modification of the information contained in the system.

V. Effect of the Proposed System of Records on Individual Rights

HCFA proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

HCFA will monitor the collection and reporting of data. HCFA will collect only that information necessary to perform the system's functions. In addition, HCFA will make disclosure from the proposed system only with consent of the subject individual or his/her legal representative, in accordance with an applicable exception provision of the Privacy Act, or in accordance with the routine uses enumerated in Section III.

HCFA, therefore, does not anticipate an unfavorable effect on individual privacy as a result of maintaining this system of records.

Dated: February 6, 2001.

Michael McMullan,

Acting Deputy Administrator, Health Care Financing Administration.

No. 09-70-9005

SYSTEM NAME:

Complaints Against Health Insurance Issuers and Health Plans (CAHII), HHS/HCFA/CMSO.

SECURITY CLASSIFICATION:

Level 3, Privacy Act Sensitive Data.

SYSTEM LOCATION:

7500 Security Boulevard, South Building, Third Floor, Baltimore, Maryland 21244-1850. Portions of the system of records will be maintained at various HCFA regional offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Consumers who contact HCFA with complaints that their health insurance issuer or health plan is violating Title I

of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Mental Health Parity Act of 1996 (MHPA), the Newborns' and Mothers' Health Protection Act of 1996 (NMHPA), and the Women's Health and Cancer Rights Act of 1998 (WHCRA); as well as consumers who contact HCFA with inquiries about the consumer protections offered by one or more of these Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system will contain the consumer's name, social security number or health plan ID number, address, phone number, the name and address of their health insurance issuer or health plan, the nature of their complaint or inquiry, and any relevant medical or other information necessary to resolve their complaint against their health insurance issuer or health plan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 2722 of the PHS Act (42 U.S.C. 300gg-22) and section 2761 (42 U.S.C. section 300gg-61).

PURPOSE(S):

The primary purpose of the system of records is to enable HCFA to collect, retrieve and act on information obtained when consumers contact HCFA and inform the agency that their health insurance issuer and/or health plan has violated Title I of HIPAA, MHPA, NMHPA, or WHCRA. Consumers will direct these complaints to HCFA's central office, and to HCFA's regional offices. Relevant information about each complaint is documented on paper at each HCFA location that receives complaints. The system of records will be maintained at several locations. HCFA will use information retrieved from this system of records to enforce these four Acts by assisting individuals in securing their rights under them. HCFA also will use information retrieved from this system of records to identify any patterns of violations that will help HCFA determine whether targeted outreach and education efforts are needed.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine uses in this system meet the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use

disclosures of information, which will be maintained in the system. These routine uses are discussed in detail in the attached Preamble.

1. To agency contractors, or consultants who have been engaged by the agency to assist in accomplishment of an HCFA function relating to the purposes for this system of records and who need to have access to the records in order to assist the HCFA.

2. To a Member of Congress or to a congressional staff member in response to an inquiry of the Congressional Office made at the written request of the constituent about whom the record is maintained.

3. To the Department of Justice (DOJ), court or adjudicatory body when:

(a) The agency or any component thereof; or

(b) Any employee of the agency in his or her official capacity; or

(c) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

(d) the United States Government;

Is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation.

4. To a health insurance issuer and/or health plan, that has been named in a complaint and is believed to be in violation of relevant portions of the PHS Act.

5. To another Federal or State agency:

(a) To refer a complaint or inquiry with respect to Title I of HIPAA, MHPA, NMHPA or WHCRA or

(b) To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds.

6. To third party contacts when the party to be contacted has, or is expected to have, information relating to the individual's complaint against a health insurance issuer and/or health plan, when:

(a) The individual is unable to provide the information being sought. An individual is considered unable to provide certain types of information when:

(1) He or she is incapable or of questionable mental capability;

(2) He or she cannot read or write;

(3) He or she has a hearing impairment, and is contacting HCFA by telephone through a telecommunications relay system operator;

(4) He or she cannot afford the cost of obtaining the information;

(5) A language barrier exists; or

(6) The custodian of the information will not, as a matter of policy, provide it to the individual; or

(b) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual concerning his or her complaint against a health insurance issuer and/or health plan; or HCFA is reviewing the information as a result of suspected violation of the PHS Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained on paper.

RETRIEVABILITY:

The records are retrieved by name and social security number.

SAFEGUARDS:

HCFA has safeguards for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and systems security requirements.

In addition, HCFA has physical safeguards in place to reduce the exposure of computer equipment and thus achieve an optimum level of protection and security for the CAHII system. Safeguards have been established in accordance with HHS standards and National Institute of Standards and Technology guidelines; e.g., limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resource Management (IRM) Circular #10, Automated Information Systems Security Program; HCFA Automated Information Systems (AIS) Guide, Systems Securities Policies; and OMB Circular No. A-130 (revised) Appendix III.

RETENTION AND DISPOSAL:

HCFA will retain CAHII data for a total period of seven (7) years after resolution of the inquiry/complaint.

SYSTEM MANAGERS AND ADDRESS:

Director, Private Health Insurance Group, HCFA, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the system manager who will require the system name, the subject individual's name, social security number (SSN)

(furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay), address, date of birth, and sex.

RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Sources of information contained in this records system include data collected from the individuals themselves, and information collected from their health insurance issuer or health plan.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01-3511 Filed 2-9-01; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources And Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104-13), the Health Resources and Services Administration (HRSA) publishes periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443-1129.

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: U.S. Component of the 2001/2002 World Health Organization Study of Health Behavior in School Children (WHO-HPSC): New

The Office of Data and Information Management (ODIM), Maternal and Child Health Bureau (MCHB), Health Resources and Services Administration (HRSA), will participate on behalf of the United States in the 2001/2002 WHO Study of Health Behavior in School Children. The information proposed for collection will be used by MCHB, HRSA, and the National Institutes of

Health (NIH) to increase understanding of adolescent health to improve the quality of health programs and services. This cross-national research study will collect survey data to study adolescent health status and behaviors in relation to their social and supportive environment. Types of data will include measures of physical activity, body size, nutrition, social inequality, diversity, injury, violence, and perceptions of peers, school and family as supportive.

The estimated response burden is as follows:

Form	Number of respondents	Responses per respondent	Hours per response	Total burden hour
Survey	17,500	1	.75	13,125

Send comments to Susan G. Queen, Ph.D., HRSA Reports Clearance Officer, Room 14-33, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: February 6, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01-3489 Filed 2-9-01; 8:45 am]

BILLING CODE 4160-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Availability of Funds for Loan Repayment Program for Repayment of Health Professions Educational Loans

AGENCY: Indian Health Service, HHS.

ACTION: Notice.

SUMMARY: The Administrations budget request for fiscal year (FY) 2001 includes \$11,923,500 for the Indian Health Service (IHS) Loan Repayment Program (LRP) for health professions educational loans (undergraduate and graduate) in return for full-time clinical service in Indian health programs. It is anticipated that \$11,923,500 will be available to support approximately 298 competing awards averaging \$40,000 per award.

This program announcement is subject to the appropriation of funds. This notice is being published early to coincide with the recruitment activity of the IHS, which competes with other Government and private health management organizations to employ qualified health professionals. Funds must be expended by September 30 of

the fiscal year. This program is authorized by Section 108 of the Indian Health Care Improvement Act (IHCIA) as amended, 25 U.S.C. 1601 et seq. The IHS invites potential applicants to request an application for participation in the LRP.

DATES: Applications for the FY 2001 LRP will be accepted and evaluated monthly beginning March 16, 2001, and will continue to be accepted each month thereafter until all funds are exhausted. Subsequent monthly deadline dates are scheduled for Friday of the second full week of each month. Notice of awards will be mailed on the last working day of each month.

Applicants selected for participation in the FY 2001 program cycle will be expected to begin their service period no later than September 30, 2001.

Applications shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or
2. Sent on or before the deadline date.

(Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks are *not* acceptable as proof of timely mailing.)

Applications received after the monthly closing date will be held for consideration in the next monthly funding cycle. Applicants who do not receive funding by September 30, 2001, will be notified in writing.

Form To Be Used for Application

Applications will be accepted only if they are submitted on the form entitled "Application for the Indian Health Service Loan Repayment Program," identified with the Office of Management and Budget approval

number of OMB #0917-0014 (expires 12/31/02).

ADDRESSES: Application materials may be obtained by calling or writing to the address below. In addition, completed applications should be returned to: IHS Loan Repayment Program, 12300 Twinbrook Parkway—Suite 100, Rockville, Maryland 20852, PH: 301/443-3396 (between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays).

FOR FURTHER INFORMATION CONTACT:

Please address inquiries to Ms. Jacqueline K. Santiago, Chief, IHS Loan Repayment Program, Twinbrook Metro Plaza—Suite 100, 12300 Twinbrook Parkway, Rockville, Maryland 20852, PH: 301/443-3396 (between 8 a.m. and 5 p.m. (EST) Monday through Friday, except Federal holidays).

SUPPLEMENTARY INFORMATION: Section 108 of the IHCIA, as amended by Public Laws 100-713 and 102-573, authorizes the IHS LRP and provides in pertinent part as follows:

The Secretary, acting through the Service, shall establish a program to be known as the Indian Health Service Loan Repayment Program (hereinafter referred to as the "Loan Repayment Program") in order to assure an adequate supply of trained health professionals necessary to maintain accreditation of, and provide health care services to Indians through, Indian health programs.

Section 4(n) of the IHCIA, as amended by the Indian Health Care Improvement Technical Corrections Act of 1996, Pub. L. 104-313, provides that:

"Health Profession" means allopathic medicine, family medicine, internal medicine, pediatrics, geriatric medicine, obstetrics and gynecology, podiatric medicine, nursing, public health nursing, dentistry, psychiatry, osteopathy, optometry, pharmacy, psychology, public health, social

work, marriage and family therapy, chiropractic medicine, environmental health and engineering, an allied health profession, or any other health profession.

For the purposes of this program, the term "Indian health program" is defined in Section 108(a)(2)(A), as follows:

* * * any health program or facility funded, in whole or in part, by the IHS for the benefit of Indians and administered:

a. directly by the Service; (or)

b. by any Indian tribe or tribal or Indian organization pursuant to a contract under:

(1) The Indian Self-Determination Act; or
(2) section 23 of the Act of April 30, 1908, (25 U.S.C. 47), popularly known as the Buy Indian Act; or

(3) by an urban Indian organization pursuant to Title V of this act.

Applicants may sign contractual agreements with the Secretary for 2 years. The IHS will repay all, or a portion of the applicant's health profession educational loans (undergraduate and graduate) for tuition expenses and reasonable educational, and living expenses in amounts up to \$20,000 per year for each year of contracted services. Payments will be made annually to the participant for the purpose of repaying his/her outstanding health profession educational loans. Repayment of health profession education loans will be made to the participant within 120 days after the entry-on-duty of the participant has been confirmed by the IHSLRP.

The Secretary must approve the contract before the disbursement of loan repayments can be made to the participant. Participants will be required to fulfill their contract service agreements through full-time clinical practice at an Indian health program site determined by the Secretary. Loan repayment sites are characterized by physical, cultural, and professional isolation, and have histories of frequent staff turnover. All Indian health program sites are annually prioritized within the Agency by discipline, based on need or vacancy.

All health professionals will receive up to \$20,000 per year for the length of their contract. Where the amount of the LRP award may result in an increase in Federal income tax liability, the IHS will pay an additional 20 percent of the participant's total loan repayments to the Internal Revenue Service for the increased tax liability.

Pursuant to Section 108(b), to be eligible to participate in the LRP, an individual must:

(1) A. be enrolled:

(i) in a course of study or program in an accredited institution, as determined by the Secretary, within any State and be scheduled to complete such course of

study in the same year such individual applies to participate in such program; or

(ii) in an approved graduate training program in a health profession; or

B. have—

(i) a degree in a health profession; and
(ii) a license to practice; and

(2) A. be eligible for, or hold, an appointment as a Commissioned Officer in the Regular or Reserve Corps of the Public Health Service (PHS); (or)

B. be eligible for selection for civilian service in the Regular or Reserve Corps of the (PHS); (or)

C. meet the professional standards for civil service employment in the IHS; or

D. be employed in an Indian health program without service obligation; and

(3) submit to the Secretary an application for a contract to the Loan Repayment Program.

All applicants must sign and submit to the Secretary, a written contract agreeing to accept repayment of educational loans and to serve for the applicable period of obligated service in a priority site as determined by the Secretary, and submit a signed affidavit attesting to the fact that they have been informed of the relative merits of the U.S. PHS Commissioned Corps and the Civil Service as employment options.

Once the applicant is approved for participation in the LRP, the applicant will receive confirmation of his/her loan repayment award and the duty site at which he/she will serve his/her loan repayment obligation.

The IHS has identified the positions in each Indian health program for which there is a need or vacancy and ranked those positions in order of priority by developing discipline-specific prioritized lists of sites.

Ranking criteria for these sites include the following:

- Historically critical shortages caused by frequent staff turnover;
- Current unmatched vacancies in a Health Profession Discipline;
- Projected vacancies in a Health Profession Discipline;
- Ensuring that the staffing needs of Indian health programs administered by an Indian tribe or tribal or health organization receive consideration on an equal basis with programs that are administered directly by the Service; and
- Giving priority to vacancies in Indian health programs that have a need for health professionals to provide health care services as a result of individuals having breached LRP contracts entered into under this section.
- Consistent with this priority ranking, in determining applications to

be approved and contracts to accept, the IHS will give priority to applications made by American Indians and Alaska Natives and to individual recruited through the efforts of Indian tribes or tribal or Indian organizations.

• Funds appropriated for the LRP in FY 2001 will be distributed among the health professions as follows: allopathic/osteopathic practitioners will receive 27 percent, registered nurses 20 percent, mental health professionals 10 percent, dentists 12 percent, pharmacists 10 percent, optometrists 5 percent, physician assistants/advanced practice nurses 6 percent, Podiatrists 4 percent, physical therapists 2 percent, other professions 4 percent. This requirement does not apply if the number of applicants from these groups, respectively, is not sufficient to meet the requirement.

• The IHS will give priority in funding among health professionals to physicians in the following priority specialties: anesthesiology, emergency room medicine, general surgery, obstetrics/gynecology, ophthalmology, orthopedic surgery, otolaryngology/otorhinolaryngology, psychiatry, radiology and dentistry. Funding for these priority specialties is within the 27 percent established for allopathic/osteopathic practitioners.

FY 2000 applicants whose applications were complete by September 30, 2000, and who want to compete in the FY 2001 award cycle, will receive a site score equal to either their FY 2000 score or the FY 2001 score, whichever is higher.

The following factors are equal in weight when applied, and are applied when all other criteria are equal and a selection must be made between applicants.

One or all of the following factors may be applicable to an applicant, and the applicant who has the most of these factors, all other criteria being equal, would be selected.

• An applicant's length of current employment in the IHS, tribal, or urban program.

• Availability for service earlier than other applicants (first come, first served); and

• Date the individual's application was received.

Any individual who enters this program and satisfactorily completes his or her obligated period of services may apply to extend his/her contract on a year-by-year basis, as determined by the IHS. Participants extending their contracts will receive up to the maximum amount of \$20,000 per year plus an additional 20 percent for Federal Withholding. Participants who

were awarded loan repayment contracts prior to FY 2000 will be awarded extensions up to the amount of \$30,000 a year and 31 percent in tax subsidy if funds are available, and will not exceed the total of the individual's outstanding eligible health profession educational loans.

Any individual who owes an obligation for health professional service to the Federal Government, a State, or other entity is not eligible for the LRP unless the obligation will be completely satisfied before they begin service under this program.

The IHS Area Offices and Service Units are authorized to provide additional funding to make awards to applicants in the LRP, but must be in compliance with any limits in the appropriation and Section 108 of the Indian Health Care Improvement Act not to exceed the amount authorized in the IHS appropriation (up to \$22,000,000 for FY 2001).

Should an IHS Area Office contribute to the LRP, those funds will be used for only those sites located in that Area. Those sites will retain their relative ranking from the national site-ranking list. For example, the Albuquerque Area Office identifies supplemental monies for dentists. Only the dental positions within the Albuquerque Area will be funded with the supplemental monies consistent with the national ranking and site index within that Area.

Should an IHS Service Unit contribute to the LRP, those funds will be used for only those sites located in that service unit. Those sites will retain their relative ranking from the national site-ranking list. For example, Chinle Service Unit identifies supplemental monies for pharmacists. The Chinle Service Unit consist of two facilities, namely the Chinle Comprehensive Health Care Facility and the Tsaile PHS Indian Health Center. The national ranking will be used for the Chinle Comprehensive Health Care Facility (Score = 44) and the Tsaile PHS Indian Health Center (Score = 46). With a score of 46, the Tsaile PHS Indian Health Center would receive priority over the Chinle Comprehensive Health Care Facility.

This program is not subject to review under Executive Order 12372.

(The Catalog of Federal Domestic Assistance number is 93.164)

Dated: February 2, 2001.

Michel E. Lincoln,

Deputy Director.

[FR Doc. 01-3488 Filed 2-9-01; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Inspector General

Privacy Act of 1974; Amendment to the Health Care Program Violations System of Records

AGENCY: Office of Inspector General (OIG), HHS.

ACTION: Notice and comment period.

SUMMARY: In accordance with the provisions of the Privacy Act of 1974, the Office of Inspector General (OIG) is amending an existing system of records, entitled "Health Care Program Violations." This system of records maintains certain health care sanction records for the purpose of making sanction decisions publically available. In order to assure the proper identification of sanctioned individuals, we are amending the category of records maintained in the system to include individual Social Security numbers (SSNs). The purpose of maintaining SSNs is to provide another field of identification which may be entered by those querying the system; these SSNs will not be accessible by users of the system. In addition, in the future, entities listed in the system will be able to be queried by their Employer Identification number (EIN).

This notice also makes other amendments to the system of records that include more specifically describing the categories of individuals covered by the system; adding a routine use for disclosure of information as required by the Federal Acquisition Streamlining Act of 1994; revising the routine use for disclosure of information in the event of litigation; and explaining the method of retrievability for electronic records. Additional minor technical changes include revising the period of record retention for paper records; adding a retention period for electronic records; and changing the point of contact for the record notification procedure.

DATES: *Effective date:* This revision will become effective, without further notice, on March 29, 2001, unless comments received on or before that date result in a contrary determination.

Comment date: Comments on this revision will be considered if we receive them at the address provided below no later than 5 p.m. on March 14, 2001.

ADDRESSES: Please mail or deliver written comments to the following address: Office of Inspector General, Department of Health and Human Services, Attention: OIG-52-N, Room 5246, Cohen Building, 330

Independence Avenue, SW., Washington, DC 20201.

We do not accept comments by facsimile (FAX) transmission. In commenting, please refer to file code OIG-52-N. Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, in Room 5541 of the Office of Inspector General at 330 Independence Avenue, SW., Washington, DC, on Monday through Friday of each week from 8 a.m. to 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Joel Schaer, OIG Regulations Officer, (202) 619-0089.

SUPPLEMENTARY INFORMATION:

I. Background

A. The Federal Health Care Program Violations System of Records

Under current law, individuals and entities must be excluded from participation in Federal health care programs in accordance with section 1128 of the Social Security Act (42 U.S.C. 1320a-7) for certain types of convictions, and may be excluded for other reasons, including licensure board actions, other Federal or State agency actions, and quality of care violations. In conjunction with this authority, the "Health Care Program Violations" system of records, maintained by the OIG, serves as a source of public information on all individuals or entities excluded from Federal health care programs. This system of records also provides the organizations responsible for licensing, certifying or otherwise approving the health-related activities of individuals and entities with the information they may need to make decisions. The system of records also allows health care employers to check on the exclusion status of new and current employees and contractors. This is of particular importance to hospitals and other health care entities, which are subject to civil money penalties, as authorized by Public Law 105-33, for hiring or contracting with excluded individuals and entities. Finally, the system of records serves as a fraud deterrent by virtue of public knowledge of its very existence, and provides the OIG with a means of analyzing trends and impact in fraud and abuse detection and enforcement.

Procedural information regarding the "Health Care Program Violations" system of records was last published in the **Federal Register** on August 26, 1982 (47 FR 37693).

B. Content of, and Querying, the Records System

Information from paper case files, found in the Civil and Administrative Investigative Files of the Inspector General system of records (47 FR 43099, September 30, 1982), is extracted and compiled into a master List of Excluded Individuals/Entities (LEIE). This list contains the Social Security numbers (SSNs) of most individuals excluded from participation in Federal health care programs by the OIG. The SSNs are not published on the LEIE and are not accessible to the general public. In the near future, the list will also contain the EINs of entities excluded by the OIG from participation in the Federal health care programs.¹

The LEIE is transmitted and made available electronically to other Federal agencies and organizations that are required by law to take action based upon the exclusions imposed by the OIG. In addition, the LEIE is available to the general public on the OIG's web site at <http://www.dhhs.gov/progorg/oig>. The on-line searchable database allows users to obtain information regarding excluded individuals and entities sorted by:

- The legal bases for the exclusion;
- The types of individuals and entities excluded by the OIG; and
- The States where excluded individuals reside or entities do business at the time of their exclusions.

Users may also query the database in order to ascertain whether a particular individual or entity is currently excluded from program participation by submitting the pertinent information regarding the subject. Users may have the data sorted by name, profession or specialty, city, state, zip code or sanction type. Users may input information in any of these fields and will receive a list of currently excluded individuals and entities which meet the criteria entered.

II. Amendment to the System of Records

The following summarizes the major changes being proposed:

A. Categories of Records in the System

This amendment to the system of records will include individual SSNs and EINs within the category of records in the Health Care Program Violations system as another field of identification. The OIG has received numerous comments from users of the LEIE that those querying the system should be able to input the SSN of an excluded

individual as part of their search. The commenters believe inclusion of this additional search field is necessary to produce more reliable identification on the query match, and to ensure that no individuals are erroneously determined to be excluded because of the inability to get accurate information. In many cases, the queries are being received from health care providers who are considering hiring or contracting with an individual or entity and want to know if that particular individual or entity is excluded. As such, these health care providers already have the SSN of a particular individual.

The purpose of including individual SSNs (and EINs, if applicable) in this system is to allow individuals querying the LEIE to use SSNs and EINs as specific search fields. However, the SSNs maintained in the system will not be accessible by those using an SSN for identification. The OIG will include fields where a user may input SSN or EIN information. The individual SSNs or EINs will not be retrievable through the LEIE. In order to use the SSN or EIN search field, the individual entering the query must have the full name and the 9 digits of an individual's SSN. The query will either affirm a match or state that no match exists; the LEIE will not verify the SSN or EIN. It is ultimately the recipient's responsibility to verify the information before using it as the basis for any formal action.

B. Categories of Individuals Covered by the System

The current description of the individuals covered by this system is being revised to more specifically describe the categories of providers, contractors, grantees and other individuals that are now in the system of records. This revised description more accurately reflects the categories of individuals, permitting retrieval of information on some additional key individuals who are not described in the current outdated description. In addition, the revised description brings this systems notice into conformity with the categories of sanctioned individuals covered in the Civil and Administrative Files of the OIG system of records.

C. Routine Uses

In the system of records, under "Routine Use," a new paragraph 1.d. is being added to provide for disclosures required by the Federal Acquisition Streamlining Act of 1994, Public Law 103-355. The disclosures set forth under this routine use provide the information necessary for other Federal agencies and their agents to enforce debarments, suspensions and

exclusions, as required by law. This routine use provision provides essential information to other Federal agencies with respect to individuals and entities barred from participating in Federal procurement and non-procurement programs or activities.

In addition, paragraph 3 under "Routine Use" is revised to outline the necessary disclosures made in the course of litigation involving the Department, its employees, or the United States. It is essentially the same type of disclosure provision found in most Federal systems of records and is necessary to the effective administration of justice in such proceedings. In addition, this revision brings this systems notice into conformity with the similar routine use used in the Civil and Administrative Investigative Files of the OIG system of records.

D. Retrievability

The method for retrieving records is expanded to include both paper and electronic records, including a revised list of the types of information that can be used to retrieve the records. This revision also sets forth instructions on how to indirectly access the database on public records through the Internet; this information was absent from the existing outdated description.

E. Other Minor Revisions

Other minor changes are also being made to clarify certain provisions and bring the system of records notice into conformity with organizational, legislative and policy changes. They include:

- Records Retention—The retention period for paper records is being expanded from 5 years to 6 years to bring it into conformity with the retention period established for records of OIG by the National Archives and Records Administration. In addition, the retention period for electronic records is included.
- Notification Procedure—The notification procedure is revised to provide a point of contact for media inquiries and a new point of contact for written notification requests. Information on how to request records electronically is also included.

Dated: February 2, 2001.

Michael F. Mangano,
Acting Inspector General.

HHS\OS\OIG 09-90-0101

SYSTEM NAME:

Health Care Program Violations.

SECURITY CLASSIFICATION:

None.

¹ Some individuals may also be referenced by EINs in addition to their SSN.

SYSTEM LOCATION:

This system is located in the Office of Inspector General, Department of Health and Human Services, 330 Independence Avenue, SW., Washington, DC 20201. The database for this system, known as the List of Excluded Individuals/Entities (LEIE), is on a local area network in the Wilber H. Cohen Building, 330 Independence Avenue, SW., Washington, D.C. The system is operated by the Office of Inspector General.

CATEGORIES OF INDIVIDUALS AND ENTITIES COVERED BY THE SYSTEM:

Individuals and entities covered by this system are employees and former employees, HHS grantees, contractors, sub-contractors and their employees; employees of State agencies and Medicare carriers and intermediaries; Medicare and Medicaid providers; recipients under programs administered or funded by the Federal and State programs; and others involved in health care. It includes individuals and entities who have been excluded from participation in the Medicare, Medicaid, and all Federal health care programs as defined in section 1128B(f) of the Social Security Act. The individuals would include physicians, nurses, pharmacists, dentists, therapists, suppliers and private citizens receiving Federal payments for the furnishing of items or services covered by any Federal or private program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The Health Care Program Violations System contains public information on individuals and entities which have been excluded from participation in the Medicare, Medicaid, and all other Federal health care programs (after August 1997, in accordance with Pub. L. 105-33), including names, publicly available Social Security numbers, individual Social Security numbers (and Employer Identification numbers, if applicable), aliases and "doing-business-as," addresses, and other available unique identifiers related to fraud, waste and abuse; occupations and specialties, and institutional affiliations; type and date of exclusion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3.

PURPOSES:

The Health Care Program Violations System is used to protect program beneficiaries and to reduce fraud and abuse in Federal health care programs by providing a clearinghouse of public information on individuals and entities excluded from health care programs.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. Information maintained by this system may be disclosed, as a routine use, to Federal, State, local, public and private agencies and organizations, as follows:
 - a. Agencies or organizations which reimburse or regulate individuals or entities with respect to the furnishing of health-related services or items.
 - b. Agencies or organizations which license, certify, or otherwise regulate the health-related activities of individuals and entities which provide health care services or items, to alert them to possibly disqualifying actions, practices or conditions.
 - c. Agencies or organizations charged with investigating or prosecuting possible violations indicated in items a and b.
 - d. Agencies and their agents or representatives enforcing debarments, suspensions and exclusions under the Federal Acquisition Streamlining Act of 1994.
 - e. Upon written request, agencies and/or their contractors or organizations seeking information in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the awarding of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the record is relevant and necessary to the requesting agency's decision on the matter.
 - f. Professional and business organizations concerned with standards and conduct of individuals and entities engaged in providing health care items and services.
 - g. Scholars or other researchers investigating trends and characteristics in the health care field.
2. Disclosure may be made to a Congressional office from the record of an individual or entity in response to an inquiry from the Congressional office made at the request of that individual or entity.
3. In the event of litigation, information from the system of records may be disclosed to the Department of Justice, to a judicial or administrative tribunal, opposing counsel, and witnesses, in the course of proceedings involving HHS, any HHS employee (where the matter pertains to the employee's official duties), or the United States, or any agency thereof where the litigation is likely to affect HHS, or HHS is a party or has an interest in the litigation and the use of the information is relevant and necessary to the litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, REVEALING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper records, which includes program exclusion case files, are kept in files and file folders. Electronic records are stored on hard or floppy disks and tapes.

RETRIEVABILITY:

The agency retrieves records from files indexed alphabetically by geographic region. Both paper records and electronic records are retrievable by agency-assigned internal case control numbers, name, personal identifier fields such as date of birth, UPIN, Social Security or Employer Identification number, address, specialty/occupation, program violated, date of exclusion, and type of exclusion.

Indirect access to the database on public records fields is available to the general public on the OIG's Internet site (<http://www.dhhs.gov/progorg/oig>).

SAFEGUARDS:

Paper records are stored in secured cabinets behind a locked door with access limited to authorized personnel. Computer based records are available only to authorized users and are safeguarded in accordance with the provisions of the National Bureau of Standards Federal Information Processing Standards 41 and 31, and the HHS Information Processing Standards, HHS ADP Systems Manual, Part 6, "ADP Systems Security." All computer tapes are password protected prohibiting unauthorized access.

RETENTION AND DISPOSAL:

The OIG maintains the hardcopy records and files for one year, after which they are transferred to the Federal Records Center for an additional 5 years. The electronic records system is maintained for an indefinite period of time.

SYSTEM MANAGER(S) AND ADDRESS:

The Systems Manager is an employee of Office of Investigations, Office of Inspector General, Department of Health and Human Services, 330 Independence Avenue, SW., Washington, DC 20201. The OIG web site is managed by the Office of Information Technology, Office of Inspector General, at this same address.

NOTIFICATION PROCEDURE:

An individual who wishes to be notified whether the system contains a record should make a request electronically to the OIG web site at <http://www.dhhs.gov/progorg/oig>.

Media inquiries should be directed to the HHS/OIG External Affairs Office, 330 Independence Avenue, SW., Washington, DC 20201. Requests for written documentation should be submitted in writing, together with a printout from the OIG web site identifying the individual or entity, to the Office of Investigations, Health Care Administrative Sanctions, Room N2-01-26, 7500 Security Boulevard, Baltimore, MD 21244-1850.

RECORD ACCESS PROCEDURE:

Same as notification procedure.

CONTESTING RECORD PROCEDURES:

An individual who wishes to contest the record procedures should contact the Office of Health Care Administrative Sanctions, Office of Investigations, Office of Inspector General, Department of Health and Human Services, Room N2-01-26, 7500 Security Boulevard, Baltimore, MD 21244-1850. The individual or entity should reasonably identify the record and specify the information to be contested, the corrective action sought and the reasons for the correction, with supporting documentation.

RECORD SOURCE CATEGORIES:

The sources are Government and private agencies and organizations.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01-3419 Filed 2-9-01; 8:45 am]

BILLING CODE 4152-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee F—Manpower & Training.

Date: March 4-7, 2001.

Time: 6:30 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Mary Bell, PhD., Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, PHS, DHHS, 6116 Executive Boulevard, Room 8113, Bethesda, MD 20892-8328, 301-496-7978.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower.; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3454 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Small Grants Program for Behavioral Research in Cancer Control.

Date: March 1, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Mary Jane Slesinski, PhD., Scientific Review Administrator, Special

Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8045, Bethesda, MD 20892, 301/594-1566.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3455 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of meetings of the Board of Scientific Counselors, National Cancer Institute.

The meetings will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Cancer Institute, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Cancer Institute Subcommittee B—Basic Sciences.

Date: March 5, 2001.

Time: 12:15 p.m. to 5 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Cancer Institute, Building 31, C Wing, 6th Floor, Conference Rooms 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Florence E. Farber, PhD., Health Scientist Administrator, Institute Review Office, Office of the Director, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7017, Bethesda, MD 20892, 301/496-7628.

Name of Committee: Board of Scientific Counselors, National Cancer Institute, Subcommittee A—Clinical Sciences and Epidemiology.

Date: March 5–6, 2001.

Time: 12:15 p.m. to 1 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: National Cancer Institute, Building 31, C Wing, 6th Floor, Conference Rooms 6, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Abby B. Sandler, PhD, Scientific Review Administrator, Office of the Director, Intramural Review Office, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 7019, Bethesda, MD 20852, 301/496-7628.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3456 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Training Grants.

Date: February 21, 2001.

Time: 6 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: David E. Maslow, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National

Institutes of Health, 6116 Executive Boulevard—Room 8054, Bethesda, MD 20892–7405, 301/496–2330.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3457 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel Small Grants Program for Cancer Epidemiology and Cancer Prevention Research.

Date: March 6–7, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

Contact Person: Mary Jane Slesinski, PhD, Scientific Review Administrator, Special Review and Resources Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, Room 8045, Bethesda, MD 20892, 301/594–1566.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and

Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3458 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the meeting of the National Cancer Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

A portion of the meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Advisory Board.

Dates: February 12–14, 2001.

Name of Committee: National Cancer Advisory Board Ad Hoc Subcommittee on Communications.

Open: February 12, 7 p.m. to 8:30 p.m.

Agenda: To discuss activities related to the Ad Hoc Subcommittee on Communications.

Place: Bethesda Hyatt Regency, One Bethesda Metro Center, Bethesda, MD 20814. (301) 657–1234.

Contact Person: Susan Sieber, PhD., Executive Secretary to the Ad Hoc Subcommittee on Communications, Director, Office of Communications, National Cancer Institute, National Institutes of Health, 31 Center Drive, Building 31, Room 11A48, Bethesda, MD 20892, (301) 496–5946.

Name of Committee: National Cancer Advisory Board.

Open: February 13, 9 a.m. to 12:05 p.m.

Agenda: Program reports and presentations; Business of the board. For detailed agenda: See NCI Homepage/ Advisory Board and Groups <http://deainfo.nci.nih.gov/ADVISORY/boards.htm>. Tentative agenda available 10 working days prior to meetings; Final agenda available 5 working days prior to meetings.

Name of Committee: National Cancer Advisory Board Subcommittee on Planning and Budget.

Open: February 13, 12:15 p.m. to 1:20 p.m.

Agenda: To discuss activities related to the Subcommittee on Planning and Budget.

Contact Person: Cherie Nichols, M.B.A., Executive Secretary to the Subcommittee on Planning and Budget, Director, Office of Science Policy, National Cancer Institute, National Institutes of Health, 9000 Rockville Pike, Building 31, Room 11A03, Bethesda, MD 20892, (301) 496-5515.

Name of Committee: National Cancer Advisory Board.

Open: February 13, 1:30 p.m. to 3:45 p.m.

Agenda: Program reports and presentations; Business of the board. For detailed agenda: See NCI Homepage/ Advisory Board and Groups <http://deainfo.nci.nih.gov/ADVISORY/boards.htm>. Tentative agenda available 10 working days prior to meetings; Final agenda available 5 working days prior to meetings.

Closed: February 13, 4 p.m. to Recess.

Agenda: Review of grant applications; Discussion of confidential personnel issues.

Open: February 14, 8:45 a.m. to Adjournment.

Agenda: Program reports and presentations; Business of the board. For detailed agenda: See NCI Homepage/ Advisory Board and Groups <http://deainfo.nci.nih.gov/ADVISORY/boards.htm>. Tentative agenda available 10 working days prior to meetings; Final agenda available 5 working days prior to meetings.

Place: National Cancer Institute, Building 31, C Wing, 6th Floor, Conference Room 10, National Institutes of Health, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Dr. Marvin R. Kalt, Executive Secretary, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard, 8th Floor, Room 8001, Bethesda, MD 20892-8327, (301) 496-5147.

This meeting is being published less than 15 days prior to the meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support, 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3464 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Alternative Medicine; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel NACCM SEP C-09 R01/R21 Grant Review.

Date: February 26-28, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John C. Chah, PhD., Scientific Review Administrator, National Institutes of Health, NCCAM, Building 31, Room 5B50, 9000 Rockville Pike, Bethesda, MD 20892, 301-402-4334, John@mail.nih.gov.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel NCCAM-H09 SEP.

Date: February 28-March 1, 2001.

Time: February 28, 2001, 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points Sheraton, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Cecelia Maryland, Grants Technical Assistant, National Center for Complementary and Alternative Medicine, National Institutes of Health, Building 31, Room 5B50, Bethesda, Md 20892, (301) 480-2419.

Name of Committee: National Center for Complementary and Alternative Medicine Special Emphasis Panel NCCAM SEP C-08.

Date: March 12-13, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: John C. Chah, PhD., Scientific Review Administrator, National Institutes of Health, NCCAM, Building 31,

Room 5B50, 9000 Rockville Pike, Bethesda, MD 20892, 301-402-4334, johnc@mail.nih.gov.

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3463 Filed 2-09-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health; National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel.

Date: March 14, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 6120 Executive Blvd., Suite 350, Rockville, MD 20892.

Contact Person: Andrew P Mariani, PhD., Chief, Scientific Review Branch, 6120 Executive Blvd, Suite 350, Rockville, MD 20892, 301/496-5561.

(Catalogue of Federal Domestic Assistance Program No. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: February 1, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3469 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Human Genome Research Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice

is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Human Genome Research Institute Initial Review Group Genome Research Review Committee.

Date: March 12–13, 2001.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ken D. Nakamura, PhD., Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

Name of Committee: National Human Genome Research Institute Initial Review Group Ethical, Legal, Social Implications Review Committee.

Date: March 15, 2001.

Time: 1:30 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Conference Room B2B32/Bldg 31, 31 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Rudy O. Pozzatti, PhD., Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

Name of Committee: National Human Genome Research Institute Initial Review Group Genome Research Review Committee.

Date: March 28, 2001.

Time: 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Human Genome Research Institute, National Institutes of Health, Building 31, Room B2B32, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ken D. Nakamura, PhD., Scientific Review Administrator, Office of Scientific Review, National Human Genome Research Institute, National Institutes of Health, Bethesda, MD 20892, 301 402–0838.

(Catalogue of Federal Domestic Assistance Program No. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3459 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Environmental Health Sciences Special Emphasis Panel, March 19, 2001, 1 p.m. to March 19, 2001, 3 p.m., NIEHS, 79 T. Alexander Drive, Building 4401, Conference Room 3446, Research Triangle Park, NC, 27709 which was published in the **Federal Register** on January 22, 2001, 66 FR 6641.

The telephone conference call meeting will be held on February 20, 2001, from 1 p.m. to 3 p.m. at the same location, instead of March 19, 2000, as previously advertised. The meeting is closed to the public.

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3460 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: March 12–14, 2001.

Time: 8 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Richard I. Martinez, PhD., Scientific Review Administrator, Office of

Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1AS–19G, Bethesda, MD 20892–6200, (301) 594–2849.

Name of Committee: National Institute of General Medical Sciences Special Emphasis Panel.

Date: April 22–24, 2001.

Time: 8 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Helen R. Sunshine, PhD., Chief, Office of Scientific Review, National Institute of General Medical Sciences, NIH, Natcher Building, Room 1AS–13, Bethesda, MD 20892, 301–594–2881.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–3461 Filed 2–9–01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applicants and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: February 21, 2001.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael J. Kozak, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892-9606, 301-443-1340.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: February 28, 2001.

Time: 2 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: David I. Sommers, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892-9606, 301-443-6470.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: March 1, 2001.

Time: 3 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael J. Kozak, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, MSC 9606, Bethesda, MD 20892-9606, 301-443-1340.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3462 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel

Date: February 27, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Marriott Hotel, Congressional Salon Conference Room, 5100 Pook's Hill Road, Bethesda, MD.

Contact Person: Paula S. Strickland, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Solar Building, Room 4C02, 6003 Executive Boulevard MSC 7610, Bethesda, MD 20892-7610, 301-402-0643.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, Transplantation, Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3466 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB-3 (C1).

Date: February 27, 2001.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate contract proposals.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 657, 6707 Democracy Boulevard, Bethesda, MD 20892, 301/594-8898.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3467 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, Biology of Vascular Smooth Muscle Cells in Aging.

Date: February 12-13, 2001.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Riane Continental Miami Beach Hotel, 1825 Collins Avenue, Miami Beach, FL 33139.

Contact Person: James P. Harwood, Ph.D., Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Signal Transduction and Alzheimer's Disease.

Date: February 12–13, 2001

Time: 7 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Bentley Hotel, 500 E 62nd Street, New York, NY 33139.

Contact Person: Ramesh Vemuri, PhD, Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, MICROARRAY CONTRACT REVIEW.

Date: February 15, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate contract proposals

Place: 7201 Wilson Avenue Bethesda, MD 20892 (Telephone Conference Call)

Contact Person: Ramesh Vemuri, PhD., Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute on Aging Special Emphasis Panel, Alzheimer's Disease Cooperative Study.

Date: February 28–March 1, 2001.

Time: 6 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: 8400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Ramesh Vemuri, PhD., Office of Scientific Review, National Institute on Aging, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 6–7, 2001.

Time: 7 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: John Hopkins University, Cognitive Neuropharmacology Unit, The Champlain Bldg, Suite 600, 6410 Rockledge Drive, Bethesda, MD 20817-1844.

Contact Person: Louise L. Hsu, PhD., Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

Name of Committee: National Institute on Aging Special Emphasis Panel.

Date: March 19, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: 7201 Wisconsin Avenue, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201

Wisconsin Avenue, Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3470 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Musculoskeletal and Dental Sciences Integrated Review Group General Medicine A Subcommittee 1.

Date: February 12–13, 2001.

Time: 8 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Harold M. Davidson, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, 301/435-1776, davidsoh@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group Bacteriology and Mycology Subcommittee 1.

Date: February 19–20, 2001.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Timothy J. Henry, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4180,

MSC 7808, Bethesda, MD 20892, (301) 435-1147.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 19–20, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Mariana Dimitrov, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3180, MSC 7848, Bethesda, MD 20892, 301 435-0902.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group Integrative, Functional and Cognitive Neuroscience 1.

Date: February 20–21, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave, Chase Room, Chevy Chase MD 20815.

Contact Person: Gamil C Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435-1018.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 20, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Gopal C. Sharma, DVM, MS, PhD, Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435-1783, sharmag@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel MDCN-2.

Date: February 20–21, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hay Adams, One Lafayette Square, 16th and H Streets, NW, Washington, DC 20006.

Contact Person: Gillian Einstein, PhD, Scientific Review Administrator, Center for

Scientific Review National Institutes of Health, 6701 Rockledge Drive, Room 5198, MSC 7850, Bethesda, MD 20892, 301-435-4433, einsteig@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Nutritional and Metabolic Sciences Integrated Review Group Nutrition Study Section.

Date: February 20–21, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Sooja K. Kim, PhD, RD, Scientific Review Administrator, Center for Scientific Review National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7892, Bethesda, MD 20892, (301) 435-1780.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Oncological Sciences Integrated Review Group, Metabolic Pathology Study Section.

Date: February 20–22, 2001.

Time: 8:30 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave. NW, Washington, DC 20007.

Contact Person: Angela Y. Ng, PHD, MBA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7804, Bethesda, MD 20892, (301) 435-1715 nga@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 20, 2001.

Time: 5:30 p.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435-4514.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 20, 2001.

Time: 7 p.m. to 10 p.m.

Agenda: To review and evaluate grant applications.

Place: La Jolla Cove Suites, La Jolla, CA 92037.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific

Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, Md 20892, (301) 435-1171.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21–22, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: Jurys Washington Hotel, Washington, DC 20036.

Contact Person: Syed Husain, PhD, Scientific Review Administrator, Center of Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5216, MSC 7850, Bethesda, MD 20892–7850, (301) 435-1224, husains@csr.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant application.

Place: Holiday Inn—Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

Contact Person: Gopal C. Sharma, DVM, MS, PhD., Diplomate American Board of Toxicology, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2184, MSC 7818, Bethesda, MD 20892, (301) 435-1783, sharmag@csr.nih.gov

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group Integrative, Functional and Cognitive Neuroscience 4.

Date: February 21–22, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Monarch Hotel, 2400 M Street, N.W., Washington, DC 20037.

Contact Person: Dan Kenshalo, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 5176, MSC 7844, Bethesda, MD 20892, 301-435-1255.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Ann A. Jerkins, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7892, Bethesda, MD 20892, (301) 435-4514.

Name of Committee: Pathophysiological Sciences Integrated Review Group, Alcohol and Toxicology Subcommittee 1.

Date: February 21–22, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW, Washington, DC 20007.

Contact Person: Rass M. Shayiq, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2175, MSC 7818, Bethesda, MD 20892 (301) 435-2359.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW., Washington, DC 20037.

Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435-0912, levinv@csr.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21, 2001.

Time: 8 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Georgetown, DC 20007.

Contact Person: Dharam S. Dhindsa, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5126, MSC 7854, (301) 435-1174, dhindsad@csr.nih.gov

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Bacteriology and Mycology Subcommittee 2.

Date: February 21–22, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Lawrence N. Yager, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive MSC 7808, Room 4190, Bethesda, MD 20892, 301-435-0903, yagerl@csr.nih.gov

Name of Committee: Biophysical and Chemical Sciences Integrated Review Group, Medicinal Chemistry Study Section.

Date: February 21–22, 2001.

Time: 8:30 a.m. to 8 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Ronald J. Dubois, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, room 4156, MSC 7806, Bethesda, MD 20892, (301) 435-1722, duboisr@csr.nih.gov

Name of Committee: Surgery, Radiology and Bioengineering Integrated Review Group, Surgery, Anesthesiology and Trauma Study Section.

Date: February 21–22, 2001.

Time: 1 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Gerald L. Becker, MD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5114, MSC 7854, Bethesda, MD 20892, (301) 435-1170.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21, 2001.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Sooja K. Kim, PhD, Rd, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6178, MSC 7892, Bethesda, MD 20892, (301) 435-1780.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 21-22, 2001.

Time: 7 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, Conference Center, One Washington Circle, Washington, DC 20037.

Contact Person: Tracy E. Orr, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5118, Bethesda, MD 20892, (301) 435-1259, orrt@csr.nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: January 30, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-3465 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Cardiovascular Sciences Integrated Review Group, Pathology A Study Section.

Date: February 15-16, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Plaza Real, 125 Washington Avenue, Santa Fe, NM 87501.

Contact Person: Larry Pinkus, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4132, MSC 7802, Bethesda, MD 20892, (301) 435-1215.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 15, 2001.

Time: 12 p.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: La Jolla Cove Suites, La Jolla CA 92037.

Contact Person: Lee Rosen, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892 (301) 435-1171.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Nutritional and Metabolic Sciences Integrated Review Group, Metabolism Study Section.

Date: February 22-23, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Krish Krishnan, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435-1041.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, Conference Center, One Washington Circle, Washington, DC 20037.

Contact Person: Bernard F. Driscoll, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5184, MSC 7844, Bethesda, MD 20892, (301) 435-1242.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Virginian Suites, 1500 Arlington Blvd., Arlington, VA 22209.

Contact Person: Nancy Hicks, PhD., Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435-0695.

Name of Committee: Biophysical and Chemical Sciences Integrated Review Group Molecular and Cellular Biophysics Study Section.

Date: February 22-23, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Sofitel, 1914 Connecticut Ave. NW., Washington, DC 20009.

Contact Person: Nancy Lamontagne, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435-1726.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Melrose Hotel, 2430 Pennsylvania Avenue, NW., Washington, DC 20037.

Contact Person: Michael Nunn, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 5208, MSC 7850, Bethesda, MD 20892, (301) 435-1257.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Integrated Review Group Visual Sciences A Study Section.

Date: February 22-23, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Latham Hotel, 3000 M Street NW., Washington, DC 20007-3701.

Contact Person: Michael Chaitin, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435-0910.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group Epidemiology and Disease Control Subcommittee 2.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town Alexandria, VA 22314.

Contact Person: David M. Monsees, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7848, Bethesda, MD 20892, (301) 435-0684, monseesd@drg.nih.gov.

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group, Integrative, Functional and Cognitive Neuroscience 8.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Samuel Rawlings, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7844, Bethesda, MD 20892, (301) 435-1243.

Name of Committee: Biochemical Sciences Integrated Review Group, Pathobiochemistry Study Section.

Date: February 22, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Zakir Bengali, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5150, MSC 7842, Bethesda, MD 20892, (301) 435-1742.

Name of Committee: Infectious Diseases and Microbiology Integrated Review Group, Microbial Physiology and Genetics Subcommittee 2.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: River Inn, 924 25th Street, NW., Washington, DC 20037.

Contact Person: Rona L. Hirschberg, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4186, MSC 7808, Bethesda, MD 20892, (301) 435-1150.

Name of Committee: Cell Development and Function Integrated Review Group, International and Cooperative Projects Study Section.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Contact Person: Sandy Warren, DMD, MPH, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MDC 7840, Bethesda, MD 20892, (301) 435-1019.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz-Carlton Hotel, Tysons Corner, 1700 Tysons Boulevard, McLean, VA 22102.

Contact Person: Noni Byrnes, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4196, MSC 7806, Bethesda, MD 20892, (301) 435-1217, byrnesn@csr.nih.gov.

Name of Committee: Cell Development and Function Integrated Review Group, Cell Development and Function 3.

Date: February 22-23, 2001.

Time: 8:30 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gerhard Ehrenspeck, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, (301) 435-1022, ehrenspeckg@nih.csr.gov.

Name of Committee: Social Sciences, Nursing, Epidemiology and Methods Integrated Review Group, Social Sciences, Nursing, Epidemiology and Methods 3.

Date: February 22-23, 2001.

Time: 9 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, Select, 480 King Street, Old Town Alexandria, VA 22314.

Contact Person: Robert Weller, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435-0694.

Name of Committee: Genetic Sciences Integrated Review Group, Mammalian Genetics Study Section.

Date: February 22-23, 2001.

Time: 9 a.m. to 2 p.m.

Agenda: To review and evaluate grant applications.

Place: Monarch Hotel, 2400 M Street, NW., Washington, DC 20037.

Contact Person: Camilla Day, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7890, Bethesda, MD 20892, (301) 435-1037, dayc@drj.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 9 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015.

Contact Person: Anita Miller Sostek, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435-1260.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22-23, 2001.

Time: 9:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Radisson Barcelo Hotel, 2121 P St., NW., Washington, DC 20037.

Contact Person: Carl D. Banner, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (301) 435-1251, bannerc@drj.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: St James Suites, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Lawrence N. Yager, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7808, Bethesda, MD 20892, (301) 435-0903, yagerl@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 22, 2001.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Debora L. Hamernik, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, Bethesda, MD 20892, 301-435-4511, hamernid@csr.nih.gov

Name of Committee: Immunological Sciences Integrated Review Group, Allergy and Immunology Study Section.

Date: February 23-24, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Pierpont Inn, 550 San Jon Road, Ventura, CA 93001

Contact Person: Samuel C. Edwards, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4200, MSC 7812, Bethesda, MD 20892, 301-435-1152, edwardss@csr.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 23, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Luigi Giacometti, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5208, MSC 7850, Bethesda, MD 20892, 301-435-1246.

Name of Committee: Genetic Sciences Integrated Review Group, Genome Study Section.

Date: February 25-27, 2001.

Time: 7:30 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Cheryl M. Corsaro, PhD., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2204, MSC 7890, Bethesda, MD 20892, 301-435-1045, corsaroc@csr.nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 2, 2001.

LaVerne Y. Stringfield,
Director, Office of Federal Advisory
Committee Policy.

[FR Doc. 01-3468 Filed 2-9-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service, Interior.

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Permit No. TE-036499

Applicant: Golden Gate National Recreation Area, San Francisco, California

The applicant requests a permit to take (capture and release; collect voucher specimens) the tidewater goby (*Eucyclogobius newberryi*) and California freshwater shrimp (*Syncaris pacifica*) in conjunction with presence or absence surveys and population studies on the Golden Gate National Recreation Area for the purpose of enhancing their survival. These activities were previously authorized under subpermit GGNRA-2.

Permit No. TE-018180

Applicant: Point Reyes National Seashore, Point Reyes, California

The applicant requests a permit amendment to remove and reduce to possession specimens of *Lupinus tidestromii* and *Layia carnosa* in conjunction with scientific research throughout Marin county, California, for the purpose of enhancing their survival.

Permit No. TE-037798

Applicant: Bryan James Smith, Irvine, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE-037539

Applicant: Karineh Samkian, San Diego, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE-037530

Applicant: Ruth Ann Erro, San Diego, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout the species' range in California for the purpose of enhancing its survival.

Permit No. TE-037508

Applicant: Essex Environmental Incorporated, Solana Beach, California

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) and take (harass by nest monitoring) the least Bell's vireo (*Vireo bellii pusillus*) in conjunction with surveys and population monitoring throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE-037785

Applicant: Weyerhaeuser Company, Federal Way, Washington

The applicant requests a permit to take (harass by survey, capture and handle) the Oregon chub (*Oregonichthys crameri*) in conjunction with electrofishing surveys throughout the species' range where Weyerhaeuser ownership occurs for the purpose of enhancing its survival.

Permit No. TE-037772

Applicant: Michelle Carol Lee, Carlsbad, California

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE-844030

Applicant: Eda C. Eggeman, Redding, California

The applicant requests a permit amendment to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and the vernal pool tadpole shrimp (*Lepidurus packardii*) in conjunction with surveys throughout each species' range in northern California for the purpose of enhancing their survival.

Permit No. TE-817400

Applicant: East Bay Regional Park District, Oakland, California

The applicant requests a permit amendment to extend the geographic area to take (capture, mark, and release) the salt marsh harvest mouse (*Reithrodontomys raviventris*); and take (harass by survey, locate and monitor nests, and candle eggs) the California clapper rail (*Rallus longirostris obsoletus*) in conjunction with surveys, population monitoring, and scientific research in Alameda, Contra Costa, Marin, Napa, Sonoma, San Francisco, Santa Clara, Solano, San Mateo, San Joaquin, and Sacramento Counties, California.

Permit No. TE-022227

Applicant: Harry Franklin Smead, Lemon Grove, California

The applicant requests a permit amendment to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) and take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

Permit No. TE-037524

Applicant: Cory R. Davis, Escondido, California

The applicant requests a permit to take (harass by survey, collect and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), vernal pool tadpole shrimp (*Lepidurus packardii*), San Diego fairy shrimp (*Brachinecta sandiegonensis*), and the Riverside fairy shrimp (*Streptocephalus woottoni*) and

take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with surveys throughout each species' range in California for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received on or before March 14, 2001.

ADDRESSES: Written data or comments should be submitted to the Chief—Endangered Species, Ecological Services, Fish and Wildlife Service, 911 NE, 11th Avenue, Portland, Oregon 97232-4181; Fax: (503) 231-6243. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: 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 within 20 days of the date of publication of this notice to the address above; telephone: (503) 231-2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: January 31, 2001.

Rowan W. Gould,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 01-3421 Filed 2-9-01; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact.

SUMMARY: Pursuant to Section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100-497, 25 U.S.C. § 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact between the Coushatta Tribe of Louisiana and the State of Louisiana,

which was executed on December 11, 2000, except for Section 12(C) which has been disapproved pursuant to the severability clause in Section 2(F).

DATES: This action is effective February 12, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219-4066.

Dated: January 25, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01-3611 Filed 2-8-01; 12:29 pm]

BILLING CODE 4310-02-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO-SJFO-01-0001EIS]

Draft Environmental Impact Statement Oil and Gas Development on the Southern Ute Indian Reservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of comment period and notice of public meeting.

SUMMARY: The Bureau of Land Management published a Notice of Availability of the Draft Environmental Impact Statement Oil and Gas Development on the Southern Ute Indian Reservation on January 5, 2001, (FR Vol. 66, No. 4, page 1152). Included in the notice was that comments would be received until March 6, 2001. This notice extends the comment period from March 6, 2001, until March 20, 2001. This notice also serves as notice of a public meeting to be held on the DEIS on February 27, 2001.

DATES: Written comments will be accepted on the Draft Environmental Impact Statement until March 20, 2001. The public meeting on the DEIS will be held on February 27, 2001.

ADDRESSES: The public meeting will be held at Rolling Thunder Hall, 14826 Hwy 172, Ignacio, Colorado, from 6-8 pm (MST). Please address questions, comments, or request for copies of the DEIS to the Bureau of Land Management, San Juan Field Office, Attn: Donald Englishman, 15 Burnett Court, Durango, CO 81310.

FOR FURTHER INFORMATION CONTACT: Donald Englishman at the above address or phone: 970-385-1346.

Dated: January 30, 2001.

Calvin N. Joyner,

San Juan Field Office Manager, Colorado, Bureau of Land Management, USDI.

[FR Doc. 01-3513 Filed 2-9-01; 8:45 am]

BILLING CODE 4310-JB-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-920-01-1310-FI-P; NDM 87298, NDM 87300, NDM 87301, NDM 87303]

Notice of Proposed Reinstatement of Terminated Oil and Gas Leases

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Per Pub. L. 97-451, the lessee timely filed a petition for reinstatement of oil and gas leases NDM 87298, NDM 87300, NDM 87301, and NDM 87303, McKenzie County, North Dakota. The lessee paid the required rentals accruing from the dates of termination.

We haven't issued any leases affecting the lands. The lessee agrees to new lease terms for rentals and royalties of \$10 per acre and 16-2/3 percent or 4 percentages above the existing competitive royalty rate. The lessee paid the \$500 administration fee for the reinstatement of each lease and \$148 cost for publishing this Notice.

The lessee has met the requirements for reinstatement of the leases per Section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188). We are proposing to reinstate the leases, effective the date of termination subject to:

- The original terms and conditions of the leases;
- The increased rental of \$10 per acre;
- The increased royalty of 16 2/3 percent or 4 percentages above the existing competitive royalty rate; and
- The \$148 cost of publishing this Notice.

FOR FURTHER INFORMATION CONTACT: Karen L. Johnson, Chief, Fluids Adjudication Section, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, (406) 896-5098

Dated: January 22, 2001.

Karen L. Johnson,

Chief, Fluids Adjudication Section.

[FR Doc. 01-3512 Filed 2-9-01; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Bureau of Land Management**

[OR-932-1330-PC-010H:GP1-0086]

Nominations for Emergency Land Purchase**AGENCY:** Bureau of Land Management, Oregon.**ACTION:** Public notice.

SUMMARY: The fiscal year 2001 appropriation (United States House of Representatives Report 106-914) for the Bureau of Land Management (BLM) contained language in section 349(b) that requires the Bureau, acting on behalf of the Secretary of the Interior, to identify lands or interest in lands which merit emergency purchase in the lower Umpqua River basin from willing sellers, generally in the central coast mountain range.

SUPPLEMENTARY INFORMATION:

Nominations are being accepted by the BLM for lands or interests in land that have critical environmental values or the possibility of imminent development which would merit emergency purchase by BLM from willing sellers in the lower Umpqua River basin, generally in the central coast mountain range. These nominations must be received at the BLM Coos Bay District Office, at the address below, no later than the close of business on Friday, March 9, 2001. BLM will evaluate the nominations and identify the lands that meet the criteria by March 31, 2001. This notice does not constitute initiation of scoping for environmental analysis of alternative land ownership patterns; scoping will be announced with a later notice in the **Federal Register**. Nomination worksheets and a map of the eligible area are available on the Internet at www.or.blm.gov/umpqua or by contacting the following BLM personnel:

Alan Hoffmeister, BLM Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459, Phone: 541-751-4249

or

E. Lynn Burkett, BLM Roseburg District Office, 777 NW Garden Valley Blvd., Roseburg, OR 97470, Phone: 541-440-4930, Extension 3245

FOR FURTHER INFORMATION CONTACT: Patrick Geehan, Lower Umpqua Land Ownership Adjustment Project Manager, P.O. Box 2965, Portland, Oregon, 97208, phone: 503-952-6445.

Dated: January 30, 2001.

Edward W. Shepard,*Deputy State Director, Division of Resource Planning, Use, and Protection.*

[FR Doc. 01-3474 Filed 2-9-01; 8:45 am]

BILLING CODE 4310-33-P**DEPARTMENT OF THE INTERIOR****Bureau of Land Management**

[UT-045-3130-EU; UTU-78769]

Notice of Realty Action**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice; Non-competitive sale of public lands, Washington County, Utah.

SUMMARY: The public lands identified below have been examined and found suitable for disposal pursuant to sections 203 and 209 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750-51; 43 U.S.C. 1713, and 90 Stat. 2757-58, 43 U.S.C. 1719), and the Federal Land Transaction Facilitation Act of July 25, 2000 (Pub. L. 106-248), at not less than appraised market value. The potential buyer of the parcel has made application under section 209 of the Federal Land Policy and Management Act of October 21, 1976, to purchase the mineral estate along with the surface.

Salt Lake Meridian

T. 41 S., R. 14 W.,

Sec. 35, lot 20;

containing 26.18 acres.

The purpose of the proposed sale is to dispose of a parcel of public land that is difficult and uneconomic to manage as part of the public lands of the United States. It is also proposed for sale in order to allow for community expansion and economic growth for the City of St. George, Utah. The proposed sale is consistent with the St. George Field Office Resource Management Plan (March 1999), and the public interest will be served by offering the parcel for sale.

The parcel will be offered for non-competitive sale to the City of St. George. The City currently has a right-of-way from the Bureau of Land Management for a water treatment plant facility on the parcel. It is not in the public interest to offer the parcel for competitive sale.

Pursuant to the Federal Land Transaction Facilitation Act of July 25, 2000 (Pub. L. 106-248), the proceeds from the sale will be deposited into a Federal Land Disposal Account and used to acquire non-federal land within the State of Utah. The money will be

used to purchase lands for the BLM, National Park Service, Forest Service, or Fish and Wildlife Service.

The patent, when issued, will reserve the following: A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

DATES: Interested parties may submit comments concerning the proposed public land sale to the St. George Field Office Manager until March 29, 2001. The land will not be sold before April 13, 2001.

ADDRESSES: Written comments concerning the proposed sale should be sent to the Bureau of Land Management, St. George Field Office, 345 E. Riverside Drive, St. George, Utah 84790.

FOR FURTHER INFORMATION CONTACT:

Additional information concerning the land sale, including relevant planning and environmental documentation, may be obtained from the St. George Field Office at the above address. Telephone calls may be directed to Randy Massey at (435) 688-3274.

SUPPLEMENTARY INFORMATION: Objections to the sale will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any objections, this proposal will become the final determination of the Department of the Interior.

Publication of this notice in the **Federal Register** will segregate the public lands from appropriations under the public land laws, including the mining laws, pending disposition of this action, or 270 days from the date of publication of this notice, whichever occurs first. Pursuant to the application to convey the mineral estate, the mineral interests of the United States are segregated by this notice from appropriation under the public land laws, including the mining laws for a period of two years from the date of filing the application.

Dated: January 24, 2001.

James D. Crisp,*St. George Field Office Manager.*

[FR Doc. 01-3473 Filed 2-9-01; 8:45 am]

BILLING CODE 4310-DQ-M**DEPARTMENT OF JUSTICE****Notice of Extension of Public Comment Period for Proposed Consent Decree Under the Clean Air Act, Clean Water Act, RCRA, and EPCRA**

Under 28 CFR 50.7, notice is hereby given that the public comment period is extended by two weeks for a proposed Consent Decree in *United States v. Koch*

Petroleum Group, L.P., Civil Action No. 00-2756-PAM-SRN, which was lodged with the United States District Court for the District of Minnesota on December 22, 2001. Notice of the proposed settlement was published in the **Federal Register** on January 11, 2001, (Vol. 66, No. 8, PG. 2444-2445), beginning a 30-day public comment period, which will expire on February 12, 2001. The period for public comment is extended by two weeks, or through February 26, 2001.

Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Koch Petroleum Group, L.P.*, D.J. Ref. 90-5-2-1-07110.

Robert D. Brook,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01-3453 Filed 2-9-01; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

February 1, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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). A copy of this ICR, with applicable supporting documentation, may be obtained by contacting the Department of Labor. To obtain documentation contact Darrin King at (202) 693-4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395-7316), 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 agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Reinstatement with change of a previously approved collection.

Agency: Bureau of Labor Statistics (BLS).

Title: Current Population Survey/ Work Schedules Supplement.

OMB Number: 1220-0119.

Affected Public: Individuals or households.

Frequency: One time.

Number of Respondents: 58,000.

Number of Annual Responses: 58,000.

Estimated Time Per Response: 4.5 minutes.

Total Burden Hours: 4,350.

Total Annualized Capital/Startup

Costs: \$0.

Total Annual Costs (operating/ maintaining systems or purchasing services): \$0.

Description: The Work Schedules Supplement to the Current Population Survey (CPS) will gather information on shift work and other alternative work schedules, as well as data on the number and characteristics of persons who work at home.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01-3527 Filed 2-9-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Review; Comment Request

January 26, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) 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). A copy of each individual ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693-4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for BLS, DM, ESA, ETA, MSHA, OSHA, PWBA, or VETS, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), 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 agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Type of Review: Extension of a currently approved collection.

Agency: Employment and Training Administration (ETA).

Title: Administrative Procedures—20 CFR 601 Including Form MA-8-7.

OMB Number: 1205-0222.

Affected Public: State, Local, or Tribal Government.

Frequency: As needed.

Number of Respondents: 53.

Number of Annual Responses: 3,180.

Estimated Time Per Response: 1 minute.

Total Burden Hours: 53.

Total Annualized Capital/Startup

Costs: \$0.

Total Annual Costs (operating/ maintaining systems or purchasing services): \$0.

Description: Form MA-8-7 is used by States Agencies to identify materials required by 20 CFR sections 601.2 and 601.3 and to facilitate the transmittal of these materials to the Secretary of Labor.

Ira L. Mills,

Departmental Clearance Officer.

[FR Doc. 01-3528 Filed 2-9-01; 8:45 am]

BILLING CODE 4510-30-M

LIBRARY OF CONGRESS**Copyright Office****[Docket No. 2001-2 CARP DTNSRA]****New Subscription Services and the Digital Performance Right in Sound Recordings****AGENCY:** Copyright Office, Library of Congress.**ACTION:** Initiation of voluntary negotiation period.

SUMMARY: The Copyright Office is announcing the initiation of the six-month voluntary negotiation period for determining reasonable rates and terms for the public performance of sound recordings by new subscription services. The Office is also requesting that parties participating in the negotiation process to so notify the Office.

EFFECTIVE DATE: The voluntary negotiation period begins on February 12, 2001. Notification of participation in the negotiation period is due by March 1, 2001.

ADDRESSES: Copies of voluntary license agreements and petitions, if sent by mail, should be addressed to: Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, they should be brought to: Office of the General Counsel, James Madison Memorial Building, Room LM-403, First and Independence Avenue, SE., Washington, DC 20559-6000.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panel, PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

SUPPLEMENTARY INFORMATION: In 1995, Congress passed the Digital Performance Right in Sound Recording Act which gave copyright owners of sound recordings an exclusive right to perform publicly their copyrighted works by means of a digital audio transmission, subject to certain limitations and exemptions. 17 U.S.C. 106(6). Among the limitations placed on the performance of a sound recording was the creation of a statutory license for performances made by nonexempt, non-interactive digital subscription services. 17 U.S.C. 114. Initial rates and terms for transmissions made by these services have been set by order of the Librarian, following a Copyright Arbitration Royalty Panel ("CARP") proceeding which had been convened for this

purpose. See 63 FR 25394 (May 8, 1998).

Section 114 was later amended with the passage of the Digital Millennium Copyright Act of 1998 ("DCA"), Public Law 105-304, to cover additional digital audio transmissions. These include "eligible nonsubscription transmissions" and those transmissions made by "new subscription services" and "preexisting satellite digital audio radio services." Currently, the Library of Congress is conducting two separate rate adjustment proceedings which will set rates and terms for transmissions made by "eligible nonsubscription services," see 63 FR 65555 (November 27, 1998); 65 FR 2194 (January 13, 2000); and Order in Docket Nos. 99-6 CARP DTRA and 2000-3 CARP DTRA2 (December 4, 2000), and those transmissions made by "pre-existing satellite digital audio radio services." 66 FR 1700 (January 9, 2001). The latter proceeding will also establish rates and terms for transmissions made during the period January 1, 2001, to December 31, 2002, by "preexisting subscription services" (the three subscription services in existence prior to the passage of the DMCA). Neither proceeding will consider rates and terms for transmissions made by "new subscription services."

For purposes of the section 114 license, "a 'new subscription service' is a service that performs sound recordings by means of noninteractive subscription digital audio transmissions and that is not a preexisting subscription service or a preexisting satellite digital audio radio service." 17 U.S.C. 114(j)(8). To initiate a proceeding to establish rates and terms for those transmissions made by these services, either a copyright owner of sound recordings or a new subscription service must file a petition with the Library of Congress, requesting that the Copyright Office initiate the voluntary negotiation period for the purpose of setting these rates and terms. On January 24, 2001, Music Choice filed such a petition with the Copyright Office pursuant to section 114(f)(2)(C)(i)(I).

Section 114(f)(2)(C)(i)(I) requires the Librarian to publish a notice initiating the 6-month voluntary negotiation period no later than 30 days after the date the petition is filed. Today's notice fulfills this requirement.

Negotiation Period and Voluntary Agreements

Pursuant to section 114(f)(2)(C)(i)(I), the Librarian of Congress is announcing a six-month negotiation period to give interested parties an opportunity to negotiate a voluntary agreement that will establish statutory rates and terms

for the new subscription services. If the parties reach such an agreement and submit the proposal to the Librarian for approval, it will be published for public comment. Provided that no party with a significant interest and an intent to participate in an arbitration proceeding files a comment opposing the negotiated rates and terms, the Librarian may adopt the proposed rates and terms without convening a CARP. See 37 CFR 251.63(b).

Petitions

In the absence of a license agreement negotiated under 17 U.S.C. 114(f)(2)(A), those copyright owners of sound recordings and entities availing themselves of the statutory licenses are subject to arbitration upon the filing of a petition by a party with a significant interest in establishing reasonable terms and rates for the statutory licenses. Petitions must be filed in accordance with 17 U.S.C. 114(f)(2)(C)(ii)(I), and 803(a)(1) and may be filed anytime during the 60-day period beginning on August 13, 2001. See also 37 CFR 251.61. Parties should submit petitions to the Copyright Office at the address listed in this notice. The petitioner must deliver an original and five copies to the Office.

Request for Notification

In order to facilitate productive settlement discussions during the negotiation period and to facilitate complete settlement, it is useful to create a list of parties that wish to participate in the negotiation phase of the proceeding. The list should be in a centralized location and available to the public so that interested parties may identify each other and enter into the settlement discussions. Therefore, the Library is requesting that those parties wishing to participate in the six-month negotiation period file notification with the Copyright Office by March 1, 2001.

The list is solely for informational purposes and notification is on a voluntary basis. In other words, parties that wish to participate in the negotiation period are not required to file notification with the Office, though we strongly encourage each party to make the filing, and will accept such filings at any time up until the end of the six-month period. Furthermore, the notification to participate in the settlement discussion is not a Notice of Intent to Participate in a CARP proceeding, because as provided in 17 U.S.C. 114(f)(2)(B), the Library cannot begin a CARP proceeding until petitioned to do so after the end of the negotiation period. If the Library receives such a petition, it will call for

Notices of Intent to Participate at a later date.

Dated: February 7, 2001.

David O. Carson,

General Counsel.

[FR Doc. 01-3516 Filed 2-9-01; 8:45 am]

BILLING CODE 1410-33-P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-021]

NASA Advisory Council, Aero-Space Technology Advisory Committee (ASTAC); Rotorcraft Subcommittee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a NASA Advisory Council, Aero-Space Technology Advisory Committee, Rotorcraft Subcommittee meeting.

DATES: Thursday, April 26, 2001, 8 a.m. to 5 p.m. and Friday, April 27, 2001, 8 a.m. to 12 Noon.

ADDRESSES: National Aeronautics and Space Administration, John H. Glenn Research Center at Lewis Field, Administration Building, Room 215, 21000 Brookpark Road, Cleveland, OH 44135.

FOR FURTHER INFORMATION CONTACT: Ms. Mattie P. Thomas, National Aeronautics and Space Administration, John H. Glenn Research Center at Lewis Field, 21000 Brookpark Road, Cleveland, OH 44135, 216/433-3702.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. Agenda topics for the meeting are as follows:

—Status, Technical Accomplishments, and Plans for the NASA Rotorcraft Research and Technology Base Program

—Review of Rotorcraft-Related Research Activities at Glenn Research Center

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitors register.

Dated: February 6, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01-3477 Filed 2-9-01; 8:45 am]

BILLING CODE 7510-01-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-022]

NASA Advisory Council (NAC), Aero-Space Technology Advisory Committee (ASTAC); Aviation Operations Systems Subcommittee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aero-Space Technology Advisory Committee, Aviation Operations Systems Subcommittee meeting.

DATES: Wednesday, March 28, 2001, 1 p.m. to 5 p.m. and Thursday, March 29, 2001, 8:30 a.m. to 4:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, Ames Research Center, Building 262, Room 100, Moffett Field, CA 94035-1000.

FOR FURTHER INFORMATION CONTACT: Robert A. Jacobsen, National Aeronautics and Space Administration, Ames Research Center, Moffett Field, CA 94035, 650/604-3743.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

- Aviation Operations Systems Program Review
- Aircraft Icing Research Project Review
- Human Automation Integration Research Project Review
- Human Error and Countermeasures Research Project Review
- Psychological/Physiological Stressors and Factors Research Project Review

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Dated: February 6, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01-3478 Filed 2-9-01; 8:45 am]

BILLING CODE 7510-01-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-23]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC); Meeting

AGENCY: National Aeronautics and Space Administration

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee.

DATES: Tuesday, March 20, 2001, 8:30 a.m. to 5:30 p.m.; Wednesday, March 21, 2001, 8:30 a.m. to 5:30 p.m.; and Thursday, March 22, 2001, 8:30 a.m. to Noon.

ADDRESSES: NASA Headquarters, 300 E Street, SW., Conference Room 5H46, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Code SB, National Aeronautics and Space Administration, Washington, DC 20546, 202/358-4452.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following:

- Associate Administrator's Program Status Report
- Science Theme Status Reports
- Subcommittee Reports
- Outer Planets
- NGST Reformulation
- Technology Program Status
- Research Program Review Status
- Sounding Rocket and Balloons Program
- Activities and Schedule for 2003 Strategic Plan
- Mars Scout

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants.

Visitors will be requested to sign a visitor's register.

Dated: February 7, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01-3479 Filed 2-9-01; 8:45 am]

BILLING CODE 7510-01-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-24]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Structure and Evolution of the Universe Subcommittee**AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Structure and Evolution of the Universe Subcommittee.

DATES: Monday, March 5, 2001, 8:30 a.m. to 5:30 p.m., and Tuesday, March 6, 2001, 8:30 a.m. to 5 p.m.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 5H 46, 300 E Street, SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Alan Bunner, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

- Associate Administrator's Program Status Report
- Report from the Theme Director
- Recent Space Science Advisory Committee
- Report of the Research and Analysis Task Group
- Progress on Energetic X-Ray Imagery Survey Telescope
- Ultra Long Duration Balloon

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 7, 2001.

Beth M. McCormick,
Advisory Committee Management Officer,
National Aeronautics and Space Administration.

[FR Doc. 01-3480 Filed 2-9-01; 8:45 am]

BILLING CODE 7510-01-U

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01-025]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Solar System Exploration Subcommittee**AGENCY:** National Aeronautics and Space Administration.**ACTION:** Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Solar System Exploration Subcommittee.

DATES: Tuesday, February 27, 2001, 8:30 a.m. to 5 p.m.; Wednesday, February 28, 2001, 8:30 a.m. to 5 p.m., and Thursday, March 1, 2001, 8:30 a.m. to 2:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, Conference Room 5H 46, and Conference Room 7H 46, 300 E Street, SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Carl Pilcher, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358-2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

- Associate Administrator's Program Status Report
- Introduction and Purpose of Meeting
- Solar System Program Update
- Outer Planets and Discussion
- Europa Update
- Discussion of Advanced Planning for Extended Missions
- Mars Program Update and Discussion

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: February 7, 2001.

Beth M. McCormick,
Advisory Committee Management Officer,
National Aeronautics and Space Administration.

[FR Doc. 01-3481 Filed 2-9-01; 8:45 am]

BILLING CODE 7510-01-P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION**Nixon Presidential Historical Materials; Opening of Materials****AGENCY:** National Archives and Records Administration.**ACTION:** Notice of opening of materials.

SUMMARY: This notice announces the opening of additional files from the Nixon Presidential historical materials. Notice is hereby given that, in accordance with section 104 of Title I of the Presidential Recordings and Materials Preservation Act (PRMPA, 44 U.S.C. 2111 note) and 1275.42(b) of the PRMPA Regulations implementing the Act (36 CFR Part 1275), the agency has identified, inventoried, and prepared for public access integral file segments among the Nixon Presidential historical materials.

DATES: The National Archives and Records Administration (NARA) intends to make these materials described in this notice available to the public beginning April 5, 2001. In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege concerning access to these materials should notify the Archivist of the United States in writing of the claimed right, privilege, or defense before March 14, 2001.

ADDRESSES: The materials will be made available to the public at the National Archives at College Park research room, located at 8601 Adelphi Road, College Park, Maryland beginning at 8:45 a.m. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility.

Petitions asserting a legal or constitutional right or privilege which would prevent or limit access must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Road, College Park, Maryland 20740-6001.

FOR FURTHER INFORMATION CONTACT: Karl Weissenbach, Director, Nixon Presidential Materials Staff, 301-713-6950.

SUPPLEMENTARY INFORMATION: The integral file segments of textual materials to be opened on April 5, 2001, consist of 48 cubic feet.

The White House Central Files Unit is a permanent organization within the White House complex that maintains a central filing and retrieval system for the records of the President and his staff. Some of the materials are from the White House Central Files, Subject Files. The Subject Files are based on an alphanumeric file scheme of 61

primary categories. Listed below are the integral file segments from the White House Central Files, Subject Files in this opening.

Subject Category

Federal Government (FG)

Volume: 4 cubic feet

- FG 134 Foreign Claims Settlement Commission of the United States
- FG 135 Foreign Trade Zones Board
- FG 136 Four Corners Regional Commission
- FG 137 Franklin Delano Roosevelt Memorial Commission
- FG 138 General Advisory Committee on Foreign Assistance Program
- FG 139 General Services Administration
- FG 140 Golden Spike Centennial Celebration Commission
- FG 141 Health Resources Advisory Committee
- FG 143 Institute for Urban Development
- FG 144 Interagency Committee on International Athletics
- FG 146 Interagency Committee on Transport Mergers
- FG 331 National Advisory Commission on Oceans and Atmosphere
- FG 332 National Commission on Individual Rights
- FG 334 Price Commission
- FG 335 Pay Board
- FG 336 Committee on Interest and Dividends
- FG 337 Committee on the Health Services Industry
- FG 338 Committee on State and Local Government Cooperation
- FG 339 Rent Advisory Board
- FG 340 President's Cancer Panel
- FG 341 Federal Regional Council

In accordance with the provisions of Executive Order 12958, several series within the National Security Council files have been systematically reviewed for declassification and will be made available. In addition, a number of documents which were previously withheld from public access have been re-reviewed for release and or declassified under the provisions of Executive Order 12958, or in accordance with 36 CFR 1275.56 (Public Access Regulations).

National Security Council Files series:

Volume: 43 cubic feet.

A number of documents which were previously withheld from public access have been reviewed and/or declassified under the Mandatory Review provisions of Executive Order 12958 and will be made available.

Previously restricted materials:

Volume: 1 cubic foot.

Public access to some of the items in the file segments listed in this notice will be restricted as outlined in 36 CFR 1275.50 or 1275.52 (Public Access Regulations).

Dated: February 5, 2001.

John W. Carlin,

Archivist of the United States.

[FR Doc. 01-3420 Filed 2-9-01; 8:45 am]

BILLING CODE 7515-01-P

NATIONAL CREDIT UNION ADMINISTRATION

SUNSHINE ACT MEETING

TIME AND DATE: 10 a.m., Thursday, February 15, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from a Federal Credit Union to Convert to a Community Charter.
2. Interim Final Rule: Section 709.12, NCUA's Rules and Regulations, Prepayment Fees to Federal Home Loan Bank.
3. Proposed Rule, Amendment to Part 712, NCUA's Rules and Regulations, Credit Union Service Organizations.
4. Proposed Rule, Part 749, NCUA's Rules and Regulations, Vital Record Preservation.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, February 15, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314-3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Special Assistance Program. Closed pursuant to exemption (8).
2. Four (4) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT:

Becky Baker, Secretary of the Board, Telephone 703-518-6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01-3632 Filed 2-8-01; 2:00 pm]

BILLING CODE 7535-01-M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. The title of the information collection: 10 CFR part 95—Facility Security Clearance and Safeguarding of National Security Information and Restricted Data.
2. Current OMB approval number: 3150-0047.
3. How often the collection is required: On occasion.
4. Who is required or asked to report: NRC-regulated facilities and other organizations requiring access to NRC-classified information.
5. The number of annual respondents: 8.
6. The number of hours needed annually to complete the requirement or request: 443 hours (333 hours reporting and 110 hours recordkeeping) or approximately 3 hours per response.
7. Abstract: NRC-regulated facilities and other organizations are required to provide information and maintain records to ensure that an adequate level of protection is provided to NRC-classified information and material.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by March 14, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150-0047),

Office of Management and Budget,
Washington, DC 20503.

Comments can also be submitted by
telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda
Jo. Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 5th day
of February, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

*NRC Clearance Officer, Office of the Chief
Information Officer.*

[FR Doc. 01-3502 Filed 2-9-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-325 and 50-324]

In the Matter of Carolina Power & Light Company (Brunswick Steam Electric Plant, Units 1 and 2); Exemption

I

The Carolina Power & Light Company
(CP&L) is the holder of Facility
Operating License Nos. DPR-71 and
DPR-62, which authorize operation of
the Brunswick Steam Electric Plant,
Units 1 and 2. The licenses provide,
among other things, that the facility is
subject to all rules, regulations, and
orders of the U.S. Nuclear Regulatory
Commission (NRC, the Commission)
now or hereafter in effect.

The facility consists of two boiling
water reactors located in Brunswick
County in North Carolina.

II

Title 10 of the Code of Federal
Regulations, part 50, Section 36a(a)(2)
(10 CFR 50.36a(a)(2)) requires each
licensee to submit a report to the
Commission annually that specifies the
quantity of each of the principal
radionuclides released to unrestricted
areas in liquid and in gaseous effluents
during the previous 12 months,
including any other information as may
be required by the Commission to
estimate maximum potential annual
radiation doses to the public resulting
from effluent releases. The report must
be submitted as specified in § 50.4, and
the time between submission of the
reports must be no longer than 12
months. CP&L has proposed an
amendment to Technical Specification
5.6.3 to change the submittal date for
the report to "prior to May 1." The
approval of the amendment necessitates
the required submittal date for the year
2000 report be changed to "prior to May
1, 2001."

In summary, the exemption does not
affect the information required to be

submitted or the time period the report
covers, only the date the report is
submitted.

III

Pursuant to 10 CFR 50.12, the
Commission may, upon application by
any interested person or upon its own
initiative, grant exemptions from the
requirements of 10 CFR part 50, when:
(1) the exemptions are authorized by
law, will not present an undue risk to
public health or safety, and are
consistent with the common defense
and security; and (2) when special
circumstances are present. These
circumstances include the special
circumstances that would provide only
temporary relief from the applicable
regulation and the licensee or applicant
has made good faith efforts to comply
with the regulation.

Therefore, the staff concludes that
granting an exemption under the special
circumstances of 10 CFR 50.12(a)(2)(v)
is appropriate.

IV

Accordingly, the Commission has
determined that, pursuant to 10 CFR
50.12(a), the exemption is authorized by
law, will not endanger life or property
or common defense and security, and is,
otherwise, in the public interest. Also,
special circumstances are present.
Therefore, the Commission hereby
grants CP&L an exemption from the
requirements of 10 CFR 50.36a9a)(2), for
Brunswick Steam Electric Plant, Units 1
and 2.

Pursuant to 10 CFR 51.32, the
Commission has determined that the
granting of this exemption will not have
a significant effect on the quality of the
human environment (66 FR 8813).

This exemption is effective upon
issuance.

Dated at Rockville, Maryland, this 6th day
of February 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

*Director, Division of Licensing Project
Management, Office of Nuclear Reactor
Regulation.*

[FR Doc. 01-3502 Filed 2-9-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-344]

Portland General Electric Company; Trojan Nuclear Plant; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory
Commission (NRC) is considering

issuance of an amendment to Facility
Operating License No. NPF-1 issued to
Portland General Electric Company
(PGE), the licensee, for the Trojan
Nuclear Plant (TNP), a permanently
shutdown nuclear reactor facility
located in Columbia County, Oregon.

Environmental Assessment

Identification of the Proposed Action

The proposed action would approve
the TNP license termination plan (LTP)
and an LTP change process to allow
certain changes once the LTP is
approved by license amendment. The
approval of the LTP is essential only for
the approval of the licensee's proposed
final radiation survey plan design. In
accordance with the regulations, the
licensee has, and will continue to have,
the authority to remediate the site
without an approved LTP. Site
remediation is performed under the
provisions of Title 10, *U.S. Code of
Federal Regulations* (10 CFR) 50.82(a)(6)
and 50.59. The proposed license
amendment does not authorize
additional plant activities beyond those
that are already authorized and,
therefore, is administrative.

The proposed action is in accordance
with the licensee's application for
amendment dated August 5, 1999, as
supplemented by letters dated
November 23, 1999, December 27, 1999,
May 4, 2000, October 19, 2000, and
November 22, 2000.

The Need for the Proposed Action

The proposed action would allow the
licensee to meet the requirements of 10
CFR 50.82(a)(9), in which a licensee is
required to submit an LTP to the NRC
for approval. Further, in accordance
with the requirements of 10 CFR
50.82(a)(10) and (11), the staff will: (1)
Approve an LTP by license amendment
if the remaining decommissioning
activities will be performed in
accordance with the regulations, will
not be inimical to the common defense
and security or the health and safety of
the public, and will not have a
significant effect on the quality of the
environment; and (2) terminate the
license if the remaining dismantlement
has been performed in accordance with
the approved LTP, and that the final
radiation survey and associated
documents demonstrate the facility and
site are suitable for release.

Environmental Impacts of the Proposed Action

Background

The Trojan site, 2.57 square
kilometers (634 acres) owned by the
licensee, is located in Columbia County,

in northwest Oregon, on the west bank of the Columbia River, at 116.7 kilometers (km) [72.5 miles (m)] from the mouth. The river at this location is the boundary between the States of Oregon and Washington. This region is moderately populated. There is considerable variation in the population density because of the mountainous nature of the terrain surrounding the Trojan site. The town of St. Helen's, Oregon, the county seat of Columbia County, is located approximately 19.3 km (12 m) south-southwest of the site. There are several towns and small unincorporated communities within an 8.1-km (5 m) radius of the site—Rainier, Oregon, located approximately 7.2 km (4.5 m) northwest; Prescott, Oregon, located approximately 0.8 km (0.5 m) north; Goble, Oregon, located 2.4 km (1.5 m) south-southeast; Kalama, Washington, 5 km (3 m) southeast; and Carrolls, Washington, located approximately 4 km (2.5 m) north-northeast of the site across the Columbia River. The city of Portland, Oregon, and its suburbs of Gresham and Beaverton are located 50 km (31 m) from the site.

The major land use within an 80 km (50 m) radius of the site is in timber, owned and controlled by Federal and State governments and private corporations. Most of the terrain is suitable only for tree farming and related forestry operations. There is also some farming of meat, milk, poultry, hay, grain, grass seed, vegetables, fruit, and berries.

NRC granted the operating license for Trojan on November 21, 1975, and the plant formally began commercial operation on March 20, 1976. On November 9, 1992, Trojan was shut down because of a leak in the "B" steam generator. On January 27, 1993, PGE notified NRC of its decision to permanently cease power operation of its TNP. The licensee transferred the reactor fuel from the reactor vessel to the spent fuel pool. On May 5, 1993, NRC amended the TNP Facility Operating License (NPF-1) to remove the licensee's authority to operate Trojan.

By letter dated January 26, 1995, the licensee submitted the Trojan Decommissioning Plan and a decommissioning environmental report (DER), "Supplement to Applicant's Environmental Report—Post Operating License Stage," in accordance with the requirements of 10 CFR 51.53(d). The DER supplemented the environmental report, submitted on May 29, 1970, as supplemented on November 8, 1971. The staff, by letter dated December 18, 1995, approved the licensee's decommissioning plan. Included in this

letter as Enclosure 2 was the staff's environmental assessment, "Environmental Assessment by the U.S. Nuclear Regulatory Commission Related to the Request to Authorize Facility Decommissioning" (DEA). In its DEA, the staff determined that both the radiological and nonradiological environmental impacts associated with decommissioning the Trojan facility were bounded by the conditions evaluated in the "Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities" (NUREG-0586), dated August 1988, and the "Final Environmental Impact Statement related to the Operation of the Trojan Nuclear Plant" (EIS), dated August 1973. Further, the staff concluded that there were no significant environmental impacts associated with the proposed action and that the proposed action would not have a significant effect on the quality of the human environment.

PGE submitted its LTP, in accordance with the requirements of 10 CFR 50.82(a)(9) and 51.53(d). The LTP contains the following information: (1) A site characterization; (2) identification of remaining dismantlement activities; (3) plans for site remediation; (4) detailed plans for the final radiation survey; (5) an updated site-specific estimate of remaining decommissioning costs; and (6) a supplement to the environmental report, pursuant to 10 CFR 51.53, describing any new information or significant environmental change associated with the licensee's proposed termination activities. In addition, the licensee requested the authority to make certain changes to the LTP once the NRC had approved this document.

The licensee began site remediation shortly after the NRC approved the licensee's decommissioning plan. The licensee has removed and successfully shipped the Trojan steam generators, pressurizer, and reactor pressure vessel for off-site disposal at the US Ecology low-level radioactive waste disposal facility near Richland, Washington. With the removal of these components, the licensee has removed approximately 2 million curies of activity from the 10 CFR part 50 license. Thus, the licensee has removed about 99 percent of the activity covered under its Part 50 license. The remaining activity is contamination located in the remaining equipment and concrete. The licensee is continuing its site remediation efforts.

Environmental Impacts of Site Remediation

In its LTP, the licensee provided supplemental data on both the

radiological and non-radiological environmental impacts based on remediation work completed thus far. In the DEA, the staff noted that the licensee, in its DER, estimated the occupational exposure to be about 5.9 person-Sievert (Sv) [591 person-roentgen equivalent man (rem)] which was less than the estimated exposure of 12 person-Sv (1215 person-rem) given in NUREG-0586 for decommissioning of a reference pressurized water reactor using the DECON alternative. The licensee, based on the work completed (not including the removal and shipment of the reactor pressure vessel), has revised its estimate of radiation exposure that will occur to complete the decommissioning of Trojan from 5.9 person-Sv (591 person-rem) to 5.5 person-Sv (551 person-rem). Further, as noted above, the licensee has removed and shipped the reactor pressure vessel for off-site disposal. The licensee, with the removal and shipment of the steam generators, pressurizer, and reactor pressure vessel, has already removed about 99 percent of the radioactivity from the site that was covered under its Part 50 license.

The licensee, in its DER, estimated that the decommissioning of its Trojan facility would generate about 8,850 m³ (313,000 ft³) of low-level radioactive waste that would have to be shipped off-site for disposal. The staff, in its DEA, found that this estimate was within the bounds of the waste volume estimated for the referenced pressurized water reactor in NUREG-0586 of 18,340 cubic meters (648,000 ft³). The licensee, in its LTP, has revised its estimate of the volume of waste that will be generated by the decommissioning of its Trojan facility from 8,850 m³ (313,000 ft³) to about 8652 m³ (305,719 ft³). Further, the licensee has already shipped approximately 5377 m³ (190,000 ft³) of this low-level waste material off-site for disposal.

The staff concludes, based on the above, that the findings in its DEA are still valid, and that the remaining activities necessary to terminate the Trojan license are bounded by that DEA.

Environmental Impacts of LTP Change Process

In addition, the licensee has proposed that it be authorized to make certain changes to the NRC-approved LTP without NRC approval if these changes do not: (1) require Commission approval pursuant to 10 CFR 50.59; (2) violate the requirements of 10 CFR 50.82(a)(6); (3) reduce the coverage requirements for scan measurements; (4) increase the radioactivity level, relative to the applicable derived concentration

guideline level, at which an investigation occurs; or (5) change the statistical test applied to the final survey data to one other than the Sign test or the Wilcoxon Rank Sum test.

The NRC staff has determined that the amendment approving the LTP and LTP change process involves no significant change in the types, or significant increase in the amounts, of any effluents that may be released off site, and that there is no significant increase in individual or cumulative occupational radiation exposure.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the "no action" alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Trojan Nuclear Plant or the Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities.

Agencies and Persons Consulted

The NRC staff has prepared this environmental assessment with input from the State of Oregon's Historical Preservation Officer, letter dated February 28, 2000; the U.S. Fish and Wildlife Service, letter dated March 9, 2000; and the State of Oregon's Office of Energy, letter dated April 10, 2000. No other sources were used beyond those

referenced in this environmental assessment.

The State of Oregon's Historical Preservation Officer noted that there is a historically significant area, Archaeological Site 35C01, on the Trojan property, and a burial site, Coffin Rock, near the Trojan property. The licensee, in its letter to NRC, dated May 18, 2000, noted that it had established agreements to preserve Archaeological Site 35C01. Therefore, the activities necessary to decommission the Trojan facility will not impact this historically significant area. Further, based on the distance between any activities necessary to decommission Trojan property and Coffin Rock, it is very unlikely that these activities will have any impact on the burial site.

The U.S. Fish and Wildlife Service provided a revised list of threatened and endangered species in the vicinity of the Trojan site. Additional species from the Fish and Wildlife Service's August 18, 1995, list now included as either threatened or endangered are the northern spotted owl, chum salmon, steelhead, and Nelson's checkered-mallow. The licensee, in its letter dated May 18, 2000, noted that license termination activities will continue to be largely confined to previously developed portions of the Trojan site. Consequently, these activities should not substantially affect undisturbed areas of the site, which are where protected bird, mammal, and plant species might be found. With regard to aquatic life, the licensee noted that the design of the intake and discharge systems minimized the impacts on Columbia River aquatic life during power operation of the Trojan plant. These impacts have been significantly reduced during this post-power operational phase of the facility. Therefore, the finding made in the staff's DEA, that the impact of decommissioning activities at the Trojan facility would not affect Federally protected, threatened, or endangered species in the vicinity of the Trojan facility, is still valid.

In accordance with its stated policy, on January 3, 2001, the staff consulted with the Oregon State Official, Mr. Adam Bless of the Oregon Office of Energy, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an

environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 5, 1999, as supplemented by letters dated November 23, 1999, December 27, 1999, May 4, 2000, October 19, 2000, and November 22, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the ADAMS Public Library component on the NRC Web site, <http://www.nrc.gov> (the Electronic Reading Room).

Dated at Rockville, Maryland, this 6th day of February 2001.

For the Nuclear Regulatory Commission.

David J. Wrona,

*Project Manager, Decommissioning Section,
Project Directorate IV & Decommissioning
Division of Licensing Project Management,
Office of Nuclear Reactor Regulation.*

[FR Doc. 01-3501 Filed 2-9-01; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43925; File No. SR-PCX-01-06]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Regarding the Dissemination of Options Quote Size

February 5, 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 January 22, 2001, the Pacific Exchange, Inc. ("PCX" 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 PCX. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to effect a systems change to disseminate via the Options Price Reporting Authority ("OPRA") the size of options markets in issues quoted and traded in decimals.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

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 PCX 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 PCX 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 is modifying its systems to permit options market sizes to be disseminated via OPRA. Pursuant to this systems change, the Exchange will disseminate the size that the PCX guarantees in a particular issue for automatic execution on the Exchange's Automatic Execution System ("Auto-Ex") pursuant to PCX Rule 6.87(b) and for manual execution pursuant to PCX Rule 6.86(a).³ At this time, the Exchange intends to disseminate the size of markets in only those issues that are quoted and traded in decimals.

2. Statutory Basis

The Exchange believes that the proposal is consistent with section 6(b) of the Act,⁴ in general, and section 6(b)(5),⁵ in particular, in that they are designed to facilitate transactions in securities and promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PCX 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

No written comments were solicited or received with respect to the proposed rule change.

³ These guaranteed market sizes range from between twenty contracts and one hundred contracts. See PCX Rule 6.87(b) and PCX Rule 6.86(a) and (g). The Exchange notes that the guaranteed Auto-Ex size in an issue must be the same as the guaranteed size for manual execution in that issue, pursuant to PCX Rule 6.86(g).

⁴ 15 U.S.C. 78f(b).

⁵ 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule changes an existing trading system of the Exchange and does not (1) affect the protection of investors or the public interest; (2) impose any significant burden on competition; or (3) have the effect of limiting the access to or availability of the system, the proposed rule filing has become effective pursuant to section 19(b)(3)(A) of the Act⁶ and subparagraph (f)(5) of Rule 19b-4 thereunder.⁷ At any time within 60 days of the filing of the 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, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR-PCX-01-06 and should be submitted by March 5, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁸

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-3492 Filed 2-9-01; 8:45 am]

BILLING CODE 8010-01-M

⁶ 15 U.S.C. 78s(b)(3)(A).

⁷ 17 CFR 240.19b-4(f)(5).

⁸ 17 CFR 200.30-3(a)(12).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Under the Caribbean Basin Trade Partnership Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The United States Trade Representative has determined that Trinidad and Tobago is making substantial progress toward implementing and following the customs procedures required by the Caribbean Basin Trade Partnership Act and, therefore, imports of eligible products from Trinidad and Tobago qualify for the trade benefits provided under the Act.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Christopher Wilson, Director of Central America and the Caribbean, Office of the United States Trade Representative, (202) 395-5190.

SUPPLEMENTARY INFORMATION: The Caribbean Basin Trade Partnership Act (Title II of the Trade and Development Act of 2000, Pub. L. No. 106-200) (CBTPA) amended the Caribbean Basin Economic Recovery Act (CBERA) to provide preferential tariff treatment for imports of certain products of beneficiary Caribbean and Central American countries. The trade benefits provided by the CBTPA are available to imports of eligible products from countries that the President designates as "CBTPA beneficiary countries," provided that these countries have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7351 of October 2, 2000, the President designated all 24 current beneficiaries under the CBERA as "CBTPA beneficiary countries." Proclamation 7351 delegated to the United States Trade Representative (USTR) the authority to determine whether the designated CBTPA beneficiary countries have implemented and follow, or are making substantial progress toward implementing and following, the customs procedures required by the CBTPA. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS).

Based on information and commitments provided by the

Government of Trinidad and Tobago, I have determined that Trinidad and Tobago is making substantial progress toward implementing and following the customs procedures required by the CBTPA. Accordingly, pursuant to the authority vested in the USTR by Proclamation 7351, general note 17(a) to the HTS, U.S. note 7(b) to subchapter II of chapter 98 of the HTS, and U.S. note 1 to subchapter XX of chapter 98 of the HTS are each modified by inserting in alphabetical sequence in the list of eligible CBTPA beneficiary countries the name "Trinidad and Tobago". The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this notice.

Rita D. Hayes,

Acting United States Trade Representative.

[FR Doc. 01-3514 Filed 2-9-01; 8:45 am]

BILLING CODE 3190-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. WTO/DS223]

WTO Consultations Regarding EU Tariff Rate Quota on Corn Gluten Feed From the United States

AGENCY: Office of the United States Trade Representative.

ACTION: Notice; request for comments.

SUMMARY: The Office of the United States Trade Representative (USTR) is providing notice that on January 25, 2001, the United States requested consultations with the European Union (EU) under the Marrakesh Agreement Establishing the World Trade Organization (WTO), regarding the imposition of a tariff rate quota on corn gluten feed imported from the United States. The United States alleges that this measure is inconsistent with Articles I, II, and XIX of the GATT 1994, and Articles 8.1, 8.2, and 8.3 of the Safeguards Agreement. Pursuant to Article 4.3 of the WTO Dispute Settlement Understanding ("DSU"), such consultations are to take place within a period of 30 days from the date of the request, or within a period otherwise mutually agreed between the United States and the EU. USTR invites written comments from the public concerning the issues raised in this dispute.

DATES: Although the USTR will accept any comments received during the course of the dispute settlement proceedings, comments should be submitted on or before February 26,

2001, to be assured of timely consideration by USTR.

ADDRESSES: Submit comments to Sandy McKinzy, Monitoring and Enforcement Unit, Office of the General Counsel, Room 122, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, 20508, Attn. Corn Gluten TRQ Dispute, Telephone: (202) 395-3582.

FOR FURTHER INFORMATION CONTACT: Willis S. Martyn, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC, (202) 395-3582.

SUPPLEMENTARY INFORMATION: Section 127(b) of the Uruguay Round Agreements Act (URAA) (19 U.S.C. 3537(b)(1)) requires that notice and opportunity for comment be provided after the United States submits or receives a request for the establishment of a WTO dispute settlement panel. Consistent with this obligation, but in an effort to provide additional opportunity for comment, USTR is providing notice that consultations have been requested pursuant to the WTO Dispute Settlement Understanding. If such consultations should fail to resolve the matter and a dispute settlement panel is established pursuant to the DSU, such panel, which would hold its meetings in Geneva, Switzerland, would be expected to issue a report on its findings and recommendations within six to nine months after it is established.

Major Issues Raised by the United States

On August 20, 1998, the EU published Council Regulation No. 1804/98 of August 14, 1998, which imposed a tariff rate quota (TRQ) of 5 euros per metric ton (MT) on the first 2,730,000 MT of corn gluten feed imported into the EU from the United States. The TRQ was made applicable beginning on the earlier of June 1, 2001 or five days after the date of the WTO Dispute Settlement Body's (DSB) adoption of a decision that the U.S. quota on wheat gluten, applied pursuant to Section 201 of the Trade Act of 1974 (19 U.S.C. 2251), was "incompatible with the WTO Agreements." The EU has cited Articles 8.2 and 8.3 of the WTO Agreement on Safeguards as authority for this measure. Its representatives stated that the DSB adoption of its recommendations and rulings in *United States—Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities*, WT/DS166/AB/R (January 19, 2000) triggered the application of the TRQ.

The EU provided written notification of this measure to the WTO Committee

on Safeguards and the Council for Trade in Goods, but never placed the measure on the agenda of the WTO Council for Trade in Goods. In addition, the EU at no point consulted with the United States on how measures imposed by the EU might meet the requirement to maintain substantially equivalent levels of concessions and other obligations to that existing under the GATT 1994. Therefore, it appears that the corn gluten feed TRQ does not satisfy the requirements of Articles 8.1, 8.2, and 8.3 of the Safeguards Agreement for a Member to suspend concessions or other obligations.

Public Comment: Requirements for Submissions

Interested persons are invited to submit written comments concerning the issues raised in the dispute. Comments must be in English and provided in fifteen copies. A person requesting that information contained in a comment submitted by that person be treated as confidential business information must certify that such information is business confidential and would not customarily be released to the public by the commenter. Confidential business information must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page of each copy.

Information or advice contained in a comment submitted, other than business confidential information, may be determined by USTR to be confidential in accordance with section 135(g)(2) of the Trade Act of 1974 (19 U.S.C. 2155(g)(2)). If the submitter believes that information or advice may qualify as such, the submitter—

(1) Must so designate the information or advice;

(2) Must clearly mark the material as "SUBMITTED IN CONFIDENCE" in a contrasting color ink at the top of each page of each copy; and

(3) Is encouraged to provide a non-confidential summary of the information or advice.

Pursuant to section 127(e) of the URAA (19 U.S.C. 3537(e)), USTR will maintain a file on this dispute settlement proceeding, accessible to the public, in the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC 20508. The public file will include non-confidential comments received by USTR from the public with respect to the dispute; if a dispute settlement panel is convened, the U.S. submissions to that panel, the submissions, or non-confidential summaries of submissions, to the panel received from other participants in the

dispute, as well as the report of the panel; and, if applicable, the report of the Appellate Body. An appointment to review the public file (Docket WTO/DS223, Corn Gluten TRQ Dispute) may be made by calling Brenda Webb, (202) 395-6186. The USTR Reading Room is open to the public from 9:30 a.m. to 12 noon and 1 p.m. to 4 p.m., Monday through Friday.

A. Jane Bradley,

Assistant United States Trade Representative for Monitoring and Enforcement.

[FR Doc. 01-3471 Filed 2-9-01; 8:45 am]

BILLING CODE 3190-01-P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA-2001-8774]

Agency Information Collection Activities; Request for Comments; Renewed Approval of Information Collection; Drug Offender's Drivers' License Suspension Certification

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew an information collection. The collection involves annual certifications submitted by the Governors of the States indicating their compliance with regulations which require revocation or suspension of drivers' licenses of individuals convicted of drug offenses (23 U.S.C. 159(a)(3)(A)). The information to be collected will be used to assess the States' role in meeting the legal Federal requirements of certain safety programs. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by April 13, 2001.

ADDRESSES: You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493-2251; or submit electronically at <http://dmses.dot.gov/submit>. All comments should include the docket number in this notice's heading. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed

stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

FOR FURTHER INFORMATION CONTACT: Byron E. Dover, 202-366-2161, Office of Safety, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

OMB Control No: 2125-0579

(Expiration Date: June 30, 2001)

Title: Drug Offender's Drivers' License Suspension Certification

Background: States are legally required to enact and enforce laws that revoke or suspend the drivers' licenses of any individual convicted of a drug offense and to make annual certifications to the FHWA on their actions. The implementing regulations of the Department of Transportation and Related Agencies Appropriation Act, 1993 (Public Law 102-388, October 6, 1992) require annual certifications by the Governors. In this regard, the State must submit by January 1 of each year either a written certification, signed by the Governor, stating that the State is in compliance with 23 U.S.C. 159; or a written certification stating that the Governor is opposed to the enactment or enforcement, and that the State legislature has adopted a resolution expressing its opposition to 23 U.S.C. Section 159.

Beginning in fiscal year 1996, States' failure to comply by October 1 of each fiscal year will result in a withholding penalty of 10 percent from major categories of Federal-aid funds (i.e., National Highway System, Surface Transportation Program and Interstate) from States' apportionments for the fiscal year. Any funds withheld in FY 1996 and thereafter cannot be restored and will be redistributed.

Respondents: 50 States and the District of Columbia and Puerto Rico

Estimated Annual Burden Hours: Annual average of 5 hours for each respondent; 260 total annual burden hours

Public Comments Invited

You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the

burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Electronic Access

Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202-512-1661. Internet users may reach the **Federal Register's** home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 7, 2001.

James R. Kabel,

Chief, Management Programs and Analysis Division.

[FR Doc. 01-3551 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD-2001-8770]

Information Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Maritime Administration's (MARAD's) intentions to request extension of approval for three years of a currently approved information collection.

DATES: Comments should be submitted on or before April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Taylor Jones, Maritime Administration, MAR-250, 400 Seventh St., SW., Washington, DC 20590. Telephone: 202-366-5755, FAX: 202-493-2288. Copies of this collection can also be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title of Collection: Merchant Marine Medals and Awards.

Type of Request: Extension of currently approved information collection.

OMB Control Number: 2133-0506.

Form Numbers: None.

Expiration Date of Approval: May 31, 2001.

Summary of Collection of Information: This information collection provides a method of awarding merchant marine medals and decorations to masters, officers, and crew members of United States ships in recognition of their service in areas of danger during the operations by the Armed Forces of the United States in World War II, Korea, Vietnam, and Operation Desert Storm.

Need and Use of the Information: This information is used by MARAD personnel to process and verify requests for service awards.

Annual Responses: 1500.

Annual Burden: 1500 hours.

Comments: Comments should refer to the docket number that appears at the top of this document. Written comments may be submitted to the Docket Clerk, U.S. DOT Dockets, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. Comments may also be submitted by electronic means via the Internet at <http://dmses.dot.gov/submit>. Specifically address whether this information collection is necessary for proper performance of the functions of the agency and will have practical utility, accuracy of the burden estimates, ways to minimize this burden, and ways to enhance the quality, utility, and clarity of the information to be collected. All comments received will be available for examination at the above address between 10 a.m. and 5 p.m. EDT, Monday through Friday, except Federal Holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>.

By Order of the Maritime Administrator.

Dated: February 7, 2001.

Joel C. Richard,

Secretary.

[FR Doc. 01-3522 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD-2001-8758]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ADVENTURE.

SUMMARY: As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S. vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 14, 2001.

ADDRESSES: Comments should refer to docket number MARAD-2001-8758. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT:

Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5129.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been

received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-Build Requirement

(1) *Name of vessel and owner for which waiver is requested:* Name of vessel: ADVENTURE. Owner: David J. Holmes III and Charly Holmes.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: "LOD 41.6' LOA 47' 13 tons".

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant: Very occasional chartering to a very limited number of passengers for short sails with the Captain and crew aboard. One stateroom available with a shared head. Envision educational short trips to acquaint 1 or 2 persons with joy of sailing on traditional gaff-rigged vessel." "Coastwise USA & territories while cruising in those areas as part of a around-the-world voyage."

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of construction: 1988. Place of construction: Hout Bay, Cape Town, South Africa.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators:* According to the applicant: "No competition to organized and existing operations."

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: "No perceivable impact on U.S. shipyards—owner is boatbuilder."

Dated: February 7, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01-3525 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD-2001-8759]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of

the Coastwise Trade Laws for the vessel ASTI I.

SUMMARY: As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S. vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 14, 2001.

ADDRESSES: Comments should refer to docket number MARAD-2001-8759. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5129.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested

parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested:* Name of vessel: ASTI I. Owner: Anthony & Mary M. Guglielmo.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: "44 foot Trawler/35 gross tons."

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant: Charters/fishing/cruising/whale watching, etc." Area: "coastal California coast; specifically, central California coast."

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of construction: 1977. Place of construction: Foreign construction.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators:* According to the applicant: "My intended use is for vessel charters out of Santa Cruz Harbor. The need for small charters from the over-populated bay area is much greater than what currently exists. My intention is to concentrate on small corporate charters that would have little or no impact on the existing charters."

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: "No impact on U.S. Ship Yards."

Dated: February 7, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01-3523 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD-2001-8757]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel FAIR WINDS.

SUMMARY: As authorized by Pub. L. 105-383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105-383 and MARAD's regulations at 46 CFR part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S. vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before March 14, 2001.

ADDRESSES: Comments should refer to docket number MARAD-2001-8757. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Department of Transportation, 400 7th St., SW., Washington, DC 20590-0001. You may also send comments electronically via the Internet at <http://dmses.dot.gov/submit/>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://dms.dot.gov>.

FOR FURTHER INFORMATION CONTACT: Gordon Angell, U.S. Department of Transportation, Maritime Administration, MAR-832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202-366-5129.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105-383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to

properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement

(1) *Name of vessel and owner for which waiver is requested:* Name of vessel: FAIR WINDS. Owner: John F. and Tammi-Tonti Crismore.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: "size: length: 38', breadth: 11'11"; capacity: 2 tons; and tonnage: gross 10 tons, net 8 tons (manufacturer's specifications.)"

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant: "Intended commercial use of the vessel will be to carry a maximum of six (6) paying passengers for vacation charters." "Geographic region of intended operation will be the coastal United States, Bahamas, and the Caribbean."

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of construction: 1976. Place of construction: Santa Ana, California. Since owners lack proof of U.S. construction, MARAD is processing this application as though the vessel was built foreign (46 CFR 188.3(a)(4)).

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators:* According to the applicant: "The vessel's principle operating area will be in the west coast waters of Florida. The vessel will be berthed at a large marina in Palmetto, Florida, where three existing charter companies are based. The owners will captain the vessel. The charter companies in this area are for bareboat (non-captained) charters, thereby placing this vessel and its type of operation in a category by itself.

Therefore, this waiver will have no impact on other commercial passenger vessel operators."

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: "This waiver will have no impact on U.S. shipyards. (The vessel was manufactured in a U.S. Shipyard.)"

Dated: February 7, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01-3524 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01-19]

Revised Schedule of Navigation Fees

AGENCY: Customs Service, Treasury.

ACTION: General notice.

SUMMARY: This document announces a revision to the schedule of navigation fees for specific services provided to vessels by Customs officers. The fees authorized to be collected represent reimbursement to the government for costs associated with providing specific services to private parties. The current fee schedule was last revised in 1985 and does not reflect current salary and benefit costs and other appropriate costs and, therefore, does not effectively reimburse Customs for the services it provides vessels. Accordingly, the navigation fees are being revised to recover the full costs of providing services to vessels.

EFFECTIVE DATE: March 14, 2001.

FOR FURTHER INFORMATION CONTACT: April Conti, Cost Management Staff, Office of Finance, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., Washington, DC, 20029, Tel. (202) 927-2014.

SUPPLEMENTARY INFORMATION:

Background

Customs provides certain services for vessels on a reimbursable basis. The specific services provided are delineated at § 4.98 of the Customs Regulations (19 CFR 4.98). Section 214(b) of the Customs Procedural Reform and Simplification Act of 1978 (Pub. L. 95-410, 92 Stat. 888, 19 U.S.C. 58a) authorizes the Secretary of the Treasury to establish the schedule of fees, commonly referred to as "navigation fees", that Customs can charge and collect for these services. The fees are to be consistent with 31 U.S.C. 9701, which provides that the costs of specific services for private interests shall be reimbursed to the Government. The fees are calculated in accordance with the provisions of § 24.17(d) of the Customs Regulations (19 CFR 24.17(d)). The authority to establish the schedule of navigation fees was delegated by the Secretary of the Treasury to the Commissioner of Customs by Treasury Department Order No. 165, Revised (T.D. 53654).

The current schedule of navigation fees was last revised by T.D. 85-70 to reflect Federal pay increases, administrative overhead charges, and Medicare expenses at that time. Customs has not revised the schedule of navigation fees since that time to effectively recover the costs associated with subsequent increases in the rate of compensation paid to Customs officers performing a given service and other appropriate costs. Customs Office of Finance has recently conducted a review of the fees prescribed at § 4.98 to determine if the current navigation fee schedule recovers the full costs of providing the services specified and found that it does not. Accordingly, it is necessary for Customs to revise the fee schedule as follows:

Fee No. and description of services	Current fee	Revised fee
1. Entry of vessel, including American from a foreign port or from another U.S. port when transporting unentered foreign merchandise:		
(a) Less than 100 net tons	\$9.00	\$19.00
(b) 100 net tons and over	18.00	37.00
2. Clearance of vessel, including American to a foreign port or to another U.S. port when transporting unentered foreign merchandise:		
(a) Less than 100 net tons	9.00	19.00
(b) 100 net tons and over	18.00	37.00
3. Issuing permit to foreign vessel to proceed from port to port, and receiving manifest	18.00	37.00
4. Receiving manifest of foreign vessel on arrival from another port, and granting a permit to unlade	18.00	37.00
5. Receiving post entry	9.00	19.00
6. Certifying payment of tonnage tax for foreign vessels only	4.50	9.00
7. Furnishing copy of official document, including certified outward foreign manifest, and others not elsewhere enumerated	18.00	37.00

The fee schedule set forth in this document becomes effective 30 days after its publication in the **Federal Register** and will remain in effect until further revised.

Dated: February 7, 2001.

Charles W. Winwood,

Acting Commissioner of Customs.

[FR Doc. 01-3549 Filed 2-9-01; 8:45 am]

BILLING CODE 4820-02-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5300 and Schedule Q (Form 5300)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5300, Application for Determination for Employee Benefit Plan, and Schedule Q (Form 5300), Nondiscrimination Requirements.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Employee Benefit Plan (Form 5300), and Nondiscrimination Requirements (Schedule Q (Form 5300)).

OMB Number: 1545-0197.

Form Number: Form 5300 and Schedule Q (Form 5300).

Abstract: Internal Revenue Code sections 401(a) and 501(a) set out requirements for qualification of employee benefit trusts and the tax exempt status of these trusts. Form 5300

is used to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust. The information requested on Schedule Q (Form 5300) relates to the manner in which the plan satisfies certain qualification requirements concerning minimum participation, coverage, and nondiscrimination.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 500,000.

Estimated Time Per Respondent: 20 hours, 54 minutes.

Estimated Total Annual Burden Hours: 10,453,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3529 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5303

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5303, Application for Determination for Collectively Bargained Plan.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Determination for Collectively Bargained Plan.

OMB Number: 1545-0534.

Form Number: 5303.

Abstract: Form 5303 is used to request a determination letter from the IRS for the qualification of a defined benefit or a defined contribution plan and the exempt status of any related trust. The form provides the IRS with the information necessary to verify that the employer has a qualified plan and may make tax deductible contributions to it.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations, and individuals.

Estimated Number of Respondents: 2,500.

Estimated Time Per Respondent: 35 hours, 17 minutes.

Estimated Total Annual Burden Hours: 88,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments:

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3530 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4466

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form

4466, Corporation Application for Quick Refund of Overpayment of Estimated Tax.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:
Title: Corporation Application for Quick Refund of Overpayment of Estimated Tax.

OMB Number: 1545-0170.

Form Number: Form 4466.

Abstract: Section 6425(a)(1) of the Internal Revenue Code provides that a corporation may file an application for an adjustment of an overpayment of estimated income tax. Form 4466 is used for this purpose. The IRS uses the information on Form 4466 to process the claim, so the refund can be issued.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 16,125.

Estimated Time Per Respondent: 4 hours, 15 minutes.

Estimated Total Annual Burden Hours: 68,532.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3531 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6406

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6406, Short Form Application for Determination for Minor Amendment of Employee Benefit Plan.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Short Form Application for Determination for Minor Amendment of Employee Benefit Plan.

OMB Number: 1545-0229.

Form Number: 6406.

Abstract: Form 6406 is used to apply for a determination for a minor amendment for an employee benefit plan if that plan has already received a favorable determination letter that takes into account the requirements of the Tax Reform Act of 1986. The information gathered will be used to decide whether the plan is qualified under Internal Revenue Code section 401(a).

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 16,000.

Estimated Time Per Respondent: 12 hr., 59 min.

Estimated Total Annual Burden Hours: 207,680.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3532 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 98-20

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 98-20, Certification for No Information Reporting on the Sale of a Principal Residence.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Certification for No Information Reporting on the Sale of a Principal Residence.

OMB Number: 1545-1592.

Revenue Procedure Number: Revenue Procedure 98-20.

Abstract: This revenue procedure sets forth the acceptable form of the written assurances (certification) that a real estate reporting person must obtain from the seller of a principal residence to except such sale or exchange from the information reporting requirements for real estate transactions under section 6045(e)(5) of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 2,300,000.

Estimated Time Per Respondent: 10 minutes.

Estimated Total Annual Burden

Hours for Respondents: 383,000.

Estimated Number of Recordkeepers: 90,000.

Estimated Time Per Recordkeeper: 25 minutes.

Estimated Total Annual Burden

Hours for Recordkeepers: 37,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3533 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 98-19

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 98-19, Exceptions to the notice and reporting requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Exceptions to the notice and reporting requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

OMB Number: 1545-1589.

Revenue Procedure Number: Revenue Procedure 98-19.

Abstract: Revenue Procedure 98-19 provides guidance to organizations exempt from taxation under section 501(a) of the Internal Revenue Code of 1986 on certain exceptions from the reporting and notice requirements of section 6033(e)(1) and the tax imposed by section 6033(e)(2).

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, not-for-profit institutions and farms.

Estimated Number of Organizations: 15,000.

Estimated Average Time Per Organizations: 10 hours.

Estimated Total Annual Recordkeeping Hours: 150,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long

as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3534 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS-27-91]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13(44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-27-91 (TD 8442), Procedural Rules for Excise Taxes Currently Reportable on Form 720 (§§ 40.6302(c)-3(b)(2)(ii), 40.6302(c)-3(b)(2)(iii), and 40.6302(c)-3(e)).

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Procedural Rules for Excise Taxes Currently Reportable on Form 720.

OMB Number: 1545-1296.

Regulation Project Number: PS-27-91.

Abstract: Internal Revenue Code section 6302(c) authorizes the use of Government depositories for the receipt of taxes imposed under the internal revenue laws. These regulations provide reporting and recordkeeping requirements related to return, payments, and deposits of tax for excise taxes currently reportable on Form 720.

Current Actions: There are no changes being made to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Recordkeepers: 4,000.

Estimated Time Per Recordkeepers: 60 hours.

Estimated Total Annual

Recordkeeping Hours: 240,000.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 22 minutes.

Estimated Total Annual Burden Hours: 1,850.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3535 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Notice 89-61

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Notice 89-61, Imported Substances; Rules for Filing a Petition.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Imported Substances; Rules for Filing a Petition.

OMB Number: 1545-1117.

Notice Number: Notice 89-61.

Abstract: Section 4671 of the Internal Revenue Code imposes a tax on the sale or use of certain imported taxable substances by the importer. Code section 4672 provides an initial list of taxable substances and provides that importers and exporters may petition the Secretary of the Treasury to modify the list. Notice 89-61 sets forth the procedures to be followed in petitioning the Secretary.

Current Actions: There are no changes being made to the notice at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 100.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3536 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6197

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6197, Gas Guzzler Tax.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Gas Guzzler Tax.

OMB Number: 1545-0242.

Form Number: Form 6197.

Abstract: Internal Revenue Code section 4064 imposes a gas guzzler tax on the sale, use, or first lease by a manufacturer or importer of automobiles whose fuel economy does not meet certain standards for fuel economy. The tax is computed on Form 6197. The IRS uses the information to verify computation of the tax and compliance with the law.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Respondents: 605.

Estimated Time Per Respondent: 4 hours, 47 minutes.

Estimated Total Annual Burden Hours: 2,892.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3538 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5578

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5578, Annual Certification of Racial

Nondiscrimination for a Private School Exempt From Federal Income Tax.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Certification of Racial Nondiscrimination for a Private School Exempt From Federal Income Tax.

OMB Number: 1545-0213

Form Number: Form 5578

Abstract: Every organization that claims exemption from Federal income tax under Internal Revenue Code section 501(c)(3) and that operates, supervises, or controls a private school must file a certification of racial nondiscrimination. Such organizations, if they are not required to file Form 990, must provide the certification on Form 5578. The Internal Revenue Service uses the information to help ensure that the school is maintaining a nondiscriminatory policy in keeping with its exempt status.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Not-for-profit institutions.

Estimated Number of Respondents: 1,000

Estimated Time Per Respondent: 4 hrs., 45 min.

Estimated Total Annual Burden Hours: 4,750

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of

public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3539 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2032

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2032, Contract Coverage Under Title II of the Social Security Act.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Contract Coverage Under Title II of the Social Security Act.

OMB Number: 1545-0137.

Form Number: Form 2032.

Abstract: U.S. citizens and resident aliens employed abroad by foreign affiliates of American employers are exempt from social security taxes.

Under Internal Revenue Code section 3121(1), American employers may file an agreement to waive this exemption and obtain social security coverage for U.S. citizens and resident aliens employed abroad by their foreign affiliates. Form 2032 is used for this purpose.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 160.

Estimated Time Per Respondent: 3 hrs.

Estimated Total Annual Burden Hours: 480.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3540 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1001

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1001, Ownership, Exemption, or Reduced Rate Certificate.

DATES: Written comments should be received on or before April 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, (202) 622-3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Ownership, Exemption, or Reduced Rate Certificate.

OMB Number: 1545-0055.

Form Number: Form 1001.

Abstract: Form 1001 is used by owners of certain types of income to report to a withholding agent, both the ownership and any reduced or exempt tax rate under tax conventions or treaties, and, if appropriate, to claim a release of tax withheld at source. The withholding agent uses the information to determine the appropriate withholding.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households and business or other for-profit organizations.

Estimated Number of Respondents: 100,000.

Estimated Time Per Respondent: 6 hrs., 50 min.

Estimated Total Annual Burden Hours: 684,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01-3541 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Special Enrollment Examination Advisory Committee

AGENCY: Internal Revenue Service, Office of Director of Practice, Treasury.

ACTION: Notice of renewal of advisory committee.

SUMMARY: The Director of Practice gives notice of the renewal of the Special Enrollment Examination Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Kathy Black, Designated Federal Officer, Special Enrollment Examination Advisory Committee, 202-694-1851.

SUPPLEMENTARY INFORMATION: In accordance with 41 CFR 101-6.1015(a)(1), the Director of Practice hereby gives notice of the renewal of the Special Enrollment Examination Advisory Committee ("SEEAC"), which was formerly known as the "Advisory Committee on the Special Enrollment Examination." The SEEAC has been renewed under the authority of section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. app.

Section 330 of 31 U.S.C. authorizes the Secretary of the Treasury to require that representatives before the Department demonstrate their "competency to advise and assist persons in presenting their cases." Pursuant to that statute, the Secretary has promulgated the regulations governing practice before the Internal Revenue Service, which are found at 31 CFR part 10 and are separately published in pamphlet form as Treasury Department Circular No. 230 (to order call 1-800-829-3676).

The regulations provide that enrolled agents are among the classes of individuals eligible to practice before the Internal Revenue Service. The regulations also authorize the Director of Practice to pass upon applications for enrollment and to grant enrollment to applicants who demonstrate special competence in tax matters by written examination administered by the Internal Revenue Service. This written examination is the Special Enrollment Examination (SEE).

The purpose of the Committee is to advise the Director of Practice on the SEE. The Committee's advisory functions will include, but will not necessarily be limited to: (1) Considering areas of federal tax knowledge that should be treated on the SEE; (2) developing examination questions; and (3) recommending passing scores.

Dated: January 31, 2001.

Patrick W. McDonough,

Director of Practice.

[FR Doc. 01-3543 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of Citizen Advocacy Panel, Brooklyn District

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: An open meeting of the Brooklyn District Citizen Advocacy Panel will be held in Brooklyn, New York.

DATES: The meeting will be held Friday, March 2, 2001.

FOR FURTHER INFORMATION CONTACT: Eileen Cain at 1-888-912-1227 or 718-488-3555.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Friday, March 2, 2001 6 p.m. to 9:20 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1-888-912-1227 or 718-488-3555. The public is invited to make oral comments from 8:30 p.m. to 9:20 p.m. on Friday, March 2, 2001.

Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 718-488-3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201. The Agenda will include the following: Various IRS issues.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: January 26, 2001.

Jack Mannion,

Director, Program Planning and Quality.

[FR Doc. 01-3542 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of South Florida Citizen Advocacy Panel

ACTION: Notice.

SUMMARY: An open meeting of the South Florida Citizen Advocacy Panel will be held in Sunrise, Florida.

DATES: The meeting will be held Friday, February 23, 2001 and Saturday, February 24, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy Ferree at 1-888-912-1227, or 954-423-7973.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1988) that an open meeting of the Citizen Advocacy Panel will be held Friday, February 23, 2001 from 6 p.m. to 9 p.m. and Saturday, February 24, 2000 from 9 a.m. to 12 p.m., in Room 225, CAP Office, 7771 W. Oakland Park Blvd., Sunrise, Florida 33351. The public is invited to make oral comments. Individual comments will be limited to 10 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 954-423-7973, or write Nancy Ferree, CAP Office, 7771 W. Oakland Park Blvd. Rm. 225, Sunrise, FL 33351. Due to limited conference space, notification of intent to attend the meeting must be made with Nancy Ferree. Ms. Ferree can be reached at 1-888-912-1227 or 954-423-7973.

The agenda will include the following: various IRS issue updates and reports by the CAP sub-groups.

Note: Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: January 30, 2001.

John J. Mannion,

Director, Program Planning and Quality.

[FR Doc. 01-3544 Filed 2-9-01; 8:45 am]

BILLING CODE 4830-01-P

**DEPARTMENT OF VETERANS
AFFAIRS****Special Medical Advisory Group,
Notice of Availability of Annual Report**

Under Section 10(d) of Public Law 92-463 (Federal Advisory Committee Act), notice is hereby given that the Annual Report of the Department of Veterans Affairs Special Medical Advisory Group for Fiscal Year 2000 has been issued.

The report summarizes activities of the Group relative to the care and treatment of disabled veterans and other matters pertinent to the Department of Veterans Affairs, Veterans Health Administration. It is available for public inspection at two location:

Federal Documents Section, Exchange and Gift Division, LM 632, Library of Congress, Washington, DC 20540;

and

Department of Veterans Affairs, Office of the Under Secretary for Health, VA Central Office, Room 805, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: February 1, 2001.

By Direction of the Secretary.

Ventris C. Gibson,

Committee Management Officer.

[FR Doc. 01-3487 Filed 2-9-01; 8:45 am]

BILLING CODE 8320-01-M

Corrections

Federal Register

Vol. 66, No. 29

Monday, February 12, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 141

[FRL-6925-7]

RIN 2040-AD43

Revisions to the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1DBPR), and Revisions to State Primacy Requirements To Implement the Safe Drinking Water Act (SDWA) Amendments

Correction

In rule document 01-655, beginning on page 3770, in the issue of Tuesday, January 16, 2001, make the following corrections:

§ 141.34 [Corrected]

1. On page 3779, in the table, in the second column, in paragraph (iv), "prevent" should read "percent".

2. On the same page, in the same table, in the same column, in paragraph (v), "ehnanced" should read "enhanced".

3. On the same page, in the same table, in the same column, in paragraph (v), in the third line, remove the repeated phrase "in §141.135(b)".

4. On the same page, in the same table, in the same column, in footnote

1, in the second line, "taht" should read "that".

[FR Doc. C1-655 Filed 2-9-01; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MTM 88993]

Public Land Order No. 7480; Withdrawal of National Forest System Lands in the Rocky Mountain Front; Montana

Correction

In notice document 01-1816 beginning on page 6657 in the issue of Monday, January 22, 2001, make the following correction:

On page 1816, in the second column:

"T. 29 N., R. 12 W., unsurveyed

Secs. 1 to 30, inclusive, and Secs. 32 to 36, inclusive; Sec. 31, excluding Flathead National Forest System lands." should read:

"T. 29 N., R. 12 W., unsurveyed

Secs. 1 to 30, inclusive, and Secs. 32 to 36, inclusive;

Sec. 31, excluding Flathead National Forest System lands."

[FR Doc. C1-1816 Filed 2-9-01; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-ACE-37]

Amendment to Class E Airspace; Grant, NE

Correction

In rule document 01-1279 beginning on page 8358, in the issue of Wednesday, January 31, 2001, make the following correction:

§ 71.1 [Corrected]

On page 8359, in the second column, in §71.1, under the heading, **ACE NE E5 Grant, NE [Revised]**, in the 6th line, "with" should read "within".

[FR Doc. C1-1279 Filed 2-9-01; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-ACE-28]

Amendment to Class E Airspace; Pittsburg, KS

Correction

In rule document 00-27182, beginning on page 63544, in the issue of Tuesday, October 24, 2000, make the following correction:

§71.1 [Corrected]

On page 63545, in the second column, §71.1, under the heading, **ACE KS E5 Pittsburg, KS [Revised]**, in the eighth line, "east" should read "each".

[FR Doc. C0-27182 Filed 2-9-01; 8:45 am]

BILLING CODE 1505-01-D



Federal Register

**Monday,
February 12, 2001**

Part II

Department of Transportation

Federal Railroad Administration

**49 CFR Parts 229, 231, 232
Brake System Safety Standards for Freight
and Other Non-Passenger Trains and
Equipment; End-of-Train Devices; Final
Rule; Delay of Effective Date**

DEPARTMENT OF TRANSPORTATION**Federal Railroad Administration****49 CFR Parts 229, 231, and 232**

[FRA Docket No. PB-9; Notice No. 18]

RIN 2130-AB16

Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices; Final Rule: Delay of Effective Date**AGENCY:** Federal Railroad Administration (FRA), DOT.**ACTION:** Final Rule; Delay of effective date; Conforming amendments.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001, 66 FR 7702, this action temporarily delays for 60 days the effective date of the rule entitled "Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices; Final Rule," published in the **Federal Register** on January 17, 2001, 66 FR 4104. This action also makes conforming amendments to reflect the effective date delay. That rule amends the regulations governing the power braking systems and equipment used in operating freight and other non-passenger trains and equipment, to achieve safety by better adapting those regulations to the needs of contemporary railroad operations and better facilitating the use of advanced technologies.

DATES: The effective date of the final rule amending 49 CFR parts 229 and 231 and revising 49 CFR part 232 published in the **Federal Register** on January 17, 2001, at 66 FR 4104, and

designated "FRA Docket No. PB-9; Notice No. 17," is delayed for 60 days, from April 1, 2001, until May 31, 2001. In addition, the Director of the Federal Register's approval of the incorporation by reference of certain publications listed in that rule is delayed for 60 days, from April 1, 2001, until May 31, 2001. The conforming amendments are effective May 31, 2001.

FOR FURTHER INFORMATION CONTACT:

Thomas Herrmann, Trial Attorney, FRA, Office of Chief Counsel, 1120 Vermont Avenue, NW., Mail Stop 10, Washington, DC 20590 (telephone (202) 493-6053).

SUPPLEMENTARY INFORMATION: To the extent that 5 U.S.C. 553 applies to this delay in effective date, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. 553(b)(A). Alternatively, the FRA's implementation of this action postponing the effective date without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the "good cause" exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

In this action FRA also makes conforming changes to the text of the

final rule published on January 17, 2001, so as to reflect the new effective date of May 31, 2001.

List of Subjects

49 CFR Part 229

Railroad locomotive safety, Railroad safety.

49 CFR Part 231

Railroad safety, Railroad safety appliances.

49 CFR Part 232

Incorporation by reference, Railroad power brakes, Railroad safety, Two-way end-of-train devices.

The Rule

In consideration of the foregoing, 49 CFR part 232, as revised at 66 FR 4193 effective May 31, 2001, is amended as follows:

PART 232—[AMENDED]

1. The authority citation for part 232 continues to read as follows:

Authority: 49 U.S.C. 20102-20103, 20107, 20133, 20141, 20301-20303, 20306, 21301-21302, 21304; 49 CFR 1.49(c), (m).

§ 232.1 [Amended]

2. In § 232.1(b) and (d), all references to "April 1, 2001" are revised to read "May 31, 2001".

Appendix B to Part 232 [Amended]

3. In the heading of appendix B to part 232, revise "April 1, 2001" to read "May 31, 2001".

Issued in Washington, DC, on January 31, 2001.

Ray Rogers,*Acting Deputy Administrator.*

[FR Doc. 01-3212 Filed 2-9-01; 8:45 am]

BILLING CODE 4910-06-P

Reader Aids

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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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.

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Note: PENS will resume service when bills are enacted into law during the next session of Congress.

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CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

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Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-038-00001-3)	6.50	Apr. 1, 2000
3 (1997 Compilation and Parts 100 and 101)	(869-042-00002-1)	22.00	Jan. 1, 2000
4	(869-042-00003-0)	8.50	Jan. 1, 2000
5 Parts:			
1-699	(869-042-00004-8)	43.00	Jan. 1, 2000
700-1199	(869-042-00005-6)	31.00	Jan. 1, 2000
1200-End, 6 (6 Reserved)	(869-042-00006-4)	48.00	Jan. 1, 2000
7 Parts:			
1-26	(869-042-00007-2)	28.00	Jan. 1, 2000
27-52	(869-042-00008-1)	35.00	Jan. 1, 2000
53-209	(869-042-00009-9)	22.00	Jan. 1, 2000
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1950-1999	(869-042-00020-0)	38.00	Jan. 1, 2000
2000-End	(869-042-00021-8)	31.00	Jan. 1, 2000
8	(869-042-00022-6)	41.00	Jan. 1, 2000
9 Parts:			
1-199	(869-042-00023-4)	46.00	Jan. 1, 2000
200-End	(869-042-00024-2)	44.00	Jan. 1, 2000
10 Parts:			
1-50	(869-042-00025-1)	46.00	Jan. 1, 2000
51-199	(869-042-00026-9)	38.00	Jan. 1, 2000
200-499	(869-042-00027-7)	38.00	Jan. 1, 2000
500-End	(869-042-00028-5)	48.00	Jan. 1, 2000
11	(869-042-00029-3)	23.00	Jan. 1, 2000
12 Parts:			
1-199	(869-042-00030-7)	18.00	Jan. 1, 2000
200-219	(869-042-00031-5)	22.00	Jan. 1, 2000
220-299	(869-042-00032-3)	45.00	Jan. 1, 2000
300-499	(869-042-00033-1)	29.00	Jan. 1, 2000
500-599	(869-042-00034-0)	26.00	Jan. 1, 2000
600-End	(869-042-00035-8)	53.00	Jan. 1, 2000
13	(869-042-00036-6)	35.00	Jan. 1, 2000

Title	Stock Number	Price	Revision Date
14 Parts:			
1-59	(869-042-00037-4)	58.00	Jan. 1, 2000
60-139	(869-042-00038-2)	46.00	Jan. 1, 2000
140-199	(869-038-00039-1)	17.00	Jan. 1, 2000
200-1199	(869-042-00040-4)	29.00	Jan. 1, 2000
1200-End	(869-042-00041-2)	25.00	Jan. 1, 2000
15 Parts:			
0-299	(869-042-00042-1)	28.00	Jan. 1, 2000
300-799	(869-042-00043-9)	45.00	Jan. 1, 2000
800-End	(869-042-00044-7)	26.00	Jan. 1, 2000
16 Parts:			
0-999	(869-042-00045-5)	33.00	Jan. 1, 2000
1000-End	(869-042-00046-3)	43.00	Jan. 1, 2000
17 Parts:			
1-199	(869-042-00048-0)	32.00	Apr. 1, 2000
200-239	(869-042-00049-8)	38.00	Apr. 1, 2000
240-End	(869-042-00050-1)	49.00	Apr. 1, 2000
18 Parts:			
1-399	(869-042-00051-0)	54.00	Apr. 1, 2000
400-End	(869-042-00052-8)	15.00	Apr. 1, 2000
19 Parts:			
1-140	(869-042-00053-6)	40.00	Apr. 1, 2000
141-199	(869-042-00054-4)	40.00	Apr. 1, 2000
200-End	(869-042-00055-2)	20.00	Apr. 1, 2000
20 Parts:			
1-399	(869-042-00056-1)	33.00	Apr. 1, 2000
400-499	(869-042-00057-9)	56.00	Apr. 1, 2000
500-End	(869-042-00058-7)	58.00	Apr. 1, 2000
21 Parts:			
1-99	(869-042-00059-5)	26.00	Apr. 1, 2000
100-169	(869-042-00060-9)	30.00	Apr. 1, 2000
170-199	(869-042-00061-7)	29.00	Apr. 1, 2000
200-299	(869-042-00062-5)	13.00	Apr. 1, 2000
300-499	(869-042-00063-3)	20.00	Apr. 1, 2000
500-599	(869-042-00064-1)	31.00	Apr. 1, 2000
600-799	(869-038-00065-0)	10.00	Apr. 1, 2000
800-1299	(869-042-00066-8)	38.00	Apr. 1, 2000
1300-End	(869-042-00067-6)	15.00	Apr. 1, 2000
22 Parts:			
1-299	(869-042-00068-4)	54.00	Apr. 1, 2000
300-End	(869-042-00069-2)	31.00	Apr. 1, 2000
23	(869-042-00070-6)	29.00	Apr. 1, 2000
24 Parts:			
0-199	(869-042-00071-4)	40.00	Apr. 1, 2000
200-499	(869-042-00072-2)	37.00	Apr. 1, 2000
500-699	(869-042-00073-1)	20.00	Apr. 1, 2000
700-1699	(869-042-00074-9)	46.00	Apr. 1, 2000
1700-End	(869-042-00075-7)	18.00	Apr. 1, 2000
25	(869-042-00076-5)	52.00	Apr. 1, 2000
26 Parts:			
§§ 1.0-1.60	(869-042-00077-3)	31.00	Apr. 1, 2000
§§ 1.61-1.169	(869-042-00078-1)	56.00	Apr. 1, 2000
§§ 1.170-1.300	(869-042-00079-0)	38.00	Apr. 1, 2000
§§ 1.301-1.400	(869-042-00080-3)	29.00	Apr. 1, 2000
§§ 1.401-1.440	(869-042-00081-1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-042-00082-0)	36.00	Apr. 1, 2000
§§ 1.501-1.640	(869-042-00083-8)	32.00	Apr. 1, 2000
§§ 1.641-1.850	(869-042-00084-6)	41.00	Apr. 1, 2000
§§ 1.851-1.907	(869-042-00085-4)	43.00	Apr. 1, 2000
§§ 1.908-1.1000	(869-042-00086-2)	41.00	Apr. 1, 2000
§§ 1.1001-1.1400	(869-042-00087-1)	45.00	Apr. 1, 2000
§§ 1.1401-End	(869-042-00088-9)	66.00	Apr. 1, 2000
2-29	(869-042-00089-7)	45.00	Apr. 1, 2000
30-39	(869-042-00090-1)	31.00	Apr. 1, 2000
40-49	(869-042-00091-9)	18.00	Apr. 1, 2000
50-299	(869-042-00092-7)	23.00	Apr. 1, 2000
300-499	(869-042-00093-5)	43.00	Apr. 1, 2000
500-599	(869-042-00094-3)	12.00	Apr. 1, 2000
600-End	(869-042-00095-1)	12.00	Apr. 1, 2000
27 Parts:			
1-199	(869-042-00096-0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
200-End	(869-042-00097-8)	18.00	Apr. 1, 2000	260-265	(869-042-00151-6)	36.00	July 1, 2000
28 Parts:				266-299	(869-042-00152-4)	35.00	July 1, 2000
0-42	(869-042-00098-6)	43.00	July 1, 2000	300-399	(869-042-00153-2)	29.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000	400-424	(869-042-00154-1)	37.00	July 1, 2000
29 Parts:				425-699	(869-042-00155-9)	48.00	July 1, 2000
0-99	(869-042-00100-1)	33.00	July 1, 2000	700-789	(869-042-00156-7)	46.00	July 1, 2000
100-499	(869-042-00101-0)	14.00	July 1, 2000	790-End	(869-042-00157-5)	23.00	⁶ July 1, 2000
500-899	(869-042-00102-8)	47.00	July 1, 2000	41 Chapters:			
900-1899	(869-042-00103-6)	24.00	July 1, 2000	1, 1-1 to 1-10		13.00	³ July 1, 1984
1900-1910 (§§ 1900 to 1910.999)	(869-042-00104-4)	46.00	⁶ July 1, 2000	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	³ July 1, 1984
1910 (§§ 1910.1000 to end)	(869-042-00105-2)	28.00	⁶ July 1, 2000	3-6		14.00	³ July 1, 1984
1911-1925	(869-042-00106-1)	20.00	July 1, 2000	7		6.00	³ July 1, 1984
1926	(869-042-00107-9)	30.00	⁶ July 1, 2000	8		4.50	³ July 1, 1984
1927-End	(869-042-00108-7)	49.00	July 1, 2000	9		13.00	³ July 1, 1984
30 Parts:				10-17		9.50	³ July 1, 1984
1-199	(869-042-00109-5)	38.00	July 1, 2000	18, Vol. I, Parts 1-5		13.00	³ July 1, 1984
200-699	(869-042-00110-9)	33.00	July 1, 2000	18, Vol. II, Parts 6-19		13.00	³ July 1, 1984
700-End	(869-042-00111-7)	39.00	July 1, 2000	18, Vol. III, Parts 20-52		13.00	³ July 1, 1984
31 Parts:				19-100		13.00	³ July 1, 1984
0-199	(869-042-00112-5)	23.00	July 1, 2000	1-100	(869-042-00158-3)	15.00	July 1, 2000
200-End	(869-042-00113-3)	53.00	July 1, 2000	101	(869-042-00159-1)	37.00	July 1, 2000
32 Parts:				102-200	(869-042-00160-5)	21.00	July 1, 2000
1-39, Vol. I		15.00	² July 1, 1984	201-End	(869-042-00161-3)	16.00	July 1, 2000
1-39, Vol. II		19.00	² July 1, 1984	42 Parts:			
1-39, Vol. III		18.00	² July 1, 1984	1-399	(869-042-00162-1)	53.00	Oct. 1, 2000
1-190	(869-042-00114-1)	51.00	July 1, 2000	400-429	(869-042-00163-0)	55.00	Oct. 1, 2000
191-399	(869-042-00115-0)	62.00	July 1, 2000	430-End	(869-042-00164-8)	57.00	Oct. 1, 2000
400-629	(869-042-00116-8)	35.00	July 1, 2000	43 Parts:			
630-699	(869-042-00117-6)	25.00	July 1, 2000	1-999	(869-042-00165-6)	45.00	Oct. 1, 2000
700-799	(869-042-00118-4)	31.00	July 1, 2000	1000-end	(869-042-00166-4)	55.00	Oct. 1, 2000
800-End	(869-042-00119-2)	32.00	July 1, 2000	44	(869-042-00167-2)	45.00	Oct. 1, 2000
33 Parts:				45 Parts:			
1-124	(869-042-00120-6)	35.00	July 1, 2000	1-199	(869-042-00168-1)	50.00	Oct. 1, 2000
125-199	(869-042-00121-4)	45.00	July 1, 2000	200-499	(869-042-00169-9)	29.00	Oct. 1, 2000
200-End	(869-042-00122-5)	36.00	July 1, 2000	500-1199	(869-042-00170-2)	45.00	Oct. 1, 2000
34 Parts:				1200-End	(869-038-00171-1)	54.00	Oct. 1, 2000
1-299	(869-042-00123-1)	31.00	July 1, 2000	46 Parts:			
300-399	(869-042-00124-9)	28.00	July 1, 2000	1-40	(869-038-00172-9)	42.00	Oct. 1, 2000
400-End	(869-042-00125-7)	54.00	July 1, 2000	41-69	(869-038-00173-7)	34.00	Oct. 1, 2000
35	(869-042-00126-5)	10.00	July 1, 2000	70-89	(869-038-00174-5)	13.00	Oct. 1, 2000
36 Parts:				90-139	(869-042-00175-3)	41.00	Oct. 1, 2000
1-199	(869-042-00127-3)	24.00	July 1, 2000	140-155	(869-038-00176-1)	23.00	Oct. 1, 2000
200-299	(869-042-00128-1)	24.00	July 1, 2000	156-165	(869-038-00177-2)	21.00	Oct. 1, 1999
300-End	(869-042-00129-0)	43.00	July 1, 2000	166-199	(869-038-00178-8)	42.00	Oct. 1, 2000
37	(869-042-00130-3)	32.00	July 1, 2000	200-499	(869-038-00179-6)	36.00	Oct. 1, 2000
38 Parts:				500-End	(869-042-00180-0)	23.00	Oct. 1, 2000
0-17	(869-042-00131-1)	40.00	July 1, 2000	47 Parts:			
18-End	(869-042-00132-0)	47.00	July 1, 2000	0-19	(869-038-00181-1)	39.00	Oct. 1, 1999
39	(869-042-00133-8)	28.00	July 1, 2000	20-39	(869-042-00182-6)	41.00	Oct. 1, 2000
40 Parts:				40-69	(869-042-00183-4)	41.00	Oct. 1, 2000
1-49	(869-042-00134-6)	37.00	July 1, 2000	70-79	(869-042-00184-2)	54.00	Oct. 1, 2000
50-51	(869-042-00135-4)	28.00	July 1, 2000	80-End	(869-042-00185-1)	54.00	Oct. 1, 2000
52 (52.01-52.1018)	(869-042-00136-2)	36.00	July 1, 2000	48 Chapters:			
52 (52.1019-End)	(869-042-00137-1)	44.00	July 1, 2000	1 (Parts 1-51)	(869-042-00186-9)	57.00	Oct. 1, 2000
53-59	(869-042-00138-9)	21.00	July 1, 2000	1 (Parts 52-99)	(869-042-00187-7)	45.00	Oct. 1, 2000
60	(869-042-00139-7)	66.00	July 1, 2000	2 (Parts 201-299)	(869-038-00188-8)	36.00	Oct. 1, 1999
61-62	(869-042-00140-1)	23.00	July 1, 2000	3-6	(869-038-00189-3)	40.00	Oct. 1, 2000
63 (63.1-63.1119)	(869-042-00141-9)	66.00	July 1, 2000	7-14	(869-042-00190-7)	52.00	Oct. 1, 2000
63 (63.1200-End)	(869-042-00142-7)	49.00	July 1, 2000	*15-28	(869-042-00191-5)	53.00	Oct. 1, 2000
64-71	(869-042-00143-5)	12.00	July 1, 2000	29-End	(869-042-00192-3)	38.00	Oct. 1, 2000
72-80	(869-042-00144-3)	47.00	July 1, 2000	49 Parts:			
81-85	(869-042-00145-1)	36.00	July 1, 2000	*1-99	(869-042-00193-1)	53.00	Oct. 1, 2000
86	(869-042-00146-0)	66.00	July 1, 2000	*100-185	(869-042-00194-0)	57.00	Oct. 1, 2000
87-135	(869-042-00146-8)	66.00	July 1, 2000	186-199	(869-042-00195-8)	17.00	Oct. 1, 2000
136-149	(869-042-00148-6)	42.00	July 1, 2000	*200-399	(869-042-00196-6)	57.00	Oct. 1, 2000
150-189	(869-042-00149-4)	38.00	July 1, 2000	400-999	(869-038-00197-7)	57.00	Oct. 1, 1999
190-259	(869-042-00150-8)	25.00	July 1, 2000	1000-1199	(869-042-00198-2)	25.00	Oct. 1, 2000
				1200-End	(869-042-00199-1)	21.00	Oct. 1, 2000
				50 Parts:			
				*1-199	(869-042-00200-8)	55.00	Oct. 1, 2000
				200-599	(869-042-00201-6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600-End	(869-038-00202-7)	37.00	Oct. 1, 1999
CFR Index and Findings Aids	(869-042-00047-1)	53.00	Jan. 1, 2000
Complete 1999 CFR set		951.00	1999
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

¹ Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

² The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

³ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

⁴ No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

⁵ No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

⁶ No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..