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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.

SMALL BUSINESS ADMINISTRATION

13 CFR Part 108

RIN 3245-AE40

New Markets Venture Capital Program: Delay of Effective Date

AGENCY: Office of New Markets Venture Capital, Small Business Administration.

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 the rule entitled New Markets Venture Capital Program published in the **Federal Register** on January 22, 2001, 66 FR 7218. The New Markets Venture Capital Program final rule adds new regulations to implement the New Markets Venture Capital Program Act of 2000 ("the Act"). The Act authorizes SBA to issue regulations necessary to implement the program. The regulations set forth the requirements for newly-formed venture capital companies to: qualify to become New Markets Venture Capital ("NMVC") companies; to make developmental venture capital investments in smaller enterprises located in low-income geographic areas; provide operational assistance to enterprises receiving such investments; and allow existing Specialized Small Business Investment Companies ("SSBICs") to qualify for grants to provide operational assistance to smaller enterprises located in low-income geographic areas.

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 impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations.

DATES: The effective date of the New Markets Venture Capital Program published in the **Federal Register** on January 22, 2001, at 66 FR 7218, is delayed for 60 days, from February 21, 2001, to a new effective date of April 23, 2001.

FOR FURTHER INFORMATION CONTACT: Austin Belton, Director, Office of New Markets Venture Capital, Small Business Administration, 409 Third Street, SW, Washington, DC 20416, (202) 205-6510.

John D. Whitmore,

Acting Administrator.

[FR Doc. 01-4171 Filed 2-16-01; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2001-ASW-04]

Revocation of Class D Airspace, Fort Worth Carswell AFB, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revokes Class D airspace at Fort Worth Carswell AFB, TX. This action is prompted by the need to eliminate the duplicate airspace designations for airspace in the Fort

Worth, TX area. On December 17, 2000, a final rule revising the Class D airspace at Naval Air Station (NAS) Joint Reserve Base (JRB) Carswell Field, Fort Worth, TX, was published in the **Federal Register** (64 FR 70565). That action included the Class D airspace that was already published that encompassed the closed Carswell AFB, TX. The intended effect of this rule is to eliminate the duplication of the controlled airspace for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX area.

DATES: Effective 0901 UTC, July 12, 2001. Comments must be received on or before April 6, 2001.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2001-ASW-04, Fort Worth, TX 76193-0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revokes Class D airspace at Fort Worth Carswell AFB, TX. This action is prompted by the need to eliminate the duplicate airspace designations for airspace in the Fort Worth, TX area. On December 17, 2000, a final rule revising the Class D airspace at Naval Air Station (NAS) Joint Reserve Base (JRB) Carswell Field, Fort Worth, TX, was published in the **Federal Register** (64 FR 70565). That action included the Class D airspace that was already published that encompassed the closed Carswell AFB, TX. The intended effect of this rule is to eliminate the duplication of the controlled airspace for aircraft operating in the vicinity of NAS JRB Carswell Field, Fort Worth, TX area.

Class D airspace designations are published in Paragraph 5000 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class D airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document will be published in the **Federal Register**. This document may withdraw the direct final rule in whole or in part. After considering the adverse or negative comment, we may publish another direct final rule or publish a notice of proposed rulemaking with a new comment period.

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic,

environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 2001-ASW-04." The postcard will be date stamped and returned to the commenter.

Agency Findings

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

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1950-1963 Comp., p. 389.

§ 71.1 [Amended]

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

Paragraph 5000 Class D airspace areas.

* * * * *

ASW TX D Fort Worth Carswell AFB, TX [Revoked]

* * * * *

Issued in Fort Worth, TX on February 9, 2001.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 01-4156 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00-AEA-11FR]

Establish Class E Airspace: Charlottesville, VA

AGENCY: Federal Aviation Administration [FAA] DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace for University of Virginia Medical Center Heliport. This action is made necessary by the development of a Helicopter Point in Space Standard Instrument Approach Procedure (SIAP) 062 based on the Global Positioning System (GPS). Sufficient controlled airspace is needed to accommodate the SIAP and for Instrument Flight Rules (IFR) operations at the heliport. The area would be depicted on aeronautical charts for pilot reference.

EFFECTIVE DATE: 0901 UTC March 15, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA-520, Air Traffic Division, Eastern Region, Federal

Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434-4809, telephone: (718) 553-4521.

SUPPLEMENTARY INFORMATION:

History

On November 22, 2000 a notice proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet Above Ground Level (AGL) at the University of Virginia Medical Center was published in the **Federal Register** (65FR 70323). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from the surface are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000 which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations at University of Virginia Medical Center Heliport, Charlottesville, VA.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation it is certified that this rule will not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

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

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

* * * * *

AEA VA E5 UVA Charlottesville, VA

University of Virginia Medical Center
Heliport
(Lat) 38°01'18" N—(long) 78°30'30" W
Azalea Park NDB
(Lat) 38°00'37" N—(long) 78°31'05" W

That airspace extending upward from 700 feet above the surface of the earth within a 6 mile radius of the University of Virginia Medical Center Heliport.

* * * * *

Issued in Jamaica, New York on January 29, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01-4153 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1215-AB09

Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Certification Process for Permanent Employment of Aliens in the United States

AGENCY: Employment and Training Administration, Labor, in concurrence with the Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Correction to interim final rule.

SUMMARY: This document contains a correction to the Interim Final Rule (IFR) published on December 20, 2000 (65 FR 80110), which implemented recent legislation and clarified existing Departmental rules relating to the temporary employment in the United States of nonimmigrants under H-1B visas. As discussed in the preamble to the Interim Final Rule, the Department concluded that Appendix A to subpart H (Guidance for the Determination of the "Actual Wage") would not be included in the rule. However, the Department inadvertently omitted the amendatory instruction to remove the appendix from the Code of Federal Regulations. This document corrects that error.

DATES: This rule is effective January 19, 2001.

FOR FURTHER INFORMATION CONTACT:

Michael Ginley, Director, Office of Enforcement Policy, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-0745 (this is not a toll-free number).

Dale M. Ziegler, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-3010 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 5, 1999, the Department published a Notice of Proposed Rulemaking (NPRM) (64 FR 628), seeking public comment on proposed revisions to its regulations relating to the employment of H-1B nonimmigrants which were necessitated by the enactment of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA). The Department also sought further comment on certain proposals which were previously published for comment as a Proposed Rule on October 31, 1995.

Among the matters addressed in the Interim Final Rule (65 FR 80191-80194) was the requirement of section 212(n)(1)(A)(i)(I) of the Immigration and Nationality Act (INA) that an employer seeking to employ H-1B nonimmigrants agree that it will pay the nonimmigrants at least the higher of the prevailing wage or the "actual wage level paid by the employer to all other individuals with similar experience and qualifications for the specific employment in question." Specifically, the Department had sought comment on Appendix A to Subpart H of the regulations, which contained

guidance and examples of the appropriate methods for determination of the actual wage for purposes of the H-1B wage requirement. The underlying regulatory provisions at §§ 655.731(a)(1), 655.731(b)(2), and 655.760(a)(3) were not open for notice and comment.

In the Interim Final Rule preamble, the Department fully described and responded to the comments and stated:

After carefully considering all the comments, the Department has concluded that Appendix A—which was created in response to employers' requests for technical guidance—has not served its intended purpose and has, instead, caused some confusion. The Department has, therefore, decided that Appendix A will not be included in the Interim Final Rule. The controlling standards for determining and documenting an employee's "actual wage" are contained in the current regulation, 20 CFR 655.731(a)(1), 655.731(b)(2), and 655.760(a)(3) (none of which were opened for comment in the NPRM). If the need arises in the future, the Department, as appropriate, will provide compliance advice or technical assistance further explaining the current regulation.

[65 FR 80193]

Although this preamble discussion made the Department's intention perfectly clear, and the Table of Contents did not contain Appendix A, the Department neglected to include an explicit instruction in the regulatory text to delete Appendix A. It is, therefore, necessary that a correction Rule be issued to achieve the Interim Final Rule's intention. This Final Rule provides the needed correction, and removes Appendix A from the H-1B regulations.

Procedural Requirements

The Department is of the view that this correction to an inadvertent error in the Interim Final Rule is not a rule to which the procedural requirements of the Administrative Procedure Act or the various statutes and executive orders relating to rules apply. If this correction is a rule, however, notice and comment is not required. Interested parties have had two opportunities to comment on Appendix A. In addition, the Appendix was an interpretation of § 655.731 and, as required by the rules of the **Federal Register**, did not contain new requirements or restrictions. Furthermore, if the correction is a rule, the Department finds good cause not to provide further notice and comment. Such additional notice and comment would be unnecessary and contrary to the public interest since the public was advised in the preamble to the Interim Final Rule that the Appendix was deleted and unnecessary confusion

would result if this correction were not made immediately. For the same reasons, the correction is effective on January 19, 2001, the effective date of the Interim Final Rule.

This correction contains no paperwork requirements to which the Paperwork Reduction Act applies. In addition, this action, if a rule, is not a "significant regulatory action" within the meaning of Executive Order 12866. Furthermore, this action is not a "major rule" within the meaning of the Small Business Regulatory Enforcement Act or an "unfunded mandate" within the meaning of Title II of the Unfunded Mandates Reform Act of 1995. Finally, the action will not have federalism implications within the meaning of Executive Order 13132, and a regulatory flexibility analysis is not required by the Regulatory Flexibility Act.

Accordingly, the Department makes the following correction to the interim final rule published on December 20, 2000. On page 80233, in the first column immediately preceding the heading for subpart I, insert instruction 21a to read as follows:

21a. Appendix A to subpart H of part 655 is removed.

Signed at Washington, DC, this 12th day of February, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary, Employment and Training Administration.

Thomas M. Markey,

Acting Administrator, Wage and Hour Division, Employment Standards Administration.

[FR Doc. 01-4126 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-U

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 655 and 656

RIN 1215-AB09

Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Certification Process for Permanent Employment of Aliens in the United States

AGENCY: Employment and Training Administration, Labor, in concurrence with the Employment Standards Administration, Wage and Hour Division, Department of Labor.

ACTION: Interim final rule; OMB approval of information collection requirements.

SUMMARY: The Employment and Training Administration (ETA) and the Employment Standards Administration (ESA) of the Department of Labor (DOL) are providing notice that on January 18, 2001, the Office of Management and Budget (OMB) approved under the Paperwork Reduction Act (PRA), the information collection requirements contained in Sections 655.700; 655.731; 655.736; 655.737(e)(1); 655.738(e); 655.739(i), and 655.760 of the subject regulation, under OMB No. 1205-0310.

DATES: These information collection requirements became effective on January 19, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Ginley, Director, Office of Enforcement Policy, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-0745 (this is not a toll-free number).

Dale M. Ziegler, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-2942 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On December 20, 2000 (65 FR 80110), ETA and ESA jointly published an Interim Final Rule (IFR) governing the employment of H-1B nonimmigrants in the United States. The Department at the same time submitted an information collection request, in accordance with the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.* and 5 CFR part 1320, seeking approval of the information collection requirements contained in that rule. These information collection requirements are contained in Sections 655.700; 655.731; 655.736; 655.737(e)(1); 655.738(e); 655.739(i); and 655.760 of that rule.

On January 18, 2001, OMB approved these information collections under the PRA and 5 CFR part 1320. The OMB control number assigned to these information collections is 1205-0310 and approval will expire January 31, 2004.

Signed at Washington, DC this 12th day of February, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary, Employment and Training Administration.

Thomas M. Markey,

Acting Administrator, Wage and Hour Division, Employment Standards Administration.

[FR Doc. 01-4119 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES**Food and Drug Administration****21 CFR Parts 314 and 601**

[Docket No. 99N-1852]

Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports; Delay of Effective Date**AGENCY:** Food and Drug Administration, HHS.**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 (66 FR 7702), this action temporarily delays for 60 days the effective date of the rule entitled "Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports," published in the *Federal Register* on October 30, 2000 (65 FR 64607).

DATES: The effective date of the "Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports," amending 21 CFR parts 314 and 601 published in the *Federal Register* on October 30, 2000 (65 FR 64607), is delayed for 60 days, from February 27, 2001, to a new effective date of April 30, 2001.

FOR FURTHER INFORMATION CONTACT: Paula S. McKeever, Center for Biologics Evaluation and Research (HFM-17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852-1448, 301-827-6210.

SUPPLEMENTARY INFORMATION: The rule concerns the requirements for annual postmarketing status reports for approved human drug and biological products, and requires applicants to submit annual status reports for certain postmarketing studies of licensed biological products. The rule describes the types of postmarketing studies covered by these status reports, the information to be included in the reports, and the type of information that the Food and Drug Administration would consider appropriate for public disclosure. The rule will implement specific provisions of the Food and Drug Administration Modernization Act of 1997 (FDAMA). 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 agency'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. 553(b)(B) and (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 of Health and Human Services (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, sent to all executive departments and agencies. 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 issuance and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication. As originally published in the *Federal Register* on October 30, 2000, this rule would have required some firms to file annual progress reports for postmarketing study commitments shortly after February 27, 2001, if the anniversary date of U.S. approval of the application of the drug or licensed biological product under postmarketing study commitment fell on or shortly after February 27, 2001. An immediate effective date for this rule delaying implementation is necessary to assure that those applicants are not singled out and required to submit postmarketing study reports before Department officials have had the opportunity for further review and consideration of this regulation.

Dated: February 13, 2001.

Ann M. Witt,*Acting Associate Commissioner for Policy.*

[FR Doc. 01-4141 Filed 2-16-01; 8:45 am]

BILLING CODE 4160-01-S**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 151****RIN 1076-AD90****Acquisition of Title to Land in Trust; Delay of Effective Date; Correction****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Correction to final rule.

SUMMARY: This document corrects the final rule published on Monday, February 5, 2001 (66 FR 8899). The February 5th rule delayed the effective date of the rule entitled "Acquisition of Title to Land in Trust," published in the *Federal Register* on January 16, 2001, at 66 FR 3452.

EFFECTIVE DATE: February 20, 2001.

FOR FURTHER INFORMATION CONTACT: Terry Virden, Director, Office of Trust Responsibilities, Mail Stop: 4513-MIB, 1849 "C" Street NW., Washington, DC 20240; telephone: 202-208-5831; electronic mail: TerryVirden@BIA.GOV.

SUPPLEMENTARY INFORMATION: On January 20, 2001, the Assistant to the President and Chief of Staff signed a memo to the heads of all executive Departments and agencies entitled "Regulatory Review Plan." (This memo was published in the *Federal Register* on January 24, 2001, at 66 FR 7701). To comply with this memo, we must delay for 60 days the effective date of any final rule that was published but not yet effective on or before January 20, 2001. On February 5th we published a final rule to delay the effective date of a rule titled "Acquisition of Title to Land in Trust." (We published the original "Acquisition of Title to Land in Trust" rule in the *Federal Register* on January 16, 2001, at 66 FR 3452.) In the **DATES** section of our February 5th rule, we incorrectly stated two dates, as shown in the following table:

In the February 5 rule we said that	What we should have said was
The effective date of the January 16 rule was January 16. The new, delayed effective date of the January 16 rule was March 17.	The effective date of the January 16 rule was February 15. The new, delayed effective date of the January 16 rule was April 16.

The delayed effective date that we published on February 5 would postpone the effective date for only 30 days, rather than the required 60 days. In this correction, we are making the following changes to the rule that we published on February 5th:

(1) Correcting the original effective date of the January 16 rule from January 17, 2001 to February 15, 2001; and

(2) Correcting the delayed effective date of the January 16 rule from March 17, 2001, to April 16, 2001.

Need for Correction

As published, the final rule contains errors that may prove to be misleading and are in need of correction.

Correction of Publication

Accordingly FR document 01-2963, published on February 5, 2001, is corrected as follows: On page 8899, in the first column, the material in the **DATES** heading is corrected to read in its entirety as follows:

DATES: The effective date of the Acquisition of Title to Land in Trust rule, amending 25 CFR part 151, published in the **Federal Register** on January 16, 2001, at 66 FR 3452, is delayed for 60 days, from February 15, 2001, to a new effective date of April 16, 2001.

Dated: February 13, 2001.

Timothy S. Elliott,

Acting Deputy Solicitor.

[FR Doc. 01-4095 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-02-M

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

[CGD01-00-234]

RIN 2115-AE47

Drawbridge Operation Regulations: Fort Point Channel, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is changing the drawbridge operating regulations for the Northern Avenue Bridge, mile 0.1, across the Fort Point Channel at Boston, Massachusetts. This rule will revise the drawbridge operating regulations to provide bridge openings during times the bridge previously did not open and also place the bridge on an advance notice basis during times when there have been few requests to open the bridge. This action is expected to better meet the present needs of navigation.

DATES: This rule is effective March 22, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01-00-234) and are available for inspection or copying at the First Coast Guard District, Bridge Branch Office, 408 Atlantic Avenue, Boston, Massachusetts 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223-8364.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On November 8, 2000, we published a notice of proposed rulemaking (NPRM) entitled Drawbridge Operation Regulations; Fort Point Channel, Massachusetts, in the **Federal Register** (65 FR 66939). We received six comment letters in response to the notice of proposed rulemaking. All the comment letters were in favor of the rule change. No public hearing was requested and none was held.

Background and Purpose

The Northern Avenue Bridge, mile 0.1, across the Fort Point Channel has a vertical clearance of 7 feet at mean high water and 17 feet at mean low water in the closed position. The existing operating regulations in 33 CFR 117.599 require the bridge to open on signal from 6 a.m. to 8 p.m. From 8 p.m. to 6 a.m., the bridge need not open for the passage of vessels. The Coast Guard received a request to change the operating regulations from a commercial tour boat operator and the mariners located at a marina upstream from the Northern Avenue Bridge. The mariners requested that the bridge be crewed and available to open for vessel traffic after 8 p.m. during the boating season. The bridge presently does not open from 8 p.m. to 6 a.m., daily.

The Coast Guard published a notice of temporary deviation and request for comments on April 27, 2000, in order to test an expanded operating schedule for the bridge and to provide immediate relief for the mariners during the summer of 2000. The deviation required the bridge to open on signal from 6 a.m. to 8 p.m. and from 8 p.m. to 6 a.m. to open on signal if at least a two-hour advance notice was provided by calling the number posted at the bridge. The Coast Guard received four letters in favor of expanding the operating hours for the bridge. After the comment period for the deviation concluded on September 30, 2000, the Coast Guard had discussions regarding the expansion of the operating hours for the bridge with officials from the City of Boston, the owner of the bridge. As a result of these discussions, the bridge owner agreed to crew the bridge additional hours as well as provide openings on an advance notice basis during times when the bridge is not crewed. The following schedule was established:

From May 1 through October 31, the draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

From November 1 through April 30, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m. the draw shall open on signal if at least a twenty-four hours advance notice is given by calling the number posted at the bridge.

The Coast Guard believes this is a reasonable operating schedule because the mariners will now be able to get bridge openings during the times the bridge is crewed or upon the required advance notice, and the bridge owner will not be required to crew the bridge during periods when there have been few requests to open the bridge.

Discussion of Comments and Changes

The Coast Guard received six comment letters all in favor of the rule change. No changes will be made to the final rule.

Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not "significant" under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). This conclusion is based on the fact that the bridge will be crewed at times to meet the needs of navigation and will be on an advance notice basis during the times when there have been few requests to open the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601-612) we considered whether this rule would have a significant economic impact on a substantial number of small entities. "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 less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This conclusion is based on the fact that the bridge will be crewed at times to meet the needs of navigation and will be on an advance notice basis during the times when there have been few requests to open the bridge.

Collection of Information

This rule calls for no new collection of information under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (32)(e) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found to not have a significant effect on the environment. A written "Categorical Exclusion Determination" is not required for this final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 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. Section 117.599 is revised to read as follows:

§ 117.599 Fort Point Channel.

The draw of the Northern Avenue Bridge, mile 0.1, at Boston, shall operate as follows:

(a) From May 1 through October 31, the draw shall open on signal from 7 a.m. to 11 p.m. From 11 p.m. to 7 a.m. the draw shall open on signal if at least a two-hour advance notice is given by calling the number posted at the bridge.

(b) From November 1 through April 30, the draw shall open on signal from 7 a.m. to 3 p.m. From 3 p.m. to 7 a.m. the draw shall open on signal if at least a twenty-four hours advance notice is given by calling the number posted at the bridge.

Dated: January 31 2001.

G.N. Naccara,

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

[FR Doc. 01–4096 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD08–01–001]

Drawbridge Operating Regulation; Arroyo Colorado, TX

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eighth Coast Guard District has issued a temporary deviation from the regulation in 33 CFR 117.951 governing the operation of the FM 106, vertical lift span bridge across Arroyo Colorado, mile 22.2 at Rio Hondo, Texas. This deviation allows the Texas Department of Transportation to close the bridge to navigation from 7 a.m. on February 20, 2001 through 7 p.m. on February 25, 2001 for maintenance.

DATES: This deviation is effective from 7 a.m. on Tuesday, February 20, 2001 to 7 p.m. on Sunday, February 25, 2001.

ADDRESSES: Unless otherwise indicated, documents referred to in this notice are available for inspection or copying at the office of the Eighth Coast Guard District, Bridge Administration Branch, Commander (obc), 501 Magazine Street, New Orleans, Louisiana, 70130–3396. The Bridge Administration Branch maintains the public docket for this temporary deviation.

FOR FURTHER INFORMATION CONTACT: Phil Johnson, Bridge Administration Branch, telephone (504) 589–2965.

SUPPLEMENTARY INFORMATION: The FM 106 vertical lift span bridge across Arroyo Colorado, mile 22.2, at Rio Hondo, Cameron County, Texas, has a vertical clearance of 27 feet above high water in the closed-to-navigation position and 73 feet above high water in the open-to-navigation position. Navigation on the waterway consists primarily of tugs with tows transporting concrete, petroleum products and fertilizer. Presently, the draw of the bridge opens on signal if at least 12 hours notice is given. The Texas Department of Transportation requested a temporary deviation from the normal operation of the drawbridge in order to accommodate the maintenance work, which involves replacing the drive motors and upgrading the operating system computer. This maintenance is necessary for the continued operation of the bridge.

This deviation allows the lift span of the FM 106 drawbridge across Arroyo Colorado, mile 22.2 at Rio Hondo, Texas to remain closed to navigation from 7 a.m. on February 20, 2001 until 7 p.m. on February 25, 2001.

Dated: February 7, 2001.

Paul J. Pluta,

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

[FR Doc. 01–4138 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–301094; FRL–6761–1]

RIN 2070–AB78

Flutolanil, N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the fungicide flutolanil, *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and metabolites converted to 2-(trifluoromethyl) benzoic acid, calculated as flutolanil in or on rice grain, rice straw, rice hulls, rice bran, potatoes, and potato, wet peel. Aventis requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

DATES: This regulation is effective February 20, 2001. Objections and requests for hearings, identified by docket control number OPP-301094, must be received by EPA on or before April 23, 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 VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301094 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT By mail: Mary Waller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308-9354; and e-mail address: waller.mary@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/>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301094. 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

In the **Federal Register** of January 24, 2000 (65 FR 3690) (FRL-6486-8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of pesticide petitions (PP 6F4693 and 4F4380) for

tolerances by Aventis Crop Science, 2 TW Alexander Drive, Research Triangle Park, NC 27709. This notice included a summary of the petition prepared by the registrant Aventis, then known as AgrEvo USA Company and located at 2711 Centerville Rd, Wilmington, DE, 19808. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.484 be amended by establishing tolerances for residues of the fungicide flutolanil, *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid, calculated as flutolanil, in or on the raw agricultural commodities potatoes at 0.20 part per million (ppm), potato waste (wet) at 0.4 ppm, rice, grain at 2.0 ppm, rice, straw at 12.0 ppm, and in or on the processed food commodities rice, hulls at 7.0 ppm, and rice, bran at 3.0 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the

hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for a tolerance for residues of flutolanil, *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl) benzamide and its metabolites converted to 2-(trifluoromethyl) benzoic acid, calculated as flutolanil in or on the raw agricultural commodities potatoes at 0.20 ppm, rice, grain at 7.0 ppm, rice, straw at 10.0 ppm, and in or on the

processed food commodities potato, wet peel at 0.3 ppm, rice, hulls at 25.0 ppm, and rice bran at 10.0 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the

studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by flutolanil are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY

Guideline No.	Study Type	Results
870.1100	Acute Oral	LD ₅₀ > 10 g/kg, acute toxicity category IV
870.1200	Acute Dermal	LD ₅₀ > 2 g/kg, acute toxicity category III
870.1300	Acute Inhalation	LC ₅₀ > 5.98 mg/L (4 hours), acute toxicity category IV
870.2400	Primary Eye Irritation	Minimal irritation, acute toxicity category IV
870.2500	Primary dermal Irritation	Not a dermal irritant, acute toxicity category IV
870.2600	Dermal Sensitization	Not a dermal sensitizer
870.3100	90-Day oral toxicity rats - diet	NOAEL = 37 mg/kg/day LOAEL = 299 mg/kg/day based on increased absolute and relative liver weights (males and females) and slight decrease in body weights (males).
870.3150	90-Day oral toxicity in nonrodents (dog)	NOAEL = 80 mg/kg/day, LOAEL = 400 mg/kg/day based on enlarged livers and increased severity of glycogen deposition in both males and females.
870.3200	21-Day dermal toxicity - rat	NOAEL = 1,000 mg/kg/day (limit dose) LOAEL > 1,000 mg/kg/day
870.3250	90-Day dermal toxicity	Not available
870.3465	90-Day inhalation toxicity	Not available
870.3700a	Prenatal developmental in rat, oral gavage	Maternal NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day, Developmental NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day.
870.3700b	Prenatal developmental in rabbit, oral gavage	Maternal NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day, Developmental NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day.
870.3800	Reproduction and fertility effects in rat - 2 generation - diet	Parental/Systemic NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day, Reproductive NOAEL ≥ 1,000 mg/kg/day, LOAEL > 1,000 mg/kg/day.
870.3800	Reproduction And Fertility Effects In Rat - 3 Generation - diet	Parental/Systemic NOAEL ≥ 661 mg/kg/day, LOAEL > 661 mg/kg/day, Reproductive NOAEL ≥ 661 mg/kg/day, LOAEL > 661 mg/kg/day.
870.4100a	Chronic toxicity rodents	See combined chronic/carcinogenicity study below.
870.4100b	Chronic toxicity - dogs - gelatin capsule	NOAEL = 50 mg/kg/day, LOAEL = 1250 mg/kg/day based on increase of clinical toxic signs (emesis, salivation, and soft stool), lower body weight gains and decreased food consumption.
870.4100a and 870.4200	Chronic/ Oncogenicity Rats - diet	Systemic NOAEL = 87 mg/kg/day, Systemic LOAEL = 460 mg/kg/day based on reduced body weight and body weight gains (males), decreased absolute and relative liver weights (males and females). Oncogenic NOAEL ≥ 586 mg/kg/day, no evidence of carcinogenicity.
870.4300	Carcinogenicity mice - diet	Systemic NOAEL = 735 (M) and 168 (F) mg/kg/day, Systemic LOAEL = 3333 (M) and 839 (F) mg/kg/day based on decreased body weight gains. Oncogenic NOAEL ≥ 3676 mg/kg/day, no evidence of carcinogenicity

TABLE 1.—SUBCHRONIC, CHRONIC, AND OTHER TOXICITY—Continued

Guideline No.	Study Type	Results
870.5375	Gene Mutation <i>In vitro</i> Chromosomal Aberration Assay in Cultured Mammalian Cell	Positive finding, flutolanil induced chromosomal aberrations in cultured Chinese hamster lung cells in the presence of metabolic activation (S9).
870.5100	Gene Mutation, Reverse Mutation Assay	Negative (with and without S-9 metabolic activator) at doses up to 25 mg/plate in the increase in revertant colonies using <i>Salmonella</i> strains TA98, TA10, TA1535, TA1537, and TA1538 and in the <i>E. Coli</i> WP2 <i>uvrA</i> strain.
870.5375	Gene Mutation in Cultured Mammalian Cells (Mouse Lymphoma Cells)	Negative (either in the presence or absence of S9 activation) for the induction of forward mutations at the TK+/- locus in L5178Y mouse lymphoma cells.
870.5385	Cytogenetics Mammalian Cells in Culture Cytogenetics Assay in Human Lymphocytes	Negative in the structural chromosome assay. There was no significant increase in the frequency of aberrations with any treatment levels, either with or without activation.
870.5395	Cytogenetics Mouse Micronucleus	Negative in the induction of micronuclei in the bone marrow erythrocytes of male and female mice.
870.5550	Other Genotoxicity Effects, In Vitro Unscheduled DNA Synthesis Assays in Primary Rat Hepatocytes	Negative in the induction of unscheduled DNA synthesis in primary rat hepatocytes.
870.6200a	Acute neurotoxicity screening battery	Not available
870.6200b	Subchronic neurotoxicity screening battery	Not available
870.6300	Developmental neurotoxicity	Not available
870.7485	Metabolism and pharmacokinetics - rat	Treatment was oral doses of 20 mg/kg/day for 14 days, and a single high dose of 1,000 mg/kg. The majority of the radioactivity excreted in urine had been excreted by 24 hours post-dose in all dose groups. There were no appreciable tissue levels of flutolanil at study termination (72 hours post-dose).
870.7600	Dermal penetration	Not available

B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the

variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such

additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC, as shown in following Table 2:

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FLUTOLANIL FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary general population including infants and children	None	No appropriate endpoint was identified in the oral toxicity studies including developmental toxicity studies in rats and rabbits.	None

TABLE 2.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR FLUTOLANIL FOR USE IN HUMAN RISK ASSESSMENT—Continued

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic Dietary all population subgroups	NOAEL= 87 mg/kg/day UF = 100 Chronic RfD = 0.87 mg/kg/day	FQPA SF = 1 x cPAD = chronic RfD FQPA SF = 0.87 mg/kg/day.	2-year Chronic/Oncogenicity study in rats. LOAEL = 460 mg/kg/day based on decreases in body weight and body weight gain and increases in absolute and relative liver weights.
Short (1 to 7 days) -and Intermediate-(1 week to several months)- Term Dermal (Residential)	None	No appropriate endpoint was identified. No dermal or systemic toxicity was observed in a 21-day dermal study in rats. No maternal toxicity was observed in rats or rabbits in developmental toxicity studies.	None
Long-Term Dermal (several months to lifetime)	None	The current use pattern does not indicate long-term dermal exposure potential.	None
Inhalation (any time period)	Oral NOAEL= 87 mg/kg/day (inhalation absorption rate = 100%)	LOC ≥ 100	2-year Chronic/Oncogenicity study in rats. LOAEL = 460 mg/kg/day based on decreases in body weight and body weight gain and increases in absolute and relative liver weights
Cancer (oral, dermal, inhalation)	None	Based on the lack of evidence of carcinogenicity and mutagenicity in mouse and rat studies, flutolanil is classified as not likely to cause cancer.	None

* The reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.484) for the residues of flutolanil, *N*-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and metabolites converted to 2-(trifluoromethyl) benzoic acid, calculated as flutolanil and its metabolites in or on the raw agricultural commodities peanuts, peanut meal, peanut hay; milk; fat; kidney; liver; meat and meat-by-product (mbyp) of cattle, goats, hogs, horses, and sheep; eggs; fat; meat; and mbyp of poultry. Time-limited tolerances, made permanent by today's rule, are established for residues of flutolanil and its metabolites in/on rice RACs.

Risk assessments were conducted by EPA to assess dietary exposures from flutolanil and its metabolites in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. A toxicological

endpoint for acute dietary toxicity was not selected for flutolanil. Therefore, a risk assessment for dietary food exposure was not conducted.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments: that residues would be present in or on treated crops at tolerance levels and that 100% of proposed and currently registered crops would be treated.

iii. *Cancer.* Flutolanil is unlikely to pose a carcinogenic hazard to humans. Therefore a cancer risk assessment was not conducted.

2. *Dietary exposure from drinking water.* Flutolanil resists all modes of abiotic and biotic degradation. Flutolanil is mobile in soil but was found in aquatic field dissipation studies to accumulate in the sediment fraction. Because flutolanil adsorbs at

low rates onto soil and exhibits a long half-life, the most important means of dissipation in surface water and also in ground water will most likely be dilution.

The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for flutolanil in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of flutolanil.

The Agency used the First Approximation Rice Model to estimate pesticide concentrations in surface water after applying flutolanil on rice and Screening Concentrations in Ground Water (SCI-GROW), which predicts pesticide concentrations in groundwater. In general, EPA will use Generic Expected Environmental Concentrations (GENEEC) (a tier 1 model) before using Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) (a tier 2 model) for a screening-level assessment for surface water, but given the unique

hydrological issues arising from pesticide application to rice paddies, EPA used the First Approximation Rice Model rather than GENECC or PRZM/EXAMS for surface water estimates.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to flutolanil they are further discussed in the aggregate risk sections below.

Based on the First Approximation Rice Model and SCI-GROW model, the estimated environmental concentrations (EECs) of flutolanil for acute exposures are 3.8 parts per billion (ppb) for surface water and 0.34 ppb for ground water. The EECs for chronic exposures are 3.8 ppb for surface water and 0.34 ppb for ground water.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Flutolanil is currently registered for use on the following residential non-dietary sites: Turf grass. The risk assessment was conducted using the following residential exposure assumptions: There are non-occupational uses associated with flutolanil. Non-occupational handlers may mix, load and apply flutolanil products on turf grass. These exposures were assessed for inhalation risk. The MOEs for these scenarios range from 1.4×10^3 to 4.4×10^4 for handlers. Postapplication inhalation exposure following turf grass treatment is

considered negligible and was not assessed. Because certain flutolanil products are registered for use on residential lawns, postapplication exposure to infants may result from their hand-to-mouth activities on treated turf. The MOE's for these scenarios ranged from 6.7×10^2 to 1.4×10^3 . These MOEs are greater than the LOC of 100 and lie above the Agency's level of concern.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether flutolanil has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, flutolanil does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that flutolanil has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

D. Safety Factor for Infants and Children

1. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Prenatal and postnatal sensitivity.* Developmental toxicity studies in rat and rabbit and multigeneration reproductive studies in rat did not indicate any basis for concern about

prenatal and postnatal effects in infants and children.

3. *Conclusion.* There is a complete toxicity data base for flutolanil and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures and the developmental and reproductive toxicity studies indicate no increased susceptibility of rat or rabbit fetuses to in utero or post-natal exposure. Accordingly, EPA determined that the 10X safety factor to protect infants and children should be removed.

E. Aggregate Risks and Determination of Safety

To estimate total aggregate exposure to a pesticide from food, drinking water, and residential uses, the Agency calculates DWLOCs which are used as a point of comparison against the model estimates of a pesticide's concentration in water EECs. DWLOC values are not regulatory standards for drinking water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food and residential uses. In calculating a DWLOC, the Agency determines how much of the acceptable exposure (i.e., the PAD) is available for exposure through drinking water e.g., allowable chronic water exposure (mg/kg/day) = cPAD - (average food + residential exposure). This allowable exposure through drinking water is used to calculate a DWLOC.

A DWLOC will vary depending on the toxic endpoint, drinking water consumption, and body weights. Default body weights and consumption values as used by the USEPA Office of Water are used to calculate DWLOCs: 2L/70 kg (adult male), 2L/60 kg (adult female), and 1L/10 kg (child). Default body weights and drinking water consumption values vary on an individual basis. This variation will be taken into account in more refined screening-level and quantitative drinking water exposure assessments. Different populations will have different DWLOCs. Generally, a DWLOC is calculated for each type of risk assessment used: acute, short-term, intermediate-term, chronic, and cancer.

When EECs for surface water and groundwater are less than the calculated DWLOCs, OPP concludes with reasonable certainty that exposures to the pesticide in drinking water (when considered along with other sources of exposure for which OPP has reliable data) would not result in unacceptable levels of aggregate human health risk at this time. Because OPP considers the aggregate risk resulting from multiple exposure pathways associated with a

pesticide's uses, levels of comparison in drinking water may vary as those uses change. If new uses are added in the future, OPP will reassess the potential impacts of residues of the pesticide in drinking water as a part of the aggregate risk assessment process.

1. *Acute risk.* Acute aggregate risk is based upon the estimated risks from the combined exposures of food and drinking water sources. EPA did not recommend an acute dietary endpoint for flutolanil, therefore no acute

aggregate risk assessment was conducted and there is no expectation of acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to flutolanil from food will utilize < 1.0% of the cPAD for the U.S. population, 1.0% of the cPAD for infants less than one year old and < 1.0% of the cPAD for all other population subgroups.

Based on the use pattern, chronic residential exposure to residues of flutolanil is not expected. In addition, there is potential for chronic dietary exposure to flutolanil in drinking water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect the aggregate exposure to exceed 100% of the cPAD, as shown in the following Table 3:

TABLE 3.—AGGREGATE RISK ASSESSMENT FOR CHRONIC (NON-CANCER) EXPOSURE TO FLUTOLANIL

Population Subgroup	cPAD mg/kg/day	% cPAD (Food)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	DWLOC (ppb)
U.S. Population	0.87	< 1.0 %	3.8	0.34	3.0 x 10 ⁴
Infants less than one year old	0.87	1.0%	3.8	0.34	8.6 x 10 ³
Non-hispanic/non-white/non-black	0.87	< 1.0 %	3.8	0.34	3.0 x 10 ⁴
Females 13-50 (nursing)	0.87	< 1.0 %	3.8	0.34	2.6 x 10 ⁴

3. *Short-term risk.* Short-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Though residential exposure could occur with the use of flutolanil no toxicological effects have been identified for short-term dermal toxicity. Incidental oral exposure to adult residential handlers is expected to be insignificant and is therefore not assessed. Incidental oral exposure to infants eating treated turf is assessed below under intermediate-term aggregate risk.

4. *Intermediate-term risk.* Flutolanil is currently registered for use(s) that could result in intermediate-term residential exposure and the Agency has determined that it is appropriate to aggregate chronic food and water and intermediate-term exposures for flutolanil.

Using the exposure assumptions described in this unit for intermediate-term exposures, EPA has concluded that food and residential exposures aggregated result in aggregate MOEs of 1.3 x 10³ for the hand-to-mouth exposure of an infant following application of turf with a granular formulation of flutolanil and 6.4 X 10²

for the hand-to-mouth exposure of an infant following application with a wettable powder. These aggregate MOEs exceed 100, the Agency's maximum level of concern for aggregate exposure to food and residential uses. In addition, intermediate-term DWLOCs were calculated and compared to the EECs for chronic exposure of flutolanil in ground and surface water. After calculating DWLOCs and comparing them to the EECs for surface and ground water, EPA does not expect intermediate-term aggregate exposure to exceed the Agency's level of concern, as shown in the following Table 4:

TABLE 4.—AGGREGATE AGGREGATE RISK ASSESSMENT FOR INTERMEDIATE-TERM EXPOSURE TO FLUTOLANIL

Population Subgroup	Aggregate MOE (Food + Residential)	Aggregate Level of Concern (LOC)	Surface Water EEC (ppb)	Ground Water EEC (ppb)	Intermediate-Term DWLOC (ppb) ground water
Infants < 1 year old, hand-to-mouth exposure to granular	1.3 x 10 ³	100	0.34	3.8	8.0 x 10 ³
Infants < 1 year old, hand-to-mouth exposure to wettable powder	6.4 x 10 ²	100	0.34	3.8	7.3 x 10 ³

5. *Aggregate cancer risk for U.S. population.* Flutolanil is classified as a "not likely" to be a human carcinogen considering the Proposed EPA Weight-of-the-Evidence Categories (August, 1999), based on the lack of evidence of carcinogenicity in male and female rats and mice up to the guideline limit dose and on the lack of mutagenicity in an acceptable battery of mutagenicity studies.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to flutolanil residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

The petitioner has proposed a residue analytical method for tolerance enforcement involving the transformation of flutolanil and its metabolites to 2-trifluoromethyl benzoic acid (2-TFBA). The organic extracts containing 2-TFBA are methylated with methyl iodide and residues are

quantified by gas chromatography utilizing a mass selective detector. The analytical method designated AU-9SR-04 has been independently validated. EPA review of the validation determined it to be adequate for enforcement purposes. Upon successful completion of the EPA validation process, this method will be forwarded to FDA for publication in a future version of the Pesticide Analytical Manual, Vol II (PAM II).

The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: furlow.calvin@epa.gov.

B. International Residue Limits

There are no established or proposed Codex, Canadian or Mexican limits for residues of flutolanil in/on plant or animal commodities. Therefore, no compatibility issues exist with regard to the proposed U.S. tolerances discussed in this petition review.

C. Conditions

Flutolanil will be conditionally registered for these uses subject to the following conditions:

1. Modification of the proposed enforcement method as directed by the Agency once the validation is completed.
2. Fortification recovery data for flutolanil and its metabolites from potato and radiovalidation data from all previously submitted metabolism studies.
3. Confirmatory method which is able to confirm that the residues determined in the primary method (proposed enforcement method (Method No. AU/95R/05), a common moiety method and determining all residues (parent plus metabolites) containing the 2-(trifluoromethyl) benzoic acid moiety) were derived from flutolanil.
4. Storage stability data for residues of flutolanil and representative metabolites in/on potatoes and potato processed commodities during frozen storage.
5. Storage stability data related to an already-submitted study concerning the uptake of residues in crops irrigated with water drained from treated rice fields, specifically for residues of flutolanil and representative metabolites in/on irrigated cotton, turnips, and soybeans for a period of up to 426 days.
6. An additional poultry feeding study in which the dose levels exceed those used in previously submitted studies.

V. Conclusion

Therefore, the tolerance is established for residues of flutolanil, N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl)benzamide and metabolites converted to 2-(trifluoromethyl) benzoic acid, calculated as flutolanil, in or on the raw agricultural commodities potatoes at 0.20 part per million ppm, rice, grain at 7.0 ppm, rice, straw at 10.0 ppm, and in or on the processed food commodities potato, wet peel at 0.3 ppm, rice, hulls at 25.0 ppm, and rice bran at 10.0 ppm.

VI. Objections and Hearing Requests

Under section 408(g) of the FFDCFA, 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 FFDCFA 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 FFDCFA 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-301094 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 23, 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 VI.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-301094, 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 file format 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).

VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. 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 prior consultation as specified by

Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require 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 petition under FFDCA section 408(d), 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 FFDCA section 408(n)(4).

VIII. 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: December 15, 2000.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide 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), (346a) and 371.

2. Section 180.484 is amended by alphabetically adding commodities to the table in paragraph (a)(1) to read as follows:

§ 180.484 Flutolanil, N-(3-(1-methylethoxy)phenyl)-2-(trifluoromethyl) benzamide; tolerances for residues.

(a)(1) *General.* * * *

Commodity	Parts per million
Potato	0.20
Potato, wet peel	0.30
Rice, bran	10.0
Rice, grain	7.0
Rice, hulls	25.0
Rice, straw	10.0

* * * * *

[FR Doc. 01-2047 Filed 2-16-01; 8:45 am]
 BILLING CODE 6560-50-S

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP-301096; FRL-6762-1]

RIN 2070-AB78

Dimethylpolysiloxane; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation amends an existing exemption from the requirement of a tolerance for residues of dimethylpolysiloxane; when used as an inert ingredient in or on growing crops, and when applied to raw agricultural commodities after harvest. Wacker Silicones Corporation, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996 requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of dimethylpolysiloxane.

DATES: This regulation is effective February 20, 2001. Objections and requests for hearings, identified by docket control number OPP-301096, must be received by EPA on or before April 23, 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 VIII. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301096 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Indira Gairola, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone number; (703) 308-6379 and e-mail address: gairola.indira@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-301096. 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

In the **Federal Register** of September 13, 2000 (65 FR 55240) (FRL-6738-2), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104-170) announcing the filing of a pesticide petition (PP 5E4430) by Wacker Silicones Corporation, 3301 Sutton Road, Adrian, Michigan 49221-9397. This notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001(c), be amended by revising an exemption from the requirement of a tolerance for residues of

dimethylpolysiloxane; CAS Reg. No. 63148-62-9

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(c)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption.

III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own): Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply non-toxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert

ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness and reliability and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. In the case of certain chemical substances that are defined as polymers, the Agency has established a set of criteria to identify categories of polymers that should present minimal or no risk. The definition of a polymer is given in 40 CFR 723.250(b). The following exclusion criteria for identifying these low risk polymers are described in 40 CFR 723.250(d).

1. The polymer, dimethylpolysiloxane, is not a cationic polymer nor is it reasonably anticipated to become a cationic polymer in a natural aquatic environment.

2. Dimethylpolysiloxane does contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

3. Dimethylpolysiloxane does not contain as an integral part of its composition, except as impurities, any element other than those listed in 40 CFR 723.250(d)(2)(ii).

4. Dimethylpolysiloxane is neither designed nor can it be reasonably anticipated to substantially degrade, decompose, or depolymerize.

5. Dimethylpolysiloxane is not manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

6. Dimethylpolysiloxane is not a water absorbing polymer with a number average molecular weight (MW) greater than or equal to 10,000 daltons.

Additionally, the polymer, dimethylpolysiloxane, also meets as required the following exemption criteria specified in 40 CFR 723.250(e).

7. The polymer's number average molecular weight (MW) of 6,800 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

Thus, dimethylpolysiloxane meets all the criteria for a polymer to be considered low risk under 40 CFR 723.250. Based on its conformance to the above criteria, no mammalian toxicity is anticipated from dietary, inhalation, or dermal exposure to dimethylpolysiloxane.

V. Aggregate Exposures

For the purposes of assessing potential exposure under this exemption, EPA considered that dimethylpolysiloxane could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of dimethylpolysiloxane is 6,800 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since dimethylpolysiloxane conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

VI. Cumulative Effects

Section 408 (b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance or tolerance exemption, the Agency consider "available information" concerning the cumulative effects of a particular chemical's residues and "other substances that have a common mechanism of toxicity." The Agency has not made any conclusions as to whether or not dimethylpolysiloxane shares a common mechanism of toxicity with any other chemicals. However, dimethylpolysiloxane conforms to the criteria that identify a low risk polymer. Due to the expected lack of toxicity based on the above conformance, the Agency has determined that a cumulative risk assessment is not necessary.

VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a

reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of dimethylpolysiloxane.

VIII. Determination of Safety for Infants and Children

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA concludes that a different margin of safety will be safe for infants and children. Due to the expected low toxicity of dimethylpolysiloxane, EPA has not used a safety factor analysis to assess the risk. For the same reasons the additional tenfold safety factor is unnecessary.

IX. Other Considerations

A. Endocrine Disruptors

There is no available evidence that dimethylpolysiloxane is an endocrine disruptor.

B. Existing Exemptions from a Tolerance

Currently, dimethylpolysiloxane (as defined in 21 CFR 173.340) is exempted from the requirement of a tolerance under 40 CFR 180.1001(c).

C. Analytical Enforcement Methodology

An analytical method is not required for enforcement purposes since the Agency is establishing an exemption from the requirement of a tolerance without any numerical limitation.

D. International Tolerances

The Agency is not aware of any country requiring a tolerance for dimethylpolysiloxane nor have any CODEX Maximum Residue Levels (MRLs) been established for any food crops at this time.

X. Conclusion

Accordingly, EPA finds that exempting residues of dimethylpolysiloxane from the requirement of a tolerance will be safe.

XI. 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-301096 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 23, 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. M3708, Waterside Mall, 1200 Pennsylvania Ave., NW., 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 VIII.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-301096, 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).

XII. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCA section 408(d) in response to a petition submitted to the Agency. 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 prior consultation as specified by Executive Order 13084, entitled *Consultation and Coordination with Indian Tribal Governments* (63 FR 27655, May 19, 1998); special considerations as required by Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or require 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 petition under FFDCA section 408(d), such as the exemption 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 FFDCA section 408(n)(4).

XIII. 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 rule in the **Federal Register**. This 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: January 8, 2001.

James Jones,
Director, Registration Division, Office of Pesticide 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.

2. In § 180.1001, the table in paragraph (c) is amended by revising the following inert ingredient “Dimethylpolysiloxane” to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *
(c) * * *

Inert ingredients	Limits	Uses
* * * * *	* * * * *	* * * * *
Dimethylpolysiloxane minimum number average molecular weight (in amu) 6,800 (CAS Reg. No. 63148-62-9)	Defoaming agent
* * * * *	* * * * *	* * * * *

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Part 1002

[STB Ex Parte No. 542 (Sub-No. 7)]

Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2001 Update

AGENCY: Surface Transportation Board, DOT.

ACTION: Final rules.

SUMMARY: The Board adopts its 2001 User Fee Update and revises its fee schedule at this time to recover the costs associated with the January 2001 Government salary increases.

EFFECTIVE DATE: These rules are effective March 22, 2001.

FOR FURTHER INFORMATION CONTACT: David T. Groves, (202) 565-1551, or Anne Quinlan, (202) 565-1727. [TDD for the hearing impaired: 1-800-877-8339.]

SUPPLEMENTARY INFORMATION: The Board's regulations in 49 CFR 1002.3 require the Board's user fee schedule to be updated annually. The Board's regulation at 49 CFR 1002.3(a) provides that the entire fee schedule or selected fees can be modified more than once a year, if necessary. The Board's fees are revised based on the cost study formula set forth at 49 CFR 1002.3(d). Also, in some previous years, selected fees were modified to reflect new cost study data or changes in agency fee policy.

Because Board employees received a salary increase of 3.81% in January 2001, we are updating our user fees to recover the increased personnel costs. With certain exceptions, all fees will be updated based on our cost formula contained in 49 CFR 1002.3(d).

The fee increases involved here result only from the mechanical application of the update formula in 49 CFR 1002.3(d), which was adopted through notice and comment procedures in *Regulations*

Governing Fees for Services—1987 Update, 4 I.C.C.2d 137 (1987). In addition, no new fees are being proposed in this proceeding. Therefore, we find that notice and comment are unnecessary for this proceeding. See *Regulations Governing Fees For Services—1990 Update*, 7 I.C.C.2d 3 (1990); *Regulations Governing Fees For Services—1991 Update*, 8 I.C.C.2d 13 (1991); and *Regulations Governing Fees For Services—1993 Update*, 9 I.C.C.2d 855 (1993).

We conclude that the fee changes adopted here will not have a significant economic impact on a substantial number of small entities because the Board's regulations provide for waiver of filing fees for those entities that can make the required showing of financial hardship.

Additional information is contained in the Board's decision. To obtain a copy of the full decision, write, call, or pick up in person from Da-to-Da Office Solutions, Suite 405, Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. Telephone: (202) 466-5530. (Assistance for the hearing impaired is available through TDD services 1-800-877-8339.)

List of Subjects in 49 CFR Part 1002

Administrative practice and procedure, Common carriers, Freedom of information, User fees.

Decided: February 12, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,
Secretary.

For the reasons set forth in the preamble, title 49, chapter X, part 1002, of the Code of Federal Regulations is amended as follows:

PART 1002—FEES

1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701 and 49 U.S.C. 721(a).

2. Section 1002.1 is amended by revising paragraphs (b), (c), and (e)(1) and the table in paragraph (f)(6) to read as follows:

§ 1002.1 Fees for record search, review, copying, certification, and related services.
* * * * *

(b) Service involved in examination of tariffs or schedules for preparation of certified copies of tariffs or schedules or extracts therefrom at the rate of \$29.00 per hour.

(c) Service involved in checking records to be certified to determine authenticity, including clerical work, etc., incidental thereto, at the rate of \$20.00 per hour.

* * * * *

(e) * * *

(1) A fee of \$51.00 per hour for professional staff time will be charged when it is required to fulfill a request for ADP data.

* * * * *

(f) * * *

(6) * * *

Grade	Rate
GS-1	\$8.52
GS-2	9.28
GS-3	10.46
GS-4	11.74
GS-5	13.14
GS-6	14.64
GS-7	16.27
GS-8	18.02
GS-9	19.90
GS-10	21.92
GS-11	24.08
GS-12	28.87
GS-13	34.33
GS-14	40.56
GS-15 and over	47.71

* * * * *

3. In § 1002.2, paragraph (f) is revised as follows:

§ 1002.2 Filing fees.

(a) * * *

(f) *Schedule of filing fees.*

Type of proceeding	Fee
Part I: Non-Rail Applications or Proceedings to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(1) An application for the pooling or division of traffic	\$3,000
(2) An application involving the purchase, lease, consolidation, merger, or acquisition of control of a motor carrier of passengers under 49 U.S.C. 14303	1,400
(3) An application for approval of a non-rail rate association agreement. 49 U.S.C. 13703	19,100
(4) An application for approval of an amendment to a non-rail rate association agreement:	
(i) Significant amendment	3,200
(ii) Minor amendment	70
(5) An application for temporary authority to operate a motor carrier of passengers. 49 U.S.C. 14303(i)	300
(6) A notice of exemption for transaction within a motor passenger corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family	1,200
(7)–(10) [Reserved]	
Part II: Rail Licensing Proceedings other than Abandonment or Discontinuance Proceedings:	
(11)(i) An application for a certificate authorizing the extension, acquisition, or operation of lines of railroad. 49 U.S.C. 10901	5,000
(ii) Notice of exemption under 49 CFR 1150.31–1150.35	1,300
(iii) Petition for exemption under 49 U.S.C. 10502	8,700
(12)(i) An application involving the construction of a rail line	51,500
(ii) A notice of exemption involving construction of a rail line under 49 CFR 1150.36	1,300
(iii) A petition for exemption under 49 U.S.C. 10502 involving construction of a rail line	51,500
(13) A Feeder Line Development Program application filed under 49 U.S.C. 10907(b)(1)(A)(i) or 10907(b)(1)(A)(ii)	2,600
(14)(i) An application of a class II or class III carrier to acquire an extended or additional rail line under 49 U.S.C. 10902	4,300
(ii) Notice of exemption under 49 CFR 1150.41–1150.45	1,300
(iii) Petition for exemption under 49 U.S.C. 10502 relating to an exemption from the provisions of 49 U.S.C. 10902	4,600
(15) A notice of a modified certificate of public convenience and necessity under 49 CFR 1150.21–1150.24	1,200
(16)–(20) [Reserved]	
Part III: Rail Abandonment or Discontinuance of Transportation Services Proceedings:	
(21)(i) An application for authority to abandon all or a portion of a line of railroad or discontinue operation thereof filed by a railroad (except applications filed by Consolidated Rail Corporation pursuant to the Northeast Rail Service Act [Subtitle E of Title XI of Pub. L. 97–35], bankrupt railroads, or exempt abandonments)	15,300
(ii) Notice of an exempt abandonment or discontinuance under 49 CFR 1152.50	2,600
(iii) A petition for exemption under 49 U.S.C. 10502	4,400
(22) An application for authority to abandon all or a portion of a line of a railroad or operation thereof filed by Consolidated Rail Corporation pursuant to Northeast Rail Service Act	300
(23) Abandonments filed by bankrupt railroads	1,300
(24) A request for waiver of filing requirements for abandonment application proceedings	1,200
(25) An offer of financial assistance under 49 U.S.C. 10904 relating to the purchase of or subsidy for a rail line proposed for abandonment	1,000
(26) A request to set terms and conditions for the sale of or subsidy for a rail line proposed to be abandoned	15,600
(27) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)	150
(28)–(35) [Reserved]	
Part IV: Rail Applications to Enter Upon a Particular Financial Transaction or Joint Arrangement:	
(36) An application for use of terminal facilities or other applications under 49 U.S.C. 11102	13,100
(37) An application for the pooling or division of traffic. 49 U.S.C. 11322	7,100
(38) An application for two or more carriers to consolidate or merge their properties or franchises (or a part thereof) into one corporation for ownership, management, and operation of the properties previously in separate ownership. 49 U.S.C. 11324:	
(i) Major transaction	1,030,000
(ii) Significant transaction	206,000
(iii) Minor transaction	5,500
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	1,200
(v) Responsive application	5,500
(vi) Petition for exemption under 49 U.S.C. 10502	6,500
(39) An application of a non-carrier to acquire control of two or more carriers through ownership of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	1,030,000
(ii) Significant transaction	206,000
(iii) Minor transaction	5,500
(iv) A notice of an exempt transaction under 49 CFR 1180.2(d)	950
(v) Responsive application	5,500
(vi) Petition for exemption under 49 U.S.C. 10502	6,500
(40) An application to acquire trackage rights over, joint ownership in, or joint use of any railroad lines owned and operated by any other carrier and terminals incidental thereto. 49 U.S.C. 11324:	
(i) Major transaction	1,030,000
(ii) Significant transaction	206,000
(iii) Minor transaction	5,500
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	850
(v) Responsive application	5,500
(vi) Petition for exemption under 49 U.S.C. 10502	6,500
(41) An application of a carrier or carriers to purchase, lease, or contract to operate the properties of another, or to acquire control of another by purchase of stock or otherwise. 49 U.S.C. 11324:	
(i) Major transaction	1,030,000
(ii) Significant transaction	206,000

Type of proceeding	Fee
(iii) Minor transaction	5,500
(iv) Notice of an exempt transaction under 49 CFR 1180.2(d)	1,000
(v) Responsive application	5,500
(vi) Petition for exemption under 49 U.S.C. 10502	4,600
(42) Notice of a joint project involving relocation of a rail line under 49 CFR 1180.2(d)(5)	1,700
(43) An application for approval of a rail rate association agreement. 49 U.S.C. 10706	48,200
(44) An application for approval of an amendment to a rail rate association agreement. 49 U.S.C. 10706:	
(i) Significant amendment	8,900
(ii) Minor amendment	70
(45) An application for authority to hold a position as officer or director under 49 U.S.C. 11328	500
(46) A petition for exemption under 49 U.S.C. 10502 (other than a rulemaking) filed by rail carrier not otherwise covered	5,500
(47) National Railroad Passenger Corporation (Amtrak) conveyance proceeding under 45 U.S.C. 562	150
(48) National Railroad Passenger Corporation (Amtrak) compensation proceeding under Section 402(a) of the Rail Passenger Service Act	150
(49)–(55) [Reserved]	
Part V: Formal Proceedings:	
(56) A formal complaint alleging unlawful rates or practices of carriers:	
(i) A formal complaint filed under the coal rate guidelines (Stand-Alone Cost Methodology) alleging unlawful rates and/or practices of rail carriers under 49 U.S.C. 10704(c)(1)	57,500
(ii) All other formal complaints (except competitive access complaints)	5,700
(iii) Competitive access complaints	150
(57) A complaint seeking or a petition requesting institution of an investigation seeking the prescription or division of joint rates or charges. 49 U.S.C. 10705	5,800
(58) A petition for declaratory order:	
(i) A petition for declaratory order involving a dispute over an existing rate or practice which is comparable to a complaint proceeding	1,000
(ii) All other petitions for declaratory order	1,400
(59) An application for shipper antitrust immunity. 49 U.S.C. 10706(a)(5)(A)	4,900
(60) Labor arbitration proceedings	150
(61) Appeals to a Surface Transportation Board decision and petitions to revoke an exemption pursuant to 49 U.S.C. 10502(d)	150
(62) Motor carrier undercharge proceedings	150
(63)–(75) [Reserved]	
Part VI: Informal Proceedings:	
(76) An application for authority to establish released value rates or ratings for motor carriers and freight forwarders of household goods under 49 U.S.C. 14706	850
(77) An application for special permission for short notice or the waiver of other tariff publishing requirements	90
(78) (i) The filing of tariffs, including supplements, or contract summaries (per page) (\$17 minimum charge)	1
(ii) Tariffs transmitted by fax (per page)	1
(79) Special docket applications from rail and water carriers:	
(i) Applications involving \$25,000 or less	50
(ii) Applications involving over \$25,000	100
(80) Informal complaint about rail rate applications	400
(81) Tariff reconciliation petitions from motor common carriers:	
(i) Petitions involving \$25,000 or less	50
(ii) Petitions involving over \$25,000	100
(82) Request for a determination of the applicability or reasonableness of motor carrier rates under 49 U.S.C. 13710(a)(2) and (3)	150
(83) Filing of documents for recordation. 49 U.S.C. 11301 and 49 CFR 1177.3(c). (per document)	28
(84) Informal opinions about rate applications (all modes)	150
(85) A railroad accounting interpretation	750
(86) An operational interpretation	1,000
(87) Arbitration of Certain Disputes Subject to the Statutory Jurisdiction of the Surface Transportation Board under 49 CFR 1108:	
(i) Complaint	75
(ii) Answer (per defendant), Unless Declining to Submit	75
(iii) Third Party Complaint	75
(iv) Third Party Answer (per defendant), Unless Declining to Any Arbitration	75
(v) Appeals of Arbitration Decisions or Petitions to Modify or Vacate an Arbitration Award	150
(88)–(95) [Reserved]	
Part VII: Services:	
(96) Messenger delivery of decision to a railroad carrier's Washington, DC, agent (per delivery)	22
(97) Request for service or pleading list for (per list)	16
(98)(i) Processing the paperwork related to a request for the Carload Waybill Sample to be used in a Surface Transportation Board or State proceeding that does not require a FEDERAL REGISTER notice	200
(ii) Processing the paperwork related to a request for Carload Waybill Sample to be used for reasons other than a Surface Transportation Board or State proceeding that requires a FEDERAL REGISTER notice	450
(99)(i) Application fee for the Surface Transportation Board's Practitioners' Exam	100
(ii) Practitioners' Exam Information Package	25
(100) Uniform Railroad Costing System (URCS) software and information:	
(i) Initial PC version URCS Phase III software program and manual	50
(ii) Updated URCS PC version Phase III cost file, if computer disk provided by requestor	10
(iii) Updated URCS PC version Phase III cost file, if computer disk provided by the Board	20
(iv) Public requests for <i>Source Codes</i> to the PC version URCS Phase III	500

Type of proceeding	Fee
(v) PC version or mainframe version URCS Phase II	400
(vi) PC version or mainframe version Updated Phase II databases	50
(vii) Public requests for <i>Source Codes</i> to PC version URCS Phase II	1,500
(101) Carload Waybill Sample data on recordable compact disk (R-CD):	
(i) Requests for Public Use File on R-CD—First Year	450
(ii) Requests for Public Use File on R-CD Each Additional Year	150
(iii) Waybill—Surface Transportation Board or State proceedings on R-CD—First Year	650
(iv) Waybill—Surface Transportation Board or State proceedings on R-CD—Second Year on same R-CD	450
(v) Waybill—Surface Transportation Board of State proceeding on R-CD—Second Year on different R-CD	500
(vi) User Guide for latest available Carload Waybill Sample	50

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Proposed Rules

Federal Register

Vol. 66, No. 34

Tuesday, February 20, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[Docket No. PRM 51-7]

Nuclear Energy Institute; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by the Nuclear Energy Institute (NEI) (PRM-51-7). The petitioner requested that the NRC amend its regulations to delete the requirement to consider Severe Accident Mitigation Alternatives (SAMAs) as part of the environmental review to support license renewal decisions. The NRC is denying the petition because the NRC must continue to consider SAMAs for issuance of a new or renewed operating license for a power reactor in order to meet its responsibilities under the National Environmental Policy Act (NEPA), notwithstanding the legal arguments presented in the petition. However, the NRC staff will continue to work with stakeholders to determine if efficiencies in the conduct of SAMA analyses for environmental reviews can be realized.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and the NRC's letter of denial to the petitioner are available for public inspection or copying for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. These documents are also available at the NRC's rulemaking website at <http://ruleforum.llnl.gov>

FOR FURTHER INFORMATION CONTACT: Donald P. Cleary, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-3903, e-mail dpc@nrc.gov.

SUPPLEMENTARY INFORMATION:

Background

On July 14, 1999, the NRC received a petition for rulemaking submitted by the NEI, by letter dated July 13, 1999. On September 2, 1999 (64 FR 48117), the NRC published a notice of receipt of the petition (PRM-51-7). The petitioner requested that the NRC amend its regulations to delete the requirement for the NRC to evaluate Severe Accident Mitigation Alternatives (SAMAs) as part of its National Environmental Policy Act (NEPA) review associated with license renewal. The petitioner requests that the NRC take this action to achieve consistency in the scope of its regulatory requirements for environmental protection under NEPA, 10 CFR part 51, and its technical requirements for license renewal under the Atomic Energy Act, 10 CFR part 54.

The technical requirements for renewal of operating licenses are specified in 10 CFR part 54 (60 FR 22461; May 8, 1995). This regulation focuses the license renewal review on certain types of systems, structures, and components that the NRC has determined require evaluation to ensure that the effects of aging will be adequately managed in the period of extended operation. This regulation is based on two regulatory principles. The first principle of license renewal is that, with the possible exception of the detrimental effects of aging on the functionality of certain plant systems, structures, and components in the period of extended operation and possibly a few other issues related to safety only during extended operation, the ongoing regulatory process is adequate to ensure that the licensing bases of all currently operating plants provide and maintain an acceptable level of safety. The second principle of license renewal is that the plant-specific licensing basis must be maintained during the renewal term in the same manner and to the same extent as during the original licensing term. This principle is attained, in part, through a program of age-related degradation management for systems, structures, and components that are within the scope of license renewal. There is no requirement in 10 CFR part 54 for analysis of SAMAs.

The NRC's regulations implementing NEPA appear in 10 CFR part 51. The

regulations contain specific provisions related to the requirements for the environmental review of applications to renew the operating licenses of nuclear power plants. See, for example, 10 CFR 51.53(c) and Subpart A, Appendix B. The regulations were developed to improve the efficiency of the process of environmental review for applicants seeking to renew a nuclear power plant operating license for up to an additional 20 years. The regulations are based on generic analyses reported in NUREG-1437, "Generic Environmental Impact Statement for License Renewal of Nuclear Plants" (May 1996) and in part on NUREG-1437, Vol. 1, Addendum 1 (August 1999). Those environmental issues for which the NRC made generic findings that may be adopted in individual plant license renewal reviews are defined as Category 1 issues in the rule. Those environmental issues that require further site-specific review are defined as Category 2 issues in the rule. The regulations also provide for the consideration of "new and significant information" that might change a previous finding or introduce issues not previously reviewed and codified in the regulations.

With respect to the issue of environmental effects of severe accidents from license renewal, the NRC found that the probability weighted consequences are small. Specifically, the regulations state in Table B-1: "The probability-weighted consequences of atmospheric releases, fallout onto open bodies of water, releases to groundwater, and societal and economic impacts from severe accidents are small for all plants." Accordingly, the impacts of severe accidents are encoded in the rule and are not open for review in individual license renewal actions. However, one of the criteria for a Category 1 finding is, as stated in footnote 2 of Table B-1, Part 51, "Mitigation of adverse impacts associated with the issue have been considered in the analysis, and it has been determined that additional plant-specific mitigation measures are likely not to be sufficiently beneficial to warrant implementation." At the time the final rule was promulgated in 1996, the NRC discussed the ongoing regulatory programs focused on individual plant vulnerabilities to severe accidents and cost-beneficial improvements for reducing severe

accident frequency or consequences. For each plant, an individual plant examination (IPE) to look for plant vulnerabilities to internally initiated events and a separate IPE for externally initiated events (IPEEE) was performed (61 FR 28467; June 5, 1996). The NRC believed that it would be premature to reach a generic conclusion regarding severe accident mitigation alternatives before completing these programs. Therefore, even though the Commission has reached a generic conclusion on the magnitude of severe accident impacts, the issue is nevertheless designated as a Category 2 issue because of the unresolved questions regarding mitigation, and applicants for license renewal are subject to the following requirement at 10 CFR 51.53(c)(3)(ii)(L): "If the staff has not previously considered severe accident mitigation alternatives for the applicant's plant in an environmental impact statement or in an environmental assessment, a consideration of alternatives to mitigate severe accidents must be provided." The NRC stated, "* * * that upon completion of its IPE/IPEEE program, it may review the issue of severe accident mitigation for license renewal and consider, by separate rulemaking, reclassifying severe accidents as a Category 1 issue" (61 FR 28481; June 5, 1996).

The Petition

The petition was submitted by the Nuclear Energy Institute (NEI) by letter dated July 13, 1999. Its receipt was noticed in the **Federal Register** on September 2, 1999 (64 FR 48117), with a full description of its content. The petitioner requested the NRC "* * * to delete 10 CFR 51.53(c)(3)(ii)(L) and, thereby, eliminate the requirement for NRC to evaluate SAMAs as part of the NEPA review associated with license renewal." The rulemaking would include conforming changes to 10 CFR part 51, Appendix B and NUREG-1437.

The petitioner requests elimination of the requirement for SAMA reviews in 10 CFR part 51 on the belief that the requirement conflicts with the technical requirements for license renewal in 10 CFR part 54. The petitioner argues that actions to evaluate and address SAMAs are part of each licensee's current licensing basis and that 10 CFR part 54 is designed to separate matters related to maintaining the current licensing basis from those considered in a license renewal review. The petitioner's argument, briefly stated, is as follows. The petition makes reference to the two principles of license renewal, discussed in the Background section above. The first principle focuses the license

renewal review on age-related degradation of plant systems, structures, and components. The second principle is continuation of the current licensing basis during the renewal term, in part, through a program of age-related degradation management of systems, structures, and components that are important to license renewal. The petitioner notes that 10 CFR 54.39, "Matters not subject to a renewal review," specifically provides that deviations from the current licensing basis identified in the integrated plant assessment performed for license renewal will be corrected under the terms of the current license and are not within the scope of the license renewal review. The petitioner then states that actions to evaluate and address SAMAs are part of each licensee's current licensing basis, citing the IPE and IPEEE program to identify and evaluate plant-specific severe accident vulnerabilities and ways to mitigate those vulnerabilities.

Concluding that SAMAs are outside of the scope of a 10 CFR part 54 license renewal review, the petitioner then presents legal arguments for deleting SAMAs from the NEPA review. The essence of these arguments is that 10 CFR part 54 defines the scope of the proposed Federal action, and that Federal action establishes the scope of environmental consequences of license renewal that are to be reviewed under NEPA. Citing several court cases, the petitioner asserts that this approach is consistent with the "rule of reason" that generally governs environmental impact reviews under NEPA. The petitioner then states, "Thus, under the 'rule of reason,' the impacts appropriately considered under NEPA would be those that reasonably flow from the part 54 decision-making." Next, the petitioner cites two cases to support the position that there should be no consideration of SAMAs for license renewal. In *City of Aurora v. Hunt*, the court ruled that a new procedure to use a specific airport runway in particular weather conditions involved "* * * no significant safety impact * * * to trigger further assessment or inquiry under NEPA." 749 F.2d 1457, 1468 n. 8 (10th Cir. 1984) *overruled on other grounds by Village of Los Ranchos de Albuquerque v. Marsh*, 956 F.2d 970 (10th Cir. 1992). In the second court case, *Upper Snake River Chapter of Trout Unlimited v. Hodel*, the court ruled that the Department of Interior did not have to prepare an environmental impact statement (EIS) to adjust the flow of water from a dam to accommodate drought conditions where the range of

flow change was within the contemplation of the original project. 921 F.2d 232, 235 (9th Cir. 1990). The petitioner concludes from these decisions that a NEPA review of SAMAs is not required in the license renewal review because, (1) the current licensing basis is not subject to evaluation in a license renewal review, and (2) by maintaining the current licensing basis in the renewal term, there will be no change in risk of a severe accident due to license renewal.

The petitioner goes on to assert that NRC's requirement to include SAMAs in NEPA license renewal reviews was based on an overly broad application of language in the *Limerick Ecology Action v. NRC*, 869 F.2d 719 (3rd Cir. 1989), decision and that the decision "* * * leaves undisturbed the proposition that the 'rule of reason' defines whether the EIS has addressed the significant aspects of the probable environmental consequences * * * that reasonably may flow from the proposed action—renewing a plant's license as that plant is currently designed and operated." Finally, citing a number of court cases, the petitioner argues that "* * * judicial precedents allow the NRC to eliminate SAMAs from consideration in license renewal proceedings based on a determination, through proper rulemaking, that severe accidents are highly unlikely."

Public Comments on the Petition

The NRC received letters from 11 commenters. Ten of the comment letters supported the petition. Nine of those letters were from nuclear utilities and the tenth was from NEI, providing supplemental information to support the arguments made in the petition. Except for one comment, Comment 1 below, all of the comments made by supporters of the petition reiterated arguments made in the petition. Because those arguments are addressed in the NRC's reasons for denying the petition they are not addressed in the comment response below. A public interest group provided the one letter opposed to the petition, and NRC's responses to their comments are provided below.

Comment 1: A utility commented that the costs of performing the SAMA reviews required by Part 51 are not justified when compared to the small potential safety benefits that result from the reviews, when the costs associated with implementing changes to realize those benefits are evaluated, and when the fact that the reviews are largely duplicative of the previously completed Individual Plant Examination (IPE) and Individual Plant Examination for

External Events (IPEEE) programs is considered.

Response: The NRC believes that it should continue to consider SAMAs for individual license renewal applications to continue to meet its responsibilities under NEPA. That statute requires NRC to analyze the environmental impacts of its actions and consider those impacts in its decisionmaking. In doing so, Section 102(2)(C) of NEPA implicitly requires agencies to consider measures to mitigate those impacts when preparing impact statements. See *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332 (1989). NRC's obligation to consider mitigation exists whether or not mitigation is ultimately found to be cost-beneficial and whether or not mitigation ultimately will be implemented by the licensee. *Id.* The NRC understands that a SAMA analysis can be relatively expensive and is prepared to discuss ways in which SAMA analyses can be conducted efficiently while, at the same time, ensuring that NRC meets its NEPA responsibilities.

Comment 2: Granting the petition would continue the NRC's recent course of "regulatory subtraction" during which it has "methodically amputated and dismantled its statutory authority." Further, numerous site-specific and generic challenges have precipitated "beyond design basis" events, and demonstrate that it is imperative to maintain Severe Accident Mitigation Alternatives evaluations.

Response: The NRC has denied the petition because it believes that the legal arguments presented are insufficient to demonstrate that a license renewal NEPA review need not consider alternatives to mitigate the potential for and consequences of severe accidents.

Comment 3: Given the NRC's shrinking budget, "this type of frivolous legal action must be indexed to punitive damages." NEI "must be held accountable, and reimburse the NRC for all legal and administrative costs associated with this malicious petition."

Response: While NRC has denied the petition, NRC does not believe that there are any aspects of the submittal that would suggest an abuse of the petition process. Accordingly, whether or not reimbursement measures are even available to the Commission, no Commission action is warranted in this regard.

Reasons for Denial

The Commission is denying the petition for the following reasons:

1. Scope of the License Renewal Rule

The petitioner's principal argument for the elimination of SAMAs as part of the NEPA review associated with individual license renewal reviews is that the scope of license renewal establishes a basis for deleting SAMAs from associated NEPA reviews. In particular, the petitioner believes that because the NRC's safety review under Part 54 does not require consideration of all aspects of plant operation and administration, the agency's review of environmental impacts under NEPA should be similarly limited. In its petition and subsequent comments, NEI identified several Federal court cases and NRC decisions to support its position.¹ The petitioner believes that the primary thrust of these cases is that no consideration of impacts is necessary where the proposed Federal action would not change the status quo. In its comments, the petitioner indicated that "[t]he line of cases using the status quo analysis does not turn on maintaining the level of safety per se, but on whether the major federal action will change the operation of the facility sufficient to warrant an inquiry into the changes in environmental effect."

The Commission does not find the petitioner's arguments here compelling. By approving a license renewal application under Part 54, the Commission authorizes operation of the entire plant for an additional 20 years beyond the initial licensing term. Thus, the review of the environmental impacts of this Federal action under the provisions of Part 51 appropriately involves the consideration of environmental impacts caused by 20 additional years of operation. The petitioner is correct in stating that the Commission, in promulgating 10 CFR part 54, has limited its safety review under the Atomic Energy Act to certain aspects of the plant that are directly related to aging and other issues specific to the license renewal. The petitioner is also correct in pointing out that many environmental impact issues, such as SAMAs, are not addressed in the NRC's safety review under Part 54. In fact, the vast majority of environmental impacts from license renewal required to be considered by the NRC under its NEPA review (in accordance with Part 51) are not included in the analysis conducted in fulfilling the NRC's Atomic Energy

Act responsibilities under Part 54 (see, 10 CFR part 51 Subpart A, Appendix B, Table B-1).

However, under NEPA the NRC is charged with considering all of the environmental impacts of its actions, not just the impacts of specific technical matters that may need to be reviewed to support the action. These impacts may involve matters outside of the NRC's jurisdiction or matters within its jurisdiction that, for sound reasons, are not otherwise addressed in the NRC's safety review during the licensing process. In the case of license renewal, it is the Commission's responsibility under NEPA to consider all environmental impacts stemming from its decision to allow the continued operation of the entire plant for an additional 20 years. The fact that the NRC has determined that it is not necessary to consider a specific matter in conducting its safety review under Part 54 does not excuse it from considering the impact in meeting its NEPA obligations.

The Commission does not believe that the various cases offered by the petitioner provide convincing support for the elimination of the review of SAMAs. It would appear that the logical extension of many of the petitioner's arguments go far beyond the mere elimination of SAMAs consideration from license renewal reviews. Indeed, to the extent that license renewal involves a continuation of impacts already experienced at the site under the current operating license, the arguments made by the petitioner would appear to call for the elimination of almost the entire environmental review of impacts from operation during the license renewal term, a position clearly at odds with the Commission's approach to the matter and also, as discussed below, inconsistent with case law related to relicensing.

The Commission does not dispute that a line of cases exists under NEPA law which excuses agencies from preparing EISs (or considering certain environmental impacts) where the Federal action does not change existing environmental conditions. See, for example, *State of North Carolina v. Federal Aviation Administration*, 957 F.2d 1125 (4th Cir. 1992); *Cronin v. Department of Agriculture*, 919 F.2d 439 (7th Cir. 1990). In most of these cases, the Federal action taken does not itself create any additional impacts to activities that are ongoing and will continue with or without the Federal action. None of these cases appears to provide firm support for the petitioner's argument that the NRC can ignore the impacts of its actions in the context of

¹ *City of Aurora v. Hunt*, 749 F.2d 1457 (10th Cir. 1984)(overruled on other grounds); *Upper Snake River Chapter of Trout Unlimited v. Hodel*, 921 F.2d 232, 235 (9th Cir. 1990); *Consumers Power Company*, (Big Rock Point Nuclear Plant), ALAB-636, 13 NRC 312 (1982); and *General Electric Company* (GE Morris Operation Spent Fuel Storage Facility), LBP-82-14, 15 NRC 530 (1982).

license renewal. In fact, at least one circuit court squarely addressed the issue of relicensing and concluded that there is the need to consider environmental impacts in that context.

In *Confederated Tribes and Bands of the Yakima Indian Nation v. Federal Energy Regulatory Commission*, 746 F.2d 466 (9th Cir. 1984), the Ninth Circuit Court of Appeals considered whether the Federal Energy Regulatory Commission (FERC) was required to prepare an EIS for its relicensing decision for the Rock Island Dam. In response to the FERC's argument that there had been "no change in the status quo" and thus no EIS was necessary, the court found:

Relicensing * * * is more akin to an irreversible and irretrievable commitment of a public resource than a mere continuation of the status quo. [Citation omitted] Simply because the same resource had been committed in the past does not make relicensing a phase in a continuous activity. Relicensing involves a new commitment of the resource, which in this case lasts for a forty-year period.²

The court's statements here are consistent with NRC's position and its practice in promulgating and implementing the license renewal rule. The cases offered in support of the petitioner's arguments offer no compelling reasons to alter this approach.

In *City of Aurora v. Hunt*,³ the Federal Aviation Administration (FAA), through a rulemaking, approved a new approach procedure for the Stapleton airport in order to reduce delays caused by the use of the existing procedure during periods of low visibility. The City of Aurora challenged the rule claiming, among other things, that the FAA failed to discuss the safety risks of the new procedure in its environmental assessment. In ruling against the City's claim, the Court pointed out that the FAA was required by law to issue the new procedure only if it did not involve a change in safety risk. The FAA considered and responded to a vast number of safety concerns as part of the rulemaking process. Accordingly, the Court found that the agency's approval of the procedure, in itself, was adequate to fulfill the agency's responsibility under NEPA. In a footnote, the Court explained that "[w]hile an agency may be required to consider the effects that will occur if a risk is realized, where no increase in risk is permitted, as here, no significant safety impact exists to trigger

further assessment or inquiry under NEPA." 749 F.2d at 1468, n. 8.

While certain aspects in the *City of Aurora* decision provide some general support for the petitioner's argument, the facts in that case do not appear to be sufficiently analogous to support the elimination of SAMAs reviews for license renewal. First of all, the Court found the FAA's decision to permit the new procedure, in essence, served as a finding of an equivalent level of flight safety and thus allowed the FAA to meet its NEPA obligations even though safety was not explicitly considered in the EA itself. Under NRC's license renewal process, NRC's review under Part 54 does not itself meet the agency's NEPA obligations. Environmental issues such as the potential impacts of severe accidents during the license renewal term do not fall under the Part 54 review. Accordingly, unlike the FAA in *City of Aurora*, NRC cannot use the Part 54 process as the vehicle for meeting its NEPA responsibilities for considering SAMAs in the license renewal context in the same way that the FAA was allowed to use its procedure approval process in *City of Aurora*. Secondly, it should be noted that, absent the NRC's decision to approve a license renewal application, the licensee's plant will not operate an additional 20 years. Accordingly, the NRC's action is a "but for" cause of those additional impacts and NRC has the responsibility to consider those impacts under NEPA. In *City of Aurora*, the FAA's rule permitted the use of a new landing procedure at the airport. While there is no explicit discussion in the decision, it appears that the current landing procedures at the airport would have continued whether or not FAA had issued the new procedure. Accordingly, the status quo in the context of the *City of Aurora* decision appears to have been the continued operation of the airport, whereas the status quo in the context of license renewal is the expiration of the facility's operating license.

Similarly, the decision in *Upper Snake River Chapter of Trout Unlimited v. Hodel*⁴ does not appear to provide strong support for the petitioner's proposal. In that case, the court found that the reduction in river flows approved by Federal agencies was not a major Federal action within the meaning of NEPA. The court held that, in allowing the flow reductions, the Federal defendants were "simply operating the facility in the manner intended" and that they were doing "nothing new, nor more extensive, nor other than that contemplated when the

project was first operational." 921 F.2d at 235. In other words, the flow reductions were part of the normal operations originally approved by the agencies in that case. Conversely, in the license renewal context, the additional 20 years of operation authorized by a renewed license were not considered during the initial licensing of the facility. Thus, the reasoning in *Upper Snake River Chapter* does not appear to be applicable to NRC's license renewal decisions. The Commission believes, and has stated before, that a license renewal decision by NRC is a major Federal action that warrants the preparation of an environmental impact statement (61 FR 55637, 66541; December 18, 1996).

In submitting comments on its petition, NEI identified several NRC decisions which it believes support its position. The first, *Consumers Power Company* (Big Rock Nuclear Plant) ALAB 636, 13 NRC 312 (1982), involved a license amendment request to expand the Big Rock Point Nuclear Plant's spent fuel pool. As NEI indicates, the Appeal Board emphasized the limited scope of the request in rejecting claims that aspects of the plant's continued operation should also be considered in the EA. As quoted by the petitioner, the Appeal Board found that "there are no environmental changes to evaluate" with the secondary or indirect effects (e.g., the plant's continued operation) of the spent fuel pool licensing decision. 13 NRC at 328. The petitioner's comments indicate that:

The Appeal Board correctly noted that, by granting the license amendment request, the Commission is not also issuing approval to alter any other aspect of the plant's operation or the licensed operating term of the facility.

Petition for Rulemaking (Docket No. PRM-51-7; July 13, 1999), letter from NEI to Secretary, NRC, dated November 16, 1999, at pp. 2, 3. The Commission believes that the petitioner's own statement here demonstrates the lack of support *Consumers Power Company* provides for its own position. In the context of license renewal, the Commission is, in fact, approving an extension of the licensed operating term of the facility. Accordingly, the facts in *Consumers Power Company* are not analogous to those presented by license renewal. While the Commission has appropriately decided through rulemaking that it may focus its safety evaluation on certain matters specified in Part 54, its overall license renewal decision applies to the operation of the entire plant. Therefore, the limited scope considered in *Consumers Power*

² 746 F.2d 466 at 476-477.

³ 749 F.2d 1457 (10th Cir. 1984).

⁴ 921 F.2d 232 (9th Cir. 1990).

Company is not present in the license renewal context.

Finally, petitioners have also cited *General Electric* (Morris Operation Spent Fuel Storage Facility) LBP-82-14, 15 NRC 530 (1982). In that case, the Atomic Safety and Licensing Board ruled that NRC did not have to issue an EIS for the license renewal of a storage facility. However, in that case, the NRC staff did issue an environmental impact appraisal (referred to under current NRC regulations as an environmental assessment (EA)) for the action. There is no suggestion that the NRC staff was free to eliminate or ignore consideration of the impacts of the action. Rather, the Board agreed with the NRC staff that the impacts of the action were not significant enough to warrant the preparation of a full EIS and, instead, an environmental impact appraisal was sufficient. The Commission believes that the preparation of EISs, not EAs, are appropriate in the context of license renewal. However, whether an EIS or an EA is prepared for a particular action, the Commission still is responsible for considering the environmental impacts of the action. Accordingly, this case seems to provide little support for the petitioner's position.

2. Impact of the Limerick Decision

The petitioner is correct in stating that the 3rd Circuit's holding in *Limerick Ecology Action v. NRC* does not itself preclude NRC from ever eliminating SAMA reviews from its licensing actions. Specifically, the court held that the NRC could not generically dispense with the consideration of SAMAs through a policy statement. Instead, the NRC would need to do so through a generic rulemaking similar to the one completed for Table S-3 (10 CFR 51.51) and upheld by the Supreme Court in *Baltimore Gas and Electric v. Natural Resources Defense Council*, 464 U.S. 87 (1983). Despite the limited nature of its holding, the court in the *Limerick* decision identified a variety of issues that NRC would have to address in order to eliminate the consideration of SAMAs. In addition to holding that the NRC could not eliminate consideration of these SAMAs through a policy statement, the court also suggested that the generic consideration of SAMAs may be difficult to accomplish given differences in individual plants. 869 F.2d at 733-739. In addition, as the petitioner has indicated, the court rejected NRC's argument that severe accidents were remote and speculative because there was no basis for this conclusion in the agency's record. *Id.* at 739-741.

Despite the adverse ruling handed to NRC, the *Limerick* decision outlines several paths the Commission could attempt to follow in order to eliminate the requirements to analyze both severe accidents and associated mitigation alternatives in individual license renewal reviews. First of all, the Commission could attempt to conclude generically through rulemaking that it has considered these matters and that further consideration in individual license renewal actions is not warranted. In other words, the NRC would change the designation of the severe accident issue to "Category 1" for license renewal in Appendix B of 10 CFR part 51. Secondly, as discussed in Section 3 of this notice, the Commission could eliminate consideration of SAMAs for license renewal based on a finding that severe accidents, in the context of plant operation during the license renewal term, are remote and speculative.

The Commission believes that insufficient information is available to conclude generically that a SAMA analysis is not warranted for individual plant license renewal reviews. In promulgating the license renewal rule in 1996, the Commission indicated that it "may review the issue of severe accident mitigation for license renewal and consider, by separate rulemaking, reclassifying severe accidents as a Category 1 issue" (61 FR 66537; 66540; December 18, 1996). In early 1999, in anticipation of completion of the IPE and IPEEE programs, the NRC staff began considering the actions needed to fulfill the commitment made in the **Federal Register** notice. The IPE program has been completed and the findings of the program are summarized in NUREG-1560, "Individual Plant Examination Program: Perspective on Reactor Safety and Plant Performance," December 1997. The IPEEE program is nearing completion. The current target for completing the reviews of the balance of the individual submittals is January 2001. A draft insights report will be issued for public comment in April 2001 and the final report is scheduled to be completed in October 2001.

Over the past year, the staff has considered the scope of the analysis that would be required to reach generic technical conclusions supporting a rulemaking to reclassify severe accidents as a Category 1 issue. While the information developed in the IPE/IPEEE program provides a valuable starting point, considerable staff and contractor effort would be required to extend the conclusions resulting from the IPE/IPEEE reviews to draw generic

conclusions regarding SAMAs. This would include the need to evaluate changes in plant design and procedures since the IPEs/IPEEEs were completed, incorporate changes in the state of knowledge regarding certain severe accident issues, and to extend the IPE/IPEEE analyses to include offsite consequences. In addition, both benefit and cost considerations of potential plant improvements would need to be developed. Further, there is uncertainty whether, at the conclusion of this effort, the staff would be successful in developing a sufficient technical basis to reclassify severe accidents as a Category 1 issue. Given the resources that would be required and the uncertainty in achieving a successful outcome, the staff does not believe it would be cost beneficial to pursue rulemaking at this time.

In September 2000, the staff issued Supplement 1 to Regulatory Guide 4.2, "Preparation of Supplemental Environmental Reports for Applications to Renew Nuclear Power Plant Operating Licenses," which includes guidance on information and analysis content on SAMAs for environmental reports submitted as part of license renewal applications. Its use is intended to ensure the completeness of the information provided, to assist the NRC staff and others in locating the information, and to shorten the review process. The staff will continue to work with stakeholders to determine if additional efficiencies in the conduct of SAMA analyses for environmental reviews can be realized. Furthermore, if new information becomes available that indicates it is feasible to reclassify SAMAs to Category 1, the staff will notify the Commission and provide a recommendation as to a course of action.

Accordingly, the Commission believes that there is an inadequate basis for a rulemaking to change severe accidents from a Category 2 to Category 1 issue at this time. Applicants should continue to refer to the guidance set out for SAMA analyses in the Statements of Consideration for the license renewal rule (61 FR 28467, 28480-28482; June 5, 1996). The NRC staff will continue to work with stakeholders to discuss the process by which SAMA reviews are done and to determine if efficiencies are possible while ensuring compliance with NRC's NEPA responsibilities to consider the environmental impacts of its licensing decisions.

3. Consideration of Remote and Speculative Impacts

The Commission agrees with the petitioner that there is support in the

case law for the proposition that NEPA does not require the consideration of remote and speculative risks.⁵ The court in the *Limerick* proceeding rejected the NRC's argument that severe accidents were remote and speculative because the court could find no basis for the conclusion in the NRC record. *Id.* at 739-741. The Commission is not prepared to reach the conclusion that the risks of all severe accidents in the context of license renewal are so unlikely as to warrant their elimination from consideration in our NEPA reviews. Even though there is a low probability of a severe accident, the NRC has invested considerable resources toward understanding potential severe accident sequences and alternatives for further reducing the probability of and mitigating the consequences of severe accidents, but has not yet established an agency record that severe accidents may be eliminated from NRC's NEPA reviews. In reviewing licensing actions outside of the license renewal context, it may be possible for the NRC to conclude that certain severe accident scenarios are remote and speculative and do not warrant detailed consideration for the purposes of the NEPA review for that particular NRC action. However, for the purposes of consideration of severe accidents in the context of license renewal NEPA reviews, the NRC staff has not developed the necessary basis for concluding that such occurrences are remote and speculative, and thus inappropriate for NRC review under NEPA. This position does not alter the conclusion that, in light of margins of safety and defense-in-depth, the likelihood of radiological offsite consequences is small.

In its comments, the petitioner cited two cases which, in its view, demonstrate that NEPA's requirements are satisfied where potential impacts to the environment are remote and difficult to quantify and ongoing regulatory safeguards are in place to protect against potential risks of impacts into the future. *Environmental Defense Fund v. Andrus*, 619 F.2d 1368 (10th Cir. 1980) reh'g en banc denied; and *Citizens for Environmental Quality v. Lyng*, 731 F. Supp. 970 (D. Colo. 1989). While these cases may provide more support for the general proposition that remote and speculative impacts need not be considered under NEPA, they do not displace the Commission's responsibility to make the threshold determination based on the NRC record

that severe accidents are remote and speculative for the purpose of license renewal reviews. As discussed, the Commission is unable to reach that conclusion.

For the reasons cited in this document, the Commission denies the petition.

Dated at Rockville, Maryland, this 13th day of February, 2001.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01-4104 Filed 2-16-01; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 73, 76, and 95

[Docket No. PRM-76-1]

United Plant Guard Workers of America; Denial of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of petition for rulemaking.

SUMMARY: The Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by the United Plant Guard Workers of America (PRM-76-1). The petitioner requested that the NRC amend its regulations concerning security at the gaseous diffusion plants to address sites that have both special nuclear material security concerns and protection of classified matter concerns; to require that these facilities be able to detect, respond to, and mitigate threats of a sabotage event; and to require that the security force be armed and empowered to make arrests in limited situations. The petitioner believes that these amendments are necessary to address the protection of classified information, equipment and materials, and special nuclear material at the gaseous diffusion plants.

ADDRESSES: Copies of the petition for rulemaking, the public comments received, and NRC's letter to the petitioner may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. These documents also may be viewed and downloaded electronically via the rulemaking website.

Documents created or received at the NRC after November 1, 1999 are also available electronically at the NRC's Public Electronic Reading Room on the Internet at <http://www.nrc.gov/NRC/ADAMS/index.html>. From this site, the

public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) Reference staff at 1-800-397-4209, 301-415-4737, or by e-mail, pdr@nrc.gov.

FOR FURTHER INFORMATION CONTACT: Merri Horn, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, telephone (301) 415-8126, e-mail mlh1@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petition

On May 10, 2000 (65 FR 30018), the NRC published a notice of receipt of a petition for rulemaking filed by the United Plant Guard Workers of America. The petitioner requested that the NRC amend its regulations concerning security at the gaseous diffusion plants to address sites that have both special nuclear material security concerns and protection of classified matter concerns; to require that these facilities be able to detect, respond to, and mitigate threats of a sabotage event; and to require that the security force be armed and empowered to make arrests in limited situations. The petitioner believes that these amendments are necessary to address the protection of classified information, equipment and materials, and special nuclear material at the gaseous diffusion plants.

First, the petitioner asserted that the regulations do not adequately address sites that have both nuclear material security concerns and classified matter concerns. The petitioner believes that the applicable regulations were not appropriately merged in the regulations governing gaseous diffusion plants to address a site that covers the protection of classified information, equipment and materials, and special nuclear material.

As an example, the petitioner stated that the Controlled Area Fence Line does provide a minimum level of protection against the unauthorized removal of special nuclear material contained in 10- and 20-ton cylinders. However, the petitioner questioned whether the fence line adequately protects against the unauthorized removal of restricted information, equipment, and other materials or the unauthorized access to these types of materials.

The petitioner asserted that other facilities that possess Category III quantities of special nuclear material regulated by the NRC do not share the

⁵ See, e.g., *Limerick Ecology Action v. NRC*, 869 F.2d at 739; *San Luis Obispo Mothers for Peace v. NRC*, 751 F.2d 1287, 1300-01 (D.C. Cir. 1984).

level of concern for classified matter, equipment, and technology that exists at the gaseous diffusion plants. The petitioner suggested that the regulations concerning security programs at the gaseous diffusion plants, such as escort requirements and physical security measures, should be amended to be made more stringent to protect this technology. The petitioner did not offer any specifics as to how the regulations should be amended.

Second, according to the petitioner, the NRC typically relies on local law enforcement agencies to respond to incidents of workplace violence or sabotage at material licensee facilities. The petitioner stated that the scope and complexity of a gaseous diffusion plant makes it far different from other types of NRC-licensed materials facilities. Furthermore, the petitioner believes that these differences result in unique problems in relying on local law enforcement agencies to protect such a facility from violent incidents. The petitioner indicated that local law enforcement agencies in the vicinity of the Paducah plant have stated, for the record, that they should not be viewed as a replacement for on-site security because of their lack of knowledge of the plant site, the types of hazards contained in the plant, and their limited resources. The petitioner presented two letters, attached to the petition, from law enforcement agencies in the vicinity of the Paducah plant that support this contention.

Because of the unique nature of gaseous diffusion plants and the importance of their operation, the petitioner believes that a violent incident or an act of sabotage would affect national security. The petitioner also asserted that, because of the many radiological and toxicological hazards associated with these plants, an act of sabotage could adversely affect the safety of plant workers and the public.

The petitioner believes that these dangers were not addressed as part of the certification process. According to the petitioner, current NRC standards do not require a security force that is capable of preventing a sabotage event. The petitioner requested that the regulations be amended to require that security forces at the gaseous diffusion plants be able to detect, respond to, and mitigate violent incidents or acts of sabotage.

Last, the petitioner noted that current regulations do not require that the security force be armed or empowered to enforce the Atomic Energy Act. The petitioner requested that security officers at the gaseous diffusion plants be armed and empowered to make

arrests in limited situations, such as for violations of the Atomic Energy Act.

Public Comments on the Petition

The notice of receipt of the petition for rulemaking invited interested persons to submit comments. The comment period closed on July 24, 2000. NRC received one comment letter from the United States Enrichment Corporation (USEC), the operator of the gaseous diffusion plants. The commenter was opposed to the petition. The commenter believes that the petitioner does not provide a solid and specific basis for revising the regulations to increase security at the gaseous diffusion plants. The commenter points out that the petitioner has not provided specific recommendations regarding what revisions should be made to current security regulatory requirements to address the concerns outlined in the petition. The commenter states that the security program at the gaseous diffusion plants exceeds NRC requirements for the protection of classified matter and special nuclear material of low strategic significance. The commenter asserts that research by the NRC, United States Department of Energy (DOE), and United States Federal Bureau of Investigation (FBI) does not indicate a higher potential threat level for the gaseous diffusion plants than for other fuel cycle facilities with similar nuclear materials. The commenter states that the requested changes would also affect other similar facilities and that implementation of the protective strategies described by the petitioner would result in an increase in cost for all subject facilities and that the cost is not justified based on the lack of increased associated threat. The commenter believes that the level of security is adequate to protect classified matter and special nuclear material at the gaseous diffusion plants.

Reasons for Denial

The NRC is denying the petition because we have determined that current NRC regulations and certificate conditions governing the gaseous diffusion plants provide adequate protection for both classified matter and special nuclear material at these plants. The gaseous diffusion plants operate under certificates of compliance issued under the provisions of 10 CFR part 76. Furthermore, they are subject to the physical protection provisions of 10 CFR part 73 and the security provisions of 10 CFR part 95. The gaseous diffusion plants process Category III levels of special nuclear material as described in 10 CFR 73.2. Category III levels require

a minimum level of security, as specified in 10 CFR 73.67, to minimize the possibility for the unauthorized removal of special nuclear material. The specified level of security is intended to be consistent with the potential consequences of such an action. The regulations in Part 95 establish security requirements for the protection of classified matter up to and including SECRET-Restricted Data and are consistent with national policy. The gaseous diffusion plants are also required to follow the security plans approved by the NRC.

The petitioner suggested three separate areas for changing the regulations: (1) Require more stringent regulations concerning security programs at the gaseous diffusion plants, such as escort requirements and physical security measures; (2) require that these facilities be able to detect, respond to, and mitigate threats of a sabotage event; and (3) require that the security force be armed and empowered to make arrests in limited situations.

1. More Stringent Regulations

NRC believes that the petitioner is incorrect in asserting that the regulations do not adequately address sites with requirements for both physical protection of special nuclear material and protection of classified matter. The NRC staff was not able to identify any conflict with the provisions of Parts 73 and 95, nor was the staff able to identify any gaps in coverage. The combination of special nuclear material of low strategic significance (SNM-LSS) and classified material does not create any new threat to the protection of classified material. Part 95 requires that access to classified matter be limited to authorized persons who have an appropriate security clearance and a need-to-know for the classified matter. Individuals without the appropriate level of clearance and/or need-to-know must be escorted at all times by an authorized individual. Part 95 requires that all cleared employees be provided with security training. Part 95 also requires that classified matter be stored in locked vaults or safes and requires a watchman to check the safes on an established frequency. The escort of uncleared individuals is already required by Part 95. The provisions of Part 95 provide adequate protection of classified matter and are consistent with national policy (*i.e.*, National Industrial Security Program Operating Manual.)

As an example, the petitioner suggested that the security fence does not provide adequate protection of restricted information. (The NRC assumes that the petitioner is actually

referring to restricted data or national security information as there is no category called restricted information.) The petitioner does concede that unauthorized removal of SNM-LSS is not an issue. The security fence is not required by Part 95, although it does provide some protection since it prevents unauthorized individuals from gaining access to the facility. Only employees and authorized individuals are allowed access to the facility. All employees and visitors are required to enter and exit the facility through portals manned by security personnel. Security personnel do have the right to search items entering and leaving the facility. These provisions, as well as others, ensure that classified matter is used, stored, processed, reproduced, transmitted, transported, and destroyed only under conditions that will provide adequate protection and prevent access by unauthorized persons. The petitioner did not provide any information demonstrating that more stringent escort requirements or other security measures were necessary for the gaseous diffusion plants. The increased burden that would be imposed by any new regulations would not appear to be warranted. The provisions of Parts 73 and 95, coupled with the approved security plans for the protection of classified matter and for physical protection, will continue to provide the basis for adequate protection of classified matter and SNM-LSS possessed by the gaseous diffusion plants.

2. Detect, Respond to, and Prevent Sabotage

In Part 73, the requirements do reflect the need for addressing radiological sabotage for Category I facilities. A Category I facility is a facility that possesses a formula quantity of special nuclear material of strategic significance (e.g., 5 kilograms of uranium enriched to 20 percent or more in the uranium-235 isotope) and a Category III facility is one that possesses special nuclear material of low strategic significance (uranium enriched to less than 10 percent in the uranium-235 isotope, with limited quantities at higher enrichments). The gaseous diffusion plants are classified as Category III facilities. When the regulations in Part 73 were promulgated, the NRC did not consider that a potential threat for radiological sabotage existed for Category III facilities. Therefore, Part 73 does not require that these facilities protect against radiological sabotage other than ensuring the security of radioactive material under 10 CFR part 20. The NRC is not aware of any changes in the threat environment that would warrant a

change in this conclusion and, therefore, would warrant a change in the physical protection requirements for Category III facilities. Additionally, during the promulgation of Part 76, sabotage was not considered to be a credible threat and, therefore, was not addressed in the regulations. The staff evaluated whether the classification of the gaseous diffusion plants as Category III facilities was appropriate since the requested change to the rules would result in imposing the equivalent of Category I physical protection requirements on the gaseous diffusion plants. Currently, the gaseous diffusion plants do not have a national defense role. The production from these plants supports the commercial nuclear industry. The material is unattractive from a proliferation standpoint because of its low enrichment and its storage configuration (e.g., 14-ton cylinders) reduces the likelihood of theft or diversion compared to Category I material. The staff has not identified any change in the threat environment that would warrant a change to the requirements for the gaseous diffusion plants. The staff concluded that the classification of the gaseous diffusion plants as Category III facilities was appropriate.

The petitioner also expressed concern that local law enforcement is viewed as a replacement for on-site security response capability. On-site security would be the first to respond; local law enforcement would be contacted to provide backup if deemed necessary. Both gaseous diffusion plants have agreements in place with local law enforcement agencies. The local sheriff, State police, and FBI have also participated in emergency exercises at the plants. In addition, if a specific threat were to be uncovered, the facility would be provided with the information and could increase security as necessary. State and Federal law enforcement officials would be available to respond in case of a serious threat.

The petitioner has not provided any new information for NRC consideration that could form an adequate basis to require that the plants be able to detect, respond to, and mitigate violent incidents or acts of sabotage. There is no known change in the threat environment that would warrant a change to the regulations or a change in classification for the gaseous diffusion plants from Category III to Category I. The increased burden that would be imposed on the certificate holder, the NRC staff, and other stakeholders is not warranted based on current information.

3. Armed Security Force

NRC physical security requirements vary according to the risk posed by the radioactive material possessed and do not require armed guards for the operations under NRC regulation at the gaseous diffusion plants. There is no known threat that would warrant requiring armed guards at Category III facilities, including the gaseous diffusion plants. The operations at the gaseous diffusion plants under NRC regulation involve SNM-LSS, and NRC regulations do not require the presence of armed guards for the adequate protection of SNM-LSS. However, NRC regulations do not prohibit carrying of firearms. In fact, the guards at the gaseous diffusion plants do carry firearms. USEC has committed to the presence of armed guards in its NRC-approved physical protection plans. The NRC currently does not have the authority to authorize certificate holders and their employers and contractors to have arrest authority for protection of common defense and security. However, DOE does have the authority and has now completed issuance of weapons authorization cards for the guard forces at the gaseous diffusion plants. The remedy requested by the petition (i.e., rulemaking) would appear to be unnecessary as the desired outcome (armed guards and arrest authority) has been achieved by means other than rulemaking.

In conclusion, no new information has been provided by the petitioner that calls into question the classified information and physical protection requirements. Existing NRC regulations provide the basis for reasonable assurance that the common defense and security is adequately protected. Additional rulemaking would impose unnecessary regulatory burden and does not appear to be warranted for the adequate protection of the common defense and security.

For the reasons cited in this document, the NRC denies this petition.

Dated at Rockville, Maryland, this 31st day of January, 2001.

For the Nuclear Regulatory Commission.

William D. Travers,

Executive Director for Operations.

[FR Doc. 01-4105 Filed 2-16-01; 8:45 am]

BILLING CODE 7590-01-P

SMALL BUSINESS ADMINISTRATION**13 CFR Part 121****Small Business Size Standards; Waiver of the Nonmanufacturer Rule**

AGENCY: Small Business Administration.

ACTION: Notice of intent to waive the nonmanufacturer rule for aerospace ball and roller bearings, consists of, but not limited to, annular ball bearings, ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings races, roller bearings, tapered roller bearings and thrust roller bearings.

SUMMARY: The Small Business Administration (SBA) is considering granting a waiver of the Nonmanufacturer Rule for aerospace ball and roller bearings, consists of, but not limited to, annular ball bearings, ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings. The basis for a waiver of the Nonmanufacturer Rule for these products is that there are no small business manufacturers or processors available to supply these products to the Federal Government. The effect of a waiver would be to allow an otherwise qualified Nonmanufacturer to supply other than the product of a domestic small business manufacturer or processor on a Federal contract set aside for small businesses or awarded through the SBA 8(a) Program. The purpose of this notice is to solicit comments and potential source information from interested parties.

DATES: Comments and sources must be submitted on or before March 5, 2001.

ADDRESSES: Edith Butler, Program Analyst, U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416, Tel: (202) 619-0422.

FOR FURTHER INFORMATION CONTACT: Edith Butler, Program Analyst, (202) 619-0422 FAX (202) 205-6845.

SUPPLEMENTARY INFORMATION: Public Law 100-656, enacted on November 15, 1988, incorporated into the Small Business Act the previously existing regulation that recipients of Federal contracts set-aside for small businesses or the SBA 8(a) Program procurement must provide the product of a small business manufacturer or processor, if the recipient is other than the actual manufacturer or processor. This requirement is commonly referred to as the Nonmanufacturer Rule. The SBA regulations imposing this requirement are found at 13 CFR 121.406(b). Section

303(h) of the law provides for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. To be considered available to participate in the Federal market on these classes of products, a small business manufacturer must have submitted a proposal for a contract solicitation or received a contract from the Federal Government within the last 24 months. The SBA defines "class of products" based on two coding systems. The first is the Office of Management and Budget North American Industry Classification System (NAICS). The second is the Product and Service Code (PSC) established by the Federal Procurement Data System.

The Small Business Administration is currently processing a request for a waiver of the Nonmanufacturer Rule for Ball and Roller Bearing Manufacturing (SIC 3562, NAICS 332991), roller bearings consists of, but not limited to, annular ball bearings, ball bearings, cylindrical ball bearings, linear ball bearings, linear roller bearings, needle roller bearings, ball or roller bearing races, roller bearings, tapered roller bearings and thrust roller bearings, and invites the public to comment or provide information on potential small business manufacturers for these products.

In an effort to identify potential small business manufacturers, the SBA has searched Procurement Marketing & Access Network (PRO-Net) and the SBA will publish a notice in the Commerce Business Daily. The public is invited to comment or provide source information to SBA on the proposed waiver of the Nonmanufacturer Rule for these classes of products.

Dated: January 26, 2001.

Luz A. Hopewell,

Associate Administrator for Government Contracting.

[FR Doc. 01-3976 Filed 2-16-01; 8:45 am]

BILLING CODE 8025-01-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000-NM-193-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires replacement of the air driven generator (ADG) wire assembly with a new, increased length wire assembly. This action would require, among other actions, replacement of the existing ADG wire assembly in the right air conditioning compartment with a certain new wire assembly. This action also would expand the applicability of the existing AD to include additional airplanes. This proposal is prompted by an investigation that revealed the length of the new wire assembly is too long and causes the assembly to chafe against the left emergency alternating current bus of the ADG. The actions specified by the proposed AD are intended to prevent loss of the charging capability of the airplane battery due to chafing. Loss of the charging capability of the airplane battery, coupled with a loss of all normal electrical power, could prevent continued safe flight and landing of the airplane.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-193-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-193-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the the FAA, Los Angeles Aircraft

Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-193-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-193-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On February 10, 2000, the FAA issued AD 2000-03-12, amendment 39-11571 (65 FR 8030, February 17, 2000), applicable to certain McDonnell Douglas Model MD-11 series airplanes, to require replacement of the air driven generator (ADG) wire assembly with a new, increased length wire assembly. That action was prompted by a report of loose terminal attachment hardware on the ADG power monitor relay due to a stress condition on the terminal attachment points. The requirements of that AD are intended to prevent loss of the charging capability of the airplane battery. Loss of the charging capability of the airplane battery, coupled with a loss of all normal electrical power, could prevent continued safe flight and landing of the airplane.

The incident that prompted AD 2000-03-12 is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Actions Since Issuance of Previous Rule

Since the issuance of AD 2000-03-12, an investigation revealed that the length of the new wire assembly installed per that AD is too long and causes the assembly to chafe against the left emergency alternating current bus of the airplane battery. This condition, if not corrected, could result in the loss of the charging capability of the ADG, which, when coupled with a loss of all normal electrical power, could consequently prevent continued safe flight and landing of the airplane.

In addition, Model MD-11 series airplanes, manufacturer's fuselage numbers 0633 through 0646, inclusive, which were not subject to the requirements of AD 2000-03-12, had a modification accomplished in production that is similar to the replacement required by AD 2000-03-12. Therefore, the FAA finds that these additional airplanes are also subject to the identified unsafe condition.

Also, the original issue and Revision 01 of Boeing (McDonnell Douglas) Service Bulletin MD11-24-128 (which were referenced in AD 2000-03-12 as the appropriate sources of service information for accomplishing the required actions) contained an error, which resulted in the misidentification of a wire assembly and the omission of an existing wire on an illustration.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin MD11-24-128, Revision 02, dated October 31, 2000, which describes procedures for replacement of the existing ADG wire assembly located on the transformer panel at station Y=568.333 in the right air conditioning compartment with a certain new wire assembly. The service bulletin also describes procedures for replacing the associated clamps and screws of the ADG wire assembly with new clamps and screws, and torque tightening the terminal hardware to certain limits. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2000-03-12 to require accomplishment of the actions specified in the service bulletin described previously.

Cost Impact

There are approximately 191 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD.

The new actions that are proposed in this AD action would take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts would cost approximately \$810 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be \$52,200, or \$870 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the

time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-11571 (65 FR 8030, February 17, 2000), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2000-NM-193-AD. Supersedes AD 2000-03-12, Amendment 39-11571.

Applicability: Model MD-11 series airplanes, as listed in Boeing Service Bulletin MD11-24-128, Revision 02, dated October 31, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of the charging capability of the air driven generator (ADG), that when coupled with a loss of all normal electrical power, could prevent continued safe flight and landing of the airplane, accomplish the following:

Replacement

(a) Within 1 year after the effective date of this AD, do the actions specified in paragraphs (a)(1), (a)(2), and (a)(3) of this AD per Boeing Service Bulletin MD11-24-128, Revision 02, dated October 31, 2000.

(1) Replace the ADG wire assembly, part number (P/N) ACS9006-501 and/or ACS9006-502, located on the transformer panel at station Y=568.333 in the right air conditioning compartment with a new wire assembly, P/N SR11240033-101.

Note 2: The referenced service bulletin incorrectly lists the new wire assembly as having P/N SR1124033-101 in paragraph 3.A.4. of the Accomplishment Instructions. The correct P/N is SR11240033-101, as indicated in paragraph (a)(1) of this AD.

(2) Replace the associated clamps and screws of the ADG wire assembly with new clamps and screws.

(3) Torque tighten terminal hardware to the limits specified in the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4058 Filed 2-16-01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-192-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This proposal would require an inspection to detect arcing damage of the electrical cables leading to the terminal strips and surrounding structure in the wing areas inboard of the pylons 1 and 3 and the No. 2 engine; and corrective actions, if necessary. This proposal also would require revising the cable connection stackup of the terminal strips on the wings and No. 2 engine. This action is necessary to prevent arcing damage to the terminal strips and damage to the adjacent structure in the wing areas inboard of the pylons 1 and 3 and the No. 2 engine, which could result in a fire inboard of the pylons 1 and 3 or the No. 2 engine. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-192-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-192-AD" in the

subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT:

Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-192-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-192-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which arcing occurred between the power feeder cables and support bracket of the terminal strips on a McDonnell Douglas Model MD-11 series airplane. Investigation revealed that inadequate clearance exists between the terminal strips and support brackets of the wing areas inboard of the pylons 1 and 3 and the No. 2 engine. This condition, if not corrected, could result in arcing damage to the terminal strips and damage to the adjacent structure of the wing areas inboard of the pylons 1 and 3 and the No. 2 engine, which could result in a fire inboard of the pylons 1 and 3 or the No. 2 engine.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A187, dated October 4, 2000, which describes procedures for a general visual inspection to detect arcing damage of the electrical cables leading to the terminal strip and the surrounding structure in the wing areas inboard of the pylons 1 and 3 and the No. 2 engine; and corrective actions, if necessary. The corrective actions include replacing any damaged terminal

strip with a like part and sealing the screw heads of any replaced terminal strip; repairing any arcing or structure damage; and replacing any damaged cable with a new cable. The service bulletin also describes procedures for revising the cable connection stackup of the terminal strips on the left and right wings and the No. 2 engine (including performing a general visual inspection for damaged cable assemblies; repairing of any damaged cable assembly; and tightening terminal lug hardware). Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously; except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies to repair damaged structure per the Structural Repair Manual (SRM). However, the SRM does not provide adequate procedures for repair of certain structural material. Therefore, this proposal would require the repair of damaged structure that is not covered in the SRM to be accomplished per a method approved by the FAA.

Cost Impact

There are approximately 153 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 57 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$60 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$20,520, or \$360 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific

actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–192–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD–1124A187, dated October 4, 2000; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

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

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing damage to the terminal strips and damage to the adjacent structure in the wing areas inboard of the pylons 1 and 3 and the No. 2 engine, which could result in a fire inboard of the pylons 1 and 3 or the No. 2 engine, accomplish the following:

Inspection and Corrective Actions, If Necessary

(a) Within 18 months after the effective date of this AD, do a general visual inspection to detect arcing damage of the electrical cables leading to the terminal strips and the surrounding structure in the wing areas inboard of the pylons 1 and 3 and the No. 2 engine, per McDonnell Douglas Alert Service Bulletin MD11–24A187, dated October 4, 2000.

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

(1) If no arcing or structure damage is detected during the general visual inspection, before further flight, do the action specified in paragraph (b) of this AD.

(2) If any arcing damage is detected on any terminal strip, before further flight, replace the damaged terminal strip with a like part, and seal the screw heads of any replaced terminal strip, per the service bulletin.

(3) If any arcing damage is detected on any cable and the damage is within the limits specified in the service bulletin, before further flight, repair the arcing per the service bulletin, and do the action specified in paragraph (b) of this AD.

(4) If any arcing damage is detected on any cable and the damage is beyond the limits specified in the service bulletin, before further flight, replace the damaged cable with a new cable, per the service bulletin, and do the action specified in paragraph (b) of this AD.

(5) If any structure damage is detected, before further flight, do the actions specified in paragraphs (a)(5)(i) and (a)(5)(ii) of this AD.

(i) Repair the damaged structure per the service bulletin, except if the type of structural material that has been affected is not covered in the SRM, repair per a method

approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

(ii) Do the action specified in paragraph (b) of this AD.

Follow-On Revision of the Cable Connection Stackup

(b) Revise the cable connection stackup of the terminal strips on the left and right wings and the No. 2 engine (including performing a general visual inspection for damaged cable assemblies; repairing of any damaged cable assembly; and tightening terminal lug hardware), per paragraph 3.B.4. of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11–24A187, October 4, 2000.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4057 Filed 2–16–01; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–191–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require an inspection to detect arcing

damage of the electrical cables leading to the hydraulic pump terminal strips and the surrounding structure in the wheel well area of the right main landing gear (MLG); and corrective actions, if necessary. This proposal also would require replacement of a certain terminal strip with a new terminal strip, and removal of the applicable nameplate in the wheel well of the right MLG. This action is necessary to prevent arcing damage to the terminal strips and damage to the adjacent structure of the wheel well area of the right MLG, which could result in a fire in the wheel well of the right MLG. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-191-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-191-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-191-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-191-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which arcing occurred between the power feeder cables and support bracket of the terminal strips on a McDonnell Douglas Model MD-11 series airplane. Investigation revealed that inadequate

clearance exists between the terminal strips and associated support brackets. This condition, if not corrected, could result in arcing damage to the terminal strips and damage to the adjacent structure of the wheel well area of the right main landing gear (MLG), which could result in a fire in the wheel well of the right MLG.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A186, dated October 4, 2000, which describes procedures for a general visual inspection to detect arcing damage of the electrical cables leading to the terminal strip and the surrounding structure in the wheel well area of the right MLG; and corrective actions, if necessary. The corrective actions include replacing any damaged terminal strip with a like part, and sealing the screw heads of any replaced terminal strip; repairing any arcing or structure damage; and replacing any damaged cable with a new cable. The service bulletin also describes procedures for replacement of a certain terminal strip with a new terminal strip, and removal of the applicable nameplate in the wheel well of the right MLG. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletin described previously; except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin specifies to repair damaged structure per the Structural Repair Manual (SRM). However, the SRM does

not provide adequate procedures for repair of certain structural material. Therefore, this proposal would require the repair of damaged structure that is not covered in the SRM to be accomplished per a method approved by the FAA.

Cost Impact

There are approximately 191 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$25 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$5,100, or \$85 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000-NM-191-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A186, dated October 4, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent arcing damage to the terminal strips and damage to the adjacent structure of the wheel well area of the right main landing gear (MLG), which could result in a fire in the wheel well of the right MLG, accomplish the following:

Inspection and Corrective Actions, if Necessary

(a) Within 18 months after the effective date of this AD, do a general visual inspection to detect arcing damage of the electrical cables leading to the hydraulic pump terminal strips and the surrounding structure in the wheel well area of the right MLG, per McDonnell Douglas Alert Service Bulletin MD11-24A186, dated October 4, 2000.

Note 2: For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect

obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked."

(1) If no arcing or structure damage is detected during the general visual inspection, before further flight, do the actions specified in paragraph (b) of this AD.

(2) If any arcing damage is detected on any terminal strip, before further flight, replace the damaged terminal strip with a like part, and seal the screw heads of any replaced terminal strip, per the service bulletin.

(3) If any arcing damage is detected on any cable and the damage within the limits specified in the service bulletin, before further flight, repair the arcing damage per the service bulletin, and do the actions specified in paragraph (b) of this AD.

(4) If any arcing damage is detected on any cable and the damage beyond the limits specified in the service bulletin, before further flight, replace the damaged cable with a new cable per the service bulletin, and do the actions specified in paragraph (b) of this AD.

(5) If any structure damage is detected, before further flight, do the actions specified in paragraphs (a)(5)(i) and (a)(5)(ii) of this AD.

(i) Repair the damaged structure per the service bulletin; except if the type of structural material that has been affected is not covered in the SRM, repair per a method approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA.

(ii) Do the actions specified in paragraph (b) of this AD.

Follow-On Replacement and Removal of Nameplate, if Necessary

(b) Do the actions specified in paragraphs (b)(1) and (b)(2) of this AD per McDonnell Douglas Alert Service Bulletin MD11-24A186, October 4, 2000.

(1) Replace any terminal strip identified in Table 1 of this AD with a base thickness of 0.445 inches or less that have 1/4-inch or larger studs and/or 4 through 000 gauge size terminal lugs with a new terminal strip. Table 1 is as follows:

TABLE 1

Item No.	System	Location
S3-261	Aux hydraulic pump 1.	Wheel well of the right MLG (looking forward).

(2) Remove the applicable nameplate in the wheel well of the right MLG.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA. Operators shall submit their requests through an appropriate FAA

Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4056 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-190-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the superseding of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD-11 series airplanes, that currently requires a one-time inspection to detect riding, chafing, or damage of the wire bundles adjacent to the disconnect panel bracket of the observer's station. That AD also requires repair or replacement of damaged wires with new or serviceable wires; installation of anti-chafing sleeving on the wire bundles, if necessary; and installation of a grommet along the entire upper aft edge of the disconnect panel bracket. This action would require an identical one-time inspection, follow-on actions, and similar corrective actions, if necessary; but the proposed installation of anti-chafing sleeving would be required for all airplanes. This action is necessary to detect riding or chafing of the wire bundles adjacent to the disconnect panel bracket assembly, which could result in a fire in the wire bundles and smoke in the cockpit. This action is

intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-190-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-190-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a

request to change the service bulletin reference as two separate issues.

- For each issue, state what specific change to the proposed AD is being requested.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-190-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-190-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

On May 5, 1997, the FAA issued AD 97-10-12, amendment 39-10024 (62 FR 25839, May 12, 1997), applicable to certain McDonnell Douglas Model MD-11 series airplanes, to require a one-time inspection to detect riding, chafing, or damage of the wire bundles adjacent to the disconnect panel bracket of the observer's station. That AD also requires repair or replacement of damaged wires with new or serviceable wires; installation of anti-chafing sleeving on the wire bundles, if necessary; and installation of a grommet along the entire upper aft edge of the disconnect panel bracket. That action was prompted by a report indicating that the circuit breakers tripped on a Model MD-11 series airplane due to inflight arcing behind the avionics circuit breaker panel as a result of chafing of the wire bundles adjacent to the disconnect panel bracket assembly. The requirements of that AD are intended to detect and correct such chafing, which could result in a fire in the wire bundles and smoke in the cockpit.

The incident that prompted AD 97-10-12 is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell

Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Actions Since Issuance of Previous Rule

Since the issuance of AD 97-10-12, the FAA has determined that installation of anti-chafing sleeving on all wire bundles in the subject area, regardless if the wire bundle appears to riding or chafing, is necessary. Riding or chafing of the wire bundles adjacent to the disconnect panel bracket assembly, if not detected and corrected, could result in a fire in the wire bundles and smoke in the cockpit.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A111, Revision 01, dated July 27, 2000. The service bulletin describes, for certain airplanes, procedures for a one-time general visual inspection to detect riding, chafing, or damage of the wire bundles adjacent to the disconnect panel bracket. The service bulletin also describes, for certain airplanes, procedures for repair of damaged wires; installation of anti-chafing sleeving on the wire bundles; and installation of a protective grommet along the edge of the disconnect panel bracket. Accomplishment of these actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 97-10-12 to require, for certain airplanes, accomplishment of the additional actions specified in the service bulletin described previously.

Differences Between the Proposed AD and Service Bulletin

Operators should note that the Revision Transmittal Sheet of the service bulletin incorrectly reads

“Additional work is required for airplanes previously modified by Service Bulletin MD11-24-111. Additional work requirement is to be accomplished as outlined under Group 2. An additional 0.8 man-hour is required.” The FAA has consulted with the airplane manufacturer and determined that additional work is NOT required for Group 2 airplanes. The term “modified,” as described above and in Group 1 and Group 2 listing in the effectivity of the service bulletin, refers to installation of anti-chafing sleeving on the wire bundles. Therefore, the proposed AD affects McDonnell Douglas Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A111, Revision 01, dated July 27, 2000; certificated in any category; except those airplanes on which anti-chafing sleeving was installed on the wire bundles per paragraph (a)(1) or (a)(2) of AD 97-10-12.

Cost Impact

There are approximately 195 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 60 airplanes of U.S. registry would be affected by this proposed AD.

The inspection and installation that are proposed in this AD action would take approximately 2 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. The cost of required parts would be nominal. Based on these figures, the cost impact of the proposed inspection and installation of this AD on U.S. operators is estimated to \$7,200, or \$120 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore,

it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10024 (62 FR 25839, May 12, 1997), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2000-NM-190-AD. Supersedes AD 97-10-12, Amendment 39-10024.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A111, Revision 01, dated July 27, 2000; certificated in any category; except those airplanes on which anti-chafing sleeving was installed on the wire bundles per paragraph (a)(1) or (a)(2) of AD 97-10-12.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or

repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

Note 2: Where there are differences between the referenced service bulletin and the AD, the AD prevails.

To detect riding or chafing of the wire bundles adjacent to the disconnect panel bracket assembly, which could result in a fire in the wire bundles and smoke in the cockpit, accomplish the following:

General Visual Inspection and Corrective Actions, If Necessary

(a) Within 6 months after the effective date of this AD, perform a general visual inspection to detect riding, chafing, or damage of the wire bundles adjacent to the disconnect panel bracket, per paragraph 3.B.2. of the Accomplishment Instructions of McDonnell Douglas Alert Service Bulletin MD11-24A111, Revision 01, dated July 27, 2000.

Note 3: For the purposes of this AD, a general visual inspection is defined as “A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.”

(1) If any riding or chafing is found, and if any damage is found: Before further flight, repair damaged wires; install anti-chafing sleeving on the wire bundles; and install a protective grommet along the entire upper aft edge of the disconnect panel bracket; per Condition 1 of paragraph 3.B.2 of the Accomplishment Instructions of the service bulletin.

(2) If any riding or chafing is found, but no damage is found: Before further flight, install anti-chafing sleeving on the wire bundles, and install a protective grommet along the entire upper aft edge of the disconnect panel bracket, per Condition 2 of paragraph 3.B.2. of the Accomplishment Instructions of the service bulletin.

(3) If no riding, chafing, or damage is found: Before further flight, install anti-chafing sleeving on the wire bundles, and install a protective grommet along the entire upper aft edge of the disconnect panel bracket, per Condition 3 of paragraph 3.B.2. of the Accomplishment Instruction of the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permits

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

*Manager, Transport Airplane Directorate,
Aircraft Certification Service.*

[FR Doc. 01-4055 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-189-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This proposal would require an inspection of the upper avionics circuit breaker panel at the main observer's station to detect damage of the wires and to verify the correct routing of the wire bundles; corrective actions, if necessary; and installation of a new clamp, spacer, and sta-straps. This action is necessary to prevent chafing in the upper avionics circuit breaker panel of the main observer's station, which could result in arcing and consequent smoke and/or fire in the cockpit. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-189-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal

holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2000-NM-189-AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before

and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-189-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-189-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident of wiring chafing in the upper avionics circuit breaker panel of the main observer's station on a McDonnell Douglas Model MD-11 series airplane. Investigation revealed that the chafed wiring was due to friction between the wires and the edge of the panel, which occurs during the opening and closing of the panel. Such chafing, if not corrected, could result in arcing in the upper avionics circuit breaker panel, which could result in smoke and/or fire in the cockpit.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD11-24A179, Revision 01, dated October 31,

2000. The service bulletin describes procedures for a general visual inspection of the upper avionics circuit breaker panel at the main observer's station to detect damage of the wires and to verify the correct routing of the wire bundles, and corrective actions, if necessary; and installation of a new clamp to the AES9101 wire bundle and wire support bar, and a new spacer and sta-straps. The corrective actions involve repairing damaged wiring; replacing damaged wiring with new wiring; loosening clamps; and replacing the sta-straps with new sta-straps. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 185 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 59 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 5 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the airplane manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$17,700, or \$300 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and

the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000-NM-189-AD.

Applicability: Model MD-11 series airplanes, as listed in Boeing Alert Service Bulletin MD11-24A179, Revision 01, dated October 31, 2000; certificated in any category.

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

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing in the upper avionics circuit breaker panel of the main observer's station, which could result in arcing and consequent smoke and/or fire in the cockpit, accomplish the following:

Inspection, Installation, and Corrective Actions, If Necessary

(a) Within 6 months after the effective date of this AD, do the action(s) specified in paragraphs (a)(1) and (a)(2) of this AD per Boeing Alert Service Bulletin MD11-24A179, Revision 01, dated October 31, 2000.

(1) A general visual inspection of the upper avionics circuit breaker panel at the main observer's station to detect damage of the wires and to verify the correct routing of the wire bundles.

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

(i) If any damaged wire is found, before further flight, repair it or replace it with new wiring.

(ii) If any incorrect wire routing is found, before further flight, loosen clamps and replace the sta-straps with new sta-straps.

(2) Install a new clamp to the AES9101 wire bundle and wire support bar, and install a new spacer and sta-straps.

Note 3: Accomplishment of the actions specified in Boeing Alert Service Bulletin MD11-24A179, dated August 10, 2000, before the effective date of this AD, is considered acceptable for compliance with the requirements of this AD.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4054 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-188-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This proposal would require performing a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 integrated drive generator (IDG); repairing any chafed cable and damaged structure; and repositioning the parallel power feeder cables of the number 2 IDG. This action is necessary to prevent chafing and arcing of the parallel feeder cables of the number 2 IDG, which could result in smoke and/or fire in the right aft galley area. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-188-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-188-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be

formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action

must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-188-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-188-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which smoke permeated the right aft galley area and an electrical power generator system fault alert occurred on a McDonnell Douglas Model MD-11 series airplane. Investigation revealed that the parallel power feeder cable of the number 2 integrated drive generator (IDG) burned 30 percent through due to it chafing against the R4 aft track of the door. This condition, if not corrected, could result in chafing and arcing of the parallel feeder cables, which could result in smoke and/or fire in the right aft galley area.

These incidents are not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved McDonnell Douglas Alert Service Bulletin MD11-24A157, dated August 10, 2000. The service bulletin describes procedures for performing a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 IDG; repairing any chafed cable and damaged structure; and repositioning the parallel power feeder cables of the number 2

IDG. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 64 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 14 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 4 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,360, or \$240 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft

regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000-NM-188-AD.

Applicability: Model MD-11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11-24A157, dated August 10, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing and arcing of the parallel feeder cables of the number 2 integrated drive generator (IDG), which could result in smoke and/or fire in the right aft galley area, accomplish the following:

Inspection

(a) Within 6 months after the effective date of this AD, do a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 IDG, per McDonnell Douglas Alert Service Bulletin MD11-24A157, dated August 10, 2000.

Note 2: For the purposes of this AD, a general visual inspection is defined as "A visual examination of an interior or exterior area, installation, or assembly to detect

obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.”

Condition 1 (No Chafing and No Structure Damage)

(1) If no chafing and damage is detected, before further flight, reposition the parallel power feeder cables of the number 2 IDG, per the service bulletin.

Condition 2 (Chafing or Structure Damage)

(2) If any chafing or damage is detected, before further flight, repair the chafed cable and damaged structure, as applicable, and reposition the parallel power feeder cables of the number 2 IDG, per the service bulletin.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

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

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4053 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000-NM-187-AD]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD-11 series airplanes. This proposal would require replacement of the insulation blankets of the forward and center cargo compartments in the area of the cargo control units (CCU) with new insulation blankets. This action is necessary to protect against electrical failures in the CCU's, which could result in sparks or flame in the CCU container and lead to fire in the insulation blanket or adjacent equipment. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-187-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-187-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Technical Specialist, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such

written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-187-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-187-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of two incidents in which electrical failures in the cargo control units (CCU) caused sparks or flame in the CCU container, which resulted in scorching of the insulation blankets. These incidents occurred on McDonnell Douglas Model MD-11 series airplanes. This condition, if not corrected, could result in sparks or flame in the CCU container and lead to fire in the

insulation blanket or adjacent equipment.

These incidents are not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed AD is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD11-25A244, dated August 10, 2000, and Revision 01, dated October 31, 2000, which describe procedures for replacement of the insulation blankets of the forward and center cargo compartments in the area of the cargo control units with new insulation blankets. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 91 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 22 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 3 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the airplane manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$3,960, or \$180 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000-NM-187-AD.

Applicability: Model MD-11 series airplanes, as listed in Boeing Alert Service Bulletin MD11-25A244, Revision 01, dated October 31, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To protect against electrical failures in the cargo control units (CCU), which could result in sparks or flame in the CCU container and lead to fire in the insulation blanket or adjacent equipment, accomplish the following:

Replacement

(a) Within 6 months after the effective date of this AD, replace the insulation blankets of the forward and center cargo compartments in the area of the CCU's with new insulation blankets, per Boeing Alert Service Bulletin MD11-25A244, dated August 10, 2000, or Revision 01, dated October 31, 2000. Insulation blankets made from metallized polyethyleneteraphthalate (MPET) may not be used.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4052 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2000–NM–186–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes**AGENCY:** Federal Aviation Administration, DOT.**ACTION:** Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require replacement of the cargo roller circuit breakers with new circuit breakers, and reidentification of the aft circuit breaker panel; as applicable. This action is necessary to prevent possible overheating of cargo control unit components, which could result in smoke and/or fire in the cargo compartment. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain “Docket No. 2000–NM–186–AD” in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft

Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:**Comments Invited**

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

Submit comments using the following format:

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: “Comments to Docket Number 2000–NM–186–AD.” The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–186–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of incidents of electrical failures in the cargo control unit (CCU) that have resulted in sparks or flame exiting the CCU container and scorching the insulation blankets. These incidents occurred on McDonnell Douglas Model MD–11 series airplanes. Investigation revealed that the circuit breaker rating of the CCU is too large to protect the CCU circuitry. This condition, if not corrected, could result in possible overheating of the CCU components, which could result in smoke and/or fire in the cargo compartment.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD–11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD–11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD11–21A189, dated June 22, 2000, which describes procedures for replacement of 10 amp cargo roller circuit breakers with new 5 amp circuit breakers, and reidentification of the aft circuit breaker panel; as applicable. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 104 Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA

estimates that 24 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would be supplied by the airplane manufacturer at no cost to the operators. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be \$2,880, or \$120 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part

39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–186–AD.

Applicability: Model MD–11 series airplanes, as listed in Boeing Alert Service Bulletin MD11–24A189, dated June 22, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent possible overheating of cargo control unit (CCU) components, which could result in smoke and/or fire in the cargo compartment, accomplish the following:

Replacement or Reidentification

(a) Within 6 months after the effective date of this AD, do the applicable actions specified in paragraphs (a)(1) and (a)(2) of this AD per Boeing Alert Service Bulletin MD11–24A189, dated June 22, 2000.

(1) For airplanes identified as Group 1 and Group 2 in the service bulletin: Replace the cargo roller circuit breakers with new circuit breakers.

(2) For airplane identified as Group 2 in the service bulletin: Reidentify the aft circuit breaker panel.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4051 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–185–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model MD–11 series airplanes. This proposal would require a one-time general visual inspection of the electrical wiring of the right side of the cockpit to determine if the electrical wiring is chafing against the observer station and to detect damaged wires; and corrective actions, if necessary. This action is necessary to prevent chafing and damage to electrical wires of the cockpit and consequent electrical arcing due to wires that were routed improperly during production of the airplane, which could result in fire and smoke in the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by April 6, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–185–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may be submitted via fax to (425) 227–

1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2000-NM-185-AD" in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT:

Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5350; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Submit comments using the following format:

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments,

in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2000-NM-185-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2000-NM-185-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Discussion

As part of its practice of re-examining all aspects of the service experience of a particular aircraft whenever an accident occurs, the FAA has become aware of an incident in which, during an inspection, electrical wires were found chafing on the right side of the cockpit against the observer station. This incident occurred on a McDonnell Douglas Model MD-11 series airplane. Investigation revealed that the wires were routed improperly during production of the airplane. This condition, if not corrected, could result in chafing and damage to electrical wires of the cockpit and consequent electrical arcing, which could result in fire and smoke in the airplane.

This incident is not considered to be related to an accident that occurred off the coast of Nova Scotia involving a McDonnell Douglas Model MD-11 series airplane. The cause of that accident is still under investigation.

Other Related Rulemaking

The FAA, in conjunction with Boeing and operators of Model MD-11 series airplanes, is continuing to review all aspects of the service history of those airplanes to identify potential unsafe conditions and to take appropriate corrective actions. This proposed airworthiness directive (AD) is one of a series of actions identified during that process. The process is continuing and the FAA may consider additional rulemaking actions as further results of the review become available.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin MD11-

24A117, dated May 18, 2000, which describes procedures for a one-time general visual inspection of the electrical wiring of the right side of the cockpit to determine if the electrical wiring is chafing against the observer station and to detect damaged wires; and corrective actions, if necessary. The corrective actions include loosening wire clamps; repositioning wires; tightening wire clamps; repairing damaged insulation; and replacing damaged wires with new wires. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Cost Impact

There are approximately 148 Model MD-11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 43 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed inspection, and that the average labor rate is \$60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be \$2,580, or \$60 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal

would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

McDonnell Douglas: Docket 2000–NM–185–AD.

Applicability: Model MD–11 series airplanes, as listed in Boeing Alert Service Bulletin MD11–24A117, dated May 18, 2000; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing and damage to electrical wires of the cockpit and

consequent electrical arcing due to wires that were routed improperly during production of the airplane, which could result in fire and smoke in the airplane, accomplish the following:

One-Time General Visual Inspection

(a) Within 6 months after the effective date of this AD, do a one-time general visual inspection of the electrical wiring of the right side of the cockpit to determine if the electrical wiring is chafing against the observer station and to detect damaged wires, per Boeing Alert Service Bulletin MD11–24A117, dated May 18, 2000.

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

Condition 1 (No Chafing)

(b) If all electrical wires are found not to be chafing against the observer station during the inspection required by paragraph (a) of this AD, no further action is required by this AD.

Condition 2 (Chafing and No Wire Damage)

(c) If any electrical wire is found to be chafing against the observer station and if no wire is found damaged during the inspection required by paragraph (a) of this AD, before further flight, loosen the wire clamps, reposition the wires, and tighten the wire clamps, per Boeing Alert Service Bulletin MD11–24A117, dated May 18, 2000.

Condition 3 (Chafing and Wire Damage)

(d) If any electrical wire is found to be chafing against the observer station and if any wire is found damaged during the inspection required by paragraph (a) of this AD, before further flight, do the action specified in paragraph (d)(1) or (d)(2) of this AD, as applicable, AND do the action specified in paragraph (d)(3) of this AD; per Boeing Alert Service Bulletin MD11–24A117, dated May 18, 2000.

(1) For damage within repairable limits: Repair damaged insulation.

(2) For damage outside repairable limits: Replace damaged wires with new wires.

(3) Loosen the wire clamps, reposition the wires, and tighten the wire clamps.

Alternative Methods of Compliance

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

Special Flight Permit

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

Issued in Renton, Washington, on February 12, 2001.

Vi L. Lipski,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–4050 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–16]

Establishment of Class E Airspace; South Albany, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E airspace at South Albany, NY. An Area Navigation (RNAV) GPS approach, has been developed for South Albany Airport, South Bethlehem, NY. Controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to contain aircraft executing an instrument approach. The area would be depicted on aeronautical charts for pilot reference.

DATES: Comments must be received on or before March 22, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA–520, Docket No. 00–AEA–16, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

The official docket may be examined in the Office of the Regional Counsel, AEA–7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809. An informal docket may also be examined during normal business hours in the Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Jordan, Jr., Airspace Specialist, Airspace Branch, AEA–520, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434–4809; telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made:

“Comments to Airspace Docket No. 00-AEA-16”. The postcard will be date/time stamped and returned to the commenter. All communications received on or before the closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with the FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Office of the Regional Counsel, AEA-7, F.A.A. Eastern Region, 1 Aviation Plaza, Jamaica, NY 11434-4809.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to establish Class E airspace area at South Albany Airport. An RNAV (GPS) Approach has been established for the South Albany Airport, South Bethel, NY. Controlled airspace extending upward from 700 feet AGL is needed to accommodate the approach. Class E airspace designations for airspace areas extending upward from 700 feet or more

above the surface are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that would only affect air traffic procedures and air navigation, it is certified that this proposed rule would not have significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

PART 71—[AMENDED]

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration order 7400.9F dated September 10, 2000, and effective September 16, 2000, is proposed to be amended as follows:

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

* * * * *

AEA NY E5, South Albany, NY

South Albany Airport, South Bethel, NY (423338.61N/0735002.24)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of South Albany Airport.

* * * * *

Issued in Jamaica, New York on January 29, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–4154 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 00–AAL–20]

Proposed Revision of Class E Airspace; Bethel, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to revise Class E airspace at Bethel, AK, in two ways: (1) The FAA intends to cancel the Bethel Very High Frequency (VHF) Omnidirectional Range (VOR) instrument approach to runway (RWY) 36 at Bethel, AK, and to simultaneously reduce the Class E (surface area extension) airspace at Bethel, AK; (2) The FAA intends to correct an administrative error by revising the Class E (surface area) airspace with an exclusion area for Hanger Lake seaplane base operations. This proposed rule would accomplish two actions: (1) Allow for the Napakiak Airport to be outside of the Bethel Class E (surface area extension) airspace and would reduce the required controlled airspace for aircraft flying Instrument Flight Rules (IFR) operations at Bethel, AK; and (2) fix an administrative oversight by adding the Hanger Lake exclusion area to the Class E airspace description at Bethel, AK.

DATES: Comments must be received on or before April 6, 2001.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 00–AAL–20, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region’s homepage at <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

FOR FURTHER INFORMATION CONTACT: Robert Durand, Operations Branch,

Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587; telephone number (907) 271-5898; fax: (907) 271-2850; e-mail: Bob.Durand@faa.gov. Internet address: <http://www.alaska.faa.gov/at> or at address <http://162.58.28.41/at>.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commentors wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 00-AAL-20." The postcard will be date/time stamped and returned to the commentor. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of Notice of Proposed Rulemaking's (NPRM's)

An electronic copy of this document may be downloaded, using a modem and suitable communications software, from the FAA regulations section of the Fedworld electronic bulletin board service (telephone: 703-321-3339) or the **Federal Register's** electronic bulletin board service (telephone: 202-512-1661).

Internet users may reach the **Federal Register's** web page for access to recently published rulemaking documents at <http://>

www.access.gpo.gov/su_docs/aces/aces140.html.

Any person may obtain a copy of this NPRM by submitting a request to the Operations Branch, AAL-530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513-7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should contact the individual(s) identified in the **FOR FURTHER INFORMATION CONTACT** section.

Background

On November 11, 2000, the FAA initiated Airspace Study Number 00-AAL-077NR, Notice of Proposed Revocation of the VOR RWY 36 Approach Procedure at Bethel, Alaska. Comments during several meetings over the last year with airspace users in the Bethel area indicated that they would like to have Napakiak Airport (WNA) excluded from the Class E (surface area extension) airspace at Bethel, AK. The Bethel Airport has four approaches to RWY 36: (1) Localizer (LOC)/Distance Measuring Equipment (DME) Back Course (BC) RWY 36, (2) VOR/DME RWY 36, (3) Global Positioning System (GPS) RWY 36, and (4) the VOR RWY 36. The Bethel VOR RWY 36 instrument approach, with a procedure turn at 1,600 feet, allows aircraft to descend to 700 feet after the procedure turn is completed. The FAA protects airspace from the point an aircraft may legally descend below 1,000 feet with Class E (surface area) airspace. For aircraft going to Bethel Airport, the Napakiak Airport, located 7.1 nautical miles on a 200° true bearing from Bethel VORTAC, is an alternate place to land and wait for weather to improve when the Bethel surface area is restricted due to weather.

The FAA received favorable comments from Craig Air Incorporated, US Coast Guard District 17, Kusko Aviation Incorporated, Alaska Airlines, and the US Fish and Wildlife Service—Bethel. With the adoption of this proposal, the FAA intends to simultaneously cancel the VOR RWY 36 instrument approach and shorten the Class E airspace to the southwest of Bethel. There would be three remaining instrument approaches to the Bethel RWY 36: (1) LOC/DME BC RWY 36, (2) VOR/DME RWY 36, and (3) GPS RWY 36. This proposal would allow Visual Flight Rules (VFR) operations to continue at Napakiak Airport during Special VFR operations at Bethel Airport, AK.

Additionally, this proposal would fix an administrative oversight by including an exclusion area for the Hanger Lake

seaplane base operations to the Class E (surface area) airspace description. Changes to the Bethel airspace would incorporate an exclusion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 nautical miles northeast of the Bethel VORTAC.

The Proposal

This amendment to 14 CFR part 71 proposes to revise the Class E airspace at Bethel, AK, in two ways: (1) reduce the amount of controlled airspace required southwest of the Bethel airport; and (2) modify the Class E (surface area) airspace description to exclude the Hanger Lake seaplane base operations. The intended effects of this proposal are: (1) to reduce the controlled airspace required for IFR operations at Bethel, AK, thus allowing for VFR operations at Napakiak Airport during Special VFR operations at Bethel Airport and (2) fix an administrative oversight by adding the Hanger Lake exclusion area to the Class E airspace description.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as surface areas are published in paragraph 6002 and the Class E airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004 in FAA Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

* * * * *

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

AAL AK E2 Bethel, AK [Revised]

Bethel Airport, AK
(Lat. 60°46'47" N., long. 161°50'17" W.)
Bethel VORTAC
(Lat. 60°47'05" N., long. 161°49'27" W.)

Within a 4.1-mile radius of the Bethel Airport, excluding that portion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 miles northeast of the Bethel VORTAC. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace designated as an Extension to a Class D or Class E surface area.

* * * * *

AAL AK E4 Bethel, AK [Revised]

Bethel Airport, AK
(Lat. 60°46'47" N., long. 161°50'17" W.)
Bethel VORTAC
(Lat. 60°47'05" N., long. 161°49'27" W.)

That airspace extending upward from the surface within 3 miles each side of the 022° radial from the Bethel VORTAC, extending from the 4.1-mile radius of the Bethel Airport to 8.2 miles northeast of the airport, excluding that portion below 1,100 feet MSL between the 061° radial and the 081° radial from 2.9 miles northeast of the Bethel VORTAC, within 3.4 miles each side of the Bethel VORTAC 006° radial, extending from the 4.1-mile radius of the Bethel Airport to 11 miles north of the Bethel VORTAC and within 3.5 miles each side of the Bethel VORTAC 213° radial extending from the 4.1-

mile radius of the Bethel Airport to 5 miles southwest of the airport.

* * * * *

Issued in Anchorage, AK, on February 12, 2001.

Stephen P. Creamer,

*Assistant Manager, Air Traffic Division,
Alaskan Region.*

[FR Doc. 01–4140 Filed 2–16–01; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1500

Candle Wicks Containing Lead and Candles with Such Wicks; Advance Notice of Proposed Rulemaking; Request for Comments and Information

AGENCY: Consumer Product Safety Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In March of 2000, the Consumer Product Safety Commission (CPSC) collectively docketed under Petition No. HP 00–3 petitions submitted by several petitioners requesting that the Commission ban candle wicks containing lead and candles with such wicks. A candle wick containing lead is one with a metallic core that contains lead. Based on information in those petitions and subsequent investigations by CPSC staff, the Commission has reason to believe that certain candles with wicks containing lead may emit toxic levels of lead as a result of normal use, and thus may contribute to substantial illness.

This advance notice of proposed rulemaking (ANPR) initiates a rulemaking proceeding that could result in a rule banning certain candle wicks containing lead and candles with such wicks.¹ This proceeding is commenced under the Federal Hazardous Substances Act.

The Commission solicits written comments concerning the risks of illness associated with burning candles with wicks containing lead, the regulatory alternatives discussed in this notice, other possible ways to address

¹ Chairman Brown and Commissioner Moore voted to grant the petition and send the ANPR directly to the Office of the Federal Register for publication. Commissioner Gall voted to grant the petition and to submit the ANPR to the Office of Management and Budget prior to sending it to the Office of the Federal Register for publication. Separate statements of Chairman Brown, Commissioner Moore and Commissioner Gall concerning their votes are available from the CPSC Office of the Secretary.

these risks, and the economic impacts of the various regulatory alternatives. The Commission also invites interested persons to submit an existing standard, or a statement of intent to modify or develop a voluntary standard, to address the risk of illness described in this notice.

DATE: Written comments and submissions in response to this notice must be received by April 23, 2001.

ADDRESSES: Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800. Comments also may be filed by telefacsimile to (301) 504–0127 or by e-mail to cpsc-os@cpsc.gov. Comments should be captioned “ANPR for Candle Wicks Containing Lead.”

FOR FURTHER INFORMATION CONTACT: Ms. Kristina Hatlelid, Ph.D., M.P.H., Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0494, ext. 1389.

SUPPLEMENTARY INFORMATION:

A. Background/Product

On March 17, 2000, the CPSC collectively docketed as a petition under the Federal Hazardous Substances Act (FHSA) petitions received from Public Citizen and jointly from the National Apartment Association and the National Multi Housing Council, all of which requested that the Commission ban lead-containing candles and wicks sold for candle-making that contain lead (Petition No. HP 00–3). 65 FR 19742 (April 12, 2000).

A candlewick containing lead is a wick with a metallic core that contains lead. The metallic core may be primarily lead or may be primarily zinc or tin with a lesser lead content. Such metallic cores are used to provide structural rigidity to the wick to keep it straight during candle production and to provide an upright wick during burning.

Information obtained from the petitions and subsequent Commission staff investigations indicates that burning candles containing metallic-cored wicks with a lead content exceeding 0.06% by weight may result in potentially toxic levels of air emissions of lead.

B. The Risk of Illness

The scientific community recognizes a level of 10 micrograms of lead per deciliter of blood (10 µg/dL) as a

threshold level of concern with respect to lead poisoning in children. The most current national survey shows that nearly 1 million children have elevated blood lead levels (greater than 10 µg/dL). This figure represents approximately 4.4% of children under 6 years of age.

The adverse health effects of lead poisoning in children are well-documented and may have long-lasting or permanent consequences. These effects include neurological damage, delayed mental and physical development, attention and learning deficiencies, and hearing problems. Because lead accumulates in the body, even exposure to small amounts can contribute to the subsequent risk of adverse health effects.

Investigations by the CPSC laboratory staff and other laboratories indicate that lead-cored candles can emit up to 2,200 µg of lead per hour during candle burning. These investigations also indicate that the rate at which lead might be emitted from burning a particular candle cannot reliably be predicted based on the lead content of the wick in question. CPSC staff believes that, under some use conditions, these lead emissions present a risk to consumers through inhalation of airborne lead and through contact with lead deposited onto surfaces in the room.

C. Relevant Statutory Provisions

This proceeding is conducted pursuant to the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261 *et seq.* Section 2(f)(1)(A) of the FHSA defines "hazardous substance" to include any substance or mixture of substances which is toxic and may cause substantial illness as a proximate result of any customary or reasonably foreseeable handling or use. 15 U.S.C. 1261(f)(1)(A).

Under section 2(q)(1)(B) of the FHSA, if the Commission determines that, "notwithstanding such cautionary labeling as is or may be required under this Act for that substance, the degree or nature of the hazard involved in the presence or use of such [hazardous] substance in households is such that the objective of the protection of the public health and safety can be adequately served only by keeping such substance, when so intended or packaged, out of the channels of interstate commerce," then such substance is a "banned hazardous substance." 15 U.S.C. 1261(q)(1)(B).

Section 3(b) of the FHSA provides authority for the Commission to establish additional labeling requirements for hazardous substances

beyond those prescribed by section 2(p)(1) of the Act if necessary for protection of the public health and safety. 15 U.S.C. 1262(b). Once such additional requirements are established by regulation, a product intended, or packaged in a form suitable, for use in the household or by children that is not so labeled is a "misbranded" hazardous substance. *Id.*

Section 3(a) of the FHSA governs a Commission proceeding to declare a substance a "hazardous substance." 15 U.S.C. 1262(a). Sections 3(f) through 3(i), 15 U.S.C. 1262(f)–(i), govern a proceeding to promulgate a regulation declaring a hazardous substance to be a banned hazardous substance.

As provided in sections 3(a)(2) and 3(f), this proceeding is commenced by issuance of this ANPR. After considering any comments submitted in response to this ANPR, the Commission will decide whether to issue a proposed rule and a preliminary regulatory analysis in accordance with section 3(h) of the FHSA. If a proposed rule is issued, the Commission would then consider the comments received in response to the proposed rule in deciding whether to issue a final rule and a final regulatory analysis. 15 U.S.C. 1262(i).

D. Regulatory Alternatives

One or more of the following alternatives could be used to reduce the identified risks associated with candle wicks containing lead and candles with such wicks.

1. *Mandatory rule.* The Commission could issue a rule declaring certain candle wicks containing lead and candles with such wicks to be banned hazardous substances. This rule could define the banned products in terms of physical or performance characteristics, or both.

2. *Labeling rule.* The Commission could issue a special labeling rule for candle wicks containing lead and candles with such wicks requiring that they contain specified warnings and instructions.

3. *Voluntary standard.* If the industry developed, adopted, and substantially conformed to an adequate voluntary standard, the Commission could defer to the voluntary standard in lieu of issuing a mandatory rule.

E. Existing Standards

In 1974, the Candle Manufacturers Association trade group made a voluntary commitment to eliminate lead from candle wicks. However, analyses by CPSC and by Public Citizen of the lead content of recently-purchased metallic wick candles show that wicks

in some candles currently on the market continue to contain substantial amounts of lead.

In September 1999 the Australian Minister for Financial Services and Regulation banned the sale of candles with lead wicks in that country. In June 2000 the New Zealand Minister of Consumer Affairs banned the importation or sale of lead wick candles in that country. According to Commission staff, neither of these bans are based on a standard for maximum allowable lead level. The Commission is not aware of any other promulgated state, voluntary, foreign, international, or other standard dealing with the described risk of illness.

F. Economic Considerations

1. Candle sales

Retail sales of candles in the U.S. for 1999 are estimated to be \$2.3 billion, and are expected to rise to \$3.2 billion in 2001. U.S. imports of candles in 1999 amounted to about \$484 million, about half from the Far East, about one third from the Americas (mostly Canada and Mexico), and less than 10 percent from Europe and Great Britain.

2. Suppliers

Based on information gathered by CPSC staff, there are at least 200 and possibly over 350 commercial, institutional, and religious manufacturers of candles in the U.S. Most of these manufacturers are apparently small businesses.

There are only a few manufacturers of candle wicks in the U.S. The leading domestic firm indicates to CPSC staff that it supplies the majority of candle wicks to the U.S. candle industry.

3. Substitutes

CPSC staff believes that substitutes for lead wicks are readily available. Staff also believes that substituting non-lead materials for lead in wicks will not increase costs to candle manufacturers or consumers. Comments on both of these issues are specifically solicited.

G. Solicitation of Information and Comments

This ANPR is an initial step in a proceeding that could result in a mandatory rule for candle wicks containing lead and candles with such wicks to address the described risk of illness. All interested persons are invited to submit to the Commission their comments on any aspect of the alternatives discussed above. In particular, CPSC solicits the following additional information:

1. The types and numbers of candle wicks containing lead and candles with

such wicks produced for sale in the U.S. each year from 1990 to the present;

2. The names and addresses of manufacturers and distributors of candle wicks containing lead and candles with such wicks;

3. Comparisons of the utility obtained from candle wicks containing lead and candles with such wicks versus any available substitute products;

4. An explanation of substitutes for candle wicks containing lead and candles with such wicks that could reduce the described risk of illness;

5. Physical or performance characteristics of the wick and candle products that could or should not be used to define which products might be subject to a rule;

6. The costs to wick and candle manufacturers involved in either substituting materials for lead in metallic-cored wicks to remove the risk or removing candles with such wicks from the market;

7. The costs to wick manufacturers/importers/distributors of testing or other efforts to ensure that wicks are in compliance.

8. Other information on the potential costs and benefits of potential rules;

9. Information on any potentially significant environmental impacts of any of the regulatory alternatives identified in this ANPR, including a ban on candles and candle wicks containing more than 0.06% lead by weight;

10. Steps that have been taken by industry or others to reduce the risk of illness from the products;

11. The likelihood and nature of any significant economic impact of a rule on small entities;

12. The costs and benefits of mandating a banning, labeling, or instructions requirement.

Also, in accordance with section 3(f) of the FHSA, the Commission solicits:

1. Written comments with respect to the risk of illness identified by the Commission, the regulatory alternatives being considered, and other possible alternatives for addressing the risk.

2. Any existing standard or portion of a standard which could be issued as a proposed regulation.

3. A statement of intention to modify or develop a voluntary standard to address the risk of illness discussed in this notice, along with a description of a plan (including a schedule) to do so.

Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207-0001, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814;

telephone (301) 504-0800. Comments also may be filed by telefacsimile to (301) 504-0127 or by e-mail to *cpssc-os@cpssc.gov*. Comments should be captioned "ANPR for Candle Wicks Containing Lead." All comments and submissions should be received no later than April 23, 2001.

Dated: February 13, 2001.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 01-4030 Filed 2-16-01; 8:45 am]

BILLING CODE 6355-01-P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 655 and 656

RIN 1215-AB09

Labor Condition Applications and Requirements for Employers Using Nonimmigrants on H-1B Visas in Specialty Occupations and as Fashion Models; Labor Certification Process for Permanent Employment of Aliens in the United States

AGENCY: Employment and Training Administration, Labor, in concurrence with the Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: This document extends the period for filing comments regarding the Interim Final Rule ("IFR") published on December 20, 2000 (65 FR 80110), which implemented the American Competitiveness and Workforce Improvement Act of 1998 ("ACWIA") and clarified existing Departmental rules relating to the temporary employment in the United States of nonimmigrants under H-1B visas.

DATES: Comments must be received on or before April 23, 2001.

ADDRESSES: Submit written comments concerning Part 655 to Deputy Administrator, Wage and Hour Division, ATTN: Immigration Team, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 693-1432. This is not a toll-free number.

Submit written comments concerning Part 656 to the Assistant Secretary for Employment and Training, ATTN:

Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210. Commenters who wish to receive notification of receipt of comments are requested to include a self-addressed, stamped post card. Comments may also be transmitted by facsimile ("FAX") machine to (202) 693-2769. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT:

Michael Ginley, Director, Office of Enforcement Policy, Wage and Hour Division, Employment Standards Administration, Department of Labor, Room S-3510, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-0745 (this is not a toll-free number).

Dale M. Ziegler, Chief, Division of Foreign Labor Certifications, U.S. Employment Service, Employment and Training Administration, Department of Labor, Room C-4318, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 693-2942 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On

December 20, 2000, the Department published an Interim Final Rule (65 FR 80110) ("IFR"), following a Notice of Proposed Rulemaking which was published on January 5, 1999 (64 FR 628) ("NPRM"). The IFR revised the Department's regulations relating to the employment of H-1B nonimmigrants as necessitated by the enactment of the American Competitiveness and Workforce Improvement Act of 1998 ("ACWIA"). The IFR also revised certain provisions of the regulations which had been published for comment as a Proposed Rule on October 31, 1995 as well as in the NPRM of January 5, 1999. The IFR sought comments on all provisions of the regulatory revisions, as well as on other matters which were proposed for the first time in the IFR. Interested parties were requested to submitted written comments on or before February 20, 2001.

Because of the continuing interest in the revisions and new proposals made in the IFR, the Department believes that it is desirable to extend the comment period for all interested parties. Therefore, the comment period for the IFR is extended through April 23, 2001.

Signed at Washington, DC, this 15th day of February, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary, Employment and Training Administration.

Thomas M. Markey,

Acting Administrator, Wage and Hour Division, Employment Standards Administration.

[FR Doc. 01-4244 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 944

[SPATS No. UT-037-FOR]

Utah Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is announcing receipt of revisions and additional explanations pertaining to a previously proposed amendment to the Utah regulatory program (hereinafter, the "Utah program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Utah proposes to revise its amendment to change proposed rules concerning pre-subsidence surveys and the contents of subsidence control plans. The State also provided additional explanation of the term "State-appropriated water," the proposed definitions of "State-appropriated water supply" and "replacement of water supply," and of the proposed scope of water replacement. Utah intends to revise its program to be consistent with the corresponding Federal regulations and SMCRA.

DATES: We will accept written comments on this amendment until 4 p.m., mountain standard time, March 7, 2001.

ADDRESSES: You should mail, hand deliver or e-mail your written comments to James F. Fulton, Denver Field Division Chief, at the address listed below.

You may review copies of the Utah program, this amendment, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy

of the amendment by contacting OSM's Denver Field Division.

James F. Fulton, Denver Field Division Chief, Office of Surface Mining, Western Regional Coordinating Center, 1999 Broadway, Suite 3320, Denver, Colorado 80202-5733, telephone (303) 844-1400, extension 1424.

Lowell P. Braxton, Director, Division of Oil, Gas and Mining, 1594 West North Temple, Suite 1210, P.O. Box 145801, Salt Lake City, Utah 84114-5801, telephone (801) 538-5370.

FOR FURTHER INFORMATION CONTACT:

James F. Fulton, Denver Field Division Chief, telephone (303) 844-1400, extension 1424; e-mail address: jfulton@osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Utah Program
- II. Description of the Proposed Amendment
- III. Public Comment Procedures
- IV. Procedural Determinations

I. Background on the Utah Program

On January 21, 1981, the Secretary of the Interior conditionally approved the Utah program. You can find background information on the Utah program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Utah program in the January 21, 1981, **Federal Register** (46 FR 5899). You can also find later actions concerning Utah's program and program amendments at 30 CFR 944.15 and 944.30.

II. Description of the Proposed Amendment

By letter dated March 20, 1998 (administrative record No. 1103), Utah sent to us a proposed amendment (UT-037-FOR) to its program under SMCRA (30 U.S.C. 1201 *et seq.*). It sent the proposed amendment in response to a June 5, 1996, letter (administrative record No. UT-1083) that we sent to the State under 30 CFR 732.17(c) and at its own initiative.

Changes to the Utah Administrative Rules (Utah Admin. R.) that the State originally proposed included: Adding definitions for "material damage," "non-commercial building," "occupied residential dwelling and structures related thereto," "replacement of water supply," and "State-appropriated water supply" at Utah Admin. R. 645-100-200; adding requirements at Utah Admin. R. 645-301-525.100 through -525.130 for pre-subsidence surveys; removing existing requirements for subsidence control plans at Utah Admin. R. 645-301-525 through -525.170; recodifying rules at Utah Admin. R. 645-301-525.200 through

-525.240 pertaining to protected areas; removing existing requirements for subsidence control at Utah Admin. R. 645-301-525.200 through -525.232; adding requirements at Utah Admin. R. 645-301-525.300 through -525.490 for subsidence control and subsidence control plans; adding requirements for subsidence damage repair at Utah Admin. R. 645-301-525.500 through -525.530; adding a rebuttable presumption of causation by subsidence at Utah Admin. R. 645-301-525.540 through -525.545; adding provisions at Utah Admin. R. 645-301-525.550 for adjusting bond amounts for subsidence damage; recodifying rules at Utah Admin. R. 645-301-525.600 and 645-301-525.700 that require compliance with approved subsidence control plans and public notice of proposed mining, respectively; removing existing provisions for surveys of renewable resource lands at Utah Admin. R. 645-301-724.600; adding a provision at Utah Admin. R. 645-301-728.350 for finding whether underground coal mining and reclamation activities might contaminate, diminish or interrupt State-appropriated water; and adding a requirement at Utah Admin. R. 645-301-731.530 for replacing State-appropriated water supplies that are contaminated, diminished, or interrupted by underground coal mining activities.

We announced receipt of the proposed amendment in the April 8, 1998, **Federal Register** (63 FR 17138; administrative record No. UT-1108), provided an opportunity for a public hearing or meeting, and invited public comment on its adequacy. We did not hold a public hearing or meeting because nobody requested either one. The public comment period ended on May 8, 1998.

During our review of the amendment, we identified concerns relating to the provisions for pre-subsidence surveys at Utah Admin. R. 645-301-525.130 and for the content of subsidence control plans at Utah Admin. R. 645-301-525.490. We also asked Utah to provide additional clarification on: The scope of the terms "State-appropriated water" and the proposed definition of "State-appropriated water supply" as used in the amendment; the scope of water replacement with respect to "developed" water supplies; and clarification of Utah's proposed definition of the term "replacement of water supply." We notified Utah of our concerns and the need for additional clarification by letter dated October 1, 1998 (administrative record No. UT-1125). Utah responded in a letter dated

October 31, 2000 (administrative record No. 1145).

Utah now proposes two specific changes in its amendment. First, it proposes to change Utah Admin. R. 645-301-525.130 to cross-reference Utah Admin. R. R645-301-525.543. That referenced rule specifically states that there will be no presumption that subsidence caused damage to structures if the owners deny applicants access to perform pre-subsidence surveys. Second, at Utah Admin. R. 645-301-525.490, the State proposes to add references to Utah Admin. R. 645-301-525.200, -525.500, and -525.600. Those rules cover the range of information Utah requires to be included in subsidence control plans to demonstrate that an operation will be conducted in accordance with all applicable provisions for subsidence control.

Utah's response also provided additional explanation of the scope of the term "State-appropriated water" and the definition of "State-appropriated water supply," the scope of water replacement under its proposed rules with respect to "developed" water supplies, and its proposed definition of the term "replacement of water supply."

III. Public Comment Procedures

Written Comments

Send your written comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. In the final rulemaking, we will not necessarily consider or include in the administrative record any comments received after the time indicated under **DATES** or at locations other than the Denver Field Division.

Electronic Comments

Please submit Internet comments as an ASCII file and do not use special characters or any form of encryption. Please also include "Attn: SPATS No. UT-037-FOR" and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Denver Field Division at telephone number (303) 844-1400, extension 1424.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their

request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their 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 review in their entirety.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulations.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior conducted the reviews required by section 3 of Executive Order 12988 and determined that, to the extent allowable by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to "establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations." Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be "in

accordance with" the requirements of SMCRA. Section 503(a)(7) requires that State programs contain rules and regulations "consistent with" regulations issued by the Secretary pursuant to SMCRA

National Environmental Policy Act

Section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that a decision on a proposed State regulatory program provision does not constitute a major Federal action within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)). A determination has been made that such decisions are categorically excluded from the NEPA process (516 DM 8.4.A).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined 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.*). The State submittal that is the subject of this rule is based on counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect on a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to where this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of \$100 million; (b) will not cause a major increase in costs or prices for consumers, individual industries, geographic regions, or Federal, State or local governmental agencies; and (c) does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises. This determination is based on the fact that

the State submittal which is the subject of this rule is based on counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose a cost of \$100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 944

Intergovernmental relations, Surface mining, Underground mining.

Dated: January 12, 2001.

Brent Wahlquist,

Regional Director, Western Regional Coordinating Center.

[FR Doc. 01-4113 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Preparation Changes for Securing Packages of Mail

AGENCY: Postal Service.

ACTION: Proposed rule.

SUMMARY: The Postal Service is proposing to amend the packaging standards in Domestic Mail Manual (DMM) M020 to help ensure that packages maintain their integrity during transportation and postal processing. DMM M020 will prescribe general standards for preparing and securing all packages and will incorporate standards that pertain individually to packages on pallets, packages in sacks, and packages in trays.

DATES: Comments must be received on or before March 22, 2001.

ADDRESSES: Mail or deliver written comments to the Manager, Operational Requirements, United States Postal Service, 475 L'Enfant Plaza SW., Room 7301, Washington, DC 20260-7031. Copies of all written comments (available for \$0.15 per copy per page) will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, at the following address: Library, United States Postal Service, 475 L'Enfant Plaza SW, Room 11800, Washington, DC 20260-1540. Copies of comments may also be requested via fax or e-mail.

FOR FURTHER INFORMATION CONTACT: Cheryl Beller, 202-268-5166, cbeller1@e-mail.usps.gov.

SUPPLEMENTARY INFORMATION: Many packages of Periodicals and Standard

Mail tendered to the Postal Service on pallets or in sacks do not maintain their integrity during transportation to postal facilities and during postal processing. The Postal Service must redirect the resulting loose packages or broken packages (individual pieces) to higher-cost operations. If packages lose their integrity while being processed on small parcel and bundle sorters (SPBSs), the result can be machine slowdowns and stoppages as well as postal employees manually processing these packages. The increased costs of labor to process loose or broken packages is reflected in higher rates paid by mailers. In addition to rate implications, package breakage also damages mailpieces and has a negative impact on service, results that the mailing industry and the Postal Service would like to avoid.

Data collected by the Mailers' Technical Advisory Committee (MTAC) Package Integrity Work Group, comprising Postal Service and mailing industry representatives, revealed that, during the first handling, packages of Periodicals and Standard Mail in sacks break at a much greater rate than packages on pallets. This data also disclosed that packages of pieces with glossy (coated) cover stock break at higher rates than packages of pieces with covers of uncoated stock. An analysis of the data indicates that additional standards are necessary to improve the integrity of Periodicals and Standard Mail packages prepared in sacks and that some current standards for packages in sacks and on pallets also require clarification to improve packaging in general. Currently, with the exception of Standard Mail and Package Services Mail placed on bulk mail center (BMC) pallets, DMM M020 does not differentiate between packaging standards for mail placed on pallets and mail placed in sacks. Unlike palletized packages, which have maximum weight limits prescribed in DMM M045, there are no existing standards for Periodicals and Standard Mail that limit the size or weight of packages in sacks. Consequently, mailers of Periodicals and Standard Mail may prepare packages that weigh more than 20 pounds and are, as a result, incompatible with processing on SPBSs. Heavier packages are also subject to more breakage if not properly secured. This is particularly true of sacked mail due to the additional handling it receives compared with palletized mail. Under the proposed rules, DMM M020 prescribes general standards for preparing and securing packages of all classes of mail and revises and incorporates standards that

pertain individually to packages on pallets and packages in sacks.

Proposed new standards limit the weight of sacked packages of Periodicals and Standard Mail to a maximum of 20 pounds and the height of these packages to a maximum of 8 inches for pieces of uncoated stock and to maximums ranging from 3 inches to 6 inches, depending on the securing method, for pieces with coated cover stock. As information, new mail preparation standards for Bound Printed Matter flats implemented January 7, 2001, limit the weight of packages in sacks and on pallets to 20 pounds, except that packages placed in 5-digit sacks or on 5-digit/scheme pallets may weigh up to 40 pounds. It is also proposed that the standards for all classes be amended to clarify when pieces should be counter-stacked to create packages of uniform thickness and to provide more emphasis on the standard that requires packages over 1 inch high to be secured with at least two bands or shrinkwrap.

It is also proposed that the current requirement to secure double-banded packages of all classes of mail first around the length and then around the girth be revised to eliminate a required banding sequence. Automated production lines in large printing plants are not designed to secure packages around the length first, and exceptions to the current standard must continually be granted to address this issue. Magazines and flyers are typically bound with stitches or glue and then stacked for packaging in accordance with the applicable presort, generally in groups ranging from 6 to 100 pieces. The stack is ejected and travels directly into a bander that secures the girth first, and then the length if a second band is required. If the first band was placed around the length of the stack, the stack would not be held securely enough to allow the second band to go around the girth because the backbone or spine is thicker than the face or side cut (length). This thickness variation would cause the bundle to fall apart, also affecting transport into another securing operation such as shrinkwrapping.

Data Collection To Determine Package Breakage Rates for Live Mail

The Postal Service and the mailing industry have been working together to better understand the implications of package breakage and to identify opportunities to quantify and improve the current situation. In October and November 1999, the MTAC Package Integrity Work Group collected and analyzed data regarding the condition of packages of nonletter-size Periodicals and Standard Mail flats at the locations

within processing facilities (e.g., SPBS feed belts) where they were initially unloaded by the Postal Service from mailer-prepared sacks and pallets. This data was collected at four Postal Service processing and distribution centers (P&DCs) and two BMCs.

Data collected for this live mail shows that of a total of 78,511 packages on pallets that were observed, 832 packages, or 1.1 percent, were broken when first unloaded from the mailer-prepared pallets by the Postal Service. For mail in sacks, of a total of 11,826 packages that were observed, 2,074 packages, or 17.5 percent, were broken when the sacks were emptied. Broken packages were identified as those with a total loss of integrity resulting in one or more pieces loose or missing. Various characteristics concerning the packages and the mailpieces were recorded to identify key factors affecting package integrity. For all mail in sacks, the breakage rates were statistically very close, ranging from 16.7 to 19.8 percent, when packages were secured with two rubber bands, two plastic straps, or two strings (twine). Shrinkwrapped packages broke at a rate of 13.3 percent while packages secured with shrinkwrap plus one strap broke at the lowest rate of 9.5 percent.

The data shows that coated paper stock leads to significantly greater package breakage than uncoated stock. Coated paper is the slick, shiny paper usually associated with magazines and catalogs while uncoated stock is often associated with newspapers and enveloped mail. For packages in sacks, the breakage rate for mailpieces with covers of coated paper stock was 23.6 percent compared with a breakage rate of 11.6 percent for mailpieces of uncoated stock. For pieces of coated paper stock, shrinkwrap plus one strap proved to be the most effective packaging method. Shrinkwrap alone was the second most effective packaging method, followed by double banding with rubber bands, string (twine), or plastic straps. All methods of double banding caused packages to break at about the same rate. However, as package height increases, the breakage rate for shrinkwrapped packages increases at a greater rate than the breakage rate for packages secured with two plastic straps. As a bundle increases in height, it often becomes more rigid and two plastic straps are likely to maintain package integrity more effectively. Packages secured with shrinkwrap of insufficient strength or durability are less likely to retain their integrity, as the packages become taller (and consequently heavier), particularly when those packages are placed in

sacks. Mail in sacks is subject to additional processing steps before the contents are distributed by the Postal Service (e.g., sacks bedloaded on trucks or dumped on sack sorting equipment) when compared to mail prepared on pallets.

The data collected during the live mail tests in October and November 1999 are contained in USPS-LR-1-297 filed in conjunction with R2000-1.

Results of Controlled Package Integrity Test To Determine Key Drivers of Package Breakage

On the basis of results of the live mail tests, the MTAC Package Integrity Work Group concluded that the most significant reductions in package breakage could be achieved in the near future by improving the integrity of packages currently prepared in sacks, particularly for packages of mailpieces with covers of coated stock. These changes supplement other efforts, described later in this notice, that are underway to move mail out of sacks and onto pallets, when possible. Accordingly, a controlled test of mail prepared in sacks was conducted in August 2000. A variety of packaging methods and mailpiece types, both coated and uncoated, were tested with test packages ranging in height from under 1 inch up to approximately 8 inches. These pieces were representative of the Periodicals and Standard Mail mailstreams. The following mailpiece types and securing methods were tested:

- Unbound, uncoated half-fold newspapers secured with plastic straps and with string (twine).
- Quarter-fold newsprint advertisements secured with plastic straps and with string (twine).
- DVDs prepared in padded plastic containers measuring approximately 7½ inches by 5⅜ inches by ⅝ inch and secured with plastic straps and with rubber bands.
- 9-inch by 12-inch enveloped pieces secured with plastic strap(s), with rubber bands, and with string.
- Individually polywrapped magazines secured with plastic straps.
- Saddle-stitched magazines with coated cover stock secured with shrinkwrap, with plastic straps, with string, and with rubber bands.
- Perfect bound magazines with coated cover stock secured with plastic straps, with rubber bands, and with shrinkwrap.

Sacks containing the test pieces were deposited at the Cincinnati BMC, processed through the sack sorter, and transported to the Philadelphia BMC, where they were processed through that

facility's sack sorter before being unloaded to collect information about the condition of the packages. This was consistent with the transportation and processing of sacked mail that is entered at an origin facility for delivery to addresses outside of the mailer's local BMC service area. A small number of sacks were deposited at the Philadelphia BMC and were not processed through any sack sorter before being unloaded for examination of their contents.

Results from the controlled test show that the average breakage rate for packages of unbound, uncoated newspapers/newsprint advertisements and individually polywrapped pieces combined was approximately 3 percent while the average breakage rate for pieces with coated cover stock was approximately 55 percent. For the pieces with coated cover stock, the breakage rate increased significantly as the height of the packages increased. For pieces with coated cover stock, packages over 3 inches high (4 inches to 6 inches) broke apart at rates ranging from 42 to 100 percent depending on the package height and securing method. The taller packages that were secured with two plastic straps had the lowest breakage rates. Packages secured with shrinkwrap plus one strap had lower breakage rates than packages secured with only shrinkwrap. These data are consistent with the data collected in October and November 1999 for the live mail test which showed that double plastic bands or shrinkwrap plus one band are generally more effective for securing taller packages. It should be noted that various formulations of shrinkwrap were used to secure mail in the controlled test and the shrinkwrap ranged in thickness from 1 to 1.5 mil.

The breakage rate for the 9 inch × 12 inch enveloped mailpieces of uncoated paper stock was approximately 58 percent. The breakage rate for these pieces, which were of irregular thickness due to an insert enclosed in the center of each piece, also increased significantly as the height of the packages increased. This occurred because the packages were thicker in the center (football-shaped) and the straps, if they moved off the thicker package center during transportation or processing, would tend to fall off the thinner edges creating loose or broken packages.

Analysis of Data and Proposed Standards

Analysis of the data gathered from the controlled test described above indicates that increasing package height results in greater breakage rates, with

breakage increasing by approximately 14 percentage points for each additional inch of package height. This results in a very high breakage rate for packages 4 inches and taller. On average, the breakage rate for shrinkwrapped packages was 15 percent higher than for packages secured with two plastic straps. Also, by adding a single plastic strap to shrinkwrapped packages, the breakage rate for shrinkwrapped packages was reduced by 25 percent.

As a result, the MTAC Package Integrity Work Group has identified preparation changes that will improve package integrity and reduce the percent of packages that break. This reduction in breakage will reduce processing costs. The proposed changes contained in this **Federal Register** notice have been drafted based on the data collected during the live mail and controlled tests. The specific proposed changes are described in detail below.

The key focus of the proposed changes is to significantly reduce package breakage for mailpieces with covers of coated stock that are prepared in sacks, identified as a key contributor to the package integrity problem. The proposed standards requiring smaller packages for some sacked mail may result in a greater number of packages in sacks for mail found to currently have exceptionally high breakage rates. However, any costs for handling additional smaller packages will be greatly outweighed by modeled savings that will result from avoiding additional package handlings, recovery costs, and single-piece handlings that are incurred when these packages break prematurely. The proposed revisions to the DMM, in conjunction with other Postal Service/ Industry initiatives, are intended to and expected to improve package integrity in general for mail both in sacks and on pallets.

It is important to note that representatives of many Periodicals and Standard Mail associations, serving large and small volume mailers, have been involved in all aspects of test design, data collection and analysis, and development of recommendations to improve package integrity. These mailers produce a wide variety of flat-size mailpieces (and irregulars for Periodicals) using all currently permitted package securing methods.

Additional Efforts To Reduce Package Breakage and Associated Costs

Amending and revising the DMM packaging standards to improve mailer preparation, as proposed in this notice, is one of several efforts underway to reduce costs associated with processing packages of Periodicals non-letters and

Standard Mail flats. Based on analyses of the test data described above and on other studies and discussions between the Postal Service and Periodicals industry representatives, it was determined that other steps, in addition to improvements in packaging by mailers, could help reduce Postal Service handling costs that relate to package breakage. These steps include working with mailers to move mail from sacks to pallets, improving package-sorting methods related to SPBS feed systems, improving Postal Service recovery methods for broken or damaged packages of flats, and working with mailers to develop a process enabling customers to prepare flat-size mail in a manner that supports processing on flat-sorting machines.

Many mailers have indicated that, until recently, they were not aware of the package breakage problem at Postal Service facilities. In response, and at the recommendation of the MTAC Package Integrity Work Group, the Postal Service established the MTAC Feedback Mechanism Work Group to develop effective methods to provide mailers with information about mail that is not properly prepared and that is adding costs to processing operations. The expectation is that when mailers receive feedback about specific package integrity problems, they will take appropriate steps to improve their packaging methods.

The MTAC Package Integrity Work Group also developed a video, produced and disseminated by the Postal Service, to raise mailer awareness of the impact of poor package integrity. Copies are available to mailers and have been shown at Postal Customer Council (PCC) meetings, focus groups, and Postal Forums. The video has also been used as a training tool by mailers to raise the awareness of their employees to the importance of package integrity and to focus on improving packaging. Additional videos are being developed to focus on best practices in packaging for small volume and large volume mailers.

Other efforts are underway by the mailing industry, particularly large printers, to analyze how changing presort parameters affects containerization in order to move mail out of sacks, where it is more vulnerable to package breakage and less likely to be drop shipped, by optimizing palletization.

The Postal Service has made several modifications to SPBS feed systems to reduce package breakage when containers are unloaded and when the packages are transported on belts to keying stations. Broken package

recovery methods have also been modified to reduce costs.

Projected lower Postal Service mail processing costs, due to reduced package breakage, were incorporated into the rates resulting from the R2000-1 rate case. These savings were based, in part, on anticipated improvements in the preparation of packages of Periodicals non-letter-size mail and Standard Mail flats resulting from the activities of the MTAC Package Integrity Work Group and other related efforts that are currently underway. The following proposed DMM changes are attributable to those activities. The Postal Service is proposing to implement these revisions to the current mail preparation standards effective June 1, 2001.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions of the DMM, incorporated by reference in the Code of Federal Regulations. See 39 CFR part 111.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001—3011, 3201—3219, 3403—3406, 3621, 3626, 5001.

2. Revise the following sections of the DMM as set forth below:

M MAIL PREPARATION AND SORTATION

* * * * *

M020 Packages

* * * * *

1.0 BASIC STANDARDS

[Amend 1.1 by replacing the reference to 1.6 with 1.2 to read as follows:]

1.1 Facing

Except as noted in 1.2, all pieces in a package must be "faced" (*i.e.*, arranged with the addresses in the same read direction), with an address visible on the top piece.

[Amend the heading of 1.2 and revise the text to require counter-stacking of pieces of irregular thickness, when appropriate, to create packages of uniform thickness to read as follows:]

1.2 Counter-Stacking—Sacked and Palletized Mail

Packages of flats and other pieces of nonuniform thickness must be prepared by counter-stacking if counter-stacking will create packages of more uniform thickness. Counter-stacking is appropriate for saddle-stitched mailpieces and pieces where one edge is thicker than other edges or one corner is thicker than other corners. When counter-stacking, pieces must all have the addresses facing up and be divided into no more than four approximately equal groups with each group rotated 180 degrees from the preceding and/or succeeding group(s). When pieces are nonuniform in thickness because they are thicker in the center instead of along an edge or corner, counter-stacking will generally not result in a package of uniform thickness (*e.g.*, a football-shaped package would be created). Instead of counter-stacking such pieces, limit the height/thickness of the package to from 3 to 6 inches to ensure the package will stay together during normal transit and handling.

* * * * *

[Redesignate 1.4, 1.5, and 1.6 as 1.5, 1.6, and 1.7, respectively, and add new 1.4 to read as follows:]

1.4 Securing Packages—General

Package preparation is subject to the following requirements:

a. Packages must be able to withstand normal transit and handling without breakage or injury to Postal Service employees.

b. Packages must be secured with banding, shrinkwrap, or shrinkwrap plus one or more bands. Banding includes plastic bands, rubber bands, twine/string, or similar material. Use of wire or metal banding is not permitted.

c. Where permitted by standard, when one band is used, it must be placed tightly around the girth (narrow dimension).

d. Except under 1.5 and 2.1f, packages over 1 inch thick must be secured with at least 2 bands or with shrinkwrap. When double banding is used to secure packages, it must encircle the length and girth of the package at least once. Additional bands may be used if none lies within 1 inch of any package edge.

e. Banding tension must be sufficient to the point that the bands tighten and depress the edges of the package so pieces will not slip out of the banding

during transit and processing. Loose banding is not allowed.

f. When twine/string is used to band packages, the knot(s) must be secure so the banding does not come loose during transit and processing.

[Amend the heading of redesignated 1.5, add new 1.5a, and redesignate the current content of redesignated 1.5 as 1.5b to read as follows:]

1.5 Packages on Pallets

In addition to 1.1 through 1.4, packages on pallets must meet the following standards:

a. Except as noted in 1.5b, packages up to 1 inch in height (thickness) must be secured with appropriate banding, placed at least once around the girth, or with shrinkwrap. Packages over 1 inch in height must be secured with at least two bands (plastic bands, rubber bands, twine/string, or similar material), one around the length and one around the girth, with shrinkwrap, or with shrinkwrap plus one or two bands.

b. Packages may be secured with heavy-gauge shrinkwrap over plastic banding, only shrinkwrap, or only banding material if they can stay together during normal processing. Except for packages of individually polywrapped pieces, packages on BMC pallets must be shrinkwrapped and machinable on BMC parcel sorters. Packages and bundles of individually polywrapped pieces may be secured with banding material only. Machinability is determined by the Postal Service. If used, banding material must be applied at least once around the length and once around the girth; wire and metal strapping are prohibited.

[Revise the first sentence of redesignated 1.6 to indicate that packages of Bound Printed Matter must also meet the applicable maximum package size standards in M045 and M722 to read as follows. No other changes to text.]

1.6 Package Size—Bound Printed Matter

Each “logical” package (the total group of pieces for a package destination) of Bound Printed Matter must meet the applicable minimum and maximum package size standards prescribed in M045 or M722. * * *

* * * * *

[Redesignate former 1.7 as 1.9 and add new 1.8 to read as follows:]

1.8 Packages in Sacks—Periodicals and Standard Mail

Periodicals and Standard Mail prepared in sacks must be secured in packages as follows:

a. The maximum weight for all packages is 20 pounds.

b. Packages must be able to withstand normal transit and handling without breakage or injury to Postal Service employees.

c. Packages up to 1 inch in height (thickness) must be secured with appropriate banding, placed at least once around the girth (narrow dimension), or with shrinkwrap. Packages over 1 inch in height must be secured with at least two bands (plastic bands, rubber bands, or twine/string), one around the length and one around the girth, with shrinkwrap, or with shrinkwrap plus one or two bands.

d. Packages of pieces with covers of coated stock that are not individually enclosed in a mailing wrapper (*e.g.*, magazines or catalogs with glossy covers not individually enclosed in an envelope, paper wrapper, or plastic wrapper (polybag)) are subject to these conditions:

(1) Except as noted in d.(2), packages must not exceed 3 inches in height (thickness).

(2) Packages of such pieces secured with shrinkwrap plus one or two plastic straps, or with at least two plastic straps, one around the length and one around the girth, must not exceed 6 inches in height (thickness).

(3) Packages may be measured at the lowest (thinnest) point to determine the package height (thickness).

(4) A package that exceeds the maximum prescribed height by less than the thickness of a single piece meets the standard (*e.g.*, if a glossy piece is 0.625 (⁵/₈) of an inch thick, five pieces may be secured in a package 3.125 inches high).

e. Packages containing pieces with outer surfaces of uncoated stock are subject to these conditions:

(1) Packages must not exceed 8 inches in height (thickness).

(2) Uncoated stock also includes pieces that are individually enclosed in an envelope, paper wrapper, or plastic wrapper (polybag), as well as pieces with outer surfaces composed of material other than paper (*e.g.*, plastic, cloth, fiberboard, or metal).

(3) It is recommended that such packages not exceed 6 inches in height (thickness).

(4) Packages may be measured at the lowest (thinnest) point to determine the package height (thickness).

(5) A package that exceeds the maximum prescribed height by less than the thickness of a single piece meets the standard (*e.g.*, if a piece with uncoated cover stock is 0.75 (³/₄) of an inch thick, 11 pieces may be secured in a package 8.25 inches high).

[Amend the heading of redesignated 1.9 to read as follows. No other changes to text.]

1.9 Exception to Package Preparation—Mail in Trays

* * * * *

2.0 ADDITIONAL STANDARDS—FIRST-CLASS MAIL, PERIODICALS, AND STANDARD MAIL, AND FLAT-SIZE BOUND PRINTED MATTER

[Amend 2.1 by copying the content of 2.3b to new 2.1f and revising the content to read as follows:]

2.1 Cards and Letter-Size Pieces

* * * * *

f. Packages up to 1 inch thick must be secured with appropriate banding placed once around the girth (narrow dimension). Packages over 1 inch thick must be secured with at least two bands,

one around the length and one around the girth.

[Amend 2.2 by revising the content to read as follows:]

2.2 Flat-Size Pieces

Packages of flat-size pieces must be secure and stable subject to specific weight limits in M045 if placed on pallets, specific weight and height limits in 1.8 for Periodicals and Standard Mail placed in sacks, and, for Bound Printed Matter in sacks, specific weight limits in M720. Flat-size pieces must be prepared in packages except under 1.9 and, for First-Class Mail, under M820.3.0.

[Amend the heading of 2.3, redesignate 2.3a as the content of 2.3, and delete current 2.3b to read as follows:]

2.3 Pieces With Simplified Address

For mail prepared with a simplified address, all pieces for the same post office must be prepared in packages of 50 when possible. If packages of other quantities are prepared, the actual number of pieces must be shown on the facing slip that must be attached to show distribution desired (e.g., rural route, city route, post office boxholder).

* * * * *

An appropriate amendment to 39 CFR part 111 to reflect these changes will be published if the proposal is adopted.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01-4146 Filed 2-16-01; 8:45 am]

BILLING CODE 7710-12-U

Notices

Federal Register

Vol. 66, No. 34

Tuesday, February 20, 2001

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[TM-01-01]

Notice of Meeting of the National Organic Standards Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the Agricultural Marketing Service (AMS) announces a forthcoming meeting of the National Organic Standards Board (NOSB).

DATES: March 6, 2001, from 8 a.m. to 5:30 p.m. and March 7, 2001, from 8:30 a.m. to 5:30 p.m. (Pacific Time each day).

PLACE: Embassy Suites Hotel, Buena Park, 7762 Beach Boulevard, Buena Park, CA 90620. Telephone: (714) 739-5600.

FOR FURTHER INFORMATION CONTACT: Keith Jones, Program Manager, National Organic Program, USDA-AMS-TMP-NOP, Room 2945-So., Ag Stop 0268, P.O. Box 96456, Washington, DC 20090-6456. Telephone: (202) 720-3252.

SUPPLEMENTARY INFORMATION: Section 2119 (7 U.S.C. 6518) of the Organic Foods Production Act of 1990 (OFPA), as amended (7 U.S.C. Section 6501 *et seq.*) requires the establishment of the NOSB. The purpose of the NOSB is to make recommendations about whether a substance should be allowed or prohibited in organic production or handling, to assist in the development of standards for substances to be used in organic production and to advise the Secretary on any other aspects of the implementation of OFPA. The NOSB met for the first time in Washington, DC, in March 1992 and currently has five committees working on various aspects of the program. The committees are:

Accreditation, Crops, Livestock, Materials, and Processing.

In August of 1994, the NOSB provided its initial recommendations for the National Organic Program (NOP) to the Secretary of Agriculture. Since that time the NOSB has submitted 30 addenda to its recommendations and reviewed more than 185 substances for inclusion on the National List of Allowed and Prohibited Substances. The last meeting of the NOSB was held on November 15-17, 2000, in Washington, DC.

The Department of Agriculture (USDA) published its final National Organic Program regulation in the **Federal Register** on December 21, 2000 (65 FR 80548). The rule becomes effective February 20, 2001.

Purpose and Agenda

The principal purposes of this meeting are to provide an opportunity for the NOSB to: receive committee reports, receive an update from the Aquatic Task Force Working Group; receive an update from the USDA/NOP; review materials for possible inclusion on the National List of Approved and Prohibited Substances; and receive a presentation from the EPA on organic product labeling List 3 inerts. The Livestock Committee will report on the development of guidelines for "access to pasture." The Processing Committee will present a proposal on "commercial availability" (with Crops Committee input). As noted in the final National Organic Program regulation, AMS is soliciting additional comment concerning the development of criteria for determining the commercial availability of organically produced agricultural commodities used in processed products labeled as organic. The specific issues on which AMS is soliciting comment are presented in the final regulation (65 FR 80562-80563). The Processing Committee will also present a proposal for restructuring the National List. The Materials Committee will review the materials decision matrix, review materials, and develop a policy for updating the National List. Materials to be reviewed at the meeting are for Livestock production: Hydroxyquinoline Sulfate, and Poloxalene; and for Processing: L-cysteine, Calcium Sulfate, Ammonium Hydroxide, Cyclohexamine, Diethylaminoethanol,

Morpholine, and Octadecylamine. For further information see <http://www.ams.usda.gov/nop>. Copies of the NOSB meeting agenda can be requested from Mrs. Toni Strother, USDA-AMS-TMP-NOP, Room 2510-So., Ag Stop 0268, P.O. Box 96456, Washington, DC 20090-6456; by telephone at (202) 720-3252; or by accessing the NOP website at <http://www.ams.usda.gov/nop> on or after February 16, 2001.

Type of Meeting

This meeting is open to the public. The NOSB has scheduled time for public input on Tuesday, March 6, 2001, from 8 a.m. until 9:30 a.m., and on Wednesday, March 7, 2001, from 4 p.m. until 5:30 p.m. at the Embassy Suites Hotel, Buena Park, 7762 Beach Boulevard, Buena Park, CA 90620. Telephone: (714) 739-5600. Individuals and organizations wishing to make an oral presentation at the meeting should forward their request to Mrs. Toni Strother at USDA-AMS-TMP-NOP, Room 2510-So., Ag Stop 0268, P.O. Box 96456, Washington, DC 20090-6456, or by FAX to (202) 205-7808, or by e-mail at toni.strother2@usda.gov, by close of business March 1, 2001. While persons wishing to make a presentation may sign up at the door, advance registration will ensure a person has the opportunity to speak during the allotted time period and will help the NOSB to better manage the meeting and to accomplish its agenda. Individuals or organizations will be given approximately 5 minutes to present their views. All persons making an oral presentation are requested to provide their comments in writing. Written submissions may contain information other than that presented at the oral presentation. Written comments may be submitted to the NOSB at the meeting or to Mrs. Strother after the meeting at the above address.

Dated: February 15, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01-4250 Filed 2-15-01; 1:34 pm]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE**Agricultural Marketing Service****[Docket No. TB-01-01]****National Advisory Committee for Tobacco Inspection Services; Meeting**

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Date: March 6, 2001.

Time: 9 a.m.

Place: U.S. Department of Agriculture (USDA), Agricultural Marketing Service (AMS), 300 12th Street SW., Room 524 Cotton Annex Building, Washington, DC 20250.

Purpose: To elect officers, review various regulations issued pursuant to the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*), and discuss the level of service (number of sets of graders) AMS will provide for the 2001-2002 tobacco marketing season. The Committee will recommend the desired level of service to be provided to producers by AMS and an appropriate fee structure to fund the recommended services for the 2001-2002 selling season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456; (202) 205-0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting. If you need any accommodations to participate in the meeting, please contact the Tobacco Programs at (202) 205-0567 by February 28, 2001, and inform us of your needs.

Dated: February 14, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01-4224 Filed 2-16-01; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE**Animal and Plant Health Inspection Service****[Docket No. 01-012-1]****Living Genetically Modified Organisms and Invasive Species; Public Meeting**

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: This is to notify interested persons that the Animal and Plant Health Inspection Service will hold a public meeting to provide a forum for

discussion on the recommendation for the development of two standards to address the issues of living genetically modified organisms and invasive species under the International Plant Protection Convention, recognized by the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures as the international standard-setting body for phytosanitary standards.

DATES: The public meeting will be held on Thursday, March 8, 2001, from 10 a.m. to 11:30 a.m.

ADDRESSES: The public meeting will be held at the USDA Center, Second Floor, Training Rooms 1 and 2, 4700 River Road, Riverdale, MD.

FOR FURTHER INFORMATION CONTACT: For information about the meeting, contact Dr. Cathleen Enright, Director, Biotechnology, APHIS/PPQ/PIM, 4700 Riverdale Road Unit 140, Riverdale, MD 20737; (301)734-5342; or Mr. Nancy Klag, Director, International Standards Management/NAPPO, APHIS/PPQ/PIM, 4700 Riverdale Road Unit 140, Riverdale, MD 20737; (301) 734-8469.

SUPPLEMENTARY INFORMATION: As a result of the 1997 text revision of the International Plant Protection Convention (IPPC), the Interim Commission on Phytosanitary Measures (ICPM) was established in 1998 to serve as the engine for developing international phytosanitary standards as well as promoting other basic objectives of the IPPC until the revised IPPC officially comes into force. The ICPM was prompted to address living genetically modified organisms (LMO's) and invasive species specifically as a result of IPPC member country requests for further guidance on evaluating the organisms as potential plant pests. At present, the guidance provided under the IPPC for these issues is limited. An IPPC working group on genetically modified organisms and invasive species met in June, 2000, and drafted recommendations for new standards to be developed to address these issues. The working group will forward these recommendations to the April 2001 meeting of the ICPM for adoption.

The United States Government is a member of the IPPC, and the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture has the lead in IPPC matters within the United States. Therefore, APHIS is giving notice of a public meeting to allow anyone, especially those who are interested in biotechnology and invasive species issues, an opportunity to present their views on the recommendations and to exchange information among

themselves and with APHIS regarding the IPPC recommendations. The two standards proposed for development in the recommendations are:

(1) To address the plant pest risks associated with LMO's; and

(2) To address the environmental effects of quarantine pests, including quarantine pests that are invasive.

This public meeting is scheduled for Thursday, March 8, 2001. The public meeting will begin at 10 a.m. and is scheduled to end at 11:30 a.m. Those wishing to speak at the meeting should register on or before March 5, 2001. To register to speak, please e-mail cathleen.a.enright@aphis.usda.gov or send a fax to Dr. Cathleen Enright at 301-734-7639. Registrants should include their name, address, and telephone number. Speakers are welcome, but not required, to submit written copies of comments by e-mail at the address listed above. Depending on the number of registered speakers, time limits may be imposed on speakers, and speakers who have registered in advance will be given priority if time is limited. The meeting will be recorded, and information about obtaining a transcript will be provided at the meeting.

If you require special accommodations, such as a sign language interpreter, please contact the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Parking and Security Procedures

Please note that a fee of \$2 is required to enter the parking lot at the USDA Center. The machine accepts \$1 bills or quarters.

Upon entering the building, visitors should inform security personnel that they are attending the Living Genetically Modified Organisms public meeting. Identification is required. Security personnel will direct visitors to the registration tables located outside of Training Rooms 1 and 2 on the second floor. Registration upon arrival is necessary for all participants, including those who have registered to speak in advance. Visitor badges must be worn throughout the day.

Further information regarding the meeting and registration instructions may be obtained from the persons listed under **FOR FURTHER INFORMATION CONTACT**.

Done in Washington, DC, this 14th day of February 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01-4143 Filed 2-16-01; 8:45 am]

BILLING CODE 3410-34-U

DEPARTMENT OF COMMERCE**Bureau of Export Administration****Regulations and Procedures Technical Advisory Committee; Notice of Partially Closed Meeting**

The Regulations and Procedures Technical Advisory Committee (RPTAC) will meet March 6, 2001, 9 a.m., Room 3884, in the Herbert C. Hoover Building, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda*Public Session*

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Update on pending regulations.
4. Discussion of deemed export rule/status of DEL process.
5. Update on Bureau of Export Administration initiatives.

Closed Session

6. Discussion of matters properly classified under Executive Order 12958, dealing with the U.S. export control program and strategic criteria related thereto.

A limited number of seats will be available for the public session. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials prior to the meeting to the following address: Ms. Lee Ann Carpenter, OSIES/EA/BXA MS:3876, 14th St. & Constitution Ave., NW., U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on February 12, 2001, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to

public meetings found in section 10(a)(1) and 10(a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC. For more information, call Lee Ann Carpenter at (202) 482-2583.

Dated: February 13, 2001.

Lee Ann Carpenter,

Committee Liaison Officer.

[FR Doc. 01-4065 Filed 2-16-01; 8:45 am]

BILLING CODE 3510-JT-M

DEPARTMENT OF COMMERCE**Bureau of Export Administration****National Defense Stockpile Market Impact Committee Request for Public Comments on the Potential Market Impact of Proposed Stockpile Sales of Palladium**

AGENCY: U.S. Department of Commerce.

ACTION: Notice of request for public comment on the potential market impact of a proposed increase in the disposal level of palladium from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

SUMMARY: This notice is to advise the public that the National Defense Stockpile Market Impact Committee (co-chaired by the Departments of Commerce and State) is seeking public comments on the potential market impact of a proposed increase in the disposal of palladium from the National Defense Stockpile under the Fiscal Year (FY) 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP.

DATES: Comments must be received by March 22, 2001.

ADDRESSES: Written comments should be sent to Richard V. Meyers, Co-Chair, Stockpile Market Impact Committee, Office of Strategic Industries and Economic Security, Room 3876, Bureau of Export Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; FAX: (202) 482-5650; E-Mail: rmeyers@bxa.doc.gov.

FOR FURTHER INFORMATION CONTACT: Richard V. Meyers, Office of Strategic Industries and Economic Security, Bureau of Export Administration, U.S.

Department of Commerce, (202) 482-3634; or Terri L. Robl, Office of International Energy and Commodity Policy, U.S. Department of State, (202) 647-3423; co-chairs of the National Defense Stockpile Market Impact Committee.

SUPPLEMENTARY INFORMATION: Under the authority of the Strategic and Critical Materials Stock Piling Act of 1979, as amended, (50 U.S.C. 98 *et seq.*), the Department of Defense (DOD), as National Defense Stockpile Manager, maintains a stockpile of strategic and critical materials to supply the military, industrial, and essential civilian needs of the United States for national defense. Section 3314 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (50 U.S.C. 98h-1) formally established a Market Impact Committee (the Committee) to "advise the National Defense Stockpile Manager on the projected domestic and foreign economic effects of all acquisitions and disposals of materials from the stockpile * * *." The Committee must also balance market impact concerns with the statutory requirement to protect the Government against avoidable loss.

The Committee is comprised of representatives from the Departments of Commerce, State, Agriculture, Defense, Energy, Interior, Treasury, and the Federal Emergency Management Agency, and is co-chaired by the Departments of Commerce and State. The FY 1993 NDAA also directs the Committee to "consult from time to time with representatives of producers, processors and consumers of the types of materials stored in the stockpile."

The National Defense Stockpile Administrator has proposed revising both the current FY 2001 Annual Materials Plan (AMP) and the proposed FY 2002 AMP (both AMPs previously approved by Committee) to increase the disposal quantity of palladium from 300,000 tr. oz. to 600,000 tr. oz. The proposed increase will permit additional quantities of palladium to be sold at historically high prices for the material and will also provide a supply of the material into a world market currently experiencing a severe shortage. The Committee is seeking public comment on the potential market impact of this proposed increase.

The quantity of palladium (including the proposed increase) listed in both the FY 2001 and proposed FY 2002 AMPs are not sales target disposal quantities. They are only a statement of the proposed maximum disposal quantity of the material that may be sold in a particular fiscal year. The quantity of

material that will actually be offered for sale will depend on the market for the material at the time of the offering as well as on the quantity of the material approved for disposal by Congress.

The Committee requests that interested parties provide written comments, supporting data and documentation, and any other relevant information on the potential market impact of the proposed increased disposal level of palladium. Although comments in response to this Notice must be received by March 22, 2001 to ensure full consideration by the Committee, interested parties are encouraged to submit comments and supporting information at any time thereafter to keep the Committee informed as to the market impact of the sale of palladium. Public comment is an important element of the Committee's market impact review process.

Public comments received will be made available at the Department of Commerce for public inspection and copying. Anyone submitting business confidential information should clearly identify the business confidential portion of the submission and also provide a non-confidential submission that can be placed in the public file. The Committee will seek to protect such information to the extent permitted by law.

The public record concerning this Notice will be maintained in the Bureau of Export Administration's Records Inspection Facility, Room 4525, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone (202) 482-5653. The records in this facility may be inspected and copied in accordance with the regulations published in Part 4 of Title 15 of the Code of Federal Regulations (15 CFR 4.1 *et seq.*).

Information about the inspection and copying of records at the facility may be obtained from Ms. Dawnielle Battle, the Bureau of Export Administration's Freedom of Information Officer, at the above address and telephone number.

Dated: February 13, 2001.

Matthew S. Borman,

Deputy Assistant Secretary, Bureau of Export Administration.

[FR Doc. 01-4114 Filed 2-16-01; 8:45 am]

BILLING CODE 3510-DR-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: Request for Information Regarding Deceased Debtor; DD Form 2840; OMB Number 0730-[To Be Determined]

Type of Request: New Collection.

Number of Respondents: 10,000.

Responses per Respondent: 1.

Annual Responses: 10,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 833.

Needs and Uses: Defense Finance and Accounting Service maintains updated debt accounts and initiates debt collection action for separated military members, out-of-service civilian employees, and other individuals not on an active federal government payroll system. When notice is received that an individual debtor is deceased, an effort is made to ascertain whether the decedent left an estate by contacting clerks of probate courts. If it is determined that an estate was established, attempts are made to collect the debt from the estate. If no estate appears to have been established, the debt is written off as uncollectable. This form is used to obtain information on deceased debtors from probate courts.

Affected Public: Individuals or Households; State, Local or Tribal Government.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

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 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.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-4040 Filed 2-14-01; 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, Forms, and OMB Number: Dependency Statements—Parent, Child Born Out of Wedlock, Incapacitated Child Over Age 21, Full Time Student 21-22 Years of Age, and Ward of a Court; DD Forms 137-3, 137-4, 137-5, 137-6, 137-7; OMB Number 0730-[To Be Determined].

Type of Request: New Collection.

Number of Respondents: 19,440.

Responses per Respondent: 1.

Annual Responses: 19,440.

Average Burden per Response: 1.25 hours.

Annual Burden Hours: 24,300.

Needs and Uses: The information collection requirement is necessary to certify dependency or obtain information to determine entitlement to basic allowance for housing (BAH) with dependent rate, travel allowance, or Uniformed Services Identification and Privilege Card. Information regarding a parent, a child born out-of-wedlock, an incapacitated child over age 21, a student 21-22, or a ward of a court is provided by the military member or by another individual who may be a member of the public. Pursuant to 37 U.S.C. 401, 403, 406, and 10 U.S.C. 1072 and 1076, the member must provide at least one-half of the claimed child's monthly expenses. DoDFMR 7000.14, Vol. 7A, defines dependency and directs that dependency be proven. Dependency claim examiners use the information from these forms to determine the degree of benefits. The requirement to provide the information decreases the possibility of monetary allowances being approved on behalf of ineligible dependents.

Affected Public: Individuals or Households.

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 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 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-4041 Filed 2-16-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Meeting date change.

SUMMARY: The Defense Science Board (DSB) Task Force on Chemical Warfare Defense closed meeting scheduled for March 27, 2001, has been changed to March 26, 2001. The meeting will be held at SAIC, 4001 N. Fairfax Drive, Arlington, VA.

Dated: February 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-4043 Filed 2-16-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Meeting date change.

SUMMARY: The Defense Science Board (DSB) Task Force on Chemical Warfare Defense closed meeting scheduled for February 27, 2001, has been changed to February 26, 2001. The meeting will be held at SAIC, 4001 N. Fairfax Drive, Arlington, VA.

Dated: February 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-4044 Filed 2-16-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Strategic Environmental Research and Development Program, Scientific Advisory Board

ACTION: Notice.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee meeting:

Date of Meeting: March 27, 2001 from 0830 to 1605 and March 28, 2001 from 0830 to 1425.

Place: National Rural Electric Cooperative Association (NRECA), 4301 Wilson Boulevard, Conference Center Room 1, Arlington, VA 22203.

Matters to be Considered: Research and Development proposals and continuing projects requesting Strategic Environmental Research and Development Program funds in excess of \$1M will be reviewed.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

For Further Information Contact: Ms. Veronica Rice, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696-2119.

Dated: February 12, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 01-4042 Filed 2-16-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Threat Reduction Advisory Committee; Meeting

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Acquisition, Technology, and Logistics).

ACTION: Notice of advisory committee meeting.

SUMMARY: The Threat Reduction Advisory Committee will meet in closed session on Thursday April 5, 2001, at the Pentagon.

The mission of the Committee is to advise the Under Secretary of Defense

(Acquisition, Technology, and Logistics) on technology security, counterproliferation, chemical and biological defense, sustainment of the nuclear weapons stockpile, and other matters related to the Defense Threat Reduction Agency's mission.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. Appendix II, (1994)), it has been determined that this Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly the meeting will be closed to the public.

DATE: Thursday April 5, 2001, (8 a.m. to 6 p.m.).

ADDRESS: Room 3E869, The Pentagon, Washington, DC 20301.

FOR FURTHER INFORMATION CONTACT:

Colonel Rick Baker, Defense Threat Reduction Agency/AST, 8725 John J. Kingman Road MS 6201, Fort Belvoir, VA 22060-6201. Phone: (703) 767-4759.

Dated: February 13, 2001.

L.M. Bynum,

OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01-4046 Filed 2-16-01; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2516 and 2517]

Allegheny Energy Supply; Notice of Meeting

February 13, 2001.

Allegheny Energy Supply, licensee for the Dam No. 4 Project No. 2516 and the Dam No. 5 Project No. 2517, currently is consulting with state and federal agencies concerning the relicensing of those projects. In this regard, Commission staff intends to participate with representatives of the licensee, resource agencies, and concerned non-governmental entities at a meeting to be held at the Rockwood Manor, 11001 MacArthur Boulevard, Potomac, Maryland, at 1 p.m., Wednesday, February 28, 2001. All interested persons are welcome to attend.

For further information, please contact Suzie Boltz, of Allegheny Energy Supply, at (410) 628-4359. Rockwood Manor's telephone is (301) 299-5206.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-4070 Filed 2-16-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER01-741-000]

American Electric Power Service Corporation; Notice of Filing

February 13, 2001.

Take notice that on January 16, 2001, American Electric Power Service Corporation tendered for filing with the Federal Energy Regulatory Commission (Commission), an amendment to its original filing that was filed with the Commission on December 21, 2000 in the above-referenced proceeding.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before February 23, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01-4072 Filed 2-16-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER01-1208-000]

Duke Energy Moapa, LLC; Notice of Filing

February 13, 2001.

Take notice that on February 8, 2001, Duke Energy Moapa, LLC (Duke Moapa), tendered for filing pursuant to Section 205 of the Federal Power Act its proposed FERC Electric Tariff, Original Volume No. 1.

Duke Moapa seeks authority to sell energy and capacity, as well as ancillary services, at market-based rates, together with certain waivers and preapprovals. Duke Moapa also seeks authority to sell, assign, or transfer transmission rights that it may acquire in the course of its marketing activities.

Duke Moapa seeks and effective date sixty (60) days from the date of filing for its proposed rate schedules.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01-4067 Filed 2-16-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. ER01-1205-000]

Portland General Electric Company; Notice of Filing

February 13, 2001.

Take notice that on February 8, 2001, Portland General Electric Company (PGE), tendered for filing pursuant to section 205 of the Federal Power Act its FERC Electric Tariff—Fifth Revised Volume 11. Volume 11 provides for PGE to make sales at market-based rates, and the changes being implemented permit PGE to make sales under the EEI Master Power Purchase & Sale Agreement. PGE states that it requires the use of this agreement to sell power to the California Department of Water Resources (CDWR)

and that it wishes to be able to use the agreement to sell to other parties as well.

PGE requests that the Fifth Revised Volume 11 be made effective as of February 7, 2001 so that sales to CDWR could commence immediately.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before March 1, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

Linwood A. Watson, Jr.,
Acting Secretary.

[FR Doc. 01-4068 Filed 2-16-01; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. EC01-64-000, et al.]

PPL Global, LLC, et al.; Electric Rate and Corporate Regulation Filings

February 12, 2001.

Take notice that the following filings have been made with the Commission:

1. PPL Global, LLC; PP&L Southwest Generation Holdings, LLC; PPL Energy Supply, LLC; PPL Generation, LLC; and Griffith Energy LLC

[Docket No. EC01-64-000]

Take notice that on February 5, 2001, PPL Global, LLC; PP&L Southwest Generation Holdings, LLC; PPL Energy Supply, LLC; PPL Generation, LLC; and Griffith Energy LLC (collectively Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of

the Federal Power Act for approval of an intra-corporate restructuring involving the transfer of PPL Global's ownership interest in PP&L Southwest Generation Holdings, LLC to PPL Generation.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. PPL Energy Supply, LLC and PPL Generation, LLC, on Behalf of Themselves and Their Public Utility Subsidiaries

[Docket No. EC01-65-000]

Take notice that on February 5, 2001, PPL Energy Supply, LLC and PPL Generation, LLC, on behalf of themselves and their public utility subsidiaries (collectively Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for approval of an intra-corporate restructuring involving the insertion of a newly-formed upstream corporate entity in the Applicants' ownership structure so that certain financing benefits may be obtained.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Nevada Power Company, Reid Gardner Power LLC, and Clark Power LLC

[Docket No. EC01-66-000]

Take notice that on February 7, 2001, Nevada Power Company (Nevada Power), Reid Gardner Power LLC (Reid Gardner Power), and Clark Power LLC (Clark Power), filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization of a disposition of jurisdictional facilities associated with Nevada Power's sale of its interests in the 605 MW Reid Gardner and the 684 MW Clark Generating Stations to Reid Gardner Power and Clark Power, respectively. The Applicants state that they request confidential treatment of certain data used in the analysis of the affect of the transaction on competition, and have submitted a proposed Protective Order governing such data.

Comment date: April 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Indian Mesa Power Partners I LP

[Docket No. EG01-118-000]

Take notice that on February 7, 2001, Indian Mesa Partners I LP, 13000 Jameson Road, Tehachapi, California 93561 (Indian Mesa I), filed with the Federal Energy Regulatory Commission

an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Indian Mesa I is an indirect subsidiary company of Enron Corp. Indian Mesa I will build and own a wind turbine generation facility (the "Indian Mesa I Facility") near Iraan, Texas. The Indian Mesa I Facility will consist of seventeen (17) wind turbines, with an aggregate nameplate capacity of approximately twenty-five (25) megawatts. Electric energy produced by the Indian Mesa I Facility will be sold to City Public Service, the municipal gas and electric utility of the City of San Antonio, Texas.

Comment date: March 5, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

5. ONEOK Power Marketing Company

[Docket No. ER98-3897-007]

Take notice that on February 5, 2001, ONEOK Power Marketing Company (OPMC) filed a Notification of Change in Status in compliance with the reporting requirements of the Federal Energy Regulatory Commission's Letter Order dated September 8, 1998. OPMC plans to construct a gas-fired power plant in Logan County, Oklahoma with peak capacity of 338 Mw. OPMC also intends to sell energy and capacity from the new generation facility at market based rates under its FERC Rate Schedule No. 2.

Comment date: February 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Arizona Public Service Company

[Docket No. ER01-1190-000]

Take notice that on February 7, 2001, Arizona Public Service Company filed with the Federal Energy Regulatory Commission (Commission), a Notice of Cancellation of Service Agreement No. 47 under FERC Electric Tariff, First Revised Volume No. 3.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. The Narragansett Electric Company

[Docket No. ER01-1191-000]

Take notice that on February 7, 2001, The Narragansett Electric Company (Narragansett) submitted for filing a Notice of Cancellation of FERC Electric Rate Schedule 44.

Narragansett requests that cancellation be effective the 1st day of May, 2000.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER01-1192-000]

Take notice that on February 7, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Model City Energy, L.L.C., dated and effective as of January 25, 2001.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of January 25, 2001.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Sempra Energy

Docket No. ER01-1193-000

Take notice that on February 7, 2001, Sempra Energy tendered for filing pursuant to Rule 205, 18 CFR 385.205, a petition for waivers and blanket approvals under various regulations of the Commission and for an order accepting its FERC Electric Rate Schedule No. 1 authorizing Sempra Energy to make sales at market-based rates.

Sempra Energy has requested waiver of the Commission's regulations to permit an effective date of February 7, 2001.

Sempra Energy intends to sell electric power and ancillary services at wholesale. In transactions where Sempra Energy sells electric power or ancillary services it proposes to make such sales on rates, terms, and conditions to be mutually agreed to with the purchasing party. Rate Schedule No. 1 provides for the sale of energy and capacity and ancillary services at agreed prices.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Nevada Power Company, Reid Gardner Power LLC, Clark Power LLC

[Docket No. ER01-1194-000]

Take notice that on February 7, 2001, Nevada Power Company (Nevada Power), Reid Gardner Power LLC (Reid Gardner Power) and Clark Power LLC (Clark Power) tendered for filing pursuant to Section 205 of the Federal Power revised Transition Power Purchase Agreements (TPPAs). This filing is intended to implement the divestiture of Nevada Power's interest in the Reid Gardner and Clark Generating Stations to Reid Gardner Power and Clark Power, respectively. In addition to implementing changes to the TPPAs negotiated as part of the divestiture, the filing redesignates the TPPAs as Reid Gardner and Clark Power rate schedules.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Tucson Electric Power Company

[Docket No. ER01-1195-000]

Take notice that on February 8, 2001, Tucson Electric Power Company (Tucson) tendered for filing one (1) umbrella service agreement (for short-term firm service) and one (1) service agreement (for non-firm service) pursuant to Part II of Tucson's Open Access Transmission Tariff, which was filed in Docket No. ER00-771-000.

The details of the service agreements are as follows:

Umbrella Agreement for Short-Term Firm Point-to-Point Transmission Service dated as of February 1, 2001 by and between Tucson Electric Power Company and Idaho Power Company FERC Electric Tariff Vol. No. 2, Service Agreement No. 153. No service has commenced at this time.

Form of Service Agreement for Non-Firm Point-to-Point Transmission Service dated as of February 1, 2001 by and between Tucson Electric Power Company and Idaho Power Company—FERC Electric Tariff Vol. No. 2, Service Agreement No. 154. No service has commenced at this time.

Tucson requests an effective date of February 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Los Angeles Department of Water and Power, California Power Exchange

[Docket No. ER01-1196-000]

Take notice that on February 7, 2001, the Los Angeles Department of Water and Power (Los Angeles) tendered for filing a Notice of Termination of its Participation Agreement with the California Power Exchange (CalPX). Please take further notice that on January 22, 2001, Los Angeles tendered for filing a Notice of Termination of its Meter Service Agreement with the CalPX.

Los Angeles requests any waivers as may be necessary to make termination of its Participation Agreement effective January 19, 2001 and termination of its Meter Service Agreement effective April 22, 2001.

Los Angeles states that it has given the PX Notice of Termination pursuant to the PX Tariff, which Los Angeles asserts should be sufficient to effect termination. If such notice is found to be insufficient by the Commission, Los Angeles states that it makes this filing to insure termination of said agreements.

Los Angeles states that this filing has been served on the California Power Exchange.

Comment date: February 28, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Virginia Electric and Power Company

[Docket No. ER01-1197-000]

Take notice that on February 8, 2001, Virginia Electric and Power Company (The Company) tendered for filing an Assignment and Assumption Agreement indicating that the Service Agreement for Non-Firm Point-to-Point Transmission Service dated February 28, 1997, originally entered into by and between Ohio Edison Company and Virginia Electric and Power Company, and assigned to FirstEnergyCorp. by letter order on September 30, 1999 in Docket No. ER99-4348-000, is now being assigned to FirstEnergy Services Corp. Under the assignment, the Assignor assigns to the Assignee and the Assignee assumes all of the Assignor's rights and obligations pertaining to the above referenced agreement with Virginia Electric and Power Company (the Company), which will be designated as Second Revised Service Agreement No. 39 under FERC Electric Tariff, Second Revised Volume No. 5.

The Company requests waiver of the Commission's notice requirement to permit an effective date of the assignments of January 1, 2001, the effective date requested by FirstEnergy Services Corp.

Copies of this filing were served upon FirstEnergy Services Corp., the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Cinergy Services, Inc.

[Docket No. ER01-1198-000]

Take notice that on February 8, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69515905).

This service agreement has a yearly firm transmission service with Northern Indiana Public Service Company via the Gibson Unit Nos. 1-5 Generating Station.

Provider and Customer are requesting an effective date of February 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Cinergy Services, Inc.

[Docket No. ER01-1199-000]

Take notice that on February 8, 2001, Cinergy Services, Inc. (Provider) tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Cinergy Services, Inc. (Customer) (AREF#69482656).

This service agreement has a yearly firm transmission service with Louisville Operating Companies via the Gibson Unit Nos. 1-5 Generating Station.

Provider and Customer are requesting an effective date of February 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Cinergy Services, Inc.

[Docket No. ER01-1200-000]

Take notice that on February 8, 2001, Cinergy Services, Inc. (Cinergy) tendered for filing a Service Agreement under Cinergy's Resale, Assignment or Transfer of Transmission Rights and Ancillary Service Rights Tariff (the Tariff) entered into between Cinergy and FPL Energy Power Marketing, Inc. (FPL).

Cinergy and FPL are requesting an effective date of February 1, 2001.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Niagara Mohawk Power Corporation

[Docket No. ER01-1201-000]

Take notice that on February 8, 2001, Niagara Mohawk Power Corporation tendered for filing two temporary interconnection agreements between Niagara Mohawk Power Corporation and Green Island Power Authority as regards the Green Island Hydro facilities output of generated electricity to the interconnected system of Niagara Mohawk Power Corporation. One agreement is the Temporary Direct Interconnection Agreement, dated July 27, 2000. The other agreement is the Temporary Interconnection Agreement, dated July 10, 2000.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of July 10, 2000 for each.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Electric Energy, Inc.

[Docket No. ER01-1202-000]

Take notice that on February 8, 2001, Electric Energy, Inc. (EEInc.) tendered for filing an executed Transmission

Service Agreement for Firm Point-to-Point Transmission Service between EEInc. and Dynege Marketing & Trade (Dynege).

Under the Transmission Service Agreement, EEInc. will provide Firm Point-to-Point Transmission Service to Dynege 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 and seeks all waivers necessary for an April 1, 2001 effective date.

Copies of this filing have been sent to Dynege.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Electric Energy, Inc.

[Docket No. ER01-1203-000]

Take notice that on February 8, 2001, Electric Energy, Inc. (EEInc.) tendered for filing an executed Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between EEInc. and Dynege Marketing & Trade (Dynege).

Under the Transmission Service Agreement, EEInc. will provide Non-Firm Point-to-Point Transmission Service to Dynege 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 and seeks all waivers necessary for an April 1, 2001 effective date.

Copies of this filing have been sent to Dynege.

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Arizona Public Service Company

Docket No. ER01-1204-000

Take notice that on February 8, 2001, Arizona Public Service Company (APS) filed a Notice of Cancellation of service agreement No. 11 under FERC Electric Tariff First Revised Volume No. 3 between APS and Sonat Power Marketing, L.P. (Sonat)

Comment date: March 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC

20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-4066 Filed 2-16-01; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request for Approval for Boat Launch Facility and Soliciting Comments, Motions To Intervene, and Protests

February 13, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request for approval of a boat launch facility required by article 416 of the license for the Buzzards Roost Project.

b. *Project No.:* 1267-041.

c. *Date Filed:* December 27, 2000.

d. *Licensee:* Greenwood County, South Carolina.

e. *Name of Project:* Buzzards Roost Project.

f. *Location:* On the Saluda River in Greenwood, Laurens and Newberry Counties, South Carolina. The project site does not involve federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Joseph Carriker, Duke Power, 526 South Church Street, P.O. Box 1006, Charlotte, NC 28201-1006. (704) 382-8849.

i. *FERC Contact:* Any questions on this notice should be addressed to Jean Potvin, jean.potvin@ferc.fed.us, (202) 219-0022.

j. *Deadline for filing comments and/or motions:* March 21, 2001.

All documents (original and eight copies) should be filed with Mr. 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 reference the following number, P-1267-041, on any comments or motions filed.

k. *Description of Proposal:* The licensee requests approval for a boat launch facility to be located in Newberry County just east of the Laurens County border. The launch facility will include two new boat ramps, one loading pier, and a lighted paved parking lot for 55 vehicle/trailer spaces plus appropriate signage. Two of the parking spaces and the pier abutment will be designed for persons with disabilities.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling 202-208-1371. The application may be viewed on-line at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *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, 385.211, 385.214. 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.

o. *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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-4069 Filed 2-16-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protest

February 13, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 184-065.

c. *Date filed:* February 22, 2000.

d. *Applicant:* El Dorado Irrigation District.

e. *Name of Project:* El Dorado Project.

f. *Location:* Located on the South Fork of the American River and its tributaries in the counties of El Dorado, Alpine, and Amador, California, partially within the boundaries of the Eldorado National Forest. The project also diverts about 1,900 acre-feet of water from lower Echo Lake in the upper Truckee River Basin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* William Wilkins, General Manager, El Dorado Irrigation District, 2890 Mosquito Road, Placerville, CA 95667-4700. Telephone (530) 622-4513.

i. *Commission Contact:* Any questions concerning this notice should be addressed to John Mudre, e-mail address john.mudre@ferc.fed.us, or telephone (202) 219-1208.

j. *Deadline for filing motions to intervene and protest:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (Project No. 184-065) on any comments or motions filed. 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>.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if any intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application is not ready for environmental analysis at this time.

l. *The project consists of the following existing facilities:* (1) A 113-foot-long, 20-foot-high rubble and masonry main dam with a crest elevation of 8,210 feet mean sea level (msl) and 11 auxiliary dams, impounding Lake Aloha, a reservoir that covers 590 acres (at full pond) with a usable storage of 5,179 acre-feet; (2) a 320-foot-long, 14-foot-high roller-compacted concrete dam with a crest elevation of 7,413 feet msl, impounding lower Echo Lake, a reservoir that covers 335 acres (at full pond) with a usable storage of 1,900 acre-feet; (3) a 6,125-foot-long conduit from lower Echo Lake to the South Fork of the American River; (4) a 1,200-foot-long, 84.5-foot-high gunite-core earthfill main dam with a crest elevation of 7,959.5 feet msl and one auxiliary dam, impounding Cables Lake, a reservoir that covers 624 acres (at full pond) with a usable storage of 22,490 acre-feet; (5) a 280-foot-long, 30-foot-high rock and earthfill dam with a crest elevation of 7,261 feet msl, impounding Silver Lake, a reservoir that covers 502 acres (at full pond) with usable storage of 13,280 acre-feet; (6) a 160-foot-long, 15-foot-high rockfill reinforced binwall diversion dam with a crest elevation of 3,910.5 feet msl, impounding 200 acre-feet of the South Fork of the American River; (7) a 22.3-mile-long conveyance from the diversion dam to the forebay; (8) a 70-foot-long, 9.5-foot-high concrete diversion dam with a crest elevation of 4,007 feet msl on Alder Creek; (9) six small creeks that divert into the conveyance—Mill Creek, Bull Creek, Carpenter Creek, Ogilby Creek, Esmeralda Creek and an unnamed creek; (10) a 836-foot-long, 91-foot-high earthfill forebay dam with a crest elevation of 3,804 feet msl, a reservoir that covers 23 acres (at full pond) with a usable storage of 356-acre-feet; (11) a 2.8-mile combination pipeline and penstock conveyance, with surge tank,

from the forebay to the powerhouse; (12) a 110-foot-long by 40-foot-wide steel frame powerhouse with reinforced concrete walls and an installed capacity of 21,000 kilowatts, producing about 106 gigawatt-hours annually when operational; and (13) other appurtenances. Project components occupy federal lands administered by the Eldorado National Forest. No transmission lines are included with the project.

m. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://rimsweb1.ferc.fed.us/rims>. Call (202) 208-2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules and Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filing must: (1) Bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01-4071 Filed 2-16-01; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission****Notice; Sunshine Act Meeting**

February 14, 2001.

The following notice of meeting is published pursuant to section 3(A) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: February 21, 2001, 10 a.m.

PLACE: Room 2C, 888 First Street, NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

Contact Person for More Information: David P. Boergers, Secretary, Telephone (202) 208-0400; for a recording listing items stricken from or added to the meeting, call (202) 208-1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

760TH—Meeting February 21, 2001, Regular Meeting (10 a.m.)**Consent Agenda—Markets, Tariffs and Rates—Electric**

CAE-1.

Docket# ER01-761, 000, Southern California EDISON Company

CAE-2.

Omitted

CAE-3.

Docket# ER01-724, 000, California Independent System Operator Corporation

Other#s EL01-14, 000, City of Vernon, California v. California Independent System Operator Corporation

CAE-4.

Docket# ER01-783, 000, Pacific Gas and Electric Company

CAE-5.

Omitted

CAE-6.

Docket# ER01-789, 000, PJM Interconnection, L.L.C.

CAE-7.

Docket# ER01-845, 000, Firstenergy Generation Corporation

CAE-8.

Docket# ER01-827, 000, Wisconsin Energy Corporation Operating Companies

CAE-9.

Docket# ER01-842, 000, First Energy Corporation on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Mid-Atlantic Energy

Development Company, Ohio Edison Company, Pennsylvania Power Company, the Toledo Edison Company, Firstenergy Services Corporation, Firstenergy Generation Corporation and Firstenergy Nuclear Operating Company
CAE-10.

Docket# ER01-819, 000, California Independent System Operator Corporation

Other#s ER00-2019, 000, California Independent System Operator Corporation

ER01-831, 000, San Diego Gas & Electric Company

ER01-832, 000, Southern California Edison Company

ER01-839, 000, Pacific Gas & Electric Company

CAE-11.

Docket# ER01-852, 000, Twelvepole Creek, LLC

CAE-12.

Docket# ER01-651, 000, Southwestern Electric Power Company

Other#s ER01-651, 001, Southwestern Electric Power Company

CAE-13.

Docket# ER01-871, 000, California Independent System Operator Corporation

CAE-14.

Omitted

CAE-15.

Omitted

CAE-16.

Docket# ER01-896, 000, San Joaquin Cogen Limited

Other#s ER00-2998, 001, Southern Company Services, Inc.

ER00-2999, 001, Southern Company Services, Inc.

ER00-3000, 001, Southern Company Services, Inc.

ER00-3001, 001, Southern Company Services, Inc.

CAE-17.

Docket# ER01-912, 000, Central Maine Power Company

CAE-18.

Docket# ER01-171, 000, Consumers Energy Company and CMS Marketing, Services and Trading Company

Other#s ER01-171, 001, Consumers Energy Company and CMS Marketing, Services and Trading Company

CAE-19.

Docket# ER01-745, 000, New England Power Company

Other#s ER01-745, 001, New England Power Company

CAE-20.

Docket# ER01-794, 000, Duke Energy Corporation

CAE-21.

Docket# ER01-723, 000, Utilicorp United Inc.

CAE-22.

Omitted

CAE-23.

Docket# ER00-2367, 000, Ameren Services Company

CAE-24.

Docket# ER01-844, 000, San Diego Gas & Electric Company

CAE-25.

Docket# ER99-4415, 005, Illinois Power Company
CAE-26.

Docket# EL98-47, 000, Westmoreland-LG&E Partners

Other#s QF92-180, 004, Westmoreland-LG&E Partners

CAE-27.

Docket# EC01-52, 000, Firstenergy Corporation, on behalf of: American Transmission Systems, Inc., the Cleveland Electric Illuminating Company, Mid-Atlantic Energy Development Company, Ohio Edison Company, Pennsylvania Power Company, the Toledo Edison Company, Firstenergy Services Corporation, Firstenergy Generation Corporation and Firstenergy Nuclear Operating Company

CAE-28.

Docket# ER01-200, 001, Cinergy Services, Inc.

CAE-29.

Docket# ER01-284, 001, Wolverine Power Supply Cooperative, Inc.

CAE-30.

Docket# ER01-282, 001, Duke Energy Corporation

Other#s ER01-283, 001, Duke Energy Corporation

ER01-280, 000, Duke Energy Corporation

ER01-281, 000, Duke Energy Corporation

ER01-282, 000, Duke Energy Corporation

ER01-283, 000, Duke Energy Corporation

ER01-291, 000, Duke Energy Corporation

ER01-292, 000, Duke Energy Corporation

CAE-31.

Docket# ER01-313, 002, California Independent System Operator Corporation

Other#s ER01-424, 002, Pacific Gas and Electric Company

CAE-32.

Docket# ER01-276, 001, Pacific Gas and Electric Company

CAE-33.

Omitted

CAE-34.

Docket# ER00-2413, 001, American Electric Power Service Corporation

CAE-35.

Docket# ER00-2454, 001, Wisconsin Electric Power Company

CAE-36.

Docket# EL00-101, 001, New Horizon Electric Cooperative, Inc. v. Duke Power Company

CAE-37.

Docket# ER00-3435, 001, Carolina Power & Light Company

CAE-38.

Docket# ER00-2019, 003, California Independent System Operator Corporation

Other#s EL00-105, 002, City of Vernon, California

CAE-39.

Docket# ER93-150, 017, Boston Edison Company

Other#s EL93-10, 010, Boston Edison Company

CAE-40.

Docket# ER00-3771, 001, Firstenergy Operating Companies

CAE-41.

Docket# EL00-62, 015, ISO New England Inc.

- CAE-42.
Docket# ER01-247, 003, Virginia Electric and Power Company
Other#s ER01-247, 004, Virginia Electric and Power Company
- CAE-43.
Docket# EC01-41, 001, PG&E National Energy Group, LLC and PG&E National Energy Group, Inc. on behalf of themselves and their public utility subsidiaries
Other#s EC01-49, 001, PG&E National Energy Group, Inc., PG&E Enterprises, and PG&E Shareholdings, Inc. on behalf of themselves and their public utility subsidiaries
- CAE-44.
Docket# ER99-28, 004, Sierra Pacific Power Company
Other#s EL99-38, 003, Sierra Pacific Power Company
- CAE-45.
Docket# OA01-2, 000, Maine Electric Power Company
- CAE-46.
Docket# OA01-1, 000, Central Maine Power Company
- CAE-47.
Docket# EL01-24, 000, New York Independent System Operator, Inc.
- CAE-48.
Omitted
- CAE-49.
Docket# EL98-66, 000, East Texas Electric Cooperative, Inc. v. Central and South West Services, Inc., Central Power and Light Company, West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company
- CAE-50.
Docket# EL00-99, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. ISO New England, Inc.
Other#s EL00-100, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. ISO New England, Inc.
EL00-112, 000, Maine Public Utilities Commission, United Illuminating Company and Bangor Hydro-Electric Company v. ISO New England, Inc.
- CAE-51.
Docket# EL01-16, 000, Pontook Operating Limited Partnership v. Public Service Company of New Hampshire
- CAE-52.
Docket# EL99-26, 000, Hydro Investors, Inc. v. Trafalgar Power, Inc.
Other#s QF87-499, 001, Trafalgar Power, Inc.
QF87-500, 001, Trafalgar Power, Inc.
QF87-501, 001, Trafalgar Power, Inc.
QF88-413, 001, Trafalgar Power, Inc.
QF88-414, 001, Trafalgar Power, Inc.
QF88-415, 001, Trafalgar Power, Inc.
QF88-416, 001, Trafalgar Power, Inc.
- CAE-53.
Docket# OA97-140, 001, Seminole Electric Cooperative, Inc.
- CAE-54.
Docket# ER00-980, 000, Bangor Hydro-Electric Company
- CAE-55.
Docket# ER01-322, 002, San Diego Gas & Electric Company
- CAE-56.
Docket# ER99-1303, 000, St. Joseph Light & Power Company
Other#s NJ97-2005, Omaha Public Power District
ER98-3709, 000, Mid-Continent Area Power Pool
ER98-3709, 001, Mid-Continent Area Power Pool
ER98-3709, 002, Mid-Continent Area Power Pool
ER99-1304, 000, Utilicorp United, Inc.
ER99-1305, 000, Utilicorp United, Inc.
ER99-1306, 000, Otter Tail Power Company
ER99-1311, 000, Minnesota Power, Inc.
ER99-1313, 000, Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)
ER99-1332, 000, Northwestern Public Service Company
ER99-1334, 000, Alliant Services Company on behalf of IES Utilities, Inc., Interstate Power Company and Wisconsin Power and Light Company
ER99-1344, 000, Midamerican Energy Company
ER99-1354, 000, Montana-Dakota Utilities Company
- CAE-57.
Docket# EC96-19, 043, California Independent System Operator Corporation
Other#s ER96-1663, 044, California Independent System Operator Corporation
- Consent Agenda—Markets, Tariffs and Rates—Gas**
- CAG-1.
Omitted
- CAG-2.
Docket# GT01-9, 000, Kern River Gas Transmission Company
- CAG-3.
Docket# RP01-214, 000, Northwest Pipeline Corporation
- CAG-4.
Omitted
- CAG-5.
Docket# RP01-212, 000, Gulf South Pipeline Company, LP
- CAG-6.
Omitted
- CAG-7.
Docket# RP00-162, 008, Panhandle Eastern Pipe Line Company
- CAG-8.
Docket# RP01-134, 001, Texas Gas Transmission Corporation
Other#s RP00-260, 005, Texas Gas Transmission Corporation
RP00-260, 006, Texas Gas Transmission Corporation
RP01-135, 001, Texas Gas Transmission Corporation
- CAG-9.
Docket# RP01-169, 001, Northern Natural Gas Company
- CAG-10.
Omitted
- CAG-11.
Docket# RP99-326, 001, Tennessee Gas Pipeline Company
- CAG-12.
Docket# RP00-316, 002, Kinder Morgan Interstate Gas Transmission LLC
Other#s RP00-343, 002, Kinder Morgan Interstate Gas Transmission LLC
- CAG-13.
Docket# RP00-559, 002, Reliant Energy Gas Transmission Company
- CAG-14.
Docket# RP99-507, 006, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
Other#s RP99-507, 004, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
RP99-507, 005, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
RP99-507, 007, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
RP99-507, 008, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
RP99-507, 009, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
RP99-507, 010, Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company
- CAG-15.
Docket# RP98-54, 033, Colorado Interstate Gas Company
- CAG-16.
Omitted
- CAG-17.
Docket# MG01-17, 000, Maritimes and Northeast Pipeline, L.L.C.
- CAG-18.
Docket# MG01-14, 000, Algonquin LNG, Inc.
- CAG-19.
Docket# MG01-16, 000, Texas Eastern Transmission Corporation
- CAG-20.
Docket# MG01-13, 000, Algonquin Gas Transmission Company
- CAG-21.
Docket# MG01-15, 000, East Tennessee Natural Gas Company
- CAG-22.
Docket# OR96-ET AL., 000, Arco Products Company, Equilon Enterprises, L.L.C., Mobil Oil Corporation and Texaco Refining and Marketing Inc. v. SFPP, L.P.
Other#s OR96-10, 000, Arco Products Company, Equilon Enterprises, L.L.C., Mobil Oil Corporation and Texaco Refining and Marketing Inc. v. SFPP, L.P.

OR96-17, 000, Ultramar Diamond Shamrock Corporation and Ultramar, Inc. v. SFPP, L.P.
 IS98-1, 000, SFPP, L.P.
 OR98-1, et al. 000, Arco Products Company, Equilon Enterprises, L.L.C., Mobil Oil Corporation and Texaco Refining and Marketing Inc. v. SFPP, L.P.
 OR98-2, 000, Ultramar Diamond Shamrock Corporation and Ultramar, Inc. v. SFPP, L.P.
 OR00-8, 001, Ultramar Diamond Shamrock Corporation and ultramar, Inc. v. SFPP, L.P.
 OR00-9, 001, Tosco Corporation v. SFPP, L.P.
 CAG-23.
 Docket# RP01-172, 001, Mojave Pipeline Company
 CAG-24.
 Docket# RP01-130, 001, Southern Natural Gas Company
 CAG-25.
 Docket# GT99-26, 001, Tennessee Gas Pipeline Company
 Other#s RP96-312, 016, Tennessee Gas Pipeline Company
 CAG-26.
 Docket# RP00-249, 003, Transwestern Pipeline Company

Consent Agenda—Energy Projects—Hydro

CAH-1.
 Docket# P-10551, 085, City of Oswego, New York
 CAH-2.
 Docket# P-2203, 008, Alabama Power Company
 CAH-3.
 Docket# P-10813, 051, Town of Summersville, West Virginia
 CAH-4.
 Omitted
 CAH-5.
 Docket# P-2304, 005, Phelps-Dodge Morenci, Inc.
 CAH-6.
 Docket# P-10822, 000, Summit Hydropower
 CAH-7.
 Docket# P-10823, 000, Summit Hydropower
 CAH-8.
 Docket# P-2206, 014, Carolina Power & Light Company

Consent Agenda—Energy Projects—Certificates

CAC-1.
 Docket# CP00-6, 001, Gulfstream Natural Gas System, L.L.C.
 Other#s CP00-6, 000, Gulfstream Natural Gas System, L.L.C.
 CP00-7, 000, Gulfstream Natural Gas System, L.L.C.
 CP00-7, 001, Gulfstream Natural Gas System, L.L.C.
 CP00-8, 000, Gulfstream Natural Gas System, L.L.C.
 CP00-8, 001, Gulfstream Natural Gas System, L.L.C.
 CAC-2.
 Docket# CP00-61, 000, Central New York Oil and Gas Company, LLC
 Other#s CP00-62, 000, Central New York Oil and Gas Company, LLC

CP00-63, 000, Central New York Oil and Gas Company, LLC
 CP00-65, 000, Tennessee Gas Pipeline Company
 CP00-65, 001, Tennessee Gas Pipeline Company
 CAC-3.
 Docket# CP98-132, 001, Northern Natural Gas Company
 CAC-4.
 Docket# CP00-51, 003, East Tennessee Natural Gas Company
 CAC-5.
 Docket# CP01-56, 000, Midwestern Gas Transmission Company
 CAC-6.
 Docket# CP98-100, 001, Algonquin Gas Transmission Company
 CAC-7.
 Docket# CP99-580, 002, Southern LNG, Inc.
 Other#s CP99-579, 002, Southern LNG, Inc.
 CP99-582, 003, Southern LNG, Inc.
 CAC-8.
 Docket# CP97-256, 008, KN Wattenberg Transmission Limited Liability Company
 CAC-9.
 Docket# CP95-735, 002, Murphy Exploration & Production Company v. Quivira Gas Company
 CAC-10.
 Docket# CP98-49, 006, KN Wattenberg Transmission Limited Liability Company
 CAC-11.
 Omitted
 CAC-12.
 Docket# CP00-369, 000, Natural Gas Pipeline Company of America
 Other#s CP00-379, 000, Natural Gas Pipeline Company of America

Energy Projects—Hydro Agenda

H-1.
 Reserved

Energy Projects—Certificates Agenda

C-1.
 Reserved

Markets, Tariffs and Rates—Electric Agenda

E-1.
 Reserved

Markets, Tariffs and Rates—Gas Agenda

G-1.
 Reserved

David P. Boergers,

Secretary.

[FR Doc. 01-4233 Filed 2-15-01; 11:47 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6945-7]

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. 1204.08; Submission of Unreasonable Adverse Effects Information under FIFRA Section 6(a)(2); in 40 CFR part 159; was approved 01/25/2001; OMB No. 2070-0039, expires 01/31/2004.

EPA ICR No. 0010.09; Importation Requirements for Importation of Nonconforming Vehicles; in 40 CFR 85.1501, and 89.601, 19 CFR 12.73 and 12.74; was approved 01/26/2001; OMB No. 2060-0095; expires 08/31/2003.

EPA ICR No. 0783.40; Motor Vehicle Emission Standards and Emission Credits Provisions under the Tier 2 Rule; in 40 CFR part 86; was approved 01/31/2001; OMB No. 2060-0104; expires 12/31/2001.

EPA ICR No. 0282.12; Emission Defect Information Reports (DIR) and Voluntary Emission Recall Reports (VERR); in 40 CFR part 85, subpart T, 40 CFR part 89, subpart I, and 40 CFR part 90, subpart I, 40 CFR part 91, subpart J, and 40 CFR part 92, subpart E; was approved 01/31/2001; OMB No. 2060-0048; expires 01/31/2004.

EPA ICR No. 0794.09; Notification of Substantial Risk of Injury to Health and the Environment under TSCA Section 8(e); was approved 01/31/2001; OMB No. 2070-0046; expires 01/31/2003.

EPA ICR No. 1916.01; Emission Defect Information and Voluntary Emission Recall Reports for On-Highway, Light-Duty Vehicles; in 40 CFR parts 85.1901 and, 85.1909; was approved 01/31/2001; OMB No. 2060-0425; expires 01/31/2004.

OMB Disapproval

EPA ICR No. 1921.01; Compliance Assistance Tool Evaluation Surveys; on 01/31/2001 OMB disapproved this collection.

Comments Filed

EPA ICR No. 0916.09; Consolidated Emissions Reporting (Revision); in 40 CFR parts 51.321, 51.322 and, 51.323; on 01/30/2001 OMB filed comment; OMB comment number No. 2060-0088.

EPA ICR No. 1844.02; Recordkeeping and Reporting Requirements for Petroleum Refinery NESHAP; on 01/30/2001 OMB determined that the Information Collection Request was improperly submitted and should be resubmitted when the final rule is sent to the Office of the **Federal Register** for publication.

EPA ICR No. 1982.01; Recordkeeping and Reporting Requirements for NESHAP from Rubber Tire Manufacturing; on 01/29/2001 OMB filed comment; OMB comment number 2060-0449.

EPA ICR No. 1850.02; NESHAP for Primary Copper Smelters; in 40 CFR part 63, subparts A and QQQ; on 01/29/2001 OMB filed comment; OMB comment number 2060-0438.

EPA ICR No. 1985.01; NESHAP for Leather Finishing Operations; on 02/02/2001 OMB filed comment; OMB comment number 2060-0448.

Short Term Extension

EPA ICR No. 1761.02; Regulations for a Voluntary Emissions Standards Program Applicable to Manufacturers of Light-Duty Vehicles and Trucks Beginning in Model Year 1977; in 40 CFR part 86; OMB No. 2060-0345; on 01/31/2001 OMB extended the expiration date through 04/30/2001.

Dated: February 9, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01-4116 Filed 2-16-01; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6945-6]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of conference.

SUMMARY: The Office of Science and Technology and Battelle, co-sponsors, will hold the "24th Annual Conference on Analysis of Pollutants in the Environment" to discuss all aspects of environmental measurement. The conference is open to the public.

DATES: The annual conference will be held on May 8-10, 2001. On May 8, 2001, the conference will begin at 8:30

a.m. and adjourn at 5 p.m. On May 9, 2001, the conference will begin at 8:45 a.m. and adjourn at 5 p.m.

On May 10, 2001, a workshop on detection/quantitation will begin at 8:30 a.m. and adjourn at 12 p.m.

ADDRESSES: The conference will be held at the Renaissance Portsmouth Hotel, 425 Water Street, Portsmouth, Virginia 23704.

FOR FURTHER INFORMATION CONTACT: Conference and workshop arrangements are being conducted by Battelle. For information on registration, hotel rates, transportation, social events, and reservations call Chantal Keleher, Battelle, at (781) 952-5303. If you have technical questions regarding the conference or workshop programs, please contact Marion Kelly, e-mail: kelly.marion@epa.gov or by facsimile at (202) 260-7185.

SUPPLEMENTARY INFORMATION: The 24th Annual Conference on Analysis of Pollutants in the Environment is designed to bring together representatives of regulated industries, commercial environmental laboratories, State and Federal regulators, municipal water and wastewater laboratories, and environmental consultants and contractors to discuss all aspects of environmental measurement with a particular focus on environmental water regulations, compliance monitoring, and related issues.

The draft program for the conference follows:

Tuesday, May 8, 2001

Welcome and Status of Office of Water Activities

8:45 a.m. Welcome—Robert G. Beimer, Battelle-Duxbury Operations

9 a.m. Opening Remarks—William Telliard, U.S. EPA Office of Science & Technology, Engineering and Analysis Division

9:15 a.m. Office of Water Activities—James Hanlon, Acting Deputy Assistant Administrator, U.S. EPA Office of Water

Performance-Based Measurements

9:45 a.m. Implementation of Performance-based Measurements by the Environmental Laboratory Advisory Board within the National Environmental Laboratory Accreditation Conference—Harry I. Gearhart, DuPont

10:15 a.m. Break

Trace Metals

10:30 a.m. Water Column Complexation and Speciation of Copper, Zinc, and Cadmium and Their Benthic Fluxes in the Elizabeth River, Virginia—

John R. Donat and David J. Burdige, Old Dominion University

11 a.m. A Comparison of Modified EPA Method 245.6 (CVAA) and EPA Method 1631B, Attachment 1 (CVAF) for Determination of Mercury in Tissue—Brenda Lasorsa, MaryAnn Deuth, and Eric Crecelius, Battelle—Marine Sciences Laboratory

11:30 a.m. Effects of Bottle Material (Glass or Teflon) and Sample Holding Time on Determination of Mercury at Low Part-per-trillion Levels using EPA Method 1631—Beverly H. van Buuren, Nicolas S. Bloom, and Philip I. Kilner, Frontier Geosciences

12 p.m. Lunch

Workshop

1:30 p.m. "Hands-on" Workshop for Sampling Trace Metals, Including Mercury—U.S. EPA Office of Science & Technology Staff and DynCorp Information & Enterprise Technology Staff. Presentations and a training video will be followed by a "hands-on" demo

3 p.m. "Hands-on" Demo for Sampling Trace Metals, Including Mercury Workshop participants will collect an aqueous sample using the "clean hands/dirty hands" technique and an operational continuous-flow sampler as described in EPA's trace metals methods. Please bring appropriate clothing and be prepared to get dirty. Participants will be divided into groups of 12 for the 30 minute "hands-on" demo.

The demo sessions will continue on Wednesday, May 9, from 1:30 p.m. until 5 p.m. Participants registering for May 8 sessions only, will be accommodated in a "hands-on" demo session on this date

5:30 p.m. Conference Reception

Wednesday, May 9, 2001

Microbiologicals

8:45 a.m. Validation of Methods for Cryptosporidium, Giardia, Coliphages, Aeromonas, and Salmonella to Support Regulations for Water and Biosolids—Kevin Connell, Misty Pope, Jennifer Scheller, and Jessica Pulz, DynCorp Information & Enterprise Technology

9:15 a.m. New Methods for Protozoa in Wastewater—Jennifer Clancy, CEC

9:45 a.m. The Influence of Extended Sample Holding Times on Fecal Coliform Bacteria Counts—Donald H. Smith, Roger E. Stewart, II; and Deborah C. Paul; Virginia Department of Environmental Quality

10 a.m. Break

Organics

10:15 a.m. High Resolution Mass Spectrometry Method for Determination of Organo-chlorine and Organo-phosphate Pesticides in Water at the Part-per-quadrillion Level—Brian Fowler, Steve Kennedy, and Coreen Hamilton, Axy's Analytical Services

10:45 a.m. Field Analyses for Rapid Sediment Characterization: XRF for Metal Contaminants, UVF and Immunoassays for Organic Contaminants, and QwikSed as a Screening Bioassay—J. Leather, D. Lapota, V. Kirtay, G. Rosen, J. Guerrero, B. Ayers, and S. Apitz, Space and Naval Warfare Systems Center

New Developments

11:15 a.m. Determination of Perfluorooctanyl Sulfonates at Trace Levels in Water—Kirsten J. Hansen, Lisa A. Dick, and Harold O. Johnson, 3M

11:45 a.m. Lunch

Concurrent Workshops

1 p.m. Whole Effluent Toxicity (WET) Testing Workshop—U.S. EPA Office of Science & Technology Staff and DynCorp Information & Enterprise Technology Staff The WET workshop will address recent developments in WET testing, including overviews of new EPA guidance documents and the results of EPA's WET Inter-laboratory Variability Studies. The workshop also will present perspectives on the WET program from State and Regional permitting authorities, commercial laboratories, and permittees

1:30 p.m. "Hands-on" Demo for Sampling Trace Metals, Including Mercury—U.S. EPA Office of Science & Technology Staff and DynCorp Information & Enterprise Technology Staff

5 p.m. Adjourn

Thursday, May 10, 2001

Workshop

8:30 a.m. Detection/Quantitation Workshop—U.S. EPA Office of Science & Technology Staff. This workshop will address alternate approaches to detection and quantitation. Speakers will include representatives from EPA, Standard Methods, the Association of Official Analytical Chemists (AOAC International), and the American Society for Testing and Materials (ASTM)

12 p.m. Adjourn

Dated: February 12, 2001.

Geoffrey Grubbs,

Director, Office of Science and Technology.

[FR Doc. 01-4117 Filed 2-16-01; 8:45 am]

BILLING CODE 6560-50-P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting; Sunshine Act

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on February 21, 2001, from 9 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kelly Mikel Williams, Secretary to the Farm Credit Administration Board, (703) 883-4025, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- January 11, 2001 (Open)

B. Reports

- Corporate Approvals Report

C. New Business

- Regulations
1. Disclosure—Annual Report—Final Rule
 2. FAMC Risk-Based Capital—Final Rule

Closed Session *

D. Report

- OSMO Report

Dated: February 14, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01-4183 Filed 2-14-01; 4:58 pm]

BILLING CODE 6705-01-P

* Session closed-exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

FEDERAL COMMUNICATIONS COMMISSION

[EB Docket No. 00-156, FCC 00-314]

Designation for Hearing

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On August 23, 2000, (released August 29, 2000) the Commission designated the licenses and pending applications held by Ronald Brasher, Patricia Brasher, O.C. Brasher, David Brasher, Metroplex Two-Way Radio Service ("Metroplex"), DLB Enterprises, Inc. ("DLB"), Jim Sumpter, Norma Sumpter, Melissa Sumpter, and Carolyn Lutz for hearing to determine if one or all of the licensees misrepresented facts or lacked candor with the Commission; engaged in unauthorized transfers of control in violation of 47 USC 310(d), and/or abused Commission processes. Ultimately, the hearing is to determine if the licensees are basically qualified to be Commission licensees; whether the designated licenses should be revoked; whether the designated applications should be granted; and, whether a forfeiture should issue.

FOR FURTHER INFORMATION CONTACT: Judy Lancaster, Attorney at (202) 418-1420, FCC, Washington, DC 20554.

SUPPLEMENTARY INFORMATION: The following is a synopsis of the Commission's order. The full text of the order is available for inspection and copying at the FCC, 445 12th Street SW., Washington, DC 20554. The text of the order is available online at the Enforcement Bureau's website: www.fcc.gov/eb/orders. The text of the order may also be purchased by calling ITS at (202) 857-3800.

The Commission's pre-designation investigation indicates that Ronald Brasher, Patricia Brasher, David (aka D.L.) Brasher and Diane Brasher ("the Brashers") are officers of DLB and Metroplex. Carolyn Lutz is the sister of Patricia Brasher and the former office manager of DLB and Metroplex. In July 1996, Ronald Brasher, on behalf of DLB, submitted applications to the frequency coordinator, PCIA, in the name of, and appearing to bear the signatures of, O.C. Brasher, Ruth Bearden, Norma Sumpter, Jim Sumpter, Melissa Sumpter and Jennifer Hill. PCIA, in turn, submitted these applications to the Commission and Commission staff subsequently granted each of the applications. Ron Brasher, on behalf of DLB, managed the licenses issued by the FCC on behalf of the licensees. However, both O.C. Brasher and Ruth Bearden had died

prior to the submission of applications in their names. Additionally, the Sumpters and Jennifer Hill deny authorizing, executing or submitting the applications in their names. They also deny any involvement in the construction or operation of their respective stations and say they have not received any revenue or paid any expenses relating to their stations. Consequently, each of the Brashers and Carolyn Lutz, as officers and employees of DLB, engaged in activities that collectively raise questions about the nature and extent of their involvement in the apparent violations. Accordingly, the Commission designated the licenses and applications listed below for hearing.

Ronald Brasher is the licensee of Private Land Mobile Stations WPLQ202, KCG967, PLD495, WPKH771, WPKI739, WPKI733, WPKI707, WIL990, WPLQ475, WPLY658, WPKY903, WPKY901, WPLZ533, WPKI762, and WPDU262, Dallas/Fort Worth, Texas. Patricia Brasher is the licensee of Private Land Mobile Stations WPJ1362, WPKY900, and WPLD570, Dallas/Fort Worth, Texas. David Brasher is the licensee of Private Land Mobile Stations WPBU651, WPJR757 and WPJR750, Dallas/Fort Worth, Texas. Carolyn S. Lutz is the licensee of Private Land Mobile Station WPJR763, Dallas/Fort Worth, Texas. O.C. Brasher, deceased, was the licensee of Private Land Mobile Station WPJR761, Dallas/Fort Worth, Texas. Jim Sumpter is the licensee of Private Land Mobile Station WPJR725, Dallas/Fort Worth, Texas. Norma Sumpter is the licensee of Private Land Mobile Station WPJR739, Dallas/Fort Worth, Texas. Melissa Sumpter is the licensee of Private Land Mobile Station WPJS437, Dallas/Fort Worth, Texas. Jennifer Hill is the licensee of Private Land Mobile Station WPJR740, Dallas/Fort Worth, Texas. Metroplex Two-Way Radio Service is the licensee of Private Land Mobile Stations WPHS735, WPKP673, WPKM797, WPLZ841 and WPJR754, Dallas/Fort Worth, Texas. DLB Enterprises, Inc. is the licensee of Private Land Mobile Stations WPKM796, WPKL830, WPJY510, WPLU490, WPBH830, WPKP667, WPLY713, WPMH354, WPMH477, and WPKY978, Dallas/Fort Worth, Texas, WNAH223, Cleora, Oklahoma. DLB Enterprises, Inc., has the following applications pending: File Nos. AO17774, AO20241 and AO19157, Dallas, Texas, File No. AO18555, File No. AO20755, Crowley, Texas. Applicant for Assignment of Private Land Mobile Station WPJR740 from Jennifer Hill File No. D110637, Dallas,

Texas. Applicant for Assignment of Private Land Mobile Stations from Ronald Brasher (WPKI707, WPKI739, WPKI733 and WPLQ475), Norma Sumpter (WPJR739), D.L. Brasher (WPJR750), David Brasher (WPJR757), Jim Sumpter (WPJR725), Jennifer Hill (WPJR740), Metroplex Two-Way Radio Service (WPJR754), O.C. Brasher (WPJR761), Melissa Sumpter (WPJS437) Dallas, Texas, File No. D113240 and File No. D113242. Applicant for Modification of Private Land Mobile Stations WPKM796, and WPKL830, and Assignment of Private Land Mobile Stations WPKI733, WPLQ475, WPKI707 and WPKI739 from Ronald Brasher and Assignment of Private Land Mobile Station WPKM797 from Metroplex, Dallas, Texas. File No. D113241.

Federal Communications Commission.

Shirley Suggs,

Chief, Publications Group.

[FR Doc. 01-4174 Filed 2-16-01; 8:45 am]

BILLING CODE 6712-01-U

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting; Sunshine Act

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10 a.m. on Tuesday, February 20, 2001, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, pursuant to sections 552b(c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider matters relating to the Corporation's supervisory and resolution activities.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550-17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Executive Secretary of the Corporation, at (202) 898-6757.

Dated: February 14, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01-4175 Filed 2-14-01; 4:48 pm]

BILLING CODE 6714-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1359-DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA-1359-DR), dated February 5, 2001, and related determinations.

EFFECTIVE DATE: February 5, 2001.

FOR FURTHER INFORMATION CONTACT:

Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated February 5, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106-390, 114 Stat. 1552 (2000), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from a severe freeze on December 1, 2000, through January 25, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106-390, 114 Stat. 1552 (2000) (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Disaster Unemployment Assistance and Hazard Mitigation in the designated areas and any other forms of assistance under the Stafford Act you may deem appropriate in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Michael Bolch of the Federal Emergency Management Agency

to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

The counties of Alachua, Baker, Bradford, Brevard, Broward, Charlotte, Citrus, Clay, Collier, Columbia, Dixie, Miami-Dade, DeSoto, Duval, Flagler, Gilchrist, Glades, Hamilton, Hardee, Hendry, Hernando, Highlands, Hillsborough, Indian River, Lafayette, Lake, Lee, Levy, Manatee, Marion, Martin, Monroe, Nassau, Okeechobee, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie, Suwannee, Sumter, Union, and Volusia for Disaster Unemployment Assistance under the Individual Assistance program.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

G. Clay Hollister,

Acting Chief of Staff.

[FR Doc. 01-4131 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3161-EM]

Illinois; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Illinois, (FEMA-3161-EM), dated January 17, 2001, and related determinations.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Illinois is hereby amended to include the following area among those

areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 17, 2001:

Boone County for emergency protective measures under the Public Assistance program for a period of 48 hours.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4127 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3162-EM]

Indiana; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Indiana, (FEMA-3162-EM), dated January 24, 2001, and related determinations.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Indiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 24, 2001:

The Counties of Adams, Benton, DeKalb, Grant, LaPorte, Marshall, Newton, Porter, Starke, Wabash, and Wells for emergency protective measures under the Public Assistance program for a period of 48 hours.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment

Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4128 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1357-DR]

Louisiana; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana, (FEMA-1357-DR), dated January 12, 2001, and related determinations.

EFFECTIVE DATE: February 2, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice is hereby given that, in a letter dated February 2, 2001, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106-390, 114 Stat. 1552 (2000), in a letter to John W. Magaw, Acting Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from a severe winter ice storm beginning on December 11, 2000, and continuing through January 3, 2001, is of sufficient severity and magnitude that the provision of additional Federal assistance to ensure public health and safety is warranted under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, *et seq.*, as amended by the Disaster Mitigation Act of 2000, Pub. L. No. 106-390, 114 Stat. 1552 (2000) (Stafford Act).

Therefore, I amend my declaration of January 12, 2001, to provide that the Federal Emergency Management Agency (FEMA) may reimburse 90 percent of the costs of debris removal from January 12, 2001, through and including March 13, 2001. This adjustment of the cost share may be provided to all counties under the major disaster

declaration. You may extend this assistance for an additional period of time, if requested and warranted.

Please notify the Governor of Louisiana and the Federal Coordinating Officer of this amendment to my major disaster declaration. (The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

G. Clay Hollister,

Acting Chief of Staff.

[FR Doc. 01-4132 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3160-EM]

Michigan; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Michigan, (FEMA-3160-EM), dated January 10, 2001, and related determinations.

EFFECTIVE DATE: February 2, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Michigan is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 10, 2001:

Branch, Berrien, Gladwin, Hillsdale, Huron, Ingham, Ionia, Jackson, Mecosta, Osceola, Sanilac, and Shiawassee Counties for emergency protective measures under the Public Assistance program for a period of 48 hours.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family

Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4129 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3160-EM]

Michigan; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of Michigan (FEMA-3160-EM), dated January 10, 2001, and related determinations.

EFFECTIVE DATE: February 6, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of an emergency for the State of Michigan is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared an emergency by the President in his declaration of January 10, 2001:

Bay County for emergency protective measures under the Public Assistance program for a period of 48 hours.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4130 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1355-DR]

Oklahoma; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma (FEMA-1355-DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: February 5, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as authorized by the President in a letter dated January 18, 2001, FEMA is extending the time period for reimbursement at 90 percent of the costs of debris removal through July 6, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4133 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1356-DR]

Texas; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Texas, (FEMA-1356-DR), dated January 8, 2001, and related determinations.

EFFECTIVE DATE: January 30, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency

Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 8, 2001:

Titus County for Individual Assistance (already designated for Public Assistance).

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4134 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1354-DR]

Arkansas; Amendment No. 8 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas (FEMA-1354-DR), dated December 29, 2000, and related determinations.

EFFECTIVE DATE: February 5, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as authorized by the President in a letter dated January 10, 2001, FEMA is extending the time period for Federal funding for debris removal at 90 percent of total eligible costs through April 28, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment

Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4135 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1350-DR]

Montana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Montana, (FEMA-1350-DR), dated December 6, 2000, and related determinations.

EFFECTIVE DATE: January 30, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Montana is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 6, 2000: McCone County for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Lacy E. Suiter,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4137 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1355-DR]

Oklahoma; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma, (FEMA-1355-DR), dated January 5, 2001, and related determinations.

EFFECTIVE DATE: February 2, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Oklahoma is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 2001:

Blaine, Canadian, Custer, Garfield, Kingfisher, Kiowa, Logan, Mayes, Osage, Payne, Pawnee, Roger Mills and Tillman for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 01-4136 Filed 2-16-01; 8:45 am]

BILLING CODE 6718-01-U

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

SUMMARY

Background

Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per

5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83-Is and supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Mary M. West—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829); OMB Desk Officer—Alexander T. Hunt—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503 (202-395-7860).

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report

1. *Report title:* Money Market Mutual Fund Assets Report.

Agency form number: FR 2051 a and b.

OMB Control number: 7100-0012.

Frequency: weekly and monthly.

Reporters: money market mutual funds.

Annual reporting hours: 6,360 hours.

Estimated average hours per response: 3 minutes (FR 2051a), 12 minutes (FR 2051b).

Number of respondents: 1,800 (FR 2051a), 700 (FR 2051b).

Small businesses are affected.

General description of report: This information collection is voluntary (12 U.S.C. 353 et. seq.) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: The weekly FR 2051a and the monthly FR 2051b reports cover total value of shares outstanding and investments of approximately 1,800 money market mutual funds. The data are used at the Board for constructing the monetary aggregates and for the analysis of current money market conditions and developments in the financial sector.

Board of Governors of the Federal Reserve System, February 14, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01-4108 Filed 2-16-01; 8:45 am]

BILLING CODE 6210-01-P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 et seq.) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1832(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 16, 2001.

A. Federal Reserve Bank of San Francisco (Maria Villanueva, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Centennial First Financial Services, Inc.*, Redlands, California; to acquire 100 percent of the voting shares of Palomar Community Bank, Escondido, California.

Board of Governors of the Federal Reserve System, February 13, 2001.

Robert DeV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01-4038 Filed 2-16-01; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Privacy Act of 1974; Revision to Existing System of Records

AGENCY: Child Care Subsidy Program, Office of the Assistant Secretary for Management and Budget, Office of the Secretary, HHS.

ACTION: Notice of revision to an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Department of Health and Human Services (HHS) is publishing a notice of the revision of an existing system of records, 09-90-0200, *Child Care Subsidy Program*. The revised system will collect family income data from employees in the Food and Drug Administration (FDA) and the Program Support Center (PSC), as well as the Office of the Secretary (OS), the Administration on Aging (AoA), and the Substance Abuse and Mental Health Services Administration (SAMHSA) who are already covered by this system, for the purpose of determining their eligibility for child care subsidies, and the amounts of the subsidies. It also will collect information from the employees' child care provider(s) for verification purposes, e.g., that the provider is licensed. Collection of data will be by subsidy application forms submitted by employees.

DATES: This revision does not revise the routines uses for this system. This amendment will be effective without further notice on the day of its publication unless comments are received which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Child Care Subsidy Program Administrator, Office of Human Resources, Office of the Assistant Secretary for Management and Budget, U.S. Department of Health and Human Services, Room 536-E, 200 Independence Ave., SW, Washington, DC 20201. The telephone number is 202-690-6191.

SUPPLEMENTARY INFORMATION: The current Notice of System of Records covered only employees of OS, AoA, and SAMHSA. Subsequently FDA and PSC have established child care subsidy

programs for their employees. This amendment expands coverage of the Child Care Subsidy Program Records to include employees in FDA and PSC who are eligible for this program. The notice is published below in its entirety, as amended.

Dated: February 7, 2001.

Evelyn White,

Deputy Assistant Secretary for Human Resources.

09-90-0200

SYSTEM NAME:

Child care Subsidy Program Records (HHS).

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located throughout HHS in offices of agency child care program administrators and in offices of contract employees engaged to administer the subsidy programs. Since there are several sites around the country, contact the appropriate System Manager listed in Appendix A for more details about specific locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals in the system are employees of the Administration on Aging (AoA), Office of the Secretary (OS), Substance Abuse and Mental Health Services Administration (SAMHSA), Food and Drug Administration (FDA), and Program Support Center (PSC) in the Department of Health and Human Services (HHS), who voluntarily apply for child care subsidies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms for a child care subsidy contain personal information, including employee's (parent) name, Social Security Number, grade, home phone number, home address, total income, number of dependent children, and number of children on whose behalf the parent is applying for a subsidy, information on any tuition assistance received from State/County/local child care subsidy, and information on child care providers used, including their name, address, provider license number, and State where license issued, tuition cost, provider tax identification number, and copies of Internal Revenue Form 1040 for verification purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1(a)(3) of Public Law 106-554 (Consolidated Appropriations Act) and Executive Order 9397 (November 22, 1943).

PURPOSE(S):

To establish and verify HHS employees' eligibility for child care subsidies in order for HHS to provide monetary assistance to its employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USE:

1. Disclosure may be made to a Member of Congress or to a congressional staff member in response to a request for assistance from the Member by the individual of record.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. HHS intends to disclose information from this system to an expert, consultant, or contractor (including employees of the contractor) of HHS if necessary to further the implementation and operation of this program.

4. Disclosure may be made to a Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of Health and Human Services is made aware of a violation or potential violation of civil or criminal law or regulation.

5. Disclosure may be made to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of the subsidy program.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

The records are retrieved by name and may also be cross-referenced to Social Security Number.

SAFEGUARDS:

—Authorized Users: Only HHS personnel working on this project and personnel employed by HHS contractors to work on this project are authorized users as designated by the system manager.

—Physical Safeguards: Records are stored in lockable metal file cabinets or security rooms.

—Procedural Safeguards: Contractors who maintain records in this system are instructed to make no further disclosure of the records, except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts.

—Technical Safeguards: Electronic records are protected by use of passwords.

—Implementation Guidelines: HHS Chapter 45-13 of the General Administration Manual, "Safeguarding Records Contained in Systems of Records and the HHS Automated Information Systems Security Program Handbook, Information Resources Management Manual."

RETENTION AND DISPOSAL:

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

SYSTEM MANAGER(S) AND ADDRESS(ES):

The records of individuals applying for and receiving child care subsidies are managed by System Managers at the various HHS sites listed in Appendix A.

NOTIFICATION PROCEDURE:

Individuals may submit a request with a notarized signature on whether the system contains records about them to the local System Manager.

RECORD ACCESS PROCEDURES:

Request from individuals for access to their records should be addressed to the local System Manager. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosures of their records, if any.

CONTESTING RECORD PROCEDURES:

Contact the official at the address specified under Notification Procedures

above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

RECORD SOURCE CATEGORIES:

Information is provided by HHS employees who apply for child care subsidies. Furnishing of the information is voluntary.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

1. For employees of the Office of the Secretary and the Administration on Aging, nationwide, contact: Child Care Subsidy Program Coordinator, PSC Work/Life Center, Room 1250, 330 C Street, SW, Washington, DC 20201.

2. For employees of the Substance Abuse and Mental Health Services Administration, contact: Director, Division of Human Resources Management, Office of Program Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

3. For employees of the Food and Drug Administration, nationwide, contact: Child Care Subsidy Program Coordinator, Office of Human Resources and Management Services, Food and Drug Administration—HFA-410, 5600 Fishers Lane, Rockville, Maryland 20857.

4. For employees of the Program Support Center, contact: Work & Family Coordinator, Program Support Center, Room 1250, 330 C Street SW, Washington, DC 20201.

[FR Doc. 01-4039 Filed 2-16-01; 8:45 am]

BILLING CODE 4150-04-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), announcement is made of the Special Emphasis Panel meeting referenced below.

A Special Emphasis Panel (SEP) is a committee of experts selected to conduct scientific reviews of grant applications submitted for agency funding that are related to their areas of expertise. The committee members are drawn from an agency list of experts and are designated to serve for particular individual meetings rather than for extended fixed terms of service.

Substantial segments of the upcoming SEP meeting listed below will be closed to the public in accordance with the Federal Advisory Committee Act, section 10(d) of 5

U.S.C., Appendix 2 and 5 U.S.C., 552b(c)(6). Grant applications are to be reviewed and discussed at this meeting. These discussions are likely to include personal information concerning individuals associated with the applications. This information is exempt from mandatory disclosure under the above-cited statutes.

1. *Name of SEP:* Health Research Dissemination & Implementation.

Date: March 5, 2001 (Open from 8 a.m. to 8:15 a.m. and closed for the remainder of the meeting).

Place: 6010 Building, 4th Floor, Conference Room D, Rockville, Maryland 20852.

Contact Person: Anyone wishing to obtain a roster of members or minutes of this meeting should contact Ms. Jenny Griffith, Committee Management Officer, Office of Research Review, Education and Policy, AHRQ, 2101 East Jefferson Street, Suite 400, Rockville, Maryland 20852, Telephone (301) 594-1847.

Agenda items for this meeting are subject to change as priorities dictate.

Dated: February 13, 2001.

John M. Eisenberg,

Director.

[FR Doc. 01-4148 Filed 2-16-01; 8:45 am]

BILLING CODE 4160-90-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee on Childhood Lead Poisoning Prevention: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Advisory Committee on Childhood Lead Poisoning Prevention.

Times and Dates: 8:30 a.m.—5:15 p.m., February 27, 2001; 8:30 a.m.—12:15 p.m., February 28, 2001.

Place: Swissotel Atlanta Hotel, 3391 Peachtree Road, N.E., Atlanta, Georgia 30326, telephone 404/365-0065.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 90 people.

Purpose: The Committee shall provide advice and guidance to the Secretary; the Assistant Secretary for Health; and the Director, CDC, regarding new scientific knowledge and technological developments and their practical implications for childhood lead poisoning prevention efforts. The Committee shall also review and report regularly on childhood lead poisoning prevention practices and recommend improvements in national childhood lead poisoning prevention efforts.

Matters to be Discussed: Agenda items include: Updates on Medicaid Targeted

Screening issues, Case Management issues, EPA, and MMWR Publication Process, Treatment of Lead-Exposed Children Trial Presentation, and discussion of future topics.

Agenda items are subject to change as priorities dictate.

Opportunities will be provided during the meeting for oral comments. Depending on the time available and the number of requests, it may be necessary to limit the time of each presenter.

This notice is published less than 15 days prior to the meeting due to administrative delays.

Contact Person for More Information:

Becky Wright, Program Analyst, Lead Poisoning Prevention Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton Road, NE, M/S E-25, Atlanta, Georgia 30333, telephone 404/639-1789, fax 404/639-2570.

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 13, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01-4101 Filed 2-16-01; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). At least one portion of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 7, 2001, from 8 a.m. to 6:30 p.m., March 8, 2001, from 8 a.m. to 6:30 p.m., and March 9, 2001, from 8 a.m. to 12:30 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM 71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, or FDA Advisory

Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: On March 7, 2001, the committee will review safety and immunogenicity data for a combination vaccine, DTaP—Hepatitis B—IPV, manufactured by SmithKline Beecham Biologicals. On March 8, 2001, the committee will discuss approaches to develop new pneumococcal conjugate vaccines for U.S. licensure. On March 9, 2001, the committee will complete recommendations pertaining to the influenza virus vaccine formulations for the 2001 to 2002 season and be briefed on research programs in the Laboratory of Retroviruses and the Laboratory of Immunoregulation.

Procedure: On March 7, 2001, from 9:15 a.m. to 6:30 p.m., the meeting is open to the public. On March 8, 2001, from 10 a.m. to 6:30 p.m., the meeting is open to the public. On March 9, 2001, from 8 a.m. to 11 a.m., the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by February 28, 2001. Oral presentations from the public will be scheduled between approximately 1:30 p.m. and 2 p.m. on March 7, 2001. On March 8, 2001, oral presentations will be held between approximately 2 p.m. and 2:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before February 28, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Closed Committee Deliberations: On March 7, 2001, from 8 a.m. to 9 a.m. and on March 8, 2001, from 8 a.m. to 10 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). This portion of the meeting will be closed to permit discussion of pending investigational new drug applications or pending product licensing applications. On March 9, 2001, from 11 a.m. to 12:30 p.m., the meeting will be closed to permit discussion where

disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The meeting will be closed to discuss personal information concerning individuals associated with the research programs.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 14, 2001.

Bonnie H. Malkin,

Special Assistant to the Senior Associate Commissioner.

[FR Doc. 01-4142 Filed 2-16-01; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; Comment Request; Evaluation of National Youth Anti-Drug Media Campaign

SUMMARY: Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute on Drug Abuse, the National Institutes of Health, has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 17, 2000 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment.

Proposed Collection

Title: Evaluation of National Youth Anti-Drug Media Campaign, OMB No. 0925-0466. **Information Collection Request:** Revision. **Need and Use of Information Collection:** In 1998, the White House Office of National Drug Control Policy transferred funds to NIDA to conduct an independent, scientifically designed and

implemented evaluation of the National Youth Anti-Drug Media Campaign, the first prevention campaign to use paid advertising to discourage youth from drug use. The study is assessing the outcomes and impact of the national campaign in reducing illegal drug use among children and adolescents.

In the first year, two surveys were conducted: (1) The National Survey of Parents and Youth (NSPY), a cross-sectional household survey; and (2) the Community Longitudinal Study of Parents and Youth (CLSPY) in four communities with an ethnographic component. The purpose of this revision is to discontinue the CLSPY and incorporate its longitudinal component into the NSPY to maximize resources and strengthen analytic ability. The revised NSPY will be the first to measure the effectiveness of a media campaign by following a large nationally-representative cohort of parents and children from the same household as they are exposed to a media campaign over time. All data will continue to be collected using a combination of computer-assisted personal interviews (CAPI) and audio computer-assisted self-interviews (ACASI). The findings form the basis of semiannual and annual reports on campaign progress. These reports provide assistance in improving the national campaign, and will help to establish a rich data base of information about the process involved in changing attitudes and behaviors by the mass media.

Frequency of Response: The revised NSPY data collection will continue over a four-year period, ending in December 2003. Each data collection wave will last approximately 6 months. **Affected Public:** Individuals and households. **Types of Respondents:** Children and parents. The annual reporting burden, which will drop substantially from the original design, is as follows:

ESTIMATED RESPONDENT BURDEN WAVES 3 THROUGH 7 (1/1/01 THROUGH 12/31/03)

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average time in hours per response	Estimated total burden hours	Estimated annual hour burden (over 3 years)
National Survey of Parents and Youth (NSPY)					
Baseline (Wave 3):					
Screener respondent	23,300	1	.07	1,631	544
Youth 9-11	937	1	.58	543	181
Adolescents 12-18	1,457	1	.75	1,093	364
Parents	1,654	1	.92	1,522	507
Followup (Waves 4-7):					
Screener respondent	4,849	2	.10	970	323
Youth 9-11	1,315	2	.58	1,525	508
Adolescents 12-18	5,094	2	.75	7,641	2,547

ESTIMATED RESPONDENT BURDEN WAVES 3 THROUGH 7 (1/1/01 THROUGH 12/31/03)—Continued

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average time in hours per response	Estimated total burden hours	Estimated annual hour burden (over 3 years)
Parents	4,564	2	.92	8,398	2,799
Total estimated burden	43,17054	23,323	7,774

There are no Capital Costs to report. There are no Operating or Maintenance Costs to report. Because of the sensitivity of collecting data from families in households involving children as young as 9 years old, and the importance of minimizing costs for repetitive, return visits to obtain respondent cooperation, NIDA provides a reasonable cost incentive to reimburse respondents for their time, as approved by OMB.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed revision in the data collection is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed revision, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments To OMB

Written comments and/or suggestions regarding the items(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503. Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Susan L. David, Project Officer; Division of Epidemiology, Services, and Prevention Research, National Institute on Drug Abuse, 6001 Executive Blvd. Room 5153, MSC 9589, Bethesda, MD 20892-9589; or call non-toll-free number (301)

443-6504; or fax to (301) 443-2636; or email your request, including your address, to: s david@nida.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before March 22, 2001.

Dated: February 12, 2001.

Laura Rosenthal,

Executive Officer, NIDA.

[FR Doc. 01-4092 Filed 2-16-01; 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(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Cancer Institute Director's Consumer Liaison Group.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Director's Consumer Liaison Group.

Date: March 6, 2001.

Time: 12:30 p.m. to 2:30 p.m.

Agenda: To get updates from the working groups and to discuss the advocates section of the April 2001 DCLG meeting.

Place: National Cancer Institute, 6116 Executive Boulevard, Suite 300 C, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Elaine Lee, Acting Executive Secretary, Office of Liaison Activities, National Institutes of Health, National Cancer Institute, 6116 Executive Boulevard, Suite 300 C, Bethesda, MD 20892, 301/594-3194.

Information is also available on the Institute's/Center's home page: deainfo.nci.nih.gov/advisory/dclg/delg.htm, where an agenda and any additional information for the meeting will be posted when available.

(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 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4090 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Minority Institutions' Drug Abuse Research Development Program.

Date: March 23, 2001.

Time: 2 p.m. to 3 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: Marina L. Volkov, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes

of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892-9547, (301) 435-1433.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, HHS)

Dated: February 12, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4085 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, "High-throughput Screening of Functional Activity of Proteins Using Biosensor-based Technology".

Date: February 15, 2001.

Time: 10 a.m. to 12 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard C. Harrison, Chief, Contract Review Branch, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892-9547, 301-435-1437.

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 Drug Abuse Special Emphasis Panel, "Fluorescent Probes".

Date: March 1, 2001.

Time: 9 a.m. to 1 p.m.

Agenda: To review and evaluate contract proposals.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892.

Contact Person: Eric Zatman, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892-9547, (301) 435-1438.

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. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, National Institutes of Health, (HHS)

Dated: February 12, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4086 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: February 20, 2001.

Time: 1 p.m. to 3 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: Phillip F. Wiethorn, Scientific Review Administrator, Scientific

Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: February 12, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4087 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: March 13, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle Hotel, Presidential Board Room, One Washington Circle, NW., Washington, DC 20037.

Contact Person: Lillian M. Publos, Ph.D, Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223, lp28e@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neuroscience, National Institutes of Health, HHS)

Dated: February 12, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4088 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Mental Retardation Research Subcommittee, March 12, 2001, 8 a.m. to March 14, 2001, 5 p.m., Embassy Suites, Chevy Chase Pavilion, 4300 Military Rd., Wisconsin at Western Ave., Washington, DC 20015 which was published in the **Federal Register** on January 31, 2001, 66 FR 8418.

The meeting will be held on March 12-13, 2001. The meeting is closed to the public.

Dated: February 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4091 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Library of Medicine; 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 following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Biomedical Library Review Committee.

Date: March 7-8, 2001.

Closed: March 7, 2001, 8:30 a.m. to 11:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: March 7, 2001, 11:30 a.m. to 2 p.m.

Agenda: "Permanent Access to Electronic Information", Associate Director, Library Operations, NLM.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: March 7, 2001, 2 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: March 8, 2001, 8:30 a.m. to 10:30 a.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Open: March 8, 2001, 10:30 a.m. to 11 a.m.

Agenda: Remarks by the Director, NLM.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Closed: March 8, 2001, 11 a.m. to 1 p.m.

Agenda: To review and evaluate grant applications.

Place: National Library of Medicine, Board Room Bldg 38, 2E-09, 8600 Rockville Pike, Bethesda, MD 20894.

Contact Person: Milton Corn, MD, Associate Director, Office of Extramural Programs, National Library of Medicine, National Institutes of Health, One Rockledge Centre, Suite 301, 6705 Rockledge Drive, MSC 6075, Bethesda, MD 20892-6075, 301-496-4621.

(Catalogue of Federal Domestic Assistance Program Nos. 93.879, Medical Library Assistance, National Institutes of Health, HHS)

Dated: February 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01-4089 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Method and Apparatus for Constructing Tissue Microarrays

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: None.

SUMMARY: This is notice, in accordance with 35 U.S.C 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license worldwide to practice the inventions embodied in: (1) U.S. Patent Application Serial No. 60/075,979 (PCT/US99/04001) entitled "Tumor Tissue Microarrays for Rapid Molecular Profiling", provisionally filed February 24, 1998 and PCT filed February 24, 1999, and (2) U.S. Patent Application Serial No. 60/170,461 (PCT/US00/34043) entitled "Method and Apparatus for Constructing Tissue Microarrays", provisionally filed December 13, 1999 and PCT filed December 13, 2000, to Beecher Instruments Company having a place of business in Silver Spring, Maryland. The United States of America is an assignee to the patent rights of these inventions.

The contemplated exclusive license may be limited to the development of instruments for the construction of tissue microarrays for use for medical research and clinical diagnostics.

DATES: Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before April 23, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Uri Reichman, Ph.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: (301) 496-7056, ext. 240; Facsimile: (301) 402-0220; E-mail: reichmau@od.nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

SUPPLEMENTARY INFORMATION: The advent of the technology of Tissue Microarrays (also called "Tissue Chips") has made it possible to perform simultaneous molecular profiling of hundreds or even thousands of tissue samples in a high-throughput fashion. Tissue Microarrays include multiplicity of sub-millimeter tissue specimens, fixed and arranged on a single microscope slide. The technology provides means to generate hundreds of identical copies of the slides. These slides then can be used for specific molecular analyses, such as DNA and mRNA in situ hybridization and protein immunostaining. The subject

inventions, contemplated for the exclusive license, are directed towards the instruments used for the construction of tissue microarrays, and describe the design and the operations of these instruments. The method-of-use and the different applications of tissue microarrays for medical research and diagnostics are available for licensing by the NIH on a nonexclusive basis under a separate arrangement.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that established that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: February 12, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01-4093 Filed 2-16-01; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board to be held in March 2001. A portion of the meeting will be open and will include a Department of Health and Human Services drug testing program update, a Department of Transportation drug testing program update, and an update on the draft guidelines for alternative specimen testing and on-site testing.

If anyone needs special accommodations for persons with disabilities, please notify the Contact listed below.

The meeting will also include the review, discussion, and evaluation of sensitive National Laboratory Certification Program (NLCP) internal

operating procedures and program development issues. Therefore, a portion of the meeting will be closed to the public as determined by the SAMHSA Administrator in accordance with Title 5 U.S.C. 552b(c)(2), (4), and (6) and 5 U.S.C. App.2, § 10(d).

A roster of the board members may be obtained from: Mrs. Giselle Hersh, Division of Workplace Programs, 5600 Fishers Lane, Rockwall II, Suite 815, Rockville, MD 20857, Telephone: (301) 443-6014. The transcript for the open session will be available on the following website: www.health.org/workplace. Additional information for this meeting may be obtained by contacting the individual listed below.

Committee Name: Center for Substance Abuse Prevention Drug Testing Advisory Board.

Meeting Date: March 6, 2001; 8:30 a.m.–4:30 p.m.; March 7, 2001; 8:30 a.m.–3:30 p.m.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

Type: Open: March 6, 2001; 8:30 a.m.–Noon; Closed: March 6, 2001; Noon–4:30 p.m.; Closed: March 7, 2001; 8:30 a.m.–3:30 p.m.

Contact: Donna M. Bush, Ph.D., Executive Secretary, Telephone: (301) 443-6014, and FAX: (301) 443-3031.

Dated: February 13, 2001.

Toian Vaughn,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01-4107 Filed 2-16-01; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY-920-09-1320-01, WYW152448]

Coal Lease Exploration License, WY

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of invitation for coal exploration license.

SUMMARY: Pursuant to section 2(b) of the Mineral Leasing Act of 1920, as amended by section 4 of the Federal Coal Leasing Amendments Act of 1976, 90 Stat. 1083, 30 U.S.A. 201 (b), and to the regulations adopted as 43 CFR 3410, all interested parties are hereby invited to participate with Bridger Coal Company on a pro rata cost sharing basis in its program for the exploration of coal deposits owned by the United States of America in the following-described lands in Sweetwater County, WY:

T. 21 N., R. 99 W., 6th P.M., Wyoming

Sec. 6: Lots 8-14, S2NE, SENW, E2SW, SE; T. 21 N., R. 100 W., 6th P.M., Wyoming
 Sec. 2: Lots 5-8, S2N2, S2;
 Sec. 4: Lots 5-8, S2N2, S2;
 Sec. 6: Lots 8-14, S2NE, SENW, E2SW, SE;
 Sec. 8: ALL;
 Sec. 10: ALL;
 Sec. 12: ALL;
 Sec. 14: ALL;
 T. 22 N., R. 100 W., 6th P.M., Wyoming
 Sec. 20: ALL;
 Sec. 22: ALL;
 Sec. 24: ALL;
 Sec. 26: ALL;
 Sec. 28: ALL;
 Sec. 30: Lots 5-8, E2, E2W2;
 Sec. 32: ALL;
 Sec. 34: ALL.

Containing 10,250.500 acres, more or less.

All of the coal in the above-described land consists of unleased Federal coal within the Red Desert and Rock Springs Known Recoverable Coal Resource Areas. The purpose of the exploration program is to obtain information on the coal bearing seams and geologic formations in addition to obtaining the following characteristics: coal quality and quantity, Btu content, percent ash, percent moisture, percent sulfur and percent sodium data from the Fox Hills, Lance and/or Fort Union formations.

ADDRESSES: The proposed exploration program is fully described and will be conducted pursuant to an exploration plan to be approved by the BLM. Copies of the exploration plan are available for review during normal business hours in the following offices (serialized under number WYW152448): BLM, Wyoming State Office, 5353 Yellowstone Road, P.O. Box 1828, Cheyenne, WY 82003-1828; and, BLM, Rock Springs Field Office, 280 Highway 191 North, Rock Springs, WY 82901.

SUPPLEMENTARY INFORMATION: This notice of invitation will be published in the "Rocket-Miner" of Rock Springs, WY, once each week for two consecutive weeks beginning the week of February 19, 2001, and in the **Federal Register**. Any party electing to participate in this exploration program must send written notice to both the BLM and Bridger Coal Company no later than thirty days after publication of this invitation in the **Federal Register**. The written notice should be sent to the following addresses: Bridger Coal Company, Attn: Scott M. Child, One Utah Center, Suite 2100, 201 South Main Street, Salt Lake City, UT 84140-0021 and the BLM, Wyoming State Office, Branch of Solid Minerals-922, Attn: Julie Weaver, P.O. Box 1828, Cheyenne, WY 82003-1828.

The foregoing is published in the **Federal Register** pursuant to 43 CFR 3410.2-1(c)(1).

Dated: January 29, 2001.
Phillip C. Perlewitz,
Chief, Branch of Solid Minerals.
 [FR Doc. 01-3472 Filed 2-16-01; 8:45 am]
BILLING CODE 4310-22-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of extension of a currently approved information collection (OMB Control Number 1010-0051).

SUMMARY: To comply with the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on a collection of information that we will submit to the Office of Management and Budget (OMB) for review and approval. The information collection request (ICR) is titled "30 CFR 250, Subpart L, Oil and Gas Production Measurement, Surface Commingling, and Security."

DATES: Submit written comments by April 23, 2001.

ADDRESSES: Mail or hand-carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817. If you wish to e-mail comments, the e-mail address is: rules.comments@mms.gov. Reference "Information Collection 1010-0051" in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this

prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Alexis London, Rules Processing Team, telephone (703) 787-1600. You may also contact Alexis London to obtain a copy at no cost of the regulations that require the subject collection of information.

SUPPLEMENTARY INFORMATION:

Title: 30 CFR part 250, Subpart L, Oil and Gas Production Measurement, Surface Commingling, and Security.

OMB Control Number: 1010-0051.

Abstract: The Outer Continental Shelf (OCS) Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary (Secretary) of the Department of the Interior (DOI) the responsibility to preserve, protect, and develop oil and gas resources in the OCS. This must be in a manner that is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy-resources development with protection of the human, marine, and coastal environment; ensure the public a fair and equitable return on OCS resources; and preserve and maintain free enterprise competition. The Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701, *et seq.*) at section 1712(b)(2) prescribes that an operator will "develop and comply with such minimum site security measures as the Secretary deems appropriate, to protect oil or gas produced or stored on a lease site or on the Outer Continental Shelf from theft." These authorities and responsibilities are among those delegated to MMS under which we issue regulations governing oil and gas and sulphur operations in the OCS. This information collection request addresses the regulations at 30 CFR part 250, subpart L, Oil and Gas Production Measurement, Surface Commingling, and Security, and the associated supplementary notices to lessees and operators intended to provide clarification, description, or explanation of these regulations.

MMS uses the information collected under subpart L to ensure that the volumes of hydrocarbons produced are measured accurately, and royalties are paid on the proper volumes. Specifically, MMS needs the information to:

- Determine if measurement equipment is properly installed, provides accurate measurement of production on which royalty is due, and is operating properly;
- Obtain rates of production data in allocating the volumes of production measured at royalty sales meters, which can be examined during field inspections;
- Ascertain if all removals of oil and condensate from the lease are reported;
- Determine the amount of oil that was shipped when measurements are taken by gauging the tanks rather than being measured by a meter;
- Ensure that the sales location is secure and production cannot be removed without the volumes being recorded; and
- Review proving reports to verify that data on run tickets are calculated and reported accurately.

Responses are mandatory. No questions of a "sensitive" nature are asked. MMS will protect proprietary information according to 30 CFR 250.196 (Data and information to be made available to the public) and 30 CFR part 252 (OCS Oil and Gas Information Program).

Frequency: The frequency varies by section, but is primarily monthly or "on occasion."

Estimated Number and Description of Respondents: Approximately 130 Federal OCS oil and gas or sulphur lessees.

Estimated Annual Reporting and Recordkeeping "Hour" Burden: The currently approved "hour" burden for this information collection is a total of 5,330 hours. The following chart summarizes the components of this burden and estimated burdens per response or record. In calculating the burden, we assumed that respondents perform certain requirements in the normal course of their activities. We consider these to be usual and customary and took that into account in estimating the burden.

Citation 30 CFR 250 subpart L	Reporting or recordkeeping requirement	Hour burden per response or record
Reporting Requirements		
1202(a)(1), (b)(1)	Submit liquid hydrocarbon measurement procedures application and/or changes.	8 hours.
1202(a)(4)	Copy & send pipeline (retrograde) condensate volumes upon request	¾ hour.
1202(c)(4) *	Copy & send all liquid hydrocarbon run tickets monthly	1 minute.

Citation 30 CFR 250 subpart L	Reporting or recordkeeping requirement	Hour burden per response or record
1202(d)(4)	Request approval for proving on a schedule other than monthly	1 hour.
1202(d)(5) *	Copy & submit liquid hydrocarbon royalty meter proving reports monthly & request waiver as needed.	1 minute.
1202(f)(2) *	Copy & submit mechanical-displacement prover & tank prover calibration reports.	10 minutes.
1202(l)(2) *	Copy & submit royalty tank calibration charts before using for royalty measurement.	10 minutes.
1202(l)(3) *	Copy & submit inventory tank calibration charts upon request	¼ hour.
1203(b)(1)	Submit gas measurement procedures application and/or changes	8 hours.
1203(b)(6), (8), (9) *	Copy & submit gas quality and volume statements upon request (80% of these will be routine; 20% will take longer).	80% @ 5 mins. 20% @ 30 mins.
1203(c)(4) *	Copy & submit gas meter calibration reports upon request	5 minutes.
1203(e)(1) *	Copy & submit gas processing plant records upon request	½ hour.
1203(f)(5)	Copy & submit measuring records of gas lost or used on lease upon request.	5 minutes.
1204(a)(1)	Submit commingling application and/or changes	8 hours.
1204(a)(2)	Provide state production volumetric and/or fractional analysis data upon request.	1 hour.
1205(a)(4)	Report security problems (telephone)	¼ hour.
Recordkeeping Requirements		
1202(c)(1), (2)	Record observed data, correction factors & net standard volume on royalty meter and tank run tickets.	Respondents record these items as part of normal business records & practices to verify accuracy of production measured for sale purposes.
1202(e)	Record master meter calibration runs	
1202(h)(1), (2), (3), (4)	Record mechanical-displacement prover, master meter, or tank prover proof runs.	
1202(i)(1)(iv), (2)(iii)	Record liquid hydrocarbon royalty meter malfunction and repair or adjustment on proving report; record unregistered production on run ticket.	
1202(j)	List Cpl and Ctl factors on run tickets	1 minute.
1202(e)(6)	Retain master meter calibration reports for 2 years	1 minute.
1202(k)(5)	Retain liquid hydrocarbon allocation meter proving reports for 2 years	5 minutes.
1202(l)(3)	Retain liquid hydrocarbon inventory tank calibration charts for as long as tanks are in use.	1 minute.
1203(c)(4)	Retain calibration reports for 2 years	1 minute.
1203(f)(4)	Document & retain measurement records on gas lost or used on lease for 2 years.	1 minute.
1204(b)(3)	Retain well test data for 2 years	2 minutes.
1205(a)(2)	Post signs at royalty or inventory tank used in royalty determination process.	1 hour.
1205(b)(3), (4)	Retain seal number lists for 2 years	2 minutes.

* Respondents gather this information as part of their normal business practices. MMS only requires copies of readily available documents. There is no burden for testing, meter reading, document preparation, etc.

Estimated Annual Reporting and Recordkeeping “Non-Hour Cost”

Burden: We have identified no “non-hour” costs burdens.

Comments: The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency “* * * to provide notice * * * and otherwise consult with members of the public and affected agencies concerning each proposed collection of information * * *”. Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties,

including whether the information is useful; (b) evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology. We will summarize written responses to this notice and address them in our submission for OMB approval, including any appropriate adjustments to the estimated burden.

Agencies must estimate both the “hour” burden and “non-hour cost” burden to respondents or recordkeepers resulting from the collection of information. We have not identified any non-hour cost burdens for the

information collection aspects of 30 CFR part 250, subpart L. Therefore, if you have costs to generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. Generally, your estimates should not include equipment or services purchased: (i) Before October

1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

Dated: February 6, 2001.

E.P. Danenberger,

Chief, Engineering and Operations Division.

[FR Doc. 01-4059 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-MR-U

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Environmental Documents Prepared for Proposed Oil and Gas Operations on the Alaska Outer Continental Shelf

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of the Availability of Environmental Documents Prepared for Outer Continental Shelf (OCS) Mineral Exploration Proposal on the Alaska OCS.

SUMMARY: The Minerals Management Service (MMS), in accordance with Federal regulations (40 CFR 1501.4 and 1506.6) that implement the National Environmental Policy Act (NEPA), announces the availability of a NEPA-related Environmental Assessment prepared by the MMS for oil and gas exploration activities proposed on the Alaska OCS. This listing includes the only proposal for which the Alaska OCS Office prepared a Finding of No Significant Impact (FONSI) in the 3-month period preceding this Notice.

FOR FURTHER INFORMATION CONTACT: For matters pertaining to this notice, contact Mr. Paul Stang (Alaska OCS Region, Anchorage) at (907) 271-6045. The FONSI and associated EA are available for public inspection between the hours of 7:45 a.m. and 4:30 p.m., Monday through Friday at: Minerals Management Service, Alaska OCS Region, Resource Center, 949 East 36th Avenue, Anchorage, Alaska 99508-4363, phone (907) 271-6070 or (907) 271-6621 or toll free at 1-800-764-2627. Request may also be sent to MMS at akwebmaster@mms.gov.

SUPPLEMENTARY INFORMATION: The proposal is for exploratory-drilling operations that would be conducted in accordance with the OCS Lands Act. The purpose of the Environmental Assessment (EA) is to evaluate the probable environmental effects of the operations, described in the Exploration Plan (EP) for McCovey #1 Well, Beaufort Sea, Alaska, dated September 19, 2000.

The McCovey drill site would be located approximately 12.5 miles northeast of West Dock at Prudhoe Bay, 60 miles northeast of Nuiqsut, 7 miles northwest of Cross Island, and 110 miles northwest of Kaktovik in the Beaufort Sea.

The methods by which the exploratory well would be drilled are detailed in the EP and in the associated Environmental Report and Oil Discharge Prevention and Contingency Plan. Additional details about the proposed operations are included in **Federal Register** Notice 65 FR 60407 dated October 11, 2000, summarizing Phillip's (Alaska) Inc. application for an Incidental Harassment Authorization from the National Marine Fisheries Service.

Location: Lease:OCS-1577; Block: 6515.

EA Number: AK 00-01.

FONSI Date: October 19, 2000.

MMS prepares EA's and FONSI's for proposals which relate to exploration for oil and gas resources on the Alaska OCS. The EA's examine the potential environmental effects of activities described in the proposals and present MMS conclusions regarding the significance of those effects. The EA is used as a basis for determining whether or not approvals of the proposals constitute major Federal actions that significantly affect the quality of the human environment in accordance with NEPA 102(2)(C). A Finding Of No Significant Impact (FONSI) is prepared in those instances where MMS finds that approval will not result in significant effects on the quality of the human environment. The FONSI briefly presents the basis for that finding and includes a summary or copy of the EA.

This Notice constitutes the public Notice of Availability of environmental documents required under the NEPA regulations. Persons interested in reviewing environmental documents for the proposal listed above, or in obtaining information about EA's and FONSI's prepared for activities on the Alaska OCS, are encouraged to contact the Alaska OCS Regional Office of MMS.

Dated: February 13, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01-4037 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

Minerals Management Service (MMS)

Outer Continental Shelf (OCS), Gulf of Mexico (GOM) Region, Proposed Use of Floating Production, Storage and Offloading (FPSO) Systems on the GOM OCS

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of availability of the final environmental impact statement (EIS) on the proposed use of FPSO systems on the central and western GOM OCS.

The MMS prepared an EIS on FPSO systems which will be used in deepwater areas of the OCS in the GOM. The MMS based the EIS analyses on estimates of the kinds and amounts of activity onshore and offshore that could result from the deployment and use of FPSO systems to produce oil and gas in areas of the GOM where the present day oil pipeline system does not yet extend. The FPSO systems will produce the oil in the conventional fashion, but will store it on board rather than direct it into pipelines. The FPSO systems will be unloaded regularly by shuttle tankers which will transport the oil to Gulf Coast seaports.

You may obtain single copies of the final EIS, or a CD version, from the MMS, Gulf of Mexico OCS Region, Attention: Public Information Office (MS-5034), 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana 70123-2394, or by calling 1-800-200-GULF.

You may look at copies of the final EIS in the following libraries:

Texas

Abilene Christian University, Margaret and Herman Brown Library, 1600 Campus Court, Abilene;
Alma M. Carpenter Public Library, 330 South Ann, Sourlake;
Aransas Pass Public Library, 110 North Lamont Street, Aransas Pass;
Austin Public Library, 402 West Ninth Street, Austin;
Bay City Public Library, 1900 Fifth Street, Bay City;
Baylor University, 13125 Third Street, Waco;
Brazoria County Library, 410 Brazoport Boulevard, Freeport;
Calhoun County Library, 301 South Ann, Port Lavaca;
Chambers County Library System, 202 Cummings Street, Anahuac;
Comfort Public Library, Seventh & High Streets, Comfort;
Corpus Christi Central Library, 805 Comanche Street, Corpus Christi;

- Dallas Public Library, 1513 Young Street, Dallas;
- East Texas State University Library, 2600 Neal Street, Commerce;
- Houston Public Library, 500 McKinney Street, Houston;
- Jackson County Library, 411 North Wells Street, Edna;
- Lamar University, Gray Library, Virginia Avenue, Beaumont;
- LaRatama Library, 505 Mesquite Street, Corpus Christi;
- Liberty Municipal Library, 1710 Sam Houston Avenue, Liberty;
- Orange Public Library, 220 North Fifth Street, Orange;
- Port Arthur Public Library, 3601 Cultural Center Drive, Port Arthur;
- Port Isabel Public Library, 213 Yturria Street, Port Isabel;
- R. J. Kleberg Public Library, Fourth and Henrietta, Kingsville;
- Reber Memorial Library, 193 North Fourth, Raymondville;
- Refugio County Public Library, 815 South Commerce Street, Refugio;
- Rice University, Fondren Library, 6100 South Main Street, Houston;
- Rockwall County Library, 105 South First Street, Rockwall;
- Rosenberg Library, 2310 Sealy Street, Galveston;
- Sam Houston Regional Library & Research Center, FM 1011 Governors Road, Liberty;
- Stephen F. Austin State University, Steen Library, Wilson Drive, Nacogdoches;
- Texas A & M University, Corpus Christi Library, 6300 Ocean Drive, Corpus Christi;
- Texas A & M University, Evans Library, Spence and Lubbock Streets, College Station;
- Texas Southmost College Library, 1825 May Street, Brownsville;
- Texas State Library, 1200 Brazos Street, Austin;
- Texas Tech University Library, 18th and Boston Avenue, Lubbock;
- University of Houston Library, 4800 Calhoun Boulevard, Houston;
- University of Texas at Arlington, Library, 701 South Cooper Street, Arlington;
- University of Texas at Austin, Library, 21st and Speedway Streets, Austin;
- University of Texas at Brownsville, Oliveria Memorial Library, 80 Fort Brown, Brownsville;
- University of Texas at Dallas, McDermott Library, 2601 North Floyd Road, Richardson;
- University of Texas at El Paso, Library, Wiggins Road and University Avenue, El Paso;
- University of Texas at San Antonio, Library, 6900 North Loop 1604 West, San Antonio;
- University of Texas Law School, Tarlton Law Library, 727 East 26th Street, Austin;
- University of Texas, LBJ School of Public Affairs Library, 2313 Red River Street, Austin;
- Victoria Public Library, 320 North Main, Victoria;
- Louisiana**
- Calcasieu Parish Library, 327 Broad Street, Lake Charles;
- Cameron Parish Library, Marshall Street, Cameron;
- Grand Isle Branch Library, Highway 1, Grand Isle;
- Government Documents Library, Loyola University, 6363 St. Charles Avenue, New Orleans;
- Iberville Parish Library, 24605 J. Gerald Berret Boulevard, Plaquemine;
- Jefferson Parish Regional Branch Library, 4747 West Napoleon Avenue, Metairie;
- Jefferson Parish West Bank Outreach Branch Library, 2751 Manhattan Boulevard, Harvey;
- Lafayette Public Library, 301 W. Congress Street, Lafayette;
- Lafitte Branch Library, Route 1, Box 2, Lafitte;
- Lafourche Parish Library, 303 West 5th Street, Thibodaux; Louisiana State University Library, 760 Riverside Road, Baton Rouge;
- Louisiana Tech University, Prescott Memorial Library, Everet Street, Ruston;
- LUMCON, Library, Star Route 541, Chauvin;
- McNeese State University, Luther E. Frazar Memorial Library, Ryan Street, Lake Charles;
- New Orleans Public Library, 219 Loyola Avenue, New Orleans;
- Nicholls State University, Nicholls State Library, Leighton Drive, Thibodaux;
- Plaquemines Parish Library, 203 Highway 11, South, Buras;
- St. Bernard Parish Library, 1125 East St. Bernard Highway, Chalmette;
- St. Charles Parish Library, 105 Lakewood Drive, Luling;
- St. John The Baptist Parish Library, 1334 West Airline Highway, LaPlace;
- St. Mary Parish Library, 206 Iberia Street, Franklin;
- St. Tammany Parish Library, Covington Branch, 310 West 21st Street, Covington;
- St. Tammany Parish Library, Slidell Branch, 555 Robert Boulevard, Slidell;
- Terrebonne Parish Library, 424 Roussell Street, Houma;
- Tulane University, Howard Tilton Memorial Library, 7001 Freret Street, New Orleans;
- University of New Orleans Library, Lakeshore Drive, New Orleans;
- University of Southwestern LA, Dupre Library, 302 East St. Mary Boulevard, Lafayette;
- Vermilion Parish Library, Abbeville Branch, 200 North Street, Abbeville;
- Mississippi**
- Gulf Coast Research Laboratory, Gunter Library, 703 East Beach Drive, Ocean Springs;
- Hancock County Library System, 312 Highway 90, Bay St. Louis;
- Harrison County Library, 14th and 21st Avenues, Gulfport;
- Jackson George Regional Library System, 3214 Pascagoula Street, Pascagoula;
- Alabama**
- Dauphin Island Sea Lab, Marine Environmental Science Consortium, Library, Bienville Boulevard, Dauphin Island;
- Gulf Shores Public Library, Municipal Complex, Route 3, Gulf Shores;
- Mobile Public Library, 701 Government Street, Mobile;
- Thomas B. Norton Public Library, 221 West 19th Avenue, Gulf Shores;
- University of South Alabama, University Boulevard, Mobile;
- Montgomery Public Library, 445 South Lawrence Street, Montgomery;
- Florida**
- Bay County Public Library, 25 West Government Street, Panama City;
- Charlotte-Glades Regional Library System, 18400 Murdock Circle, Port Charlotte;
- Collier County Public Library, 650 Central Avenue, Naples;
- Environmental Library, Sarasota County, 7112 Curtis Avenue, Sarasota;
- Florida A&M University, Coleman Memorial Library, Martin Luther King Boulevard, Tallahassee;
- Florida Northwest Regional Library System, 25 West Government Street, Panama City;
- Florida State University, Strozzer Library, Call Street and Copeland Avenue, Tallahassee;
- Fort Walton Beach Public Library, 105 Miracle Strip Parkway, Fort Walton Beach;
- Leon County Public Library, 200 West Park Avenue, Tallahassee;
- Marathon Public Library, 3152 Overseas Highway, Marathon;
- Monroe County Public Library, 700 Fleming Street, Key West;
- Port Charlotte Public Library, 2280 Aaron Street, Port Charlotte;
- Selby Public Library, 1001 Boulevard of the Arts, Sarasota;
- St. Petersburg Public Library, 3745 Avenue North, St. Petersburg;
- Tampa-Hillsborough County Library, Documents Division, 900 North Ashley Drive, Tampa;

University of Florida Library, University Avenue, Gainesville;

University of Florida, Holland Law Library, Southwest 25th St. and 2nd Avenue, Gainesville;

West Florida Regional Library, 200 West Gregory Street, Pensacola.

Dated: February 2, 2001.

Carolita U. Kallaur,

Associate Director for Offshore Minerals Management.

[FR Doc. 01-4084 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-MR-P

DEPARTMENT OF THE INTERIOR

National Park Service

Concession Contract Negotiations; Acadia National Park, ME

AGENCY: National Park Service, Interior.

ACTION: Public Notice.

SUMMARY: Public notice is hereby given that the National Park Service proposes to award a temporary concession contract authorizing the operation of carriage rides, horse camp, day use parking, facilities and services for the public at Acadia National Park, Maine for a term not to exceed October 31, 2001.

DATES: March 22, 2001.

ADDRESSES: National Park Service, Concession Management Program, Boston Support Office, 15 State Street, Boston MA 02109-3572, Telephone (617) 223-5209.

SUPPLEMENTARY INFORMATION: This temporary concession contract is being awarded to Mr. Edward Winterberg, Seal Harbor, Maine. It is necessary to award the contract in order to avoid interruption of visitor services.

This action is issued pursuant to 36 CFR 51.24(a). This is not a request for proposals and no prospectus is being issued at this time. The Secretary intends to issue a competitive solicitation of offers for a long-term operator to begin in 2002. You may be placed on a mailing list for receiving information regarding the competitive solicitation by sending a written request to the above address.

Dated: December 22, 2000.

Chrysandra L. Walter,

Acting Regional Director, Northeast Region.

[FR Doc. 01-4082 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent To Issue a Temporary of Concession Contract for Gas Service at Yosemite National Park

SUMMARY: Pursuant to the National Park Service Concessions Management Improvement Act of 1998, notice is hereby given that the National Park Service intends to issue a temporary concession contract authorizing continued operation of a gas service station adjacent to the west entrance of Yosemite National Park. The operation is located on land administered by the park in the community of El Portal. The temporary concession contract will be for a term of not more than three years. This short-term concession contract is necessary to avoid interruption of public services while the National Park Service finalizes the Yosemite Valley Plan. This short-term contract will be for a three-year period beginning January 1, 2001. This notice is in pursuant to 36 CFR part 51, section 51.24(a).

SUPPLEMENTARY INFORMATION: The current concession contract at Yosemite National Park will expire on December 31, 2000. The year round operation is the primary source for visitors to obtain gas and have minor auto repairs performed. The Yosemite Valley Plan is near completion and addresses future service station operations. Underground storage tanks at the existing El Portal Site must be replaced to comply with all state and federal requirements; this is in the process of being accomplished. The short-term concession contract will allow for this action to take place without a long-term delay in service to the public. In addition, this period of time is necessary to allow for completion of the Prospectus, that will incorporate the planning requirements for commercial development of the El Portal Administrative Site currently being considered in the Yosemite Valley Plan.

Information about this notice can be sought from: National Park Service, Chief, Concession Program Management Office, Pacific West Region, Attn: Mr. Tony Sisto, 600 Harrison Street, Suite 600, San Francisco, California 94107-1372, or call (415) 427-1366.

Dated: January 12, 2001.

Sondra Humphries,

(Acting) Regional Director, Pacific West Region.

[FR Doc. 01-4078 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Concessions Management Advisory Board Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of Meeting of Concessions Management Advisory Board.

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 5 U.S.C. App 1, section 10), notice is hereby given that the Concessions Management Advisory Board will hold its fourth meeting February 21 and 22, 2001, in Washington, DC. The meeting is scheduled to be held at the American Geophysical Union Building located at 2000 Florida Avenue, NW, Washington, DC. The meeting will convene at 8:30 a.m. on both February 21 and February 22 in Room A of the Geophysical building. The meeting will last approximately 8 hours each day and will be concluded in Thursday afternoon.

SUPPLEMENTARY INFORMATION: The Advisory Board was established by Title IV, Section 409 of the National Park Omnibus Management Act of 1998, November 13, 1998, (Public Law 105-391). The purpose of the Board is to advise the Secretary and the National Park Service (NPS) on matters relating to management of concessions in the National Park System.

Major topics for discussion during this meeting include:

- Welcome. Objectives of meeting.
- Discussion of Advisory Board annual report which was submitted to Congress on November 22, 2000.
- Discussion of results of business-based analysis conducted by Pricewaterhouse Coopers which includes a review of the NPS Concessions Program for redefining management and business processes.
- Discussion focusing on development of an online for work on handcraft program.
- Closing remarks (including summary of accomplishments of meeting, date of next proposed meeting, assignment of tasks).

The Board will also discuss its organizational and administrative needs.

The meeting will be open to the public, however, facilities and space of accommodating members of the public are limited, and persons will be accommodated on a first-come first-served basis.

Assistance to Individuals With Disabilities at the Public Meeting

The meeting site is accessible to individuals with disabilities. If you plan to attend and will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least 2 weeks before the scheduled meeting date. Attempts will be made to meet any request(s) we receive after that date, however, we may not be able to make the requested auxiliary aid or service available because of insufficient time to arrange it.

Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time.

Interested persons may make oral/written presentations to the Board during the business meeting or file written statements. Such requests should be made to the Director, National Park Service, attention: Manager, Concession Program at least 7 days prior to the meeting. Further information concerning the meeting may be obtained from National Park Service, Concession Program Division, 1849 C Street, NW, Rm. 7313, Washington, DC 20240, Telephone 202/565-1210.

Draft minutes of the meeting will be available for public inspection approximately 6 weeks after the meeting, in room 7313, Main Interior Building, 1849 C Street, NW, Washington, DC.

Dated: January 25, 2001.

Denis P. Galvin,

Acting Director, National Park Service.

[FR Doc. 01-4083 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR

National Park Service

Delaware Water Gap National Recreation Area Citizen Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces three public meetings of the Delaware Water Gap National Recreation Area Citizen Advisory Commission. Notice of these meetings is required under the Federal Advisory Committee Act (Public Law 92-463).

Meeting Date and Time: Thursday, March 8, 2001 at 7 p.m.

Snow Date: Thursday, March 15, 2001 at 7 p.m.

Address: Bushkill Visitor Center, U.S. Route 209, Bushkill, PA 18324.

Annual Meeting of Citizen Advisory Commission

Meeting Date and Time: Thursday, March 8, 2001 immediately following the 7 p.m. meeting.

Snow Date: Thursday, March 15, 2001.

Address: Bushkill Visitor Center, U.S. Route 209, Bushkill, PA 18324.

Meeting Date and Time: Saturday, June 9, 2001, at 9 a.m.

Address: New Jersey District Office, Walpack, NJ.

The agenda will include reports from Citizen Advisory Commission committees. Superintendent Bill Laitner will give a report on various park issues. The meeting will be open to the public and there will be an opportunity for public comment on these issues. The annual meeting will consist of election of officers for the 2001-2002 term.

Congressional Listing for Delaware Water Gap NRA

Honorable Jon Corzine
United States Senate, Washington, DC 20510

Honorable Robert G. Torricelli
U.S. Senate, Washington, DC 20510-3001

Honorable Richard Santorum
U.S. Senate, SR 120 Senate Russell Office Bldg., Washington, DC 20510

Honorable Arlen Specter
U.S. Senate, SH-530 Hart Senate Office Bldg., Washington, DC 20510-3802

Honorable Pat Toomey
U.S. House of Representatives, Cannon House Office Bldg., Washington, DC 20515

Honorable Don Sherwood
U.S. House of Representatives, 2370 Rayburn House Office Bldg., Washington, DC 20515-3810

Honorable Margaret Roukema
U.S. House of Representatives, 2244 Rayburn House Office Bldg., Washington, DC 20515-3005

Honorable Tom Ridge
State Capitol, Harrisburg, PA 17120

Honorable Christine Whitman
State House, Trenton, NJ 08625

SUPPLEMENTARY INFORMATION: The Delaware Water Gap National Recreation Area Citizen Advisory Commission was established by Public Law 100-573 to advise the Secretary of the Interior and the United States Congress on matters pertaining to the management and operation of the

Delaware Water Gap National Recreation Area, as well as on other matters affecting the recreation area and its surrounding communities.

FOR FURTHER INFORMATION CONTACT: Superintendent, Delaware Water Gap National Recreation Area, Bushkill, PA 18324 (telephone 570-588-2418).

Dated: January 18, 2001.

William G. Laitner,

Superintendent.

[FR Doc. 01-4076 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Denali National Park and Preserve; Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Denali National Park and Preserve and the Chairperson of the Denali Subsistence Resource Commission announce a forthcoming meeting of the Subsistence Resource Commission for Denali National Park and Preserve. The following agenda items will be discussed:

- (1) Call to order by Chair.
- (2) Roll call and confirmation of quorum.
- (3) Welcome and introductions.
- (4) Approval of minutes of last meeting.
- (5) Additions and corrections to agenda.
- (6) Business:
 - a. Election of officers and administrative matters.
 - b. Updates on Alaska Board of Game and Board of Fish actions.
 - c. Updates on Federal Subsistence Management Program.
 - d. Proposed Federal Subsistence Wildlife Regulations for 2001-2002.
 - e. Proposed Federal Subsistence Fisheries Projects for 2001-2002.
 - f. NPS reports and updates.
 - g. SRC Chairs recommendations from 2000 meeting.
 - (7) Public and other agency comments.
 - (8) Set time and place of next SRC meeting.
 - (9) Adjournment.

DATES: The meeting will begin at 9 a.m. on Monday, March 5, 2001, and conclude at approximately 5 p.m.

Location: North Star Inn, Healy, Alaska.

FOR FURTHER INFORMATION CONTACT: Hollis Twitchell, Subsistence and

Cultural Branch, P.O. Box 9, Denali Park, Alaska 99755. Phone (907) 683-9544 or (907) 456-0595.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commission is authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, and operates in accordance with the provisions of the Federal Advisory Committee Act.

Paul Anderson,

Deputy Regional Director.

[FR Doc. 01-4077 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Colorado Historical Society, Denver, CO

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Colorado Historical Society, Denver, CO.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains and associated funerary objects was made by Colorado Historical Society professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Tribe of the Southern Ute

Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. The following tribes were invited, but were unable to participate in consultations: Apache Tribe of Oklahoma; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Shoshone Tribe of the Wind River Reservation, Wyoming; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

In 1935, human remains representing one individual consisting of a scalplock were donated to the Colorado Historical Society by David H. Moffat, a well-known businessman who settled in Colorado about 1860. The circumstances under which Mr. Moffat acquired the scalplock are not clear. Museum documentation and accession records indicate that the individual is Native American. No known individual was identified. No associated funerary objects are present.

In May 1934, human remains representing one individual consisting of a partial skull were donated to the Colorado Historical Society by Jay Monaghan of Meeker, CO. According to the society's accession records, Mr. Monaghan found the skull on Skull Creek in Moffat County, CO, approximately 90 miles from Craig, CO. Museum documentation and examination of the skull indicate that the individual is Native American. No known individual was identified. No associated funerary objects are present.

In 1936, human remains representing one individual were donated to the Colorado Historical Society by Nina Nicholas. The remains, consisting of a fragment of mandible and maxilla, along with loose teeth, were found in a sandpit near Boyero, Lincoln County, CO. Physical examination of the teeth indicates that this individual is Native American. No known individual was identified. No associated funerary objects are present.

In 1913, human remains representing a minimum of one individual were donated to the Colorado Historical Society. The remains, consisting of a skull and mandible of an adult male, were found in Denver, CO, during a building construction project. The face, base, and right side of the skull are missing. A tag attached to the mandible states, "It is doubtful if this jaw belonged to the present skull, although they have been kept together." In the opinion of James Hummert, a physical anthropologist who assessed these remains in 1981, the skull and mandible

"may or may not belong together." Mr. Hummert also noted that the teeth indicate that this individual differs from Anasazi populations, supporting the probable provenience of this person from the eastern plains of Colorado. Based on physical examination, the teeth present in the mandible show very little wear. The weathering of both the skull and mandible indicates that the remains probably have greater antiquity than the Euro-American occupation period of the Denver area. This individual is therefore presumed to be Native American. No known individual was identified. No associated funerary objects are present.

Between 1879 and 1930, human remains representing one individual were donated to the Colorado Historical Society. The nearly complete remains are of an adult female found near Black Hawk, CO. Museum accession records indicate that there was no metal found with this burial, indicating probable burial prior to the historic period. No known individual was identified. No associated funerary objects are present.

In September 1936, human remains representing one individual were donated to the Colorado Historical Society by Joseph M. Crow of Hooper, CO. Mr. Crow found the remains at the Sand Dunes in the San Luis Valley of Colorado. Physical examination indicates that the remains, consisting of a partial skull and mandible, are from an individual approximately 16 years of age. Wear on the teeth indicates that this individual is Native American. No known individual was identified. No associated funerary objects are present.

On April 16, 1942, human remains representing one individual were donated to the Colorado Historical Society by Guy P. Walsh of Wray, CO. Records indicate that the remains were probably found by a Mr. White near Bayfield, CO. Physical examination of the remains, consisting of a skull and mandible from an adult female, 30-35 years of age, revealed cranial and dental characteristics consistent with Native American individuals. No known individual was identified. No associated funerary objects are present.

Prior to 1963, human remains representing two individuals were donated to the Colorado Historical Society. These remains might have been part of a donation made by Anna Scarlett and M.D. Davis during the 1920's, but this is uncertain. The remains consist of a highly fragmentary skull and mandible of an adult, and the fragmented femora of an adolescent. The indistinguishable coloration of the remains and soil indicates that the adolescent's remains were most likely

found in the same location as the adult's remains. The teeth show heavy wear indicating that the adult is probably Native American, and due to the proximity of the burials, the adolescent is probably also Native American. No known individuals were identified. No associated funerary objects are present.

In 1939, human remains representing one individual were donated to the Colorado Historical Society by Clinton Buniger of Fruita, CO. The remains are nearly complete and represent an infant approximately 6–9 months of age. The remains were found near the Colorado-Utah State line in the vicinity of Fruita, CO. Physical examination revealed facial characteristics indicating that this person is Native American. Based upon the method of manufacture of the ribbon that accompanies this individual, these remains are considered to be from the historic period. No known individual was identified. The two associated funerary objects are a small amount of resinous substance and a blue satin ribbon.

In May 1944, human remains representing 38 individuals were bequeathed to the Colorado Historical Society by James Mellinger of Longmont, CO. Mr. Mellinger, an avocational archeologist, collected remains during 17 years of archeological work in South Dakota, Wyoming, Utah, Arizona, New Mexico, and Colorado. His collection of over 6,000 items was accessioned by the Colorado Historical Society in 1951. No field notes or other records accompanied the collection. Knowledge of Mr. Mellinger's collections and the physical characteristics of these remains indicate that the individuals are likely to be Native American. No known individuals were identified. No associated funerary objects are present.

In 1944, another set of human remains representing one individual was bequeathed to the Colorado Historical Society by James Mellinger of Longmont, CO. The remains, consisting of a right innominate, right femur, right tibia, and right fibula, are from an adult male aged 20–25 years, and were found "on the open plain" at Grand Gulch, UT. Knowledge of Mr. Mellinger's collections and the physical characteristics of these remains indicate that the individual is likely to be Native American. One projectile point, which was unlikely to have been placed intentionally with the individual at the time of death or later as part of the death rite or ceremony, was imbedded in the interior surface of the innominate. No known individual was identified. No associated funerary objects are present.

Between 1879 and 1930, human remains representing 10 individuals were donated to the Colorado Historical Society. The only documentation referring to these individuals appears as single-line entries in an accession ledger from March 1930. The precise dates of acquisition and proveniences of these individuals are not known. The Colorado Historical Society has never formally collected non-Indian human remains, and many undocumented Colorado Historical Society remains have been identified as Native American on the basis of cranial morphology. The totality of these circumstances supports the identification of these individuals as Native American. No known individuals were identified. No associated funerary objects are present.

Between 1879 and 1981, human remains representing a minimum of 168 individuals were donated to the Colorado Historical Society. No documentation referring to these individuals can be located at the society; precise dates of acquisition and proveniences of these individuals, therefore, are not known. The Colorado Historical Society has never formally collected non-Indian human remains, and many undocumented Colorado Historical Society remains have been identified as Native American on the basis of cranial morphology. The totality of these circumstances supports the identification of these individuals as Native American. No known individuals were identified. The one associated funerary object is a metal bracelet that encircles the arm of one individual.

In 1990, human remains representing one individual consisting of cranial fragments and one femur fragment were found by unknown workmen during a house construction project in Larimer County, CO. Dr. Diane France of Colorado State University studied these remains and determined that the individual is Native American. No known individual was identified. No associated funerary objects are present.

In 1990, human remains representing two individuals were found by city workers digging a trench in Fort Collins, CO. Dr. Diane France determined that the remains are those of two adult Native Americans. Dr. Calvin Jennings, also of Colorado State University, stated that these individuals probably dated from 1,500 to 2,000 years before present. No known individuals were identified. No associated funerary objects are present.

In 1992, human remains representing one individual consisting of the cranium and various bones were found by two junior high school boys in Colorado Springs, CO. The level of

preservation of the remains suggests a date of less than 1,000 years ago, possibly 200–300 years before present. Based upon this information, these remains were identified as Native American. No known individual was identified. No associated funerary objects are present.

In May 1992, the University of Northern Colorado conducted brief site testing and excavation in Weld County, CO, and recovered human remains representing a minimum of three individuals. These remains were taken to the University of Northern Colorado where they were analyzed by a physical anthropologist who identified them as Native American. This location is known as the Garcia or Buckwheat site. No known individuals were identified. No associated funerary objects are present.

In June 1993, human remains representing one individual were found by children removing rocks from a crevice near Peyton, CO. On July 1, 1993, Assistant State Archaeologist Kevin Black made a site inspection and collected the few remaining blue beads and bone fragments. Based on manner of interment, and analysis by physical anthropologist Dr. Michael Hoffman, the individual was identified as Native American. On the basis of the style and manufacture of the beads, the burial is dated to circa A.D. 1840–1860. No known individual was identified. The associated funerary objects consist of 537 blue glass beads and 3 white glass beads.

In September 1993, a member of the Colorado Archaeological Society received human remains representing one individual from an unknown person residing in Vail, CO. These remains are said to have originated from the Cherry Creek area of Denver County, CO. Based on the provenience of the remains, the individual is presumed to be Native American. No known individual was identified. No associated funerary objects are present.

In November 1993, the police department in Northglenn, Adams County, CO, recovered from a dumpster the remains of one individual, assumed by the Colorado Historical Society to have been previously buried. An Adams County Sheriff's Department forensic specialist determined the remains to be Native American. No known individual was identified. No associated funerary objects are present.

In July 1994, the remains of one individual were found near Bronquist, CO. The Pueblo County, CO, Coroner determined the remains to be ancient Native American. No known individual was identified. The one associated

funerary object is a Rose Spring-type projectile point.

In 1995, human remains representing one individual were discovered during outdoor work at a private home in Wheat Ridge, CO. The Jefferson County, CO, coroner determined the remains to be Native American. No known individual was identified. No associated funerary objects are present.

In 1995, human remains representing one individual were discovered in the Founder's Village subdivision near Castle Rock, CO. Professor Michael Hoffman of Colorado College determined the remains to be ancient Native American. No known individual was identified. The one associated funerary object is a bifacial knife.

In August 1995, human remains representing one individual were uncovered during construction at a private home in Arapahoe County, CO. A physical anthropologist determined that the cranium showed Native American characteristics. No known individual was identified. No associated funerary objects are present.

In June 1996, a local family recovered human remains representing one individual from the Pueblo Reservoir shoreline. The geographical location and apparent antiquity of the bones suggest Native American origin. No known individual was identified. No associated funerary objects are present.

In October 1996, two boys found human remains representing one individual near Evergreen, CO. Physical analysis confirms that this individual is Native American. A radiocarbon date of a nearby charcoal fragment provides a date of approximately 1,600 years before present. One projectile point, which was unlikely to have been placed intentionally with the individual at the time of death or later as part of the death rite or ceremony, and may have been the cause of death, was lodged in the vertebral column. No known individual was identified. No associated funerary objects are present.

In March 1997, an anonymous man brought to the State archeologist a small box containing human remains representing one individual. These remains are said to have originated from an intertribal battlefield near the North Platte River in Nebraska. No known individual was identified. No associated funerary objects are present.

In April 1997, a private individual found the human remains of one individual in Fremont County, CO. Dr. Michael Hoffman of Colorado College determined the remains to be Native American. No known individual was identified. No associated funerary objects are present.

In March 1998, a private individual in Pueblo County, CO, discovered human remains representing one individual. Professor Michael Hoffman of Colorado College determined the remains to be Native American. No known individual was identified. No associated funerary objects are present.

In March 1998, human remains representing one individual were discovered by a construction worker during a Colorado Department of Transportation project. The remains were traced to a load of fill material from the E-470 project in Arapahoe County, CO. Dr. Diane France determined the remains to be most likely Native American. No known individual was identified. No associated funerary objects are present.

In 1998, human remains representing one individual were found on private land in Las Animas County, CO. The coroner determined that the remains are most likely Native American. No known individual was identified. No associated funerary objects are present.

In August 1998, the buried remains of two Native American individuals were found by Metcalf Archaeological Consultants during an archeological survey for a Colorado Interstate Gas pipeline in Las Animas County, CO. No known individual was identified. The two associated funerary objects are groove-and-snap bone beads that are probably made of bird or other animal bone.

On December 27, 1999, the State archeologist received human remains representing one individual that had been discovered in 1973 near Westcliffe, Custer County, CO. The site, known as the Brush County Creek site, was excavated by University of Southern Colorado Professor William Buckles. Circumstances suggest that these remains originated from archeological sites in southeastern Colorado and that the individuals are Native American. No known individual was identified. The two associated funerary objects are a mano and a bone awl.

On December 27, 1999, the State archeologist received the remains of eight individuals from retired University of Southern Colorado Professor William Buckles. At that time, the university was discontinuing its anthropology program and closing its anthropology laboratory. Circumstances suggest that these remains originated from archeological sites in southeastern Colorado and that the individuals are Native American. No known individuals are identified. No associated funerary objects are present.

In April 2000, human remains representing one individual were found

by a hiker in Fremont County, CO. The assistant State archeologist determined the burial to be Native American. No known individual was identified. No associated funerary objects are present.

Unless specifically stated above, collections documentation is limited concerning possible dates, cultural affiliation(s), or the circumstances under which the Native American human remains and associated funerary objects described above were found. Colorado's history of tribal relocation, however, suggests that all of the human remains and associated funerary objects described above date from before 1884. Based on the totality of the circumstances surrounding the acquisition of these human remains and associated funerary objects, and evidence of traditional territories, oral traditions, archeological context, material culture, and cranial measurements, officials of the Colorado Historical Society have determined that there is cultural affiliation with the present-day tribes who jointly claim a presence in the region prior to and during the contact period. Official representatives of twelve of these tribes signed and submitted a document to the Colorado Historical Society on October 12, 2000, jointly claiming cultural affiliation to all of the human remains and associated funerary objects described above. The 12 tribes are the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Based on the above-mentioned information, officials of the Colorado Historical Society have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of 260 individuals of Native American ancestry. Officials of the Colorado Historical Society also have determined that, pursuant to 43 CFR 10.2 (d)(2), the 548 objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or

ceremony. Lastly, pursuant to 43 CFR 10.2 (e), officials of the Colorado Historical Society have determined that, based upon traditional territories and oral traditions, there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

This notice has been sent to officials of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Indian Tribe, Oklahoma; Crow Tribe of Montana; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Juan, New Mexico; Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico; Pueblo of Zia, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind

River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Anne W. Bond, Director of Collections and Exhibitions, Colorado Historical Society, 1300 Broadway, Denver, CO 80203-2137, telephone (303) 866-4691, before March 22, 2001. Repatriation of the human remains to the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may begin after that date if no additional claimants come forward.

Dated: January 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01-4080 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American

Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by the Peabody Museum of Archaeology and Ethnology professional staff in consultation with representatives of the Choctaw Nation of Oklahoma; the Jena Band of Choctaw Indians, Louisiana; and the Mississippi Band of Choctaw Indians, Mississippi.

Between 1844-1866, human remains representing one individual were recovered from near Mobile, Mobile County, AL, by Dr. Josiah C. Nott. In 1916, these human remains were gifted to the Peabody Museum of Archaeology and Ethnology by the Boston Society of Natural History as part of the White collection. No known individual was identified. No associated funerary objects are present.

Museum documentation identifies this individual as a "Choctaw youth." The attribution of such a specific cultural affiliation to the human remains indicates that the interment postdates sustained contact between indigenous groups and Europeans beginning in the 17th century. The human remains were recovered from an area commonly considered to be traditional Choctaw territory. Oral traditions and historic evidence support the cultural affiliation to the Choctaw Nation of Oklahoma, and the Mississippi Band of Choctaw Indians, Mississippi. The Jena Band of Choctaw Indians, Louisiana, does not consider Alabama to be part of their traditional territory.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity

that can be reasonably traced between these Native American human remains and the Choctaw Nation of Oklahoma, and the Mississippi Band of Choctaw Indians.

This notice has been sent to officials of the Choctaw Nation of Oklahoma, and the Mississippi Band of Choctaw Indians. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before March 20, 2001. Repatriation of the human remains to the Choctaw Nation of Oklahoma, and the Mississippi Band of Choctaw Indians may begin after that date if no additional claimants come forward.

Dated: January 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01-4079 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate a Cultural Item in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service

ACTION: Notice

Notice is hereby given under the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.10 (a)(3), of the intent to repatriate a cultural item in the possession of the Peabody Museum of Archaeology and Ethnology, Cambridge, MA, that meets the definition of "unassociated funerary object" under Section 2 of the Act.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2 (c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of this cultural item. The National Park Service is not responsible for the determinations within this notice.

The one cultural item is a buffalo horn spoon.

In 1880, the cultural item was collected in Montana by Ernest T. Jackson. In 1946, Patrick T. Jackson donated this cultural item to the

Peabody Museum of Archaeology and Ethnology.

Museum records indicate that this cultural item was removed from a Crow grave in Montana. The specific cultural affiliation indicates that the collector was aware of the cultural affiliation of the burial, and suggests that it dates to historic times. Based on the specific cultural attribution in museum records, the probable 19th-century date of the burial, and the geographical location of origin within the historical territory of the Crow Tribe of Montana, this cultural item is considered to be affiliated with the Crow Tribe of Montana.

Based on the above-mentioned information, officials of the Peabody Museum of Archaeology and Ethnology have determined that, pursuant to 43 CFR 10.2 (d)(2)(ii), this cultural item is reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony and is believed, by a preponderance of the evidence, to have been removed from a specific burial site of a Native American individual. Officials of the Peabody Museum of Archaeology and Ethnology also have determined that, pursuant to 43 CFR 10.2 (e), there is a relationship of shared group identity that can be reasonably traced between this cultural item and the Crow Tribe of Montana.

This notice has been sent to officials of the Crow Tribe of Montana. Representatives of any other Indian tribe that believes itself to be culturally affiliated with this unassociated funerary object should contact Barbara Isaac, Repatriation Coordinator, Peabody Museum of Archaeology and Ethnology, Harvard University, 11 Divinity Avenue, Cambridge, MA 02138, telephone (617) 495-2254, before March 22, 2001. Repatriation of this unassociated funerary object to the Crow Tribe of Montana may begin after that date if no additional claimants come forward.

Dated: January 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01-4081 Filed 2-16-01; 8:45 am]

BILLING CODE 4310-70-F

JUDICIAL CONFERENCE OF THE UNITED STATES

Revision of Certain Dollar Amounts in the Bankruptcy Code Prescribed Under Section 104(b) of the Code

AGENCY: Judicial Conference of the United States.

ACTION: Notice.

SUMMARY: Certain dollar amounts in title 11, United States Code, are increased.

FOR FURTHER INFORMATION CONTACT: Francis F. Szczebak, Chief, Bankruptcy Judges Division, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502-1900.

SUPPLEMENTARY INFORMATION: Section 108 of the Bankruptcy Reform Act of 1994 established the mechanism for the automatic three-year adjustment of dollar amounts in certain sections of the Bankruptcy Code by adding subsection (b) to section 104 of title 11. That provision states:

(b)(1) On April 1, 1998, and at each 3-year interval ending April 1 thereafter, each dollar amount in effect under [the designated sections of the code] immediately before such April 1 shall be adjusted—

(A) to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the most recent 3-year period ending immediately before January 1 preceding such April 1, and

(B) to round to the nearest \$25 the dollar amount that represents such change.

(2) Not later than March 1, 1998, and at each 3-year interval ending on March 1 thereafter, the Judicial Conference of the United States shall publish in the **Federal Register** the dollar amounts that will become effective on such April 1 under sections 109(e), 303(b), 507(a), 522(d), and 523(a)(2)(C) [of the Bankruptcy Code].

(3) Adjustments made in accordance with paragraph (1) shall not apply with respect to cases commenced before the date of such adjustments.

Revision of Certain Dollar Amounts in Bankruptcy Code

Notice is hereby given that the dollar amounts are increased in the sections in title 11, United States Code, as set out in the following chart. These increases do not apply to cases commenced before the effective date of the adjustments, *i.e.*, April 1, 2001. Official Bankruptcy Forms 6E and 10 also will be amended to reflect these adjusted dollar amounts.

Dated: February 13, 2001.

Francis F. Szczebak,

Chief, Bankruptcy Judges Division.

ADJUSTMENT OF CERTAIN DOLLAR AMOUNTS IN TITLE 11, UNITED STATES CODE

11 U.S.C.	Dollar amount to be adjusted	New (adjusted) dollar amount
Section 109(e)—allowable debt limits for filing bankruptcy under Chapter 13.	269,250 (each time it appears)	290,525 (each time it appears)
Section 303(b)—minimum aggregate claims needed for the commencement of an involuntary bankruptcy:	807,750 (each time it appears)	871,550 (each time it appears)
(1)—in paragraph (1)	10,775	11,625
(2)—in paragraph (2)	10,775	11,625
Section 507(a)—priority claims:		
(1)—in paragraph (3)	4,300	4,650
(2)—in paragraph (4)(B)(i)	4,300	4,650
(3)—in paragraph (5)	4,300	4,650
(4)—in paragraph (6)	1,950	2,100
Section 522(d)—value of property exemptions allowed to the debtor:		
(1)—in paragraph (1)	16,150	17,425
(2)—in paragraph (2)	2,575	2,775
(3)—in paragraph (3)	425	450
(4)—in paragraph (4)	8,625	9,300
(5)—in paragraph (5)	1,075	1,150
(6)—in paragraph (6)	850	925
(7)—in paragraph (7)	8,075	8,725
(8)—in paragraph (8)	1,625	1,750
(9)—in paragraph (9)	8,625	9,300
(10)—in paragraph (10)	16,150	17,425
Section 523(a)(2)(C)—“luxury goods and services” or cash advances obtained by the consumer debtor within 60 days before the filing of a bankruptcy petition, which are considered nondischargeable.	1,075 (each time it appears)	1,150 (each time it appears)

[FR Doc. 01–4106 Filed 2–16–01; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act**

Notice is hereby given that on January 5, 2001, a proposed consent decree in *United States v. Reland Mark Johnson*, Civ. Action No. 01–CV–005 (D.WY) was lodged with the United States District Court for the District of Wyoming.

In this action, the United States is recovering past response costs, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. 9601 *et seq.* in connection with the R. J. Refinery Site located in La Barge, Wyoming. The consent decree that was lodged would resolve the United States’ claims against Reland Mark Johnson (“Johnson”). Johnson will pay to the United States \$5,000 to resolve claims against him and the settlement is based on Johnson’s limited financial resources. The consent decree includes covenants not to sue by the United States under section 107 of CERCLA.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the

Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044, Department of Justice, Washington, DC 20530, and should refer to *United States v. Johnson*, D.J. Ref. 90–11–3–07235. The proposed consent decree may be examined at the Office of the United States Attorney, 2120 Capitol Ave. Cheyenne, WY, and at U.S. EPA Region VIII, 999 18th Street, Denver, CO 80202–2405. A copy of the consent decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of \$4.25 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Bob Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–4061 Filed 2–16–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE**Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response Compensation and Liability Act (“CERCLA”)**

Notice is hereby given that a proposed consent decree in *United States and New Jersey Department of Environmental Protection v. Marisol, Inc.*, Civ. Action No. 94–3687 (D.N.J.),

was lodged on January 19, 2001 with the United States District Court for the District of New Jersey. The consent decree concerns hazardous waste contamination at the Lang Property Superfund Site (the “Site”), located in Pemberton Township, New Jersey. The consent decree would resolve Marisol, Incorporated’s (“Marisol”) liability for reimbursement of past response costs incurred by the United States in connection with the Site. The United States filed a complaint on behalf of the United States Environmental Protection Agency (“EPA”) against Marisol. The consent decree requires Marisol to reimburse the EPA Hazardous Substance Superfund \$9,787,500.00 for its past costs pertaining to the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the 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 and New Jersey Department of Environmental Protection v. Marisol, Inc.*, DOJ Ref. # 90–11–2–519A.

The proposed consent decree may be examined at the office of the United States Attorney for the District of New Jersey, 402 East State St., Room 502, Trenton, New Jersey, 08608 (contact Assistant United States Attorney Irene Dowdy); and the Region II Office of the

Environmental Protection Agency, 290 Broadway, New York, New York 10007-1866 (contact Assistant Regional Counsel Patricia Hick). A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, PO Box 7611, Washington, DC 20044-7611. In requesting a copy please refer to the referenced case and enclose a check in the amount of \$7.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01-4060 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with 28 CFR 50.7, notice is hereby given that on February 1, 2001, a proposed consent decree in *United States v. Natural Gas Pipeline Company of America*, Civil Action No. 99-S-2419, was lodged with the United States District Court for the District of Colorado.

In this action, the United States sought civil penalties for alleged violations of Section 113(b) of the Clean Air Act (CAA), 42 U.S.C. 7413(b), resulting from the alleged failure of Natural Gas Pipeline Company of America (NGPL) to obtain a Prevention of Significant Deterioration (PSD) permit from the U.S. Environmental Protection Agency (EPA) before construction in May 1979 of a natural gas compressor station, the Akron Compressor Station (also known as the "Niobrara Compressor Station"), located in Washington County, Colorado. The United States also alleges that NGPL operated the Akron Compressor Station as a major stationary source in violation of the CAA, 42 U.S.C. 7413, without an appropriate PSD permit, and without application of best available control technology.

Under the terms of the proposed consent decree, NGPL will pay a civil penalty of \$215,000 for alleged violations of the CAA PSD program, and implement a Supplemental Environmental Project (SEP) that will be valued at \$100,000 in order to resolve the United States' claims. The SEP requires NGPL to install equipment on two gas-fired compressor engines at the Crystal River Compressor Station in Glenwood Springs, Colorado, and on two gas-fired compressor engines at the Well Draw Compressor Station in

Converse County, Wyoming. When the SEP is completed, total nitrogen oxide (NO_x) reductions at the two stations are expected to be about 400 tons per year (TPY). The proposed consent decree does not require that NGPL take any injunctive measures because NGPL no longer owns the Akron Compressor Station at issue in this case.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Acting Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States v. Natural Gas Pipeline Company of America*, Civil Action No. 99-S-2419, and Department of Justice Reference No. 90-5-2-1-06728.

The proposed consent decree may be examined at the Office of the United States Attorney, 1225 17th Street, Suite 700, Denver, CO 80202; and at U.S. EPA Region VIII, 999 18th Street, Denver, Colorado 80202. A copy of the proposed consent decree may be obtained by mail from the Consent Decree Library, P.O. Box 7611, Washington, DC 20044. In requesting a copy, please enclose a check in the amount of \$7.50 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Robert Brook,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division, U.S. Department of Justice.

[FR Doc. 01-4062 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-15-M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—VSI Alliance

Notice is hereby given that, on October 26, 2000, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), VSI Alliance has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Steve Burchfiel, Austin, TX; Canon, Inc., Kawasaki, JAPAN; Embedded Solutions Ltd., Oxford,

UNITED KINGDOM; eSilicon Corp., Palo Alto, CA; Duolog Technologies Limited, Dublin, IRELAND; Hewlett-Packard Company, Palo Alto, CA; Edward Lee, Berkeley, CA; Ian Mackintosh, San Jose, CA; Nsine Limited, Reading, UNITED KINGDOM; NurLogic Design, Inc., San Diego, CA; Semiconductor Technology Academic Research Center (STARAC), Tokyo, JAPAN; The Athena Group, Inc., Gainesville, FL; and Verisity Design, Inc., Mountain View, CA have been added as parties to this venture. Also, Advanced Bytes & Rights Ltd., Bristol, UNITED KINGDOM; Cogency Technology, Inc., Toronto, Ontario, CANADA; EnThink, Inc., Santa Clara, CA; Institute of Microelectronics, Singapore, SINGAPORE; Integrated Chipware, Reston, VA; Seagate Technology, Scotts Valley, CA; Synthesis Corp., Osaka, JAPAN; and Unisys Corp., San Diego, CA have been dropped as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and VSI Alliance intends to file additional written notification disclosing all changes in membership.

On November 29, 1996, VSI Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on March 4, 1997 (62 FR 9812).

The last notification was filed with the Department on July 13, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on October 3, 2000 (65 FR 59018).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01-4063 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-11-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Agency Information Collection Activities: Proposed Collection; Comment Requested

ACTION: Notice of information collection under review; Extension of a currently approved collection; Application for procurement quota for controlled substances (DEA Form 250).

The Department of Justice, Drug Enforcement Administration (DEA), has submitted the following information collection request for review and

clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted until April 23, 2001.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Mr. Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice, Washington, DC 20537, telephone (202) 307-7183.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information

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

2. *The title of the form/collection:* Application for Procurement for Controlled Substances.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form number: DEA Form 250. *Applicable component of the*

Department sponsoring the collection: Office of Diversion Control, Drug Enforcement Administration, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Business or other for-profit. Other: None.

Abstract: Title 21, CFR 1303.12(b), requires that U.S. companies who desire

to use any basic class of controlled substances listed in Schedule I or II for purposes of manufacturing during the next calendar year, shall apply on DEA Form 250 for a procurement quota for such class.

5. *An estimate of the total number of respondents, responses and the amount of time estimated for an average respondent to respond/reply:* 243 respondents, 807 responses, one hour per response. A respondent may submit multiple responses. A respondent will take an estimate of one hour to complete each form.

6. *An estimate of the total public burden (in hours) associated with the collection:* 807 annual burden hours.

Public comments on this proposed information collection are strongly encouraged.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, National Place Building, 1331 Pennsylvania Avenue, NW, Suite 1220, Washington, DC 20530.

Dated: February 12, 2001.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 01-4100 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Census of Juveniles in Residential Placement

The Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. This proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for "sixty days" until April 23, 2001.

If you have additional comments, suggestions, or need a copy of the proposed information collection

instrument with instructions or additional information, please contact Ellen Wesley, 202-616-3558, Office of Budget and Management Services, Office of Justice Programs, U.S. Department of Justice, 810 7th Street, NW., Washington, DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection of information. Your comments should address one or more of the following four points:

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

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

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

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time should be directed to Joseph Moone, Office of Juvenile Justice and Delinquency Prevention 810 Seventh Street, NW., Washington, DC 20531. If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Joseph Moone, 202-6161-3643, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street, NW., Washington, DC 20531.

Overview of This Information Collection

(1) *Type of Information Collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

(2) *Title of the Form/Collection:* Census of Juveniles in Residential Placement.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: CJ-14 Office of Juvenile Justice and Delinquency

Prevention, Office of Justice Programs, United States Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract; primary:* Public and private juvenile detention, correctional, shelter, facilities. *Other:* None.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The total number of respondents is 3,500 at an average of 4 hours to respond.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated total burden hours is 11,142.

If additional information is required contact; Mrs. Brenda E. Dyer, Deputy Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW., Washington, DC 20530.

Dated: February 13, 2001.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 01-4099 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF JUSTICE

National Institute of Corrections

Solicitation for a Cooperative Agreement—improving Community Responses to Women Offenders; Training and Technical Assistance to Three Local Jurisdictions

AGENCY: National Institute of Corrections, Department of Justice.

ACTION: Solicitation for a cooperative agreement.

SUMMARY: The Department of Justice (DOJ), National Institute of Corrections (NIC), announces the availability of funds in FY 2001 for a cooperative agreement to fund the Project "Improving Community Responses to Women Offenders; Training and Technical Assistance to Three Local Jurisdictions." NIC will award one cooperative agreement to provide intensive assistance (site coordination, training and technical assistance) to three local jurisdictions interested in developing policies and practices that increase the rates of successful completion of community supervision for women who are pretrial defendants or sentenced offenders. NIC commits to providing assistance for two full years to each of the three jurisdictions selected in the current fiscal year (FY 2001). Up

to \$200,000 is available for the first twelve months of the two-year project. Based on successful provision of services in the first project period, a continuation award will be made to the successful applicant for this solicitation for the second year. Two hundred thousand is budgeted in FY 2002 for the second twelve-month phase of the project.

This solicitation is for the organization that will work with NIC to deliver services to three jurisdictions. There will be a separate program announcement to which local jurisdictions will respond and apply for participation in the two-year project.

A cooperative agreement is a form of assistance relationship through which the National Institute of Corrections is substantially involved during the performance of the award. An award is made to an organization that will, in concert with the Institute, meet the objectives of the solicitation. No funds are transferred to state or local governments.

NIC Experience: For ten years the NIC Community Corrections Division has worked with jurisdictions to increase the success of women offenders supervised in the community through the Intermediate Sanctions for Women Offenders (ISWO) Project. The thirteen jurisdictions that have participated in the ISWO include counties and states, both urban and rural, ranging in population from under 200,000 to over five million. The goals of these projects were to work collaboratively with sites to (1) develop sound information on current sentencing practices and the risk, needs and life circumstances of the women offenders; and (2) use the information and experience of policy team member to develop policies and concrete action steps for implementation of desired changes in the ranges of intermediate sanctions targeted for women offenders in the thirteen jurisdictions.

NIC worked with jurisdictions to accomplish these goals through a systems planning process with two critical characteristics: it was undertaken by a team of policy officials from the criminal justice system, human services, and the community; and it was supported by analysis of information about women offenders and the criminal justice practices and programs, from arrest through sentencing and disposition, which affect them. As jurisdictions engaged the work, it became clear that few had any significant data on women offenders in the community, and most jurisdictions were making decisions about them based on untested assumptions and

anecdotal evidence. While the sites varied in their ability and willingness to fully engage in policy development in a systems context, they all reaped benefits from their work (e.g., increased the number and type of intermediate sanctions for women offenders, improved the gender-responsiveness of existing options, provided extensive training on women offenders, and greatly increased the system's understanding of the needs of women offenders).

In the last four years of the ISWO project, NIC focused on local jurisdictions with populations of over 500,000. The intent was to test whether NIC assistance could improve sanctioning responses for significant numbers of women. As a result of this last cycle, NIC also chose to focus more attention on early (pre-trial) decisions regarding women defendants and on the roles of jails, courts, pretrial services, probation and human/community services in providing better information and more effective options at the front end of the system. The last three jurisdictions were Cook County, IL; Hampden County, MA; and Hamilton County, OH. A draft report titled, *Intermediate Sanctions for Women Offenders; Project Overview and Analysis 1991-1999*, provides a more complete history of the project. It is available in draft form from the NIC Information Center, telephone: 1-800-877-1461. Request Accession #15530.

Project Premises: The current solicitation is based on (1) NIC's experience with the ISWO and its evolution to a local system project focused on both early decision points and development of more purposeful pretrial and sentencing options; and (2) the following premises regarding the need for assistance to improve community responses to women in the criminal justice system:

- Women commit largely non-violent, property and drug offenses and are good candidates for managing their risk to public safety in the community. They are at high risk of reoffending for "low stakes" crimes. They receive little effective treatment during early experiences of involvement with the criminal justice system.

- It is reasonable to expect that the design of criminal justice system responses for women will continue to hold them accountable for their offenses while improving their chances of success under community supervision.

- Mandatory sentencing for non-violent, drug offenses has resulted in large numbers of women serving longer periods of time in correctional facilities.

- Women defendants present high rates of co-occurring (substance abuse and mental illness) disorders; frequently the mental health issues go undiagnosed and unaddressed.

- Women's distinct pathways to criminality and the realities of their lives (particularly child care responsibilities, abuse histories, and economic marginality) require supervision and treatment approaches which are gender responsive.

- A systemic problem solving approach offers jurisdictions an opportunity to both (a) shape policy and practice which will impact success rates in the community in the short term, and (b) build capacity for longer-term development and monitoring of criminal justice policies and practices affecting women defendants/offenders.

- Criminal justice agencies must work with the community and human services to marshal the resources and services required for a comprehensive and effective response to the complexity of issues facing women defendants/offenders.

Purpose: The National Institute of Corrections is seeking applications for a cooperative agreement that has the following purpose: to provide site coordination, training and technical assistance to three local jurisdictions for the first twelve months of a two year project whose primary goal is to increase the rates of successful completion of community supervision for women defendants and offenders.

The recipient of this cooperative agreement award will have as the target audience for assistance a policy group or team of key criminal justice decision makers, human services managers, community leaders and public and private corrections managers.

The primary outcomes for the two year project are:

- The development in each jurisdiction of a clear vision and goals for improved community responses to women defendants/offenders, and implementation of specific changes in policy and practice in two or three strategic areas and/or the development of detailed work plans for implementation in those areas.

- A report describing the accomplishments of each jurisdiction and the lessons learned from the project.

The primary outcomes for the first twelve months are:

- Jurisdictions, operating as policy teams of high level officials, corrections and human service managers and community members, will engage the first twelve months of a collaborative, system-wide, problem solving process aimed at the development of improved

policy and practice in two or three priority areas.

- Each jurisdiction will complete *decision mapping* of its criminal justice system responses to women defendants/offenders, including assembling readily available information on: the number and characteristics of women at key decision points from arrest through community supervision and release (aggregate and trend data).

- Jurisdictions will design and initiate data collection and analysis strategies focused on specific concerns, i.e., the primary problem areas ("change targets") identified by the policy team. The strategies may include design of a profile study of a specific sub-population of women offenders related to one of the problem areas chosen by the policy team.

- Policy officials will gain specific knowledge regarding the factors associated with women's criminal involvement, key aspects of gender-responsive treatment and management in corrections, and options for effective sanctioning and intervention (best practices).

Specific outputs of the twelve-month project will include: Development of a program announcement and marketing strategy for local jurisdictions; site visits to selected applicant jurisdictions and site selection in conjunction with the NIC Project manager (NIC will make final site selections); a seminar opportunity for all policy team members from each jurisdiction; and monthly visits to jurisdictions by site coordinators to guide and support the policy team's work.

Application Requirements: Applicants must prepare a proposal that describes their plan to address the project purpose and outcomes. The plan must include goals and objectives, methodology, deliverables, management plan, an overall project budget for the full two years, and a budget and budget narrative for the first ten to twelve month phase. Applicants must identify their key project staff and the relevant expertise of each, and address the manner in which they would perform all tasks in collaboration with the NIC Project Manager. Proposals are limited to twenty-five double-spaced pages in length, not including resumes, other addenda, and SF-424 forms. Please note that the Standard Form 424, Application for Federal Assistance, submitted with the proposal must contain the cover sheet, budget, budget narrative, assurances and management plan for the FY 2001 funded portion only, for a maximum of \$180,000. The proposal budget should not include the costs of air and train travel associated with site

coordination, training and technical assistance; because NIC will make available an additional \$20,000 for project travel at government rates in an account managed by the NIC Project Monitor and closely coordinated with the cooperative agreement project director. All required forms and instructions for their completion may be downloaded from the NIC website: <http://www.nicic.org>.

Authority: Public Law 93-415.

Funds Available: Project funds are limited to \$180,000 for both direct and indirect costs for the first twelve months of the two year project, and a \$20,000 supplement for air and train tickets. A supplemental award of \$180,000 (plus additional funds for government rate travel) will be made in FY 2002 subject to the availability of funds and successful completion of Phase I. NIC is committed to funding the full two year project and project activity must be completed within 24 months of the date of the award. Funds may only be used for activities that are linked to the desired outcomes of the project. This project will be a collaborative venture with the NIC Community Corrections Division.

All products from this funding effort will be in public domain and available to interested agencies through the National Institute of Corrections.

Deadline for Receipt of Applications: Applications must be received by 4 p.m. on Friday, March 30, 2001. They should be addressed to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. Hand delivered applications can be brought to 500 First Street, NW., Washington, DC 20534. The security desk will call Bobbi Tinsley at (202) 307-3106, and press 0 for pickup.

Addresses and Further Information: Requests for the application kit, which consists of copies of this announcement and the required forms, should be downloaded from the NIC website: <http://www.nicic.org>. (Click on "Cooperative Agreements.") The report, "Intermediate Sanctions for Women Offenders, Project Overview and Analysis 1991-1999" can be ordered from the NIC Information Center at 1-800-877-1461. Request accession #15530. If it is necessary to request a hard copy, please call Judy Evens at 1-800-995-6423, extension 4-4222 or email her at jevans@bop.gov. All technical and/or programming questions concerning this announcement should be directed to Phyllis Modley at the above address or by calling (800) 995-6423 or (202) 307-3106, extension 4-0099, or by email via pmodley@bop.gov.

Eligible Applicants: An eligible applicant is any state or general unit of local government, public or private agency, educational institution, organization, team or individual with the requisite skills to successfully meet the outcome objectives of the project.

Review Considerations: Applications received under this announcement will be subjected to an NIC three to five member Peer Review Process.

Number of Awards: One (1).

Executive Order 12372: Project is not subject to the provisions of this Executive Order.

NIC Application Number: 01C02. This number should appear as a reference line in the cover letter and also in box 11 of Standard Form 424.

The Catalog of Federal Domestic Assistance number is: 16.602.

Dated: February 12, 2001.

Morris L. Thigpen,

Director, National Institute of Corrections.

[FR Doc. 01-4075 Filed 2-16-01; 8:45 am]

BILLING CODE 4410-36-M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA-W) issued during the period of January, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-38,451; *Chicago Lock, Pleasant Prairie, WI*

TA-W-38,419; *John Campbell & Co., Inc., Perkasio, PA*

TA-W-37,917; *Dana Corp., Spicer Heavy Axle & Brake Div., Marion Forge, Marion, OH*

TA-W-38,382; *Cherokee Finishing Co., Spartan International, Gaffney, SC*

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA-W-38,197; *Grandoe Corp (The), Gloversville, NY*

TA-W-38,488; *Cone Decorative Fabrics, New York, NY*

TA-W-38,332; *Pronav Ship Management, Inc., Greenwich, CT*

TA-W-38,548; *Timberland Logging, Ashland, OR*

TA-W-38,506; *Homestake Mining Co., Sparks, NV*

TA-W-38,449; *Hasbro Manufacturing Service, El Paso, TX*

TA-W-38,473; *Software Spectrum, Inc., Garland, TX*

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA-W-38,240; *Ashby Industries, Inc., Martinsville, VA*

TA-W-38,517; *Cooper Standard Automotive, Fluid Systems Div., Mio, MI*

TA-W-38,396; *Philips Electronics North America Corp., Philips Display Components Co., Ottawa, OH*

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-38,490; *Latrobe Brewing Co., Latrobe, PA*

TA-W-38,431; *Warm Springs Forest Products Industries, Warm Springs, OR*

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA-W-38,385; *Findlay Industries, Morrison Div., Morrison, TN: November 22, 1999.*

TA-W-38,297; *Qwik Tool Manufacturing, Magna Div., Lexington, KY: September 7, 1999.*

TA-W-38,366; *Jeld Wen, Inc., Bend Millwork Co., Bend, OR: November 7, 1999.*

TA-W-38,394; *Velvac, Inc., New Berlin, WI: November 24, 1999.*

TA-W-38,260 & A; *Austin Apparel, Lancaster Plant, Lancaster, KY & Springfield Plant, Springfield, KY: October 18, 1999.*

TA-W-38,280 & A; *Snyder Walls Industries, Inc., Snyder, TX & Walls Industries, Inc., Boaz, AL: October 25, 1999.*

TA-W-38,198; *Crown Cork and Seal Co., Inc., Plant #31, Perrysburg, OH: October 6, 1999.*

TA-W-38,485; *Forecaster of Boston, Boston, MA: December 7, 1999.*

TA-W-38,504; *Warren Logging, Gold Hill, OR: December 12, 1999.*

TA-W-38,482; *Augusta Sportswear, Inc., Millen Plant, Millen, GA: December 6, 1999.*

TA-W-38,425; *Ameripol Synpol Corp., Port Meches, TX: November 30, 1999.*

TA-W-38,497; *EGS/O-Z Gedney, LaGrange, GA: December 14, 1999.*

TA-W-38,541; *Ametek, United States Gauge Div., Bartow, FL: December 21, 1999.*

TA-W-38,514; *Nutone, Inc., Coppell, TX: December 21, 1999.*

TA-W-38,299; *Originals Bi-Judi, Inc., Tolleson, AZ: October 31, 2000.*

TA-W-38,084; *Philips CSI, Inc., Lancaster, PA: August 14, 1999.*

TA-W-38,393; *Tyco Electronics, Automotive Electronics, Chesterfield, MI: November 22, 1999.*

TA-W-38,281; *Five Rivers Electronic Innovations, LLC, Greenville, TN: October 23, 1999.*

TA-W-38,357; *Jockey International, Inc., Belzoni, MS: November 9, 1999.*

TA-W-38,409; *Money's Foods U.S., Inc., Money's Mushrooms LTD, Blandon, PA: December 1, 1999.*

TA-W-38,426; *Universal Furniture Limited, Marion, NC: November 30, 1999.*

TA-W-38,241; *Micromatic Textron, Holland, MI: October 10, 1999.*

TA-W-38,544; *Bausch & Lomb, Sarasota, FL: December 27, 1999.*

TA-W-38,257; *Pine State Knitwear Co., Inc., Stateville, NC: October 13, 1999.*

TA-W-38,518; *Beltex Corp., Claiborne Plant, New Tazewell, TN: December 20, 1999.*

TA-W-38,411; *Miller Shingle Co., Inc., Enterprise Lumber Div., Arlington Sawmill, Arlington Reman/Planer Mill, Arlington OSO Sawmill Plant, Arlington, WA*: November 30, 1999.

TA-W-38,480; *Delevan Spray Technologies, Monroe, NC*: December 26, 1999.

TA-W-38,421 & A, B; *Wiscassett Mills Co., Kannapolis, NC, Concord, NC and Albermarle, NC*: November 29, 1999.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182) concerning transitional adjustment assistance hereinafter called (NAFTA-TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA-TAA issued during the month of January 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA-TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA-TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA-TAA-04295; *Jeld Wen, Inc., Bend Millwork Co., Bend, OR*

NAFTA-TAA-04348; *John Campbell & Co., Inc., Perkasio, PA*

NAFTA-TAA-04382; *Chicago Lock,*

Pleasant Prairie, WI

NAFTA-TAA-04216; *Ashby Industries, Inc., Martinsville, VA*

NAFTA-TAA-04356; *Ameripol Synpol Corp., Port Nechs, TX*

NAFTA-TAA-04266; *Originals Bi-Judi, Inc., Tolleson, AZ*

NAFTA-TAA-04357; *Oxford Automotive, Argos, IN*

NAFTA-TAA-04290; *Central Industries of Indiana, Inc., Greenwood, Arkansas Div., Greenwood, AR*

NAFTA-TAA-04423; *Tensolite Interconnect Systems, Essex Jct., Vermont*

The investigation revealed that the criteria for eligibility have not been met for the reasons specified.

NAFTA-TAA-04453; *Sacramento Bag Manufacturing Co., Sacramento, CA*

NAFTA-TAA-04386; *Hasbro Manufacturing Services, El Paso, TX*

The investigation revealed that workers of the subject firm did not produce an article within the meaning of Section 250(a) of the Trade Act, as amended.

NAFTA-TAA-04358; *Warm Springs Forest Lumber Products Industries, Warm Springs, OR*

NAFTA-TAA-04401; *Latrobe Brewing Co., Latrobe, PA*

The investigation revealed that criteria (2) has not been met. Sales or production, or both, of such firm or subdivision did not decrease during the relevant period.

Affirmative Determinations NAFTA-TAA

NAFTA-TAA-04340; *Findlay Industries, Morrison Div., Morrison, TN*: November 22, 1999.

NAFTA-TAA-04311; *Cooper-Standard Automotive, Fluid Systems Div., Mio, MI*: November 9, 1999.

NAFTA-TAA-04400; *Respiratory Support Products, Inc., Irvine, CA*: October 30, 1999.

NAFTA-TAA-04264 & A; *Austin Apparel, Lancaster Plant, Lancaster, KY & Springfield Plant, Springfield, KY*: October 18, 1999.

NAFTA-TAA-04381; *Warren Logging, Gold Hill, OR*: December 14, 1999.

NAFTA-TAA-04424; *Robert Bosch Corp., Bosch Automotive Motors, Hendersonville, TN*: January 3, 2000.

NAFTA-TAA-04396; *Augusta Sportswear, Inc., Millen Plant, Millen, GA*: December 6, 1999.

NAFTA-TAA-04336; *Philips Electronics North America Corp., Philips*

Display Components Co., Ottawa, OH: November 10, 1999.

NAFTA-TAA-04330; *Davidson Cotton Co., Abouchar Div., Brooklyn, NY*: November 27, 1999.

NAFTA-TAA-04379; *ABC-NACO, Inc., National Castings Div., Melrose Park, IL*: December 13, 1999.

NAFTA-TAA-04331; *Tyco Electronics, Automotive Electronics, Chesterfield, MI*: November 20, 1999.

NAFTA-TAA-04363; *Sherwood Dash USA, Rancho Cucamonga, CA*: December 4, 1999.

NAFTA-TAA-04391; *Screw Machine Technologies, Inc., "SMT, Inc.", Georgetown, KY*: November 22, 1999.

NAFTA-TAA-04247; *Pine State Knitwear Co., Inc., Statesville, NC*: October 13, 1999.

NAFTA-TAA-04349; *Miller Shingle Co., Inc./Enterprise Lumber Div., Arlington Sawmill, Reman/Planer Mill, OSO Sawmill Plant, Arlington, WA*: November 30, 1999.

NAFTA-TAA-04342; *Daws Manufacturing Co., Inc., Pensacola, FL*: November 25, 1999.

I hereby certify that the aforementioned determinations were issued during the month of January, 2001. Copies of these determinations are available for inspection in Room C-5311, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: February 1, 2001.

Edward A. Tomchick,
Director, Division of Trade Adjustment Assistance.

[FR Doc. 01-4124 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-38,276]

Coach; A Subsidiary of Sara Lee Corporation, Medley, FL; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the U.S. Department Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on December 4, 2000 applicable to workers of Coach, Medley, Florida. The notice was published in the **Federal Register** on December 21, 2000 (65 FR 80458).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. Information provided by the State shows that Coach is a subsidiary of Sara Lee Corporation. Some workers at the subject firms' Medley, Florida facility have had their wages reported under a separate unemployment insurance (UI) tax account for Sara Lee Corporation. The workers were engaged in the production of leather handbags and accessories.

Based on these findings, the Department is amending the certification to properly reflect this matter.

The intent of the Department's certification is to include all workers of Coach who were adversely affected by increased imports.

The amended notice applicable to TA-W-38,276 is hereby issued as follows:

"All workers of Coach, a subsidiary of Sara Lee Corporation, Medley, Florida, who became totally or partially separated from employment on or after October 24, 1999 through December 4, 2000 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974."

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

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01-4121 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA-W-37,987]

Hobman Corporation; Jim Thorpe, Pennsylvania; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of November 19, 2000, the petitioners requested administrative

reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on October 31, 2000, and was published in the **Federal Register** on November 16, 2000 (65 FR 69342).

The petitioners assert that the Department's investigation did not include PC boards produced by the workers in the time period relevant to the investigation (1998 through July 2000).

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 6th day of February, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01-4122 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether

the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than March 2, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC, this 29th day of January, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 01/29/2001]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,579	National Starch (IBM)	Meredosia, IL	01/11/2001	Mining Industry Equipment.
38,580	Fox Distribution (Wkrs)	Laurel, MT	01/11/2001	Finger Jointed Stud Lumber.
38,581	American Standard, Inc (GMP)	Piscataway, NJ	01/10/2001	Sanitary Wares.
38,582	Dalil Fashions (UNITE)	Edison, NJ	01/08/2001	Dresses.
38,583	Vision Legwear (Co.)	Spruce Pine, NC	01/12/2001	Ladies' Tights, Sheer Hosiery.
38,584	Millennium Plastic (UNITE)	El Paso, TX	01/11/2001	Plastic Automotive Parts.
38,585	Portola Packaging (Wkrs)	New Castle, PA	01/20/2001	Plastic Caps (Closures) for Bottles.
38,586	OBG Manufacturing (UFCW)	Liberty, KY	01/12/2001	Children's Apparel.
38,587	VF Imagewear (Co.)	Nashville, TN	01/19/2001	Work Clothing.
38,588	ARESCO Incorporation (Wkrs)	Post Falls, ID	01/10/2001	Mining Industry Equipment.
38,589	Collins and Aikman (USWA)	Canton, OH	01/10/2001	Car Mats.

APPENDIX—Continued
[Petitions instituted on 01/29/2001]

TA-W	Subject firm (petitioners)	Location	Date of petition	Product(s)
38,590	Bianca Sportswear (Wkrs)	Copiague, NY	01/03/2001	Ladies' Pants.
38,591	Horix Manufacturing (USWA)	McKees Rocks, PA	01/16/2001	Rotary Filling Machines.
38,592	Exide Technologies (Co.)	Farmers Branch, TX	01/10/2001	Lead Acid Batteries.
38,593	Innovative Home Products (UAW)	Birmingham, MI	01/11/2001	Garage Doors—Steel and Aluminum.
38,594	Regional Recycling (USWA)	Attalla, AL	01/12/2001	Processes Steel and Iron Scrap.
38,595	Magnetic Data Technologie (Wkrs)	Eden Prairie, MN	01/10/2001	Tape Drives.
38,596	Matsushita Battery Ind. (Wkrs)	Columbus, GA	12/22/2000	Lead-Acid Storage Batteries.
38,597	Commonwealth Aluminum (USWA)	Lewisport, KY	01/09/2001	Coil Aluminum.
38,598	NACCO Materials Handling (Wkrs)	Danville, IL	01/08/2001	Lift Trucks.
38,599	Sherwood Harsco Corp. (Wkrs)	Wheatfield, NY	01/04/2001	Gas Control Valves.
38,600	H.L. Miller and Son (Co.)	Dallas, TX	01/18/2001	Warehouse and Shipping—Ladies' Dresses.
38,601	Arka Knitwear (Co.)	Ridgewood, NY	01/12/2001	Sweaters.
38,602	Designs By Norvell (Wkrs)	Alexandria, TN	01/16/2001	Protective Clothing.
38,603	Daniel Green Co (Wkrs)	Dolgeville, NY	01/09/2001	Slippers.
38,604	Lawson Mardon USA (Wkrs)	Clifton, NJ	01/08/2001	Food Packaging Products.
38,605	Komag, Inc. (Co.)	Eugene, OR	01/15/2001	Thin Film Media Disks.
38,606	OMC P and A (Wkrs)	Beloit, WI	01/10/2001	Marine Products.
38,607	Owens Corning (GMPPAW)	Newark, OH	01/16/2001	Fibrous Glass Insulation Products.
38,608	Wundies Enterprises (Co.)	Wellsboro, PA	01/16/2001	Ladies' Intimate Apparel.
38,609	Gates Rubber Co (Wkrs)	Charleston, MO	01/10/2001	Radiator Hoses.
38,610	Kodak Polychrome Graphics (Wkrs)	Carlstadt, NJ	01/14/2001	Lithographic Printing Plates.
38,611	Leach International (Co.)	Buena Park, CA	01/16/2001	Electromechanical Relays.
38,612	Owens And Hurst Lumber (Co.)	Eureka, MT	01/17/2001	Softwood Lumber.
38,613	Budge Industries, Inc (Wkrs)	Telford, PA	01/19/2001	Car Covers.
38,614	Production Stamping (Co.)	Oxford, MI	01/17/2001	Stampings.
38,615	Koppel Steel (USWA)	Koppel, PA	01/17/2001	Steel Bar and Pipe.
38,616	Texprint (Co.)	Macon, GA	01/19/2001	Textile Printer/Dryer.
38,617	Garan Manufacturing Corp (Wkrs)	Carthage, MO	01/19/2001	Children's Knit Tops.
38,618	Belding Hausman (Wkrs)	Lincolnton, NC	01/09/2001	Fabrics.
38,619	Schumacher Electric (Co.)	Rensselaer, IN	01/15/2001	Transformer Coils.
38,620	TDK Electronics Corp (Co.)	Peachtree City, GA	01/17/2001	Recordable CD's.

[FR Doc. 01-4120 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Senior Community Service Employment Program; Notice of Town Hall Meetings on the 2000 Amendments to the Older Americans Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Town Hall Meetings.

SUMMARY: The Department of Labor is giving notice of two in a series of Town Hall Meetings to provide interested individuals an opportunity to comment on the Department of Labor's approach to the implementation of changes to the Senior Community Service Employment Program (SCSEP), which were occasioned by the Older Americans Act Amendments of 2000 (OAA)(Pub.L. 106-50)(Nov. 13, 2000). We will hold Town Hall Meetings in various locations throughout the country, in order to

facilitate the participation of all interested individuals. The first Town Hall Meeting was held on Monday, January 22, 2001, from 7 p.m. to 9 p.m. at the Westin Peachtree Plaza Hotel at 210 Peachtree Street NW., Atlanta, Georgia in conjunction with the National Older Worker Conference sponsored by the National Association of State Units on Aging.

DATES: The Town Hall Meetings being announced in this Notice will be held on Tuesday, February 27, 2001, from 11:30 a.m. to 1:30 p.m., in Washington, D.C., and on Wednesday, March 7, 2001, from 2 p.m. to 4 p.m., in New Orleans, Louisiana. The dates, locations and times for subsequent Town Hall Meetings will be announced in advance in the **Federal Register**.

ADDRESSES: The February 27, 2001, Town Hall Meeting will be held in Congressional Hall B at the Ramada Renaissance Hotel at 999 Ninth Street NW., Washington, DC, in conjunction with the National Association of Workforce Boards, Forum 2001.

The March 7, 2001, Town Hall Meeting will be held in the Burgundy A Room at the Hyatt Regency New Orleans Hotel at 500 Poydras Plaza, New

Orleans, Louisiana, in conjunction with the National Council on the Aging Workforce Development Conference.

FOR FURTHER INFORMATION CONTACT: Mr. Erich W. ("Ric") Larisch, Division of Older Worker Programs, U.S. Department of Labor, 200 Constitution Avenue NW., Room N4644, Washington, DC 20210, Telephone: (202) 693-3742 (voice) TTY (202) 693-2871 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The purpose of the Town Hall Meetings is to provide each interested individual with an opportunity to comment on the Department of Labor's approach to the implementation of changes to the SCSEP occasioned by the revisions to title V of the Older Americans Act Amendments of 2000 (OAA) (Pub. L. 106-501) (dated November 13, 2000). Each attendee is welcome to offer comments on a variety of subjects, including: (1) Issues and concerns that should be addressed in regulations; (2) issues and concerns that should be addressed in policy guidance; (3) suggestions and comments on the overall implementation plan, such as consultation strategies; (4) specific suggestions on the approach that should

be taken in implementing any or all of the new title V provisions; and (5) suggestions on revisions that should be made to the existing title V regulations, which were published in the **Federal Register** on Wednesday, May 17, 1995 (20 CFR part 641).

Public Participation

All interested parties are invited to attend the Town Hall Meetings. Persons wishing to make statements or presentations at the Town Hall Meetings should limit oral statements to 5 minutes, but extended written statements may be submitted for the record within 30 days after the Town Hall meeting date. Written statements may also be submitted without presenting oral statements. Individuals may submit written comments to the Employment and Training Administration, Division of Older Worker Programs, 200 Constitution Avenue NW., Room N4644, Washington, DC 20210, Attention: Mr. Erich W. ("Ric") Larisch.

Minutes of all Town Hall Meetings and summaries of other documents will be available to the public on the SCSEP website <http://www.wdsc.org/owprog>. Any written comments on the minutes should be directed to Mr. Erich W. ("Ric") Larisch, as shown above.

Individuals with disabilities who are planning to attend one of the Town Hall Meetings should contact Ms. Karen Davis of the Department of Labor, Employment and Training Administration, Division of Older Worker Programs at (202) 693-3761 (this is not a toll-free number), if special accommodations are needed.

Signed at Washington DC, this 13th day of February, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary of Labor.

[FR Doc. 01-4157 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-U

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA-4270]

Elmer's Products, Inc., Bainbridge, New York; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(A), subchapter D, chapter 2, Title II, of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on January 9, 2001, applicable to workers of Elmer's Products, Inc., Bainbridge, New York. The notice will be published soon in the **Federal Register**.

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The investigation was conducted on behalf of the workers at Elmer's engaged in the production of hardware adhesives at the Johnson Street, Bainbridge, New York location. New findings show that the subject firm also has a facility at 151 County Highway 58, Guilford Road, Bainbridge, New York, that produces a different type of adhesive.

Accordingly, the Department is amending the certification to limit coverage to those workers who are engaged in the production of hardware adhesives at Elmer's Products, Inc., Bainbridge, New York.

The amended notice applicable to NAFTA-4270 is hereby issued as follows:

"All workers of Elmer's Products, Inc., Bainbridge, New York, engaged in employment related to the production of hardware adhesives who became totally or partially separated from employment on or after October 12, 1999 through January 9, 2003 are eligible to apply for NAFTA-TAA under Section 250 of the Trade Act of 1974."

Signed at Washington D.C. this 31st day of January, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01-4123 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for NAFTA Transitional Adjustment Assistance

Petitions for transitional adjustment assistance under the North American Free Trade Agreement-Transitional Adjustment Assistance Implementation Act (Pub. L. 103-182), hereinafter called (NAFTA-TAA), have been filed with State Governors under Section 250(b)(1) of Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended, are identified in the Appendix to this Notice. Upon notice from a Governor that a NAFTA-TAA petition has been received, the Director of the Division of Trade Adjustment Assistance (DTAA), Employment and Training Administration (ETA), Department of Labor (DOL), announces the filing of the petition and takes action pursuant to paragraphs (c) and (e) of Section 250 of the Trade Act.

The purpose of the Governor's actions and the Labor Department's investigations are to determine whether the workers separated from employment on or after December 8, 1993 (date of enactment of Pub. L. 103-182) are eligible to apply for NAFTA-TAA under Subchapter D of the Trade Act because of increased imports from or the shift in production to Mexico or Canada.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing with the Director of DTAA at the U.S. Department of Labor (DOL) in Washington, DC provided such request is filed in writing with the Director of DTAA not later than March 2, 2001.

Also, interested persons are invited to submit written comments regarding the subject matter of the petitions to the Director of DTAA at the address shown not later than March 2, 2001.

Petitions filed with the Governors are available for inspection at the Office of the Director, DTAA, ETA, DOL, Room C-5311, 200 Constitution Avenue, NW., Washington, DC 20210.

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

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

Subject firm	Location	Date received at Governor's office	Petition No.	Articles produced
Raven Industries (Co.)	Sioux Falls, SD	02/02/2001	NAFTA-4,491	Insulated winter outerwear.
IVF Imagewear (Co.)	Henning, TN	02/23/2001	NAFTA-4,492	Industrial garments.
Camp International (UNITE)	Jackson, MI	02/12/2001	NAFTA-4,493	Under garments.
Victor Equipment (Co.)	Denton, TX	02/02/2001	NAFTA-4,494	Welding equipment.
Johnson Electric Automotive (Wkrs)	Brownsville, TX	02/02/2001	NAFTA-4,495	Shafts.
Challenger Electric (Wkrs)	Pageland, SC	02/02/2001	NAFTA-4,496	Porcelain parts.
Seco Manufacturing (Co.)	Redding, CA	02/01/2001	NAFTA-4,497	Cases, backpacks and pouches.
Intertrade Holdings (Wkrs)	Copperhill, TN	02/02/2001	NAFTA-4,498	Sulfuric acid & Sulfur dioxide.
Rexam (Wkrs)	Mt. Holly, NJ	01/19/2001	NAFTA-4,499	Pouches.
Merit Abrasive Products (GCW)	Compton, CA	02/02/2001	NAFTA-4,500	Fabrication of abrasive products.
Louisiana Pacific (Co.)	Oroville, CA	01/22/2001	NAFTA-4,501	Hard board products.
TRW (ICWUC)	Auburn, NY	02/01/2001	NAFTA-4,502	Remote keyless entry.
Earl Soesbe (USWA)	Rensselaer, IN	01/31/2001	NAFTA-4,503	Self dumping steel refuse container.
Motorola (Co.)	Lawrenceville, GA ...	01/31/2001	NAFTA-4,504	Battery packs.
Morgan Crucible Company (Co.)	East Stroudsburg, PA.	01/30/2001	NAFTA-4,505	Carbon Brushes.
Millicron Resin Abrgasives (USWA)	Carlisle, PA	01/30/2001	NAFTA-4,506	Grinding wheels.
Magnetic Head Technologies (Wkrs)	St. Corix Falls, WI ..	01/26/2001	NAFTA-4,507	Tape heads.
Monona Wire Corporation (Wkrs)	Wayzeka, WI	01/30/2001	NAFTA-4,508	Wire harnesses.
U.S. Forest Industries (Wkrs)	South Fork, CO	01/30/2001	NAFTA-4,509	Lumber.
JPM Company (The) (Co.)	San Jose, CA	01/31/2001	NAFTA-4,510	Cable assembly & wire harnessing.
Three G's (Co.)	Crossville, TN	01/30/2001	NAFTA-4,511	Shirts.
Georgia Pacific (Wkrs)	Gaylord, MI	01/30/2001	NAFTA-4,512	Partical board.
Georgia Pacific (Co.)	Kalamagoo, MI	01/29/2001	NAFTA-4,513	Paper products.
Summit Timber (Co.)	Darrington, WA	01/31/2001	NAFTA-4,514	Dimension lumber.
Talon Automotive Group (Co.)	Oxford, MI	01/12/2001	NAFTA-4,515	Automotove Stamping.
Pacific North Equipment (Wkrs)	Seattle, WA	01/26/2001	NAFTA-4,516	Heavy machinery.
Mirro Foley (PACE)	Chilton, WI	01/29/2001	NAFTA-4,517	Aluminum cockware.
Eagle OPG—Z Bag Division (Wkrs)	St. Louis, MO	02/02/2001	NAFTA-4,518	Bags.
Tyco—Mallinckrodt (Wkrs)	Plumouth, MN	01/23/2001	NAFTA-4,519	Alternate care.
Borden Chemical (Co.)	Kent, WA	02/05/2001	NAFTA-4,520	Phenolic resin production.
Prodica—UNOCAL (Co.)	Vennewick, WA	02/05/2001	NAFTA-4,521	Ammorua.
Motor Appliance (Wkrs)	Washington, MO	02/05/2001	NAFTA-4,522	Fractional motors.

[FR Doc. 01-4125 Filed 2-16-01; 8:45 am]

BILLING CODE 4510-50-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01-027)]

Notice of Prospective Patent License.**AGENCY:** National Aeronautics and Space Administration**ACTION:** Notice of Prospective Patent License

SUMMARY: NASA hereby gives notice that Light Bullet Networks, Inc. of San Jose, CA, has applied for an exclusive license to practice the inventions disclosed in U.S. Patent Nos. 5,651,079 and 5,963,683 both entitled "Photonic Switching Devices Using Light Bullets," which are assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. Written objections to the prospective grant of a license should be sent to the Ames Research Center.

DATES: Responses to this notice must be received by April 23, 2001.**FOR FURTHER INFORMATION CONTACT:**

Robert Padilla, Patent Counsel, NASA Ames Research Center, Mail Stop 202A-3, Moffett Field, CA 94035-1000, telephone (650) 604-5104.

Dated: February 12, 2001.

Edward A. Frankle,*General Counsel.*

[FR Doc. 01-4102 Filed 2-16-01; 8:45 am]

BILLING CODE 7510-01-P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-333-LT and 50-286-LT (consolidated); ASLBP No. 01-785-02-LT]

Atomic Safety and Licensing Board; Notice of Oral Hearing

February 13, 2001.

Before Administrative Judge: Charles Bechhoefer, Presiding Officer.

In the Matter of Power Authority Of The State Of New York and Entergy Nuclear FitzPatrick LLC, Entergy Nuclear Indian Point 3 LLC, and Entergy Nuclear Operations, Inc.

(James A. FitzPatrick Nuclear Power Plant and Indian Point Nuclear Generating Unit No. 3).

This proceeding involves applications by the Power Authority of the State of New York (PASNY) to transfer its ownership interest in, and operating/maintenance responsibility for, the Indian Point Nuclear Generating Unit No. 3 and the James A. FitzPatrick Nuclear Power Plant to Entergy Nuclear Indian Point 3, LLC (ENIP), or, as applicable, Entergy Nuclear FitzPatrick, LLC (ENF), and, respectively, Entergy Nuclear Operations, Inc. The proceeding is governed by the provisions of 10 CFR Part 2, Subpart M (§§ 2.1300-2.1331).

In its Memorandum and Order dated November 27, 2000, CLI-00-22, 52 NRC 266, the Commission, *inter alia*, granted the request for hearing of the Citizens Awareness Network (CAN) and the request to participate as a governmental entity of Westchester County. A notice of the granting of the hearing requests, as specified by 10 CFR 2.1308(d)(1), was published in the **Federal Register** at 65 Fed. Reg. 78,198 (December 14, 2000).

Please take notice that, as set forth in 10 CFR 2.1309, an oral hearing will be held in this proceeding on Tuesday, March 13, 2001, at the Auditorium, White Plains Public Library, 100 Martine Avenue, White Plains, NY

10601, beginning at 9:30 a.m. and extending until 6 p.m. To the extent necessary, the hearing will continue at the same location from 9:30 a.m. to 12 noon on Wednesday, March 14, 2001. Issues to be considered at the hearing are:

1. (Issue 2)—Whether the transfer Applicants' plan for handling decommissioning funds for the FitzPatrick and Indian Point nuclear plants—whereby control of the decommissioning funds will remain with PASNY but responsibility for decommissioning the plants will reside with the Entergy companies—provides reasonable assurance of adequate decommissioning funding, within the meaning of 10 CFR 50.75(b) and 50.75(e)(1)(vi). [See CLI-00-22, 52 NRC at 319.]

2. (Issue 3)—Whether the license transfer applications provide adequate financial assurance for the safe operation of FitzPatrick and Indian Point 3 because the applications do not demonstrate an appropriate margin between anticipated operating costs and revenue projections, and the Entergy applicants do not provide evidence of access to sufficient reserve funding, specifically with respect to the subparts or bases approved in LBP-00-04 (corrected version dated February 5, 2001), [See LBP-00-04 (corrected version), 53 NRC ____, ____ (2001) (slip op. at 20).]

Issue 2 (essentially a legal issue) will be the first issue considered, on Tuesday morning, March 13, 2001. CAN will present its position initially, followed by the Licensees and the NRC Staff and rebuttal by CAN. Issue 3 will follow, with the Licensees presenting their witnesses first, followed by CAN and the NRC Staff and rebuttal by the Licensees.

The names and addresses of participants are as follows:

1. *Entergy Companies and PASNY*: Jay E. Silberg, Esq., Shaw Pittman, 2300 N Street, NW., Washington, DC 20037-1128

Gerald C. Goldstein, Esq., Assistant General Counsel, New York Power Authority, 123 Main Street, White Plains, NY 10601

Douglas E. Levanway, Esq., Wise Carter Child & Caraway, 401 E. Capitol St., Suite 600, P.O. Box 651, Jackson, MS 39205

John M. Fulton, Esq., Entergy, 600 Rocky Hill Road, Plymouth, MA 02360

2. *CAN*: Timothy L. Judson, Organizer, CNY—Citizens Awareness Network, 140 Bassett St., Syracuse, NY 13210

Deborah Katz, Executive Director, Citizens Awareness Network, PO Box 83, Shelburne Falls, MA 01370

3. *Westchester County*:

Stewart M. Glass, Esq., Senior Assistant County Attorney, County of

Westchester, Department of Law, Room 600, 148 Martine Ave., White Plains, NY 10601

4. *NRC Staff* (not a party, but presenting the Safety Evaluation Report (SER) and responding to questions posed by the Presiding Officer)

Steven R. Hom, Esq., Office of the General Counsel, 0-15D21, U.S. Nuclear Regulatory Commission, Washington, DC 20555

Presiding at the oral hearing will be Administrative Judge Charles Bechhoefer, whose jurisdiction commenced with his designation as Presiding Officer on November 28, 2000, see 65 Fed. Reg. 75,976 (December 5, 2000), and will terminate with his certification of the record to the Commission, following his receipt of the parties' final statements of position. The designated Presiding Officer has no authority to render a final or recommended decision with respect either to the license transfer itself or the issues admitted for hearing. See 10 CFR 2.1309(b)(3).

The following filing schedules have been adopted with respect to each issue:

1. *Initial Statements of Position and Written Direct Testimony (together with supporting affidavits)*

Issue 2: January 12, 2001 (11:59 p.m.)—papers already filed.

Issue 3: February 26, 2001 (11:59 p.m.)

2. *Written responses to direct testimony, and rebuttal testimony (with supporting affidavits); Proposed questions on written direct testimony*

Issue 2: February 1, 2001 (11:59 p.m.)—papers already filed.

Issue 3: March 5, 2001 (11:59 p.m.)

3. *Proposed questions directed to written rebuttal testimony*

Issue 2: February 12, 2001 (11:59 p.m.)—papers already filed.

Issue 3: March 8, 2001 (11:59 p.m.)

The oral hearing will be open to members of the public, except that, where necessary to consider proprietary data (Issue 3), the hearing will be open only to those authorized access to such data.

Dated: February 13, 2001, Rockville, Maryland.

Charles Bechhoefer,

Administrative Judge.

[FR Doc. 01-4103 Filed 2-16-01; 8:45 am]

BILLING CODE 7590-01-P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-24857; 813-258]

GFInet inc. and Magnetic Holdings International (DE) LLC; Notice of Application

February 13, 2001.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the "Act") exempting the applicants from all provisions of the Act, except section 9, section 17 (other than certain provisions of paragraphs (a), (d), (f), (g) and (j)), section 30 (other than certain provisions of paragraphs (a), (b), (e), and (h)), sections 36 through 53, and the rules and regulations under the Act.

SUMMARY OF APPLICATION: Applicants request an order to exempt an employees' securities company formed for the benefit of key employees of GFInet inc. (together with any entity that results from a reorganization of GFInet inc. into a different type of entity or into an entity organized under the laws of another jurisdiction ("GFInet")) from certain provisions of the Act.

FILING DATE: The application was filed on April 3, 2000, and amended on November 20, 2000 and February 7, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 12, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit, or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, 100 Wall Street, New York, NY 10005.

FOR FURTHER INFORMATION CONTACT: Sara P. Crovitz, Senior Counsel, at (202) 942-0667, or Nadya Roytblat, Assistant Director, at (202) 942-0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0101, (202) 942-8090.

Applicants' Representations

1. GFInet is a business-to-business neutral electronic marketplace providing a fully interactive, Internet accessible, screen-based platform for trading corporate assets. GFInet is a wholly owned subsidiary of GFI Group, a New York corporation. GFI Group operates as a wholesale broker, through its wholly owned broker-dealer subsidiaries, providing brokerage services for securities, commodities, currency and derivative contracts to broker-dealers and other financial institutions.

2. Magnetic Holdings International (DE) LLC ("Company") is a Delaware limited liability company formed pursuant to a limited liability company agreement ("Investment Company Agreement"). Magnetic Holdings Management, LLC, a wholly owned subsidiary of GFI Group will be the manager of the Company ("Manager"). Applicants state that the Manager is not currently registered under the Investment Advisers Act of 1940 ("Investment Advisers Act") but will so register if required to do so by the Investment Advisers Act or the rules thereunder.

3. Applicants intend to establish the Company for the benefit of certain key employees to enable them to invest in a private offering of GFInet securities. The Company will be an "employees' security company" within the meaning of section 2(a)(13) of the Act and will operate as a closed-end management investment company. Participation in the Company will be voluntary.

4. Applicants state that the Company will subscribe for a specified number of shares ("Subscription") in a private offering of GFInet shares. The Company will invest solely in securities issued by GFInet, except that, pending complete investment of all capital contributions in GFInet securities, the Company may make certain investments in order to maintain the value of the received capital ("Temporary Investments"). Temporary Investments may include: (a) United States Government obligations with maturities of not longer than one year and one day, (b) commercial paper with maturities no longer than six months and one day and having a rating, assigned to such commercial paper by a nationally recognized statistical rating organization, equal to

one of the two highest ratings categories assigned by such organization; or (c) shares of a money market mutual fund.¹

5. Units of interest in the Company ("Units")² will be offered only to eligible investors ("Eligible Investors"), which will consist of: (a) "Eligible Employees" (as defined below), (b) a trust of which all of the trustees, grantors, and/or beneficiaries are Eligible Employees or of which the beneficiaries are spouses or children and/or step-children residing in the same household as the Eligible Employees, including self-directed retirement plan trusts ("Eligible Trusts"), (c) partnership, corporations or other entities, all of the voting power of which is controlled by Eligible Employees ("Eligible Entities"), (d) the spouse and children and step-children over the age of 21 of an Eligible Employee if they reside in the same household as the Eligible Employee ("Immediate Family Members"), and (e) GFInet or an entity that directly or indirectly controls, is controlled by, or is under common control with GFInet ("Affiliated Companies"). Each Eligible Investor must be an "accredited investor" as defined in rule 501(a) of Regulation D under the 1933 Act, and, in the case of an Eligible Employee or Immediate Family Member, must meet the income requirements set forth in rule 501(a)(6) of Regulation D ("Accredited Investor"). The terms of the Company will be fully disclosed to each Eligible Investor and a copy of the Investment Company Agreement and any other organization documents will be provided to each Eligible Investor at the time the Eligible Investor is invited to participate in the Company.

6. Eligible Employees include only such persons who at the time the Company offers Units are (a) current or former employees, officers, or directors of GFInet or an Affiliated Company; (b) principals or other professionals employed by GFInet or an Affiliated Company who provide certain consulting or other services to clients of

¹ The Company will not acquire any security issued by a registered investment company, if, immediately after such acquisition, (a) the Company (and any investment company or investment companies controlled by it) would own more than 3% of the outstanding voting stock of such company, or (b) securities issued by the registered investment company and all other registered investment companies have an aggregate value in excess of 10% of the value of the total assets of the Company.

² Units will be offered and sold by the Company in reliance upon the exemption from registration under the Securities Act of 1933 ("1933 Act") contained in section 4(2) or pursuant to Regulation D under the 1933 Act. No fee of any kind will be charged in connection with the sale of Units of the Company.

GFInet or of such Affiliated Company, (c) key administrative employees of GFInet, or (d) a small number of other employees of GFInet who are involved in managing the day-to-day affairs of the Company. Applicants state that Eligible Employees have sufficient knowledge, education, training, sophistication and experience in the financial services businesses, or in administrative, financial, accounting or operational activities related thereto, to be capable of evaluating the risk of an investment in the Company.

7. A separate account will be established and maintained for each Eligible Investor who invests in the Company ("Member"). A Member's capital account is equal initially to the initial capital contribution made by the Member. Net income or net loss of the Company will be determined and credited at least annually to the respective capital accounts and sub-accounts of the Members in proportion to their respective contributed capital in the Company. Members will not be entitled to redeem their Units in the Company. Under the terms of the Investment Company Agreement, a Member will have only limited rights to transfer Units to Immediate Family Members or other Eligible Investors, with the consent of the Manager. In no event will any person become a Member unless that person is an Eligible Investor.

8. The Investment Company Agreement provides that the Manager may require a member to withdraw from the Company: (a) If the Member fails to make all or any portion of one of the contributions required under the Investment Company Agreement; (b) if a Member ceases to be an Accredited Investor; (c) if the Company were to be subject to possible adverse tax consequences were a particular Member to remain a Member; (d) if the continued membership of the Member would violate applicable law or regulations or require the Company to register as an investment company under the federal securities laws; (e) a Member is convicted or pleads nolo contendere to a crime, or commits a fraud or defalcation, against the Company, GFInet or any Affiliated Company; (f) a Member competes with, solicits the employees, customers or accounts of, or misappropriates the trade secrets of GFInet or any Affiliated Company; (g) the Member's employment is terminated for cause or the Member terminates employment prior to the end of the term of any employment agreement with GFInet or any Affiliated Company; (h) a Member becomes disabled for specific periods of time; (i) a Member becomes

subject to certain insolvency events as described in the Investment Company Agreement; (j) a Member dies or a Member's Units are held by an entity that liquidates, dissolves, or otherwise ceases operations without transferring the Units to Eligible Investors.

9. If a Member is required to withdraw, the Company may, in its sole discretion, require such Member to sell his Units to any person or entity designated by the Company who is eligible to participate in the Company. The value of the withdrawing Member's Units will be at least the lesser of (a) the amount actually paid by the Member to acquire the Units (plus interest, as determined by the Manager); or (b) the fair market value of the Units as determined at the time of repurchase by the Manager.

10. The terms of the withdrawals will be fully disclosed to each Eligible Investor at the time the Eligible Investor is invited to participate in the Company. The Company will send its Members an annual report regarding its operations, containing financial statements audited by independent accountants. The Company will maintain a file containing any financial statements and other information received from GFInet or issuers of Temporary Investments, if any, held by the Company, and will make such file available for inspection by Members. In addition, within 90 days after the end of each fiscal year, or as soon as practicable thereafter, the Company will transmit to each Member a report indicating his share of the income or losses of the Company for federal income tax purposes.

11. The Company expects to liquidate upon the initial public offering of GFInet securities or upon the end of any lock-up period that may be imposed upon the Company in connection with any public, firm commitment, underwritten, initial public offering pursuant to an effective registration statement under the 1933 Act. The Company may be dissolved upon such other circumstances as shall be fully disclosed in the Investment Company Agreement.

12. No sales load will be charged in connection with investment in the Company, no fees will inure to the benefit of GFInet or the Manager, and the Company will not be promoted by persons seeking to profit from investment in the Company. No compensation will be paid by the Company to the directors or officers of GFInet or the Manager for their services to the Company other than reimbursement for reasonable and necessary out-of-pocket expenses incurred during the course of

conducting the business of the Company.

Applicants' Legal Analysis

1. Section 6(b) of the Act provides, in part, that the Commission will exempt employees' securities companies from the provisions of the Act to the extent that the exemption is consistent with the protection of investors. Section 6(b) provides that the Commission will consider, in determining the provisions of the Act from which the company should be exempt, the company's form of organization and capital structure, the persons owning and controlling its securities, the price of the company's securities and the amount of any sales load, how the company's funds are invested and the relationship between the company and the issuers of the securities in which it invests. Section 2(a)(13) defines an employees' securities company, in relevant part, as any investment company all of whose securities are beneficially owned (a) by current or former employees, or persons on retainer, of one or more affiliated employers, (b) by immediate family members of such persons, or (c) by such employer or employers together with any of the persons in (a) or (b).

2. Section 7 of the Act generally prohibits an investment company that is not registered under section 8 of the Act from selling or redeeming its securities. Section 6(e) provides that, in connection with any order exempting an investment company from any provision of section 7, certain provisions of the Act, as specified by the Commission, will be applicable to the company and other persons dealing with the company as though the company were registered under the Act. Applicants request an order under sections 6(b) and 6(e) of the Act for an exemption from all provisions of the Act *except* section 9, section 17 (other than certain provisions of paragraphs (a), (d), (f), (g) and (j)), section 30 (other than certain provisions of paragraphs (a), (b), (e), and (h)), sections 36 through 53, and the rules and regulations thereunder.

3. Section 17(a) generally prohibits any affiliated person of a registered investment company, or any affiliated person of an affiliated person, acting as principal, from knowingly selling or purchasing any security or other property to or from the company. Applicants requests an exemption from section 17(a) to permit the Company (a) to purchase from GFInet securities to be issued by GFInet; (b) to sell to GFInet, or any affiliated person thereof (or any affiliated person of such an affiliated person) GFInet securities or Temporary Investments previously acquired by the

Company; and (c) to participate as a selling security-holder in a public offering of GFInet securities or in which GFInet or any affiliated person thereof (or any affiliated person or an affiliated person) acts as or represents a member of the selling group.

4. Applicants state that an exemption from section 17(a) is consistent with the protection of investors and the purposes of the Act. Applicants state that Company will ultimately be entirely invested in securities of GFInet. Applicants state that Members will be informed of the risks inherent in investing in the Company, the extent of the Company's dealings with GFInet, and the details of such investment. Applicants also state that, as financially sophisticated professionals, the Eligible Investors will be able to evaluate the attendant risks. Applicants assert that the community of interest among the Members and GFInet will provide the best protection against any risk of abuse.

5. Section 17(d) of the Act and rule 17d-1 prohibit any affiliated person or principal underwriter of a registered investment company, or any affiliated person of an affiliated person or principal underwriter, acting as principal, from participating in any joint arrangement with the company unless authorized by the Commission. Applicants request approval to permit the Company to make investments in which GFInet, or any affiliated person of the Company or GFInet, or an affiliated person of such person, is a participant or plans concurrently or otherwise directly or indirectly to become a participant.

6. Applicants submit that any joint investments will not involve abuses of the type section 17(d) and rule 17d-1 were designed to prevent. Applicants state that the Company will participate in the purchase of GFInet shares on the same terms as those offered to any affiliated person or unrelated party. Applicants note that the Company will primarily be organized for the benefit of the Eligible Investors, as an incentive for them to remain with GFInet and for the generation and maintenance of goodwill.

7. Section 17(f) designates the entities that may act as investment company custodians, and rule 17f-1 imposes certain requirements when the custodian is a member of a national securities exchange. Rule 17f-2 under the Act specifies the requirements that must be satisfied for a registered management investment company to act as a custodian of its own investments. Applicants request an exemption from section 17(f) and rule 17f-2 to permit the following exceptions from the

requirements of rule 17f-2: (a) compliance with paragraph (b) of the rule may be achieved through safekeeping in the locked files of the Manager or GFInet; (b) for purposes of paragraph (d) of the rule: (i) employees, the Manager or GFInet will be deemed employees of the Company, (ii) officers of the Company or the Manager or GFInet will be deemed to be officers of such Company; and (iii) the Manager or the directors of the Manager or GFInet will be deemed to be the board of directors of the Company; and (c) instead of the verification procedure under paragraph (f) of the rule, verification will be effected quarterly by two employees of GFInet or the Manager. Applicants expect that the Company's investments in GFInet securities will be evidenced only by non-negotiable share certificates and the Company's Temporary Investments, if any, will be evidenced only by book-entry, rather than negotiable certificates. Applicants assert that these instruments are most suitably kept in the Company's files, where they can be referred to as necessary.

8. Section 17(g) and rule 17g-1 generally require the bonding of officers and employees of a registered investment company who have access to its securities or funds. Rule 17g-1 requires that a majority of directors who are not interested persons take certain actions and give certain approvals relating to fidelity bonding. Applicants request relief to permit the Manager's officers and directors, who may be deemed interested persons, to take actions and make determinations as set forth in the rule. Applicants state that, because it is likely that all of the officers and directors of the Manager will be affiliated persons, the Company could not comply with rule 17g-1 without the requested relief. Applicants also state that the Company will comply with all other requirements of rule 17g-1.

9. Section 17(j) and rule 17j-1 make it unlawful for certain enumerated persons to engage in fraudulent or deceptive practices in connection with the purchase or sale of a security held or to be acquired by a registered investment company. Rule 17j-1 also requires that every registered investment company adopt a written code of ethics requiring that every person of the investment company report personal securities transactions. Applicants request an exemption from the provisions of rule 17j-1, except for the anti-fraud provisions of rule 17j-1(b), because they are unnecessarily burdensome as applied to the Company.

10. Applicants request an exemption from the requirements in sections 30(a),

30(b) and 30(e), and the rules under those sections, that registered investment companies prepare and file with the Commission and mail to their shareholders certain periodic reports and financial statements. Applicants contend that the forms prescribed by the Commission for periodic reports have little relevance to the Company and would entail administrative and legal costs that outweigh any benefit to the Members. Applicants request exemptive relief to the extent necessary to permit the Company to report annually to its Members in the manner prescribed for the Company in the Investment Company Agreement. Applicants also request an exemption from section 30(h) to the extent necessary to exempt the officers and directors of the Manager or others who may be deemed members of an advisory board of the Company from filing Forms 3, 4 and 5 under section 16(a) of the Securities Exchange Act of 1934 ("1934 Act") with respect to their ownership of Units in the Company. Applicants assert that, because there will be no trading market and the transfer of Units is severely restricted, these filings are unnecessary for the protection of investors and burdensome to those required to make them.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Each proposed transaction otherwise prohibited by section 17(a) or section 17(d) and rule 17d-1 to which the Company is a party (the "Section 17 Transactions") will be effected only if the Manager determines that: (a) the terms of the transaction, including the consideration to be paid or received, are fair and reasonable to the Members of the Company and do not involve overreaching of the Company or its Members on the part of any person concerned; and (b) the transaction is consistent with the interests of the Members of the Company, the Company's organizational documents and the Company's reports to its Members.

In addition, the Manager of the Company will record and preserve a description of Section 17 Transactions, its findings, the information or materials upon which its findings are based and the basis for the findings. All such records will be maintained for the life of the Company and at least two years thereafter, and will be subject to examination by the Commission and its staff. All such records will be maintained in an easily accessible place for at least the first two years.

2. If purchases or sales are made from or to an entity affiliated with the Company by reason of a 5% or more investment in such entity by the officers, directors or employees of the Manager, such officers, directors, or employees will not participate in the determination of whether or not to make such investment available to the Members of the Company.

3. In connection with the Section 17 Transactions, the Manager will adopt, and periodically review and update, procedures designed to ensure that reasonable inquiry is made, prior to the consummation of any Section 17 Transaction, with respect to the possible involvement in the transaction of any affiliated person or promoter or principal underwriter for the Company, or any affiliated person of such a person, promoter or principal underwriter.

4. The Manager of the Company will not make available to Members of the Company any investment in which a "Coinvestor" (as defined below) has acquired or proposes to acquire the same class of securities of the same issuer, if the investment involves a joint enterprise or other joint arrangement within the meaning of rule 17d-1 in which the Company and the Coinvestor are participants, unless any such Coinvestor, prior to disposing of all or part of its investment (a) gives the Members of the Company holding such investment sufficient, but not less than one day's, notice of its intent to dispose of its investment; and (b) refrains from disposing of its investment unless the Members of the Company holding such investment have the opportunity to dispose of their investment prior to or concurrently with, and on the same terms as, and pro rata with, the Coinvestor. The term "Coinvestor" means any person who is: (a) an "affiliated person" (as such term is defined in section 2(a)(3) of the Act) of the Company; (b) the Manager and any entities controlled by the Manager; (c) a current or former officer, director or employee of the Manager; (d) an investment vehicle offered, sponsored, or managed by the Manager or an affiliated person of the Manager; or (e) a company in which the Manager or an officer or director of the Manager acts as an officer, director, or general partner, or has a similar capacity to control the sale or other disposition of the company's securities. The restrictions contained in this condition, however, will not be deemed to limit or prevent the disposition of an investment by a Coinvestor: (a) to its direct or indirect wholly owned subsidiary, to any company (a "parent") of which such

Coinvestor is a direct or indirect wholly owned subsidiary, or to a direct or indirect wholly owned subsidiary of its parent; (b) to immediate family members of such Coinvestor or a trust or other investment vehicle established for any such family member; (c) when the investment is comprised of securities that are listed on any exchange registered as a national securities exchange under section 6 of the 1934 Act; or (d) when the investment is comprised of securities that are national market system securities pursuant to section 11A(a)(2) of the 1934 Act and rule 11Aa2-1 under the 1934 Act.

5. The Company will send to each Member who had an interest in the Company at any time during the fiscal year then ended, Company financial statements audited by independent accountants. At the end of each fiscal year, the Manager will make a valuation or have a valuation made of all of the assets of the Company as of such fiscal year end in a manner consistent with customary practice with respect to the valuation of assets of the kind held by the Company. In addition, within 90 days after the end of each fiscal year of the Company or as soon as practicable thereafter, the Manager will send a report to each person who was a Member at any time during the fiscal year then ended, setting forth such tax information as shall be necessary for the preparation by the Member of his or its federal and state income tax returns and a report of the investment activities of the Company during such year.

6. The Company will maintain and preserve, for the life of the Company and at least two years thereafter, such accounts, books, and other documents as constitute the record forming the basis for the financial statements and annual reports of the Company to be provided to the Members, and agree that all such records will be subject to examination by the Commission and its staff. All such records will be maintained in an easily accessible place for at least the first two years.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 01-4115 Filed 2-16-01; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43915; File No. SR-NASD-00-82]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Assessment of Fees for Unit Investment Trusts Included in Nasdaq's Mutual Fund Quotation Service

February 1, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on December 26, 2000, the National Association Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq") 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 Nasdaq.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is proposing to amend NASD Rule 7090 pertaining to the fees assessed for Unit Investments Trusts ("UITs") included in the Mutual Fund Quotation Service ("MFQS"). Proposed new language is underlined; proposed deletions are in brackets.

* * * * *

7090. Mutual Fund Quotation Service

(a) Funds and Unit Investment Trusts included in the Mutual Fund Quotation Service ("MFQS") shall be assessed an annual fee of \$400 per fund *or trust* authorized for the News Media Lists and \$275 per fund *or trust* authorized for the Supplemental List. Funds *or trusts* authorized during the course of an annual billing period shall receive a proration of these fees but no credit or refund shall accrue to funds *or trusts* terminated during an annual billing period. In addition, there shall be a one-time application processing fee of \$250 for each new fund *or trust* authorized.

(b) *If a Unit Investment Trust expires by its own terms during an annual billing period and is replaced within three months by a trust that is materially similar in share class and trust objective, the replacing trust shall not be charged a one-time application fee. In addition, the replacing trust shall*

not be charged an annual fee if the expiring trust has already paid an annual fee for that annual billing period.

(c) [(b)] Funds included in the MFQS and pricing agents designated by such funds ("Subscriber"), shall be assessed a monthly fee of \$75 for each logon identification obtained by the Subscriber. A Subscriber may use a logon identification to transmit to Nasdaq pricing and other information that the Subscriber agrees to provide to Nasdaq.

* * * * *

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 NASD 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. Nasdaq 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

Nasdaq's MFQS collects and disseminates data pertaining to the value of open-end and closed-end mutual funds and UITs. Currently, the MFQS disseminates the valuation data for over 11,000 funds. The MFQS facilitates this process by permitting funds included in the MFQS (or pricing agents designated by such funds) to use the browser-based technology to transmit directly to Nasdaq a multitude of pricing information, including information about a fund's net asset value, offer price, and closing market price.

NASD Rule 7090 sets forth the fees assessed for the inclusion of mutual funds in the MFQS. NASD Rule 7090 currently provides for the assessment of an annual fee of \$400 per fund authorized for the News Media Lists, \$275 per fund authorized for the Supplemental List, and a one-time application processing fee of \$250 for each new fund authorized for either list. Funds authorized during the course of an annual billing period are assessed prorated fees, but no credit or refund accrues to funds terminated during an annual billing period. The application fee partially offsets the costs Nasdaq

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

incurs for the Fund Operations personnel, who are required to review, record, and input each fund into the MFQS system to be available for update and subsequent dissemination to the electronic or newspaper subscribers.

Nasdaq proposes to amend NASD Rule 7090 to assess application and annual fees for the inclusion of UITs in the same manner as it currently assesses those fees for funds, in all but one respect. Nasdaq proposes to eliminate the MFQS application fee in the limited circumstances where a UIT currently listed in MFQS expires and is replaced within a three-month period of time by a trust that is materially the same. This fee-waiver recognizes the fact that UITs, unlike open or closed-end funds, often exist in the market for finite periods of time, ranging from 12 months to 30 years.

A replacement UIT will be deemed to be materially similar to an expiring UIT if it is of the same share class and objective of the trust it is replacing. Nasdaq's Fund Operations staff will be responsible for reviewing, validating and approving trusts to determine whether they meet these criteria. If the expiring trust is not replaced by a trust of the same material nature within three months after expiration, or if Nasdaq staff determines that the trust is not materially similar, the listing firm will be required to pay the application fee upon listing the new UIT. The fee-waiver will operate as follows:

- January 2001: Trust A originally lists with MFQS. Termination date for this trust is February 2002. This fund pays its application fee of \$250.00 and annual listing fee of \$275.00 for 2001.
- January 2002: Trust A pays its annual fee for 2002.
- February 2002: Trust A expires.
- March 2002: Trust A is replaced by Trust B, which is determined to be materially like Trust A. Trust B will not incur any application fee and will assume the annual listing fee paid by Trust A.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Sections 15A(b)(6)³ and Section 11A⁴ of the Act. Section 15A(b)(6) requires that the rules of a registered national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principals of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing

information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In section 11A(a)(1)(C), Congress found that is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure: (1) Economically efficient execution of securities transactions; (2) fair competition among brokers and dealers; (3) the availability to brokers, dealers and investors of information with respect to quotations and transactions in securities; (4) the practicability of brokers executing investors orders in the best market; and (5) an opportunity for investors orders to be executed without the participation of a dealer.

Nasdaq believes that the proposed rule change is consistent with the provisions of Sections 15A(b)(6) and 11A(a)(1)(C) of the Act because the proposal protects investors and the public interest by promoting better processing of price information in UITs. Nasdaq believes that the proposed listing fees will encourage the listing of UITs, thereby providing greater pricing information for a broader base of investments for which there is significant investor interest. Nasdaq also believes that the proposed listing fees will enable Nasdaq to identify, screen and list *bona fide* UITs with a meaningful investor base and trading interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Nasdaq has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii)

as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Person making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer to File No. SR-NASD-00-82 and should be submitted by March 13, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁵

Margaret H. McFarland,
Deputy Secretary.

[FR Doc. 01-3239 Filed 2-16-01; 8:45 am]

BILLING CODE 8010-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-43953; File No. SR-NASD-01-12]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Extend a Pilot Program Making Available Certain Nasdaq Services and Facilities Until 6:30 p.m. Eastern Time

February 12, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934

³ 15 U.S.C. 78o-3(b)(6).

⁴ 15 U.S.C. 78k-1.

⁵ 17 CFR 200.30-2(a)(12).

("Act"),¹ and Rule 19b-4 thereunder,² notice is hereby given that on February 6, 2001, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to section 19(b)(3)(A) of the Act,³ and Rule 19b-4(f)(6) thereunder,⁴ which renders the proposal effective upon filing with the Commission.⁵ 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

Nasdaq proposes to extend, through March 1, 2002, its pilot program making available several Nasdaq services and facilities until 6:30 p.m.⁶

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Item IV below. Nasdaq 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

Nasdaq proposes to extend, through March 1, 2002, its pilot program that makes available certain Nasdaq systems and facilities until 6:30 p.m. The Commission originally approved the pilot on October 13, 1999.⁷ The pilot will continue to operate under the same terms and conditions as set forth in the

Commission's original approval order, including mandating 90-second trade reporting until 6:30 p.m. The pilot is currently scheduled to terminate on March 1, 2001.⁸

2. Statutory Basis

Nasdaq believes that the proposed extension is consistent with the provisions of section 15A(b)(6) of the Act⁹ in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

- (i) significantly affect the protection of investors or the public interest;
- (ii) impose any significant burden on competition; and
- (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act¹⁰ and Rule 19b-4(f)(6)¹¹ thereunder. 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.

Nasdaq has requested that the Commission accelerate the operative date. The Commission finds good cause to waive the 30-day operative waiting

period, because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow Nasdaq to continue the pilot without interruption, so that investors may reap the benefits of increased transparency and oversight of trading that occurs after-hours. For these reasons, the Commission finds good cause to waive both the 5-day pre-filing requirement and the 30-day operative waiting period.¹²

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-01-12 and should be submitted by March 13, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹³

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01-4094 Filed 2-16-01; 8:45 am]

BILLING CODE 8010-01-M

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with

¹² For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

¹³ 17 CFR 200.30-3(a)(12).

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b-4.

³ 15 U.S.C. 78s(b)(3)(A).

⁴ 17 CFR 240.19b-4(f)(6)

⁵ Nasdaq has asked the Commission to waive the 5-day pre-filing and the 30-day operative waiting period requirements. See Rule 19b-4(f)(6)(iii). 17 CFR 240.19b-4(f)(6)(iii).

⁶ All references to time are Eastern Time.

⁷ See Securities Exchange Act Release No. 42003 (October 13, 1999), 64 FR 56554 (October 20, 1999) (SR-NASD-99-57).

⁸ See Securities Exchange Act Release No. 43302 (September 19, 2000), 65 FR 57852 (September 26, 2000) (SR-NASD-00-56).

⁹ 15 U.S.C. 78o-3(b)(6).

¹⁰ 15 U.S.C. 78s(b)(3)(A).

¹¹ 17 CFR 240.19b-4(f)(6).

Pub. L. 104-13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503; (SSA)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1-A-21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

I. The information collection listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410-965-4145, or by writing to him at the address listed above.

1. *Request for Review of Hearing Decision/Order—0960-0277*. The information collected on form HA-520 is needed to afford claimants their statutory right under the Social Security Act to request review of a hearing decision. The data will be used to determine the course of action appropriate to resolve each issue. The respondents are claimants denied or dissatisfied with a decision made regarding their claim.

Number of Respondents: 100,500.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Average Burden: 16,750 hours.

II. The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him at the address listed above.

1. *Internet Social Security Benefits Applications (also known as ISBA)—0960-0618*. The ISBA (formerly the Internet Retirement Insurance Benefit or IRIB application) is one application that the Commissioner of Social Security will prescribe to meet the requirement to file an application for retirement and/or spouse's benefits. The ISBA application will be available on the Social Security Administration Internet site and will enable individuals to complete the application electronically on their own and submit the application over the Internet. Until SSA develops an acceptable electronic signature process, applicants will also print, sign and mail the ISBA statement with the required evidence that supports their retirement application. The information that SSA collects will be used to determine entitlement to retirement insurance benefits. The respondents are individuals and their spouses, if applicable, who choose to apply for retirement insurance benefits over the Internet.

Number of Respondents: 189,764.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 63,255 hours.

2. *Certificate of Responsibility for Welfare and Care of Child Not in Applicant's Custody—0960-0019*. SSA uses the information collected on form SSA-781 to decide if "in care" requirements are met by non-custodial parent(s), who is filing for benefits based on having a child in care. The respondents are non-custodial wage earners whose entitlement to benefits depends upon having an entitled child in care.

Number of Respondents: 14,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 2,333 hours.

3. *Questionnaire for Children Claiming SSI Benefits—0960-0499*. The information collected on form SSA-3881 is used by SSA to evaluate disability in children who apply for Supplemental Security Income (SSI) payments. The respondents are individuals who apply for SSI benefits for a disabled child.

Number of Respondents: 272,000.

Frequency of Response: 1.

Average Burden Per Response: 30 minutes.

Estimated Annual Burden: 136,000 hours.

Dated: February 13, 2001.

Frederick W. Brickenkamp,
Reports Clearance Officer.

[FR Doc. 01-4110 Filed 2-16-01; 8:45 am]

BILLING CODE 4191-02-P

SOCIAL SECURITY ADMINISTRATION

Privacy Act of 1974 as Amended; Computer Matching Program (SSA/ Railroad Retirement Board (RRB)) Match Number 1006

AGENCY: Social Security Administration (SSA).

ACTION: Notice of Computer Matching Program.

SUMMARY: In accordance with the provisions of the Privacy Act, as amended, this notice announces a computer matching program that SSA plans to conduct with RRB.

DATES: SSA will file a report of the subject matching program with the Committee on Governmental Affairs of the Senate, the Committee on Government Reform and Oversight of the House of Representatives, and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The matching program will be effective as indicated below.

ADDRESSES: Interested parties may comment on this notice by either telefax to (410) 966-2935 or writing to the Associate Commissioner, Office of Program Support, 2-Q-16 Operations Building, 6401 Security Boulevard, Baltimore, MD 21235-6401. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: The Associate Commissioner for Program Support as shown above.

SUPPLEMENTARY INFORMATION:

A. General

The Computer Matching and Privacy Protection Act of 1988 (Public Law (Pub. L.) 100-503), amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101-508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records.

It requires Federal agencies involved in computer matching programs to:

- (1) Negotiate written agreements with the other agency or agencies participating in the matching programs;
- (2) Obtain the Data Integrity Boards' approval of the match agreements;
- (3) Furnish detailed reports about matching programs to Congress and OMB;
- (4) Notify applicants and beneficiaries that their records are subject to matching; and
- (5) Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

B. SSA Computer Matches Subject to the Privacy Act

We have taken action to ensure that all of SSA's computer matching programs comply with the requirements of the Privacy Act, as amended.

Dated: February 12, 2001.

Glenna Donnelly,

Acting Deputy Commissioner for Disability and Income Security Programs.

Notice of Computer Matching Program, Railroad Retirement Board (RRB) With the Social Security Administration (SSA)

A. Participating Agencies

SSA and Railroad Retirement Board (RRB).

B. Purpose of the Matching Program

The purpose of this agreement is to establish the conditions under which RRB agrees to disclose RRB annuity payment data to the Social Security Administration through a computer matching program. This disclosure will provide SSA with information necessary to verify Supplemental Security Income (SSI) program and Special Veterans Benefits (SVB) eligibility and benefit payment amounts. It also helps to ensure the correct recording on the Supplemental Security Record (SSR) of railroad annuity amounts paid to SSI and SVB recipients by RRB.

C. Authority for Conducting Matching Program

The legal authority for the SSI portion of this matching program is contained in sections 1631(e)(1)(A) and (B) and 1631(f) of the Social Security Act ("Act"), (42 U.S.C. 1383(e)(1)(A) and (B) and 1383 (f)). The legal authority for the SVB portion of this matching program is contained in section 806(b) of the Act, (42 U.S.C. 1006(b)).

D. Categories of Records and Individuals Covered by the Matching Program

On the basis of certain identifying information as provided by SSA to RRB, RRB will provide SSA with electronic files containing annuity payment data from RRB's system of records, RRB-22 Railroad Retirement, Survivor, and Pensioner Benefits System, entitled Checkwriting Integrated Computer Operation (CHICO) Benefit Payment Master. SSA will then match the RRB data with data maintained in the SSR, SSA/OSR, 60-0103 system of records. SVB data also resides on the SSR.

E. Inclusive Dates of the Match

The matching program shall become effective no sooner than 40 days after notice for the program is sent to Congress and OMB, or 30 days after publication of this notice in the **Federal Register**, whichever date is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 01-4111 Filed 2-16-01; 8:45 am]

BILLING CODE 4191-02-P

DEPARTMENT OF STATE

[Public Notice No. 3569]

Office of Mexican Affairs; Notice of Receipt of Application for a Presidential Permit for a Conveyor Belt To Be Constructed and Maintained on the Borders of the United States

AGENCY: Department of State.

Notice is hereby given that the Department of State has received an application from Austin Industries L.L.C. of San Bernardino, California, for a Presidential Permit, pursuant to Executive Order 11423 of August 16, 1968, as amended by Executive Order 12847 of May 17, 1993, seeking authorization to construct a conveyor belt at a site east of the Otay Mesa/Mesa de Otay Port of Entry linking California and Baja California. The proposed conveyor belt would carry sand and gravel for use in construction projects in California. The conveyor belt would be approximately 275 feet long and four feet wide, supported by fixed "I" beams approximately 15 feet apart. When not in use, it would be stowed and locked entirely on the U.S. side of the border.

As required by E.O. 11423, the Department of State is circulating this application to concerned agencies for comment.

Interested parties may submit comments regarding this application in

writing by March 22, 2001 to Mr. David E. Randolph, Coordinator, U.S.-Mexico Border Affairs, Office of Mexican Affairs, WHA/MEX Room 4258, Department of State, Washington, DC 20520. The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for inspection in the Office of Mexican Affairs during normal business hours.

FOR FURTHER INFORMATION CONTACT:

David E. Randolph, Coordinator, U.S.-Mexico Border Affairs at the above address, by telephone at (202) 647-8529 or by fax at (202) 647-5752.

Dated: February 5, 2001.

David E. Randolph,

Coordinator, U.S.-Mexico Border Affairs, Department of State.

[FR Doc. 01-4144 Filed 2-16-01; 8:45 am]

BILLING CODE 4710-29-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Fallbrook Community Airpark, Fallbrook, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invites public comment on the release of two parcels, approximately four acres, of land at Fallbrook Community Airpark, Fallbrook, California, from all restrictions of the surplus property agreement. The land will be used to widen the Mission Road from two lanes to four lanes to improve the traffic flow in the Fallbrook area.

DATES: Comments must be received on or before March 22, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Robert A. Durant, Manager, Department of Public Works, County of San Diego, 5469 Kearny Villa Rd., Suite 305, San Diego, CA 92123-1142.

FOR FURTHER INFORMATION CONTACT: Mr. Ellsworth Chan, Manager, Safety & Standards Branch, AWP-620, 15000 Aviation Blvd., Lawndale, CA 90261,

Telephone: (301) 725-3620. The request to release airport property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

The following is a brief overview of the request:

County of San Diego requested the release of two parcels of land, approximately four acres, of airport property at Fallbrook Community Airpark, Fallbrook, California, from surplus property agreement obligations. The purpose of the release is to permit the sale of the property to San Diego County Roads Division for non-aviation uses. San Diego County Roads Division proposes to use the property for widening the Mission Road from two lanes to four lanes to improve the traffic flow in the Fallbrook area. The net proceeds will be utilized for airport improvements.

Issued in Hawthorne, California, on February 7, 2001.

Ellsworth Chan,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01-4150 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Request To Release Airport Property at the Shafter Airport, Shafter, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Request to Release Airport Property.

SUMMARY: The FAA proposes to rule and invites public comment on the release of approximately 44.70 acres of land at Shafter Airport, Shafter, California, from all restrictions of the surplus property agreement to facilitate an exchange for approximately 30.34 acres of land adjacent to the said airport. The land being released will be used for agricultural purposes.

DATES: Comments must be received on or before March 22, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation

Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Herman Ruddell, Airport Director, Shafter Airport, at the following address: 201 Aviation Street, Shafter, CA 93263.

FOR FURTHER INFORMATION CONTACT: Mr. Ellsworth Chan, Manager, Safety & Standards Branch, AWP-620, 15000 Aviation Blvd., Lawndale, CA 90261, Telephone: (310) 725-3620. The request to release airport property may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: On April 5, 2000, new authorizing legislation became effective. That bill, the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21), Public Law 10-181 (Apr. 5, 2000; 114 Stat. 61), requires that a 30 day public notice must be provided before the Secretary may waive any condition imposed on an interest in surplus property.

The following is a brief overview of the request:

Minter Field Airport District requested the release of approximately 44.70 acres of airport property at Shafter Airport, Shafter, California, from surplus property agreement obligations. The purpose of the release is to permit the property to be exchanged for a 30.45 acres private parcel adjacent to the airport. The land being released will be used for agricultural purposes. The fair market values for the two parcels are approximately the same.

Issued in Hawthorne, California, on February 7, 2001.

Ellsworth Chan,

Acting Manager, Airports Division, Western-Pacific Region.

[FR Doc. 01-4151 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

High Density Traffic Airports; Slot Allocation and Transfer Method

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Statement of policy.

SUMMARY: This action extends and modifies the temporary policy issued on November 11, 2000, regarding the minimum slot usage requirement for slots and slot exemptions at LaGuardia Airport for the winter season. This policy is extended through September 14, 2001. This extension coincides with the effective period of the AIR-21 slot

exemption allocation as a result of the lottery held on December 4, 2000. Also, the FAA amends the policy to permit the temporary turn-in of AIR-21 slot exemptions for weekend frequencies only. The extension of this policy will continue to assist carriers in addressing operational issues at LaGuardia Airport during this period by allowing limited flexibility of the slot usage requirement. **EFFECTIVE DATES:** Effective May 1, 2001.

FOR FURTHER INFORMATION CONTACT: Lorelei D. Peter, Office of the Chief Counsel, AGC-230, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone number 202-267-3073.

SUPPLEMENTARY INFORMATION

Background

On November 17, 2000, the FAA published in the **Federal Register** a statement of policy addressing the slot usage requirement at LaGuardia Airport given the current operating environment (65 FR 69601). This policy was necessary to address the level of delay that aircraft operating at LaGuardia were experiencing as a result of the increased number of operations pursuant to the "Wendell H. Ford Aviation Investment and Reform Act of the 21st Century" ("AIR 21"), enacted on April 5, 2000. As a result of AIR-21, air carriers meeting specified criteria could obtain new slot exemptions at New York's LaGuardia Airport (LaGuardia) and John F. Kennedy International Airport (JFK), Chicago's O'Hare International Airport (O'Hare) and Washington DC's Ronald Reagan Washington National Airport (National). Subsequent to this legislation, the Department of Transportation (Department) issued eight orders establishing procedures for the processing of various applications. The policy statement addressed all operations at LaGuardia, including those authorized under Order 2000-4-11 (La Guardia—Exemptions for air service to small and nonhub airports—limited to aircraft with a seating capacity of less than 71) and Order 2000-4-10 (LaGuardia—Exemptions for new entrant and limited incumbent air carriers).

As a result of the operational environment at LaGuardia, the FAA conducted a lottery of AIR-21 slot exemptions on December 4, 2000. Through this lottery, the FAA reallocated 159 exemption slots among the 13 participating carriers. (This is an increase of approximately 15 percent over pre-AIR-21 operations.) The slot exemptions reallocated by the lottery will remain in effect until September 15, 2001, when a permanent demand

management policy for the airport will be developed with the participation of all interested parties and can be implemented. Consequently, the FAA believes that an extension to September 15, 2001, of the current usage policy at LaGuardia is warranted. The agency amends the current policy by permitting the temporary turn-in of AIR-21 exemption slots for weekend frequencies only. The FAA believes that the reduction in operations at the airport as a result of the lottery will reduce the level of delays experienced by all operators. An extension of this policy will continue to allow carriers to realistically schedule their operations through this temporary allocation period.

Statement of Policy

As a result of the additional operations and the impact on the operating environment at LaGuardia, the FAA extends the temporary policy concerning the slot usage requirement for operations at LaGuardia until September 15, 2001.

The FAA will permit carriers operating slots at LaGuardia to temporarily return to the FAA slots issued under the authority of 14 CFR part 93. The FAA modifies the current policy to permit the temporary turn-in of AIR-21 slot exemptions for weekend frequencies only. The agency believes that the reduction in operations as a result of the lottery supports this modification to the current policy. Carriers that plan to return slots or weekend slot exemptions must notify the FAA Slot Administration Office in advance and provide the slot withdrawal number, frequency and effective period of the return. Slots and slot exemptions returned to the FAA under this policy will not be allocated to any other carrier during the effective period and will revert automatically to the operator at the expiration of the period for which it was returned. Carriers must contact the FAA Slot Administration Office concerning the date and frequency of restart-up should dates change. A carrier returning weekend slot exemptions under this policy will not need to recertify under Order 2000-4-10 and Order 2000-4-11 provided that all other certified conditions remain valid.

The FAA will treat a slot or slot exemption as used if the flight was scheduled but canceled for operational reasons and the slot would not otherwise have been subject to withdrawal. In the use or lose reports submitted to the FAA, carriers should indicate that flight was scheduled and, if appropriate, was canceled due to

operational reasons. Carriers may report a slot or slot exemption as operated only if the flight was in fact operated. The FAA advises carriers to retain records of such cancellations should the FAA request additional documentation regarding the reason for the cancellation.

This temporary policy on nonoperation or return of slots and weekend slot exemptions does not apply to the use or lose provisions for slots at other high density traffic airports unless the operator can provide clear and convincing evidence that a flight cancellation at that airport was directly related to the non-operation of a slot at LaGuardia, as described in the policy statement. This policy is not intended to provide blanket relief to any slot operator not meeting the minimum usage requirement due to reasons other than those discussed previously. It is also not intended to establish a basis for the FAA to routinely consider delays and traffic management programs as grounds for a usage waiver. Any waiver of the slot usage requirement at other high density airports for non-operation of flights at LaGuardia not covered by this policy will continue to be processed in accordance with 14 CFR 93.227.

Issued in Washington, DC, on February 14, 2001.

James W. Whitlow,
Deputy Chief Counsel.

[FR Doc. 01-4139 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice and Receipt of Noise Computability Program and Request for Review

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure maps submitted by Colorado Springs Airport under the provisions of 49 U.S.C. 47503(a) and 14 CFR part 150 are in compliance with applicable requirements. The FAA also announces that it is reviewing the proposed noise compatibility program that was submitted for Colorado Springs Airport under part 150 in conjunction with the noise exposure maps, and that this program will be approved or disapproved on or before August 7, 2001.

EFFECTIVE DATE: The effective date of the FAA's determination on the Colorado Springs Airport noise exposure maps and the start of its review of the associated noise compatibility program is February 8, 2001. The public comment period ends March 23, 2001.

FOR FURTHER INFORMATION CONTACT: Dennis Ossenkop, FAA, Airports Division, ANM-611, 1601 Lind Avenue, S.W., Renton, Washington, 98055-4056.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps for Colorado Springs Airport are in compliance with applicable requirements of part 150, effective February 1, 2001. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before August 7, 2001. This notice also announces the availability of this program for public review and comment.

Under 49 U.S.C. 47503(a), an airport operator may submit to the FAA a noise exposure map which meets applicable regulations and which depicts noncompatible land uses as of the date of submission of such map, description of projected aircraft operations, and the ways in which such operations will affect such map. 49 U.S.C. 47503(a)(1) requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies and persons using the airport.

An airport operator who has submitted a noise exposure map that has been found by FAA to be in compliance with the requirements of Federal Aviation Regulation (FAR) part 150, promulgated pursuant to 49 U.S.C. 47503(a) may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Director of Aviation for Colorado Springs Airport submitted to the FAA noise exposure maps, descriptions and other documentation which were produced during an airport Noise Compatibility Study. It was requested that the FAA review the noise exposure maps, as described in 49 U.S.C. 47503. It was also requested that the noise mitigation measures be approved as a noise compatibility program under 49 U.S.C. 47504.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by Colorado Springs Airport. The specific maps under consideration are Figures C19 and G1 in the submission. The FAA has determined that these maps for Colorado Springs Airport are in compliance with applicable requirements. This determination is effective on February 8, 2001. FAA's determination on an airport operator's noise exposure maps is limited to the determination that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on noise exposure maps submitted under 49 U.S.C 47503, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of 49 U.S.C. 47507. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the maps depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under 49 U.S.C. 47503 (a)(1). The FAA has relied on the certification by the airport operator, under section 150.21 of the FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for Colorado Springs Airport, also effective on February 8, 2001. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before August 8, 2001.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to the local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW, room 615, Washington, DC
Federal Aviation Administration, Airports Division, 1601 Lind Avenue, SW., Renton, Washington
Federal Aviation Administration, Denver Airports District Office, 26805 E. 68th Ave. Suite 224, Denver, Colorado
Colorado Springs Airport, Colorado Springs, CO.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Renton, Washington, February 8, 2001.

Matthew J. Cavanaugh,
Acting Manager, Airports Division, ANM-600, Northwest Mountain Region.

[FR Doc. 01-4155 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA-2000-8278]

High Density Airports; Disposition of Comments From Lottery of Slot Exemptions at LaGuardia Airport

AGENCY: Federal Aviation Administration, DOT.

ACTION: Disposition of comments.

SUMMARY: This notice disposes of comments filed in the docket concerning the lottery of slot exemptions at LaGuardia Airport.

FOR FURTHER INFORMATION CONTACT: David L. Bennett, Office of Airport Safety and Standards, Federal Aviation

Administration, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION

Background

On December 4, 2000, the FAA conducted a lottery to reallocate slot exemptions at LaGuardia Airport that were authorized under the "Wendell H. Ford Aviation Investment and Reform Act for the 21st Century" ("AIR-21"). At the lottery, participants were invited to comment on the lottery procedures by submitting written comments to the docket. The FAA advised that all comments received would be addressed via a notice in the **Federal Register**.

Disposition of Comments

Comments were submitted from Midwest Express Airlines ("Midwest Express"), the Air Carrier Association of America ("ACAA"), Delta Air Lines, Inc. ("Delta") and US Airways, Inc. ("US Airways").

US Airways commented that if Legend Airlines does not commence operations and Legend's slots are allocated in accordance with the contingency round, then US Airways should be next in line to select an additional slot, should one become available for whatever reason. (US Airways bases this comment on the fact that it received only one exemption time, while the other three participating carriers received two exemptions each.) US Airways also requests that should additional slots become available before September 15, 2001, it should be given the opportunity to trade the 2100-hour slot exemption that it received during the Legend contingency round for another slot. The 2100-hour slot exemption was not the slot time selected by Legend, but rather was a replacement for an 1800-hour exemption. US Airways obtained the 2100-hour slot time only because the real slot time selected by Legend was over subscribed.

Delta commented that the FAA should reject US Airways second request to trade the 2100-hour slot exemption should additional exemptions become available. Delta argues that US Airways' situation is solely the product of the lottery procedure established by the FAA and there is no legitimate basis to give US Airways priority over Delta who was forced to eliminate more flights at LaGuardia than any other carrier.

ACAA does not support US Airways comments and further proposes that any carrier that does not utilize a slot selected at the lottery by February 1, 2001, should be prohibited from exchanging that slot for another slot.

ACAA also comments that in the event that Legend does not resume operations, the slots selected by Legend should be made available to new entrant and limited incumbent carriers and not be allocated to the commuter carriers. In addition, ACAA requests that the FAA suspend the extra section authority, suspend the buy-sell rule for LaGuardia until October 1, 2001, and provide new entrants/limited incumbents with four daily "delay-free" arrivals. These last comments are beyond the purpose of this disposition of comments concerning the lottery and will not be addressed in this document.

Midwest Express urges the FAA to reconsider its statement during the lottery that only the four commuter participants are permitted to participate in the Legend contingency round and that should there be future slot turnbacks or use/lose violations, those four commuter participants would remain eligible for the slots.

The FAA agrees with US Airways' comments with respect to the limited issue that in the event that the contingency round is allocated among the other four participating carriers, US Airways would be next in line to select an available slot, since it only selected one slot during the contingency round. The FAA does not agree that in the event that the contingency round is allocated that US Airways should be entitled to the second available slot in order to swap that slot with the 2100 slot that it had to select.

The FAA does not agree with ACAA and Midwest Express that any future slot turnbacks should be reserved for new entrant/limited incumbent. In developing the lottery procedures, the agency strived to strike a balance between the policies set forth in AIR-21 and to provide a fair and equitable distribution between the two categories of operations, consistent with the provisions of AIR-21. Since the purpose of the lottery was to cap operations at a level that was more acceptable than the current level of operations, the FAA did not structure lottery procedures so that any carrier could grow its operations. Not including the commuter carriers, all new entrant and limited incumbent carriers retained the same number of slots that they operated prior to the lottery. Consequently, while new entrant and limited incumbent carriers are limited in their ability to grow, as is the same for the commuter carriers, they have not been forced to reduce operations.

If AIR-21 exemption slots are returned for the long-term, under current lottery procedures, all new entrants have received their full

allocations and thus would not be eligible for additional allocations. The FAA does not support changing the lottery procedures during this allocation period. The procedures set forth in the December 4, 2000, **Federal Register** notice will remain in effect until September 15, 2001.

Issued in Washington, DC on February 13, 2001.

James W. Whitlow,
Deputy Chief Counsel.

[FR Doc. 01-4149 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 194; ATM Data Link Implementation

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 194 meeting to be held March 12-15, 2001, starting at 1 p.m. on March 12. The meeting will be held at RTCA, 1140 Connecticut Ave., NW., Suite 1020, Washington, DC 20036.

The agenda will include: March 12: 1 p.m. Plenary Session: (1) Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Proposed Revision 3 to Committee Terms of Reference; (5) Status of the Free Flight Select Committee Update; (6) Status of Working Group (WG)-2's document, "DO-XXX Implementation Requirements for Service Integrated Flight Operations and Air Traffic Management Using Addressed Data Link" (DO-INTEGRATION); (7) Working Group Reports; March 13: 8:30 a.m. (8) WG-2, Flight Operations and ATM Integration; (9) WG-1, Data Link Ops Concept & Implementation Plan; March 14: 8:30 a.m. (10) WG-2 and WG-1 meetings continue; 1 p.m. (11) WG-4, Service Provider Interface; March 15: 9 a.m. Plenary Session: (12) Review Meeting Agenda; (13) Review Status of WG-2 document, DO-INTEGRATION; (14) Working Group Reports; (15) Other Business; (16) Data and Location of Next Meeting; (17) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202)

833-9434 (fax); or <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 12, 2001.

Janice L. Peters,
Designated Official.

[FR Doc. 01-4152 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Orange and San Diego Counties, California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

SUMMARY: The FHWA is issuing this revised notice to advise the public that an environmental impact statement will be prepared for a proposed transportation improvement project in southern Orange County and northern San Diego County, California. A previous Notice of Intent was published in the **Federal Register** on December 16, 1993 (58 FR 65758, Dec. 16, 1993) and public scoping meetings were held on August 25, 1994 and September 16, 1994.

FOR FURTHER INFORMATION CONTACT:

Robert L. Cady, Transportation Engineer, Federal Highway Administration, California Division, 980 Ninth Street, Suite 400, Sacramento, California 95814-2724. Telephone: (916) 498-5038.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the California Department of Transportation (Caltrans) will prepare an Environmental Impact Statement (EIS), on a proposal to locate and construct transportation infrastructure improvements in southern Orange County and northern San Diego County. The Transportation Corridor Agencies (TCA) is currently preparing a Subsequent Environmental Impact Report (SEIR) to comply with the review requirements of the state of California Environmental Quality Act. In an effort to eliminate unnecessary duplication and reduce delay, the document to be prepared, will be a joint EIS/SEIR in accordance with the President's Council on Environmental Quality Regulations as described in 40 Code of Federal Regulations (CFR), sections 1500.5 and 1506.2.

The purpose of the proposed project is provide improvements to the

transportation infrastructure system that would help alleviate future traffic congestion and accommodate the need for mobility, access, goods movement, and future traffic demands on the interstate Route (I-5) freeway and the arterial network in the southern Orange County area.

Alternatives under consideration include (1, 2, and 3) three southerly toll road extension alignments, including several variations thereof, from the existing terminus of the Foothill Transportation Corridor—North, State Route 241 (SR-241), at Oso Parkway; to the I-5 freeway near the Orange County/San Diego County line; (4) improvements to the local arterial system; (5) lane additions on I-5 in each direction between the I-5/I-405 confluence to Christianitos Road; and (6) no action. Note: As required by the National Environmental Policy Act (NEPA), all other reasonable alternatives will be considered. These alternatives may be refined, combined with various different alternative elements, or be removed from further consideration, as more analysis is conducted on the project alternatives.

In November of 1985, Orange County began consultation with State and local agencies for the southern segment of SR-241, identified as beginning just south of the Oso Parkway interchange and extending southerly to a connection with the I-5 freeway. The TCA has continued these consultations and held a scoping meeting for state and federal agencies regarding the proposed route. These consultations identified areas of special concern along the proposed route, including new highway and arterial roadway improvements and updates to portions of the baseline information, which were the focus of locally initiated EIR studies. FHWA believes that this early and continued consultation has been extensive and consistent with 40 CFR 1501.7. However, in order to inform potentially affected agencies and the general public of FHWA involvement, and to gather further comments regarding the new alternatives for study, three public scoping meetings will be held. The public scoping meetings will be held during the month of March 2001 with two meetings in south Orange County and one in north San Diego County. Public notice will be given of the time and place of the meetings.

To ensure that the full range of issues related to the proposed routes are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be

directed to the FHWA at the address provided above.

(Catalog of Federal Assistance Program Number 20.205, Highway Planning, and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: February 9, 2001.

Jeffrey W. Kolb,

Team Leader, Program Delivery Team—South, Sacramento, California.

[FR Doc. 01-4064 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA-2000-8410]

Younger Commercial Driver Pilot Training Program

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of receipt of proposal to initiate a pilot program; request for comments.

SUMMARY: The FMCSA announces it has received a proposal to initiate a pilot program to allow carefully selected, screened, trained and monitored individuals between the ages of 18 and 21 to work in truck driver jobs in interstate commerce. The FMCSA received the proposal from the Truckload Carriers Association (TCA) for approval of a pilot program that would include providing each participant with an exemption under 49 CFR part 381. The proposal is available in the public docket. Under current regulations, a driver must be at least 21 years of age to operate a commercial motor vehicle (CMV). We request comments on TCA's proposed pilot program as part of our review process.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the Docket Management Facility, U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001 FAX (202) 493-2251, on-line at <http://dmses.dot.gov/submit>. Comments submitted on the web site may be typed on-line or submitted as an attached file in one of the following acceptable formats: (1) American Standard Code Information Interchange (ASCII)(TXT);

(2) MS Word for Mac (Versions 6 to 8); (4) Portable Document Format (PDF); (5) Tag Image File Format (TIF); (6) Rich Text File (RTF); or (7) Word Perfect (WPD) (Versions 7 and 8). You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you want notification of receipt of comments, please include a self-addressed, stamped envelope or postcard or include a copy of the acknowledgment page that appears after you submit comments electronically.

FOR FURTHER INFORMATION CONTACT: Ms. Angeli Sebastian, Office of Bus and Truck Standards and Operations, (202) 366-4001, or Ms. Elaine Walls, Office of the Chief Counsel, (202) 366-1394, Federal Motor Carrier Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. Our office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Under longstanding Federal safety regulations (49 CFR 391.11(b)(1)), the minimum qualifications for a person to drive a CMV includes a requirement that the driver be at least 21 years of age. In its proposal, TCA states that the trucking industry has suffered from a long-standing and chronic shortage of drivers that has led to significant competition for drivers among trucking employers and high turnover. TCA's proposal is available for review in the public docket.

TCA states that many trucking companies find themselves with equipment that is unused because they cannot hire and retain enough safe drivers. More particularly, TCA states that the Federal regulation mandating a minimum age of 21 for interstate drivers is a barrier to employment because the usual three-year wait after high school graduation to enter commercial driver employment encourages potential employees to settle in other career fields.

TCA has asked the FMCSA to approve a pilot program on behalf of member companies who are willing to abide by the standards established for the program. These carriers would agree to incur the expense of providing job opportunities for drivers finishing the training program and for close supervision and monitoring of the safety progress of the younger drivers enrolled in the program. TCA's proposal would

allow a non-TCA member motor carrier to participate in the pilot program if it abides by all the standards established for the program.

FMCSA Authority Concerning Pilot Programs

On June 9, 1998, the President signed the Transportation Equity Act for the 21st Century (TEA-21) (Pub. L. 105-178, 112 Stat. 107). Section 4007 of the TEA-21 amended 49 U.S.C. 31315 and 31136(e) concerning the Secretary of Transportation's (the Secretary's) authority to grant waivers from the Federal Motor Carrier Safety Regulations (FMCSRs) for anyone seeking relief from the requirements. The statute provides the Secretary with the authority to grant waivers and exemptions.

On December 8, 1998, the agency published an interim final rule on waivers, exemptions, and pilot programs (63 FR 67612). 49 CFR 381 subparts D, E and F (sections 381.400 to 381.600) codifies section 4007(c) of TEA-21 and explains the procedures followed by the agency when considering proposals for pilot programs.

Section 4007 of the TEA-21 authorizes the Secretary to conduct pilot programs to allow innovative alternatives to certain provisions of the FMCSRs to be tested. During a pilot program, the FMCSA may grant an exemption to approved participants. These programs may include exemptions from one or more regulations. The FMCSA must publish in the **Federal Register** a detailed description of each pilot program, including the exemptions being considered, and provide notice and an opportunity for public comment before the effective date of the program. In order to approve a pilot program, FMCSA is required to demonstrate that the safety measures in the pilot programs are designed to achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved through compliance with the safety regulations. The duration of pilot programs is limited to three years from the starting date.

The FMCSA is required to immediately revoke participation of a motor carrier, an operator of a commercial motor vehicle, or a driver for failure to comply with the terms and conditions of the pilot program, or to immediately terminate a pilot program if continuing it is inconsistent with the goals and objectives of the safety regulations issued under the authority of 49 U.S.C. Chapter 313 or 49 U.S.C.

31136. These requirements are set out in 49 CFR 381.510.

The pilot program plan must include a specific data collection and safety analysis plan that identifies a method for comparison for determining an equivalent level of safety. A reasonable number of participants are necessary to yield statistically valid findings. There must also be a plan to inform State partners and the public about the pilot program and to identify approved participants to safety compliance and enforcement personnel and to the public. The pilot program plan must include adequate countermeasures to protect the health and safety of study participants and the general public. An oversight plan must be in place to ensure that participants comply with the terms and conditions of participation.

At the conclusion of each pilot program, the FMCSA is required to report its findings and conclusions of the study to Congress and make any recommendations it determines appropriate as a result of the study (*see* section 4007(c)(5) of the TEA-21 and 49 CFR 381.520). This would include suggesting amendments to laws and regulations that would enhance motor carrier, CMV, and driver safety and improve compliance with the FMCSRs.

Overview of the Proposed Pilot Program

On October 2, 2000, the TCA sent the FMCSA a petition for a pilot program to allow drivers under age 21 to operate CMVs in interstate commerce. The proposal builds on earlier work the TCA discussed with staff at FMCSA and includes a proposed curriculum and a document labeled "Questions and Answers." The petition and these two supporting documents are available in the public docket described under **ADDRESSES** above.

The pilot program proposed by TCA would involve a minimum of 48 weeks of intensive classroom and driving instruction and supervision that is designed to lead to full-time employment as an interstate commercial motor vehicle driver in the trucking industry. Each younger driver (18 to 21 years of age) would attend an approved truck driver training school for a minimum of 22 weeks and receive 8 weeks of training in a motor carrier's "driver finishing" program (a course of instruction and on-the-job training offered by motor carriers that would further develop the younger driver's basic skills, as well as develop greater maturity and judgment, under the daily direction and guidance of an experienced driver trainer). This would

be followed by 18 weeks of team driving with an older, more experienced driver. Younger drivers would be required to pass the performance standards of the entire 48-week program and reach the age of 19 to begin solo driving.

Structure of the Younger Commercial Driver Training and Exemption Pilot Program

The proposed plan is grounded upon a consortium of participating schools and motor carriers that would train approximately 1000 drivers who are under the Federal minimum age requirement of 21. TCA's proposal stated that the number of participating schools is expected to be approximately ten.

The proposal includes expressions of interest from The American Institute of Technology in Phoenix, AZ; John Wood Community College of Quincy, IL; National Tractor-Trailer School in Liverpool and Buffalo, NY; Allstate Career School in Lester, PA; Houston Community College in Houston, TX; Bates Technical Institute in Tacoma, WA; and Fox Valley Technical College in Appleton, WI. In addition, Arkansas State University in Newport, AR, and Delta Technical Institute in Marked Tree, AR, have submitted applications to have their driver training courses certified as equivalent to the curriculum submitted by TCA and developed by the Professional Truck Driver Institute (PTDI) in order to participate in the pilot program.

A new course of instruction has been developed specifically for the proposed pilot program. The course standards and curriculum were developed by PDTI based on the experience, needs and challenges facing an 18 to 20 year old driver. The proposed program involves a minimum of 48 weeks of intensive classroom and behind-the-wheel (BTW) instruction and supervision that leads to full-time employment as an interstate commercial driver. TCA states that it is designed to provide qualified entry-level 18 to 20 year old drivers with a program of instruction in the safe and responsible operation of tractor-trailer vehicles that enables them to advance to solo drivers. The program would be nearly 4 times the length of the average entry-level truck driver training course for students 21 and older. A regular PTDI-approved entry-level course lasts between 6 to 8 weeks. The proposed pilot program would require 22 weeks of instruction. The driver finishing phase for current entry-level training programs typically lasts 4 to 6 weeks. Driver finishing under the proposed pilot program would last 8 weeks. The proposed pilot program adds an

additional "team driving" requirement for 18 weeks before the 18 to 20-year old is cleared to drive solo.

PTDI/TCA hosted a meeting of interested motor carriers, truck driver training schools and insurance companies in Washington, DC on March 8 and 9, 2000, to review the PTDI Standards and Requirements for Entry-Level Tractor and Trailer courses and Certification Standards and Requirements for Tractor-trailer Driver Finishing Programs as a baseline for the development of the Younger Driver Program Standards. On May 3, 2000, the PTDI Board of Directors approved the skill, curriculum, and course standards that are included as attachment B to the TCA proposal in the docket.

TCA expects that twenty carriers or fewer would participate in the proposed pilot program, and the proposal includes expressions of interest from Maverick Transportation in Little Rock, AR; P.A.M. Transport in Tontitown, AR; Ronnie Dowdy, Inc. in Batesville, AZ; Southern Transit in Fort Smith, AK; USA Truck in Van Buren, AR; Willis Shaw Express in Elm Springs, AR; PGT Trucking in Monaca, PA; US Express Enterprises in Chattanooga, TN; Schneider National Carrier, Inc. in Green Bay, WI; Werner Enterprises in Omaha, NE; D.M. Bowman in Williamsport, MD; and CRST in Cedar Rapids, IA.

PTDI would prepare an application to identify qualifying schools and carriers, together with a self-evaluation report to help in the initial school and carrier selection process. It would send final standards and an application to interested schools and carriers in sufficient time for them to adopt any necessary changes before the pilot program begins. PTDI would prepare an evaluation manual for schools and carriers.

The Eligible Student Driver

Under the proposed plan, a student would be required to meet minimum DOT, State, Federal and/or local laws and regulations related to physical requirements for truck drivers without any exemption required (except age), pass a drug screening test administered by the school, possess a driving record with no chargeable crashes (excluding minor crashes with damage only to property), have no DOT-reportable crashes, no serious speeding tickets (i.e., 15 miles above the posted limit), and have no citations or convictions in connection with crashes or traffic violations, such as, reckless driving or driving under the influence of drugs or alcohol. Under the proposal, if a student violates any one of the eligibility

requirements in any phase of the pilot program, the student would be expelled from the program.

In the proposal, each student would be required to be a high school graduate, hold a high school equivalency diploma, or be determined to have a demonstrated "ability to benefit" which requires passage of a standardized test administered by the United States Department of Education. A carrier participating in a pilot program would need to approve a student driver's qualifications; a carrier would need to make a conditional offer of employment when the student enters the program. Further, the potential student driver would need to pass a screening test, administered by a third party, that would inquire into a potential driver candidate's behavior, aptitude, strengths and weaknesses, and job expectations.

The Eligible School

Under the proposal, an eligible school would be required to have a training course certified by PTDI or an equivalent course. The school would be required to have sufficient accreditation so that younger drivers are eligible for Federal student loans. Schools would need to secure certification from PTDI or an equivalent certifying-body for a new course that is designed especially for this pilot program. The new course would incorporate instruction material that teaches life skills, over-the-road management, financial management, and family management, as well as advanced truck driving knowledge and skills.

Participants also would receive instruction in the U.S. Department of Transportation's "No-Zone" program, which provides information on the location of the truck's blind spots, the Federal Motor Carrier Safety Regulations, and other valuable information about how to share the road with other highway users.

Under the proposal, the course would last a minimum of 22 weeks (or 460 hours) and include 14 weeks (or 280 hours) of classroom instruction as well as 8 weeks (or 160 hours) of instruction actually in the truck. The student would spend at least 88 hours of the 160 total hours BTW, with an additional 72 hours spent either BTW or observing the operation of the truck by another student or course instructor. Tuition for the school portion of the proposed pilot program could range from \$4,500-\$10,000 per student.

The Eligible Carrier

Under the proposal, a carrier (employer) participating in the pilot program would have to have a

"Satisfactory" U.S. DOT safety rating and a crash rate below the industry average, according to DOT statistics. Its insurance company would have to agree to provide coverage for younger drivers on a selective basis. The carrier would have to agree to assure trucks operated by the younger drivers would travel no more than 68 miles per hour and participate in a "1-800 How's My Driving" or comparable program that allows motorists to report any unsafe driving behavior to the company through a toll free number. Further, the carrier would have to agree not to allow younger drivers to operate CMVs which would require any type of commercial driver's license endorsement (i.e., hazardous materials, double/triple trailers, tank vehicles, passengers) while in the program.

Program Monitoring

The proposed pilot program would last 3 years and would include the following monitoring procedures and elements by the sponsor TCA:

1. *Finishing Program.* A driver finishing program is a course of instruction and on-the-job training offered by motor carriers. The driver finishing program offered by participant carriers in the pilot program would have to be certified by PTDI (or an equivalent body) and include at least 8 weeks (or 460 hours) of training with a carefully screened, professional driver-trainer. Of the 460 hours, 288 would be BTW hours with a trained driver. The minimum number of hours is an average of 36 hours per week over the eight weeks of training and in strict compliance with the hours of service requirement. The additional 172 hours could be observational or driving time. The participant carrier would pay each student an agreed upon rate during the finishing process.

Under the proposal, a driver-trainer would be required to be at least 25 years old, have at least one year of experience as a licensed commercial driver, and during the previous 12 months, have no chargeable/recordable crashes, have no driver out-of-service violations and no convictions for any violations listed in the commercial driver's license regulations (49 CFR 383.5 and 383.51). In addition, the driver-trainer would be required to satisfy all State regulatory requirements and any additional requirements under the carrier's safety policies and meet all Federal or provincial motor carrier safety regulations or other Federal or State requirements that relate to the operation of a commercial motor vehicle. Finally, the driver-trainer would be required to be experienced in all four seasons of

driver operations; to have completed a 3-day program on coaching and communication skills; and to have satisfied company management, through examination or otherwise, that he or she is qualified to be a driver trainer in the pilot program. The carrier would be required to have a mentoring program that would assign a mentor to the younger driver from the first day of employment until the driver turned 21. Mentors would receive special training; interaction between the mentor and the younger driver would occur regularly, and mentors would be required to be outside the direct supervisory and appraisal loop of the training. The carrier would regularly communicate with the school regarding the student's progress through the program.

2. *Team Operations.* After completion of the finishing program and after the school and carrier agree that a student exhibits the necessary and desirable skills and judgment, he or she would transition to a team operation for a minimum of 18 weeks (or 720 hours of BTW). Under the proposal, the lead team driver would have the following qualifications: 25 years of age or older; no chargeable (excluding minor damage to property only) or DOT-recordable crashes in the previous 12 months; no convictions for any violations listed in commercial driver's license regulations (49 CFR 383.5 and 383.51) in the previous 12 months; and at least one year of experience as an over-the-road driver in solo operations. During the team-driving phase of the program, the younger driver would earn a salary that will be above the minimum wage.

3. *Solo Ready.* Under the proposal, the carrier and school would agree when a student, who is at least 19 years of age, is eligible to drive solo. The carrier would monitor the driver's performance and provide safety training every three months until the driver was 21 years of age. During the solo phase, students participating in the pilot program could change driving jobs, but only to work for another carrier participating in the pilot program. If a younger driver drops out, the exemption issued under the program would be revoked, and the student would not be eligible to drive a CMV until he or she reaches the age of 21.

4. *Monitoring and Evaluation.* Under the TCA proposal, each carrier participating in the program would provide monitoring of each younger driver from the day the driver began team driving operations until the driver's 21st birthday. To satisfy the monitoring requirements, monitoring would, at a minimum, include: face-to-face meetings with the younger driver

every 3 months; monthly reviews of the younger driver's hours-of-service logs; regular analysis of maintenance records for the truck operated by the younger driver; and immediate temporary or permanent suspension from driving in the event of any crashes, moving violations, or out-of-service violations.

Carriers would follow a prescribed program to ensure, on a continuing basis, that the younger driver possessed and exhibited the skills and judgment necessary to operate a commercial motor vehicle safely. Participating carriers would be required to pay specific attention to hours-of-service compliance, out-of-service violations, crashes, and moving violations. TCA would develop and enforce disqualification criteria.

TCA proposes that a younger driver would be temporarily removed from the pilot program if he or she received any citation, in a commercial or private vehicle, for speeding, driving under the influence, or reckless driving, and permanently removed if convicted. Any at-fault crash on public roads or highways would similarly bar a younger driver from continued participation in the pilot program. Any other violation or demonstrated instance of poor judgment would require the younger driver, if he or she desires to remain in the program, to submit to carrier or school-sponsored counseling to evaluate the driver's attitude, behavior, judgment, and understanding of applicable regulations.

FMCSA Evaluation of the Proposal

The FMCSA has received this proposal submitted in accord with 49 CFR 381.410 and is interested in public comment on whether such a pilot program can ensure a level of safety that is equal to or greater than the level of safety achieved by CMV drivers 21 years of age or older who are not otherwise subject to specialized selection, training, and monitoring beyond that otherwise required by the CDL. The proposal includes screening and selection, lengthy training, follow-up, and monitoring elements. The FMCSA is interested in the specific make-up of the proposal and any additional procedures and monitoring elements that a commenter believes are necessary. For example, should FMCSA also require each mentor to meet with his or her assigned younger driver no less than once each month and for each younger driver to carry a telephone number of a responsible trainer or monitor that can be used by enforcement personnel if a driver or vehicle is placed out-of-service.

If the FMCSA determines to go forward with a pilot program, it will propose for public comment its complete proposed pilot program, including a monitoring program to oversee continuous compliance to meet the requirements of the TEA-21 and our regulations.

Questions for Comment

The FMCSA is soliciting comments on TCA's proposed pilot program to assist FMCSA in making a determination on whether it can proceed with a complete pilot program that will meet the requirements of the TEA-21 and FMCSA regulations.

1. Does TCA's proposed pilot program meet the standards for pilot programs outlined in the TEA-21 and FMCSA regulations (49 CFR part 381 subparts D, E and F)?

2. What factors should FMCSA consider when evaluating TCA's proposed pilot program?

3. What methodology should the FMCSA use in determining the appropriateness of curriculum, criteria for selection of carriers, schools, and drivers?

4. Could TCA's proposal achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved by complying with the FMCSRs?

5. Will subjecting younger drivers to more rigorous training and a finishing program achieve a level of safety equivalent to drivers 21 years old or older who do not have to undergo such a program?

6. At what point could the FMCSA issue an exemption to a younger driver participating in the training program?

Commenters are not limited to responding to the above questions. Commenters may submit any facts or views consistent with the intent of this notice. Commenters should not submit other curricula proposals or other proposals to initiate pilot programs as part of a comment.

Issued on: February 12, 2001.

Julie Anna Cirillo,

Assistant Administrator and Chief Safety Officer.

[FR Doc. 01-4098 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-EX-U

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Voluntary Intermodal Sealift Agreement

AGENCY: Maritime Administration, DOT.

ACTION: Notice of Voluntary Intermodal Sealift Agreement (VISA).

SUMMARY: The Maritime Administration (MARAD) announces the extension of the Voluntary Intermodal Sealift Agreement (VISA) for another two-year period until February 13, 2003, pursuant to provision of the Defense Production Act of 1950, as amended. The purpose of the VISA is to make intermodal shipping services/systems, including ships, ships' space, intermodal equipment and related management services, available to the Department of Defense as required to support the emergency deployment and sustainment of U.S. military forces. This is to be accomplished through cooperation among the maritime industry, the Department of Transportation and the Department of Defense.

FOR FURTHER INFORMATION CONTACT: Frances Olsen, Chief, Division of Sealift Programs, Office of Sealift Support, Room 7307, Maritime Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-2323, Fax (202) 493-2180.

SUPPLEMENTARY INFORMATION: Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158), as implemented by regulations of the Federal Emergency Management Agency (44 CFR part 332), "Voluntary agreements for preparedness programs and expansion of production capacity and supply", authorizes the President, upon a finding that conditions exist which may pose a direct threat to the national defense or its preparedness programs, "* * * to consult with representatives of industry, business, financing, agriculture, labor and other interests * * *" in order to provide the making of such voluntary agreements. It further authorizes the President to delegate that authority to individuals who are appointed by and with the advice and consent of the Senate, upon the condition that such individuals obtain the prior approval of the Attorney General after the Attorney General's consultation with the Federal Trade Commission. Section 501 of Executive Order 12919, as amended, delegated this authority of the President to the Secretary of Transportation (Secretary), among others. By DOT Order 1900.8, the Secretary delegated to the Maritime Administrator the authority under which the VISA is sponsored. Through advance arrangements in joint planning, it is intended that participants in VISA will provide capacity to support a significant portion of surge and sustainment

requirements in the deployment of U.S. military forces during war or other national emergency.

The text of the VISA was first published in the **Federal Register** on February 13, 1997, to be effective for a two-year term until February 13, 1999. Notice of a two-year extension until February 13, 2001, was published in the **Federal Register** on February 18, 1999. The text of the VISA herein is identical to the text previously published in the **Federal Register**.

The text published herein will now be implemented. Copies will be made available to the public upon request.

Text of the Voluntary Intermodal Sealift Agreement:

Voluntary Intermodal Sealift Agreement (VISA)

9 December 1996

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Figure 1—VISA Activation Process Diagram

Abbreviations

"AMC"—Air Mobility Command
 "CCA"—Carrier Coordination Agreements
 "CDS"—Construction Differential Subsidy

"CFR"—Code of Federal Regulations
 "CONOPS"—Concept of Operations
 "DoD"—Department of Defense
 "DOJ"—Department of Justice
 "DOT"—Department of Transportation
 "DPA"—Defense Production Act
 "EUSC"—Effective United States Control
 "FAR"—Federal Acquisition Regulations
 "FEMA"—Federal Emergency Management Agency
 "FTC"—Federal Trade Commission
 "JCS"—Joint Chiefs of Staff
 "JPAG"—Joint Planning Advisory Group
 "MARAD"—Maritime Administration, DOT
 "MSP"—Maritime Security Program
 "MSC"—Military Sealift Command
 "MTMC"—Military Transportation Management Command
 "NCA"—National Command Authorities
 "NDRF"—National Defense Reserve Fleet maintained by MARAD
 "ODS"—Operating Differential Subsidy
 "RRF"—Ready Reserve Force component of the NDRF
 "SecDef"—Secretary of Defense
 "SecTrans"—Secretary of Transportation
 "USCINCTrans"—Commander in Chief, United States Transportation Command
 "USTRANSCOM"—United States Transportation Command (including its sealift transportation component, Military Sealift Command)
 "VISA"—Voluntary Intermodal Sealift Agreement
 "VSA"—Vessel Sharing Agreement

Definitions

For purposes of this agreement, the following definitions apply:

Administrator—Maritime Administrator.
 Agreement—Agreement (proper noun) refers to the Voluntary Intermodal Sealift Agreement (VISA).
 Attorney General—Attorney General of the United States.
 Broker—A person who arranges for transportation of cargo for a fee.
 Carrier Coordination Agreement (CCA)—An agreement between two or more Participants or between Participant and non-Participant carriers to coordinate their services in a Contingency, including agreements to: (i) charter vessels or portions of the cargo-carrying capacity of vessels; (ii) share cargo handling equipment, chassis, containers and ancillary transportation equipment; (iii) share wharves, warehouse, marshaling yards and other marine terminal facilities; and (iv) coordinate the movement of vessels.

Chairman—FTC—Chairman of the Federal Trade Commission (FTC).

Charter—Any agreement or commitment by which the possession or services of a vessel are secured for a period of time, or for one or more voyages, whether or not a demise of the vessel.

Commercial—Transportation service provided for profit by privately owned (not government owned) vessels to a private or government shipper. The type of service may be either common carrier or contract carriage.

Contingency—Includes, but is not limited to a “contingency operation” as defined at 10 App. U.S.C. 101(a)(13), and a JCS-directed, NCA-approved action undertaken with military forces in response to: (i) natural disasters; (ii) terrorists or subversive activities; or (iii) required military operations, whether or not there is a declaration of war or national emergency.

Contingency contracts—DoD contracts in which Participants implement advance commitments of capacity and services to be provided in the event of a Contingency.

Contract carrier—A for-hire carrier who does not hold out regular service to the general public, but instead contracts, for agreed compensation, with a particular shipper for the carriage of cargo in all or a particular part of a ship for a specified period of time or on a specified voyage or voyages.

Controlling interest—More than a 50-percent interest by stock ownership.

Director—FEMA—Director of Federal Emergency Management Agency (FEMA).

Effective U.S. Control (EUSC)—U.S. citizen-owned ships which are registered in certain open registry countries and which the United States can rely upon for defense in national security emergencies. The term has no legal or other formal significance. U.S. citizen-owned ships registered in Liberia, Panama, Honduras, the Bahamas and the Republic of the Marshall Islands are considered under effective U.S. control. EUSC registries are recognized by the Maritime Administration after consultation with the Department of Defense. (MARAD OPLAN 001A, 17 July 1990)

Enrollment Contract—The document, executed and signed by MSC, and the individual carrier enrolling that carrier into VISA Stage III.

Foreign flag vessel—A vessel registered or documented under the law of a country other than the United States of America.

Intermodal equipment—Containers (including specialized equipment), chassis, trailers, tractors, cranes and

other material handling equipment, as well as other ancillary items.

Liner—Type of service offered on a definite, advertised schedule and giving relatively frequent sailings at regular intervals between specific ports or ranges.

Liner throughput capacity—The system/intermodal capacity available and committed, used or unused, depending on the system cycle time necessary to move the designated capacity through to destination. Liner throughput capacity shall be calculated as: static capacity (outbound from CONUS) X voyage frequency X.5.

Management services—Management expertise and experience, intermodal terminal management, information resources, and control and tracking systems.

Ocean Common carrier—An entity holding itself out to the general public to provide transportation by water of passengers or cargo for compensation; which assumes responsibility for transportation from port or point of receipt to port or point of destination; and which operates and utilizes a vessel operating on the high seas for all or part of that transportation. (As defined in 46 App. U.S.C. 1702, 801, and 842 regarding international, interstate, and intercoastal commerce respectively.)

Operator—An ocean common carrier or contract carrier that owns or controls or manages vessels by which ocean transportation is provided.

Organic sealift—Ships considered to be under government control or long-term charter—Fast Sealift Ships, Ready Reserve Force and commercial ships under long-term charter to DoD.

Participant—A signatory party to VISA, and otherwise as defined within Section VI of this document.

Person—Includes individuals and corporations, partnerships, and associations existing under or authorized by the laws of the United States or any state, territory, district, or possession thereof, or of a foreign country.

SecTrans—Secretary of Transportation.

Service contract—A contract between a shipper (or a shipper's association) and an ocean common carrier (or conference) in which the shipper makes a commitment to provide a certain minimum quantity of cargo or freight revenue over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule, as well as a defined service level (such as assured space, transit time, port rotation, or similar service features), as defined in the Shipping Act of 1984. The contract may also specify

provisions in the event of nonperformance on the part of either party.

Standby period—The interval between the effective date of a Participant's acceptance into the Agreement and the activation of any stage, and the periods between deactivation of all stages and any later activation of any stage.

U.S. Flag Vessel—A vessel registered or documented under the laws of the United States of America.

USTRANSCOM—The United States Transportation Command and its component commands (AMC, MSC and MTMC).

Vessel Sharing Agreement (VSA) Capacity—Space chartered to a Participant for carriage of cargo, under its commercial contracts, service contracts or in common carriage, aboard vessels shared with another carrier or carriers pursuant to a commercial vessel sharing agreement under which the carriers may compete with each other for the carriage of cargo. In U.S. foreign trades the agreement is filed with the Federal Maritime Commission (FMC) in conformity with the Shipping Act of 1984 and implementing regulations.

Volunteers—Any vessel owner/operator who is an ocean carrier and who offers to make capacity, resources or systems available to support contingency requirements.

Preface

The Administrator, pursuant to the authority contained in section 708 of the Defense Production Act of 1950, as amended (50 App. U.S.C. 2158)(Section 708)(DPA), in cooperation with the Department of Defense (DoD), has developed this Agreement [hereafter called the Voluntary Intermodal Sealift Agreement (VISA)] to provide DoD the commercial sealift and intermodal shipping services/systems necessary to meet national defense Contingency requirements.

USTRANSCOM procures commercial shipping capacity to meet requirements for ships and intermodal shipping services/systems through arrangements with common carriers, with contract carriers and by charter. DoD (through USTRANSCOM) and Department of Transportation (DOT) (through MARAD) maintain and operate a fleet of ships owned by or under charter to the Federal Government to meet the logistic needs of the military services which cannot be met by existing commercial service. Ships of the Ready Reserve Force (RRF) are selectively activated for peacetime military tests and exercises, and to satisfy military operational requirements which cannot be met by

commercial shipping in time of war, national emergency, or military Contingency. Foreign-flag shipping is used in accordance with applicable laws, regulations and policies.

The objective of VISA is to provide DoD a coordinated, seamless transition from peacetime to wartime for the acquisition of commercial sealift and intermodal capability to augment DoD's organic sealift capabilities. This Agreement establishes the terms, conditions and general procedures by which persons or parties may become VISA Participants. Through advance joint planning among USTRANSCOM, MARAD and the Participants, Participants may provide predetermined capacity in designated stages to support DoD Contingency requirements.

VISA is designed to create close working relationships among MARAD, USTRANSCOM and Participants through which Contingency needs and the needs of the civil economy can be met by cooperative action. During Contingencies, Participants are afforded maximum flexibility to adjust commercial operations by Carrier Coordination Agreements (CCA), in accordance with applicable law.

Participants will be afforded the first opportunity to meet DoD peacetime and Contingency sealift requirements within applicable law and regulations, to the extent that operational requirements are met. In the event VISA Participants are unable to fully meet Contingency requirements, the shipping capacity made available under VISA may be supplemented by ships/capacity from non-Participants in accordance with applicable law and by ships requisitioned under section 902 of the Merchant Marine Act, 1936 (as amended) (46 App. U.S.C. 1242). In addition, containers and chassis made available under VISA may be supplemented by services and equipment acquired by USTRANSCOM or accessed by the Administrator through the provisions of 46 CFR Part 340.

The Secretary of Defense (SecDef) has approved VISA as a sealift readiness program for the purpose of section 909 of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1248).

Voluntary Intermodal Sealift Agreement

I. Purpose

A. The Administrator has made a determination, in accordance with section 708(c)(1) of the Defense Production Act (DPA) of 1950, that conditions exist which may pose a direct threat to the national defense of

the United States or its preparedness programs and, under the provisions of Section 708, has certified to the Attorney General that a standby agreement for utilization of intermodal shipping services/systems is necessary for the national defense. The Attorney General, in consultation with the Chairman of the Federal Trade Commission, has issued a finding that dry cargo shipping capacity to meet national defense requirements cannot be provided by the industry through a voluntary agreement having less anticompetitive effects or without a voluntary agreement.

B. The purpose of VISA is to provide a responsive transition from peace to Contingency operations through pre-coordinated agreements for sealift capacity to support DoD Contingency requirements. VISA establishes procedures for the commitment of intermodal shipping services/systems to satisfy such requirements. VISA will change from standby to active status upon activation by appropriate authority of any of the Stages, as described in Section V.

C. It is intended that VISA promote and facilitate DoD's use of existing commercial transportation resources and integrated intermodal transportation systems, in a manner which minimizes disruption to commercial operations, whenever possible.

D. Participants' capacity which may be committed pursuant to this Agreement may include all intermodal shipping services/systems and all ship types, including container, partial container, container/bulk, container/roll-on/roll-off, roll-on/roll-off (of all varieties), breakbulk ships, tug and barge combinations, and barge carrier (LASH, SeaBee).

II. Authorities

A. MARAD

1. Sections 101 and 708 of the DPA, as amended (50 App. U.S.C. 2158); Executive Order 12919, 59 FR 29525, June 7, 1994; Executive Order 12148, 3 CFR 1979 Comp., p. 412, as amended; 44 CFR part 332; DOT Order 1900.8; 46 CFR part 340.

2. Section 501 of Executive Order 12919, as amended, delegated the authority of the President under section 708 to SecTrans, among others. By DOT Order 1900.8, SecTrans delegated to the Administrator the authority under which VISA is sponsored.

B. USTRANSCOM

1. Section 113 and Chapter 6 of Title 10 of the United States Code.

2. DoD Directive 5158.4 designating USCINCTRANS to provide air, land, and sea transportation for the DoD.

III. General

A. Concept

1. VISA provides for the staged, time-phased availability of Participants' shipping services/systems to meet NCA-directed DoD Contingency requirements in the most demanding defense oriented sealift emergencies and for less demanding defense oriented situations through prenegotiated Contingency contracts between the government and Participants (see Figure 1). Such arrangements will be jointly planned with MARAD, USTRANSCOM, and Participants in peacetime to allow effective, and efficient and best valued use of commercial sealift capacity, provide DoD assured Contingency access, and minimize commercial disruption, whenever possible.

a. Stages I and II provide for prenegotiated contracts between the DoD and Participants to provide sealift capacity against all projected DoD Contingency requirements. These agreements will be executed in accordance with approved DoD contracting methodologies.

b. Stage III will provide for additional capacity to the DoD when Stages I and II commitments or volunteered capacity are insufficient to meet Contingency requirements, and adequate shipping services from non-Participants are not available through established DoD contracting practices or U.S. Government treaty agreements.

2. Activation will be in accordance with procedures outlined in Section V of this Agreement.

3. Following is the prioritized order for utilization of the commercial sealift capacity to meet DoD peacetime and Contingency requirements:

a. U.S. Flag vessel capacity operated by a Participant and U.S. Flag Vessel Sharing Agreement (VSA) capacity of a Participant.

b. U.S. Flag vessel capacity operated by a non-Participant.

c. Combination U.S./foreign flag vessel capacity operated by a Participant and combination U.S./foreign flag VSA capacity of a Participant.

d. Combination U.S./foreign flag vessel capacity operated by a non-Participant.

e. U.S. owned or operated foreign flag vessel capacity and VSA capacity of a Participant.

f. U.S. owned or operated foreign flag vessel capacity and VSA capacity of a non-Participant.

g. Foreign-owned or operated foreign flag vessel capacity of a non-Participant.

4. Under Section VI.F. of this Agreement, Participants may implement CCAs to fulfill their contractual commitments to meet VISA requirements.

B. Responsibilities

1. The SecDef, through USTRANSCOM, shall:

a. Define time-phased requirements for Contingency sealift capacity and resources required in Stages I, II and III to augment DoD sealift resources.

b. Keep MARAD and Participants apprised of Contingency sealift capacity required and resources committed to Stages I and II.

c. Obtain Contingency sealift capacity through the implementation of specific renegotiated DoD Contingency contracts with Participants.

d. Notify the Administrator upon activation of any stage of VISA.

e. Co-chair (with MARAD) the Joint Planning Advisory Group (JPAG).

f. Establish procedures, in accordance with applicable law and regulation, providing Participants with necessary determinations for use of foreign flag vessels to replace an equivalent U.S. Flag capacity to transport a Participant's normal peacetime DoD cargo, when Participant's U.S. Flag assets are removed from regular service to meet VISA Contingency requirements.

g. Provide a reasonable time to permit an orderly return of a Participant's vessel(s) to its regular schedule and termination of its foreign flag capacity arrangements as determined through coordination between DoD and the Participants.

h. Review and endorse Participants' requests to MARAD for use of foreign flag replacement capacity for non-DoD government cargo, when U.S. Flag capacity is required to meet Contingency requirements.

2. The SecTrans, through MARAD, shall:

a. Review the amount of sealift resources committed in DoD contracts to Stages I and II and notify USTRANSCOM if a particular level of VISA commitment will have serious adverse impact on the commercial sealift industry's ability to provide essential services. MARAD's analysis shall be based on the consideration that all VISA Stage I and II capacity committed will be activated. This notification will occur on an annual basis upon USCINTRANS' acceptance of VISA commitments from the Participants. If so advised by MARAD, USTRANSCOM will adjust the size of the stages or provide MARAD with justification for maintaining the size of those stages. USTRANSCOM and

MARAD will coordinate to ensure that the amount of sealift assets committed to Stages I and II will not have an adverse, national economic impact.

b. Coordinate with DOJ for the expedited approval of CCAs.

c. Upon request by USCINTRANS and approval by SecDef to activate Stage III, allocate sealift capacity and intermodal assets to meet DoD Contingency requirements. DoD shall have priority consideration in any allocation situation.

d. Establish procedures, pursuant to section 653(d) of the Maritime Security Act (MSA), for determinations regarding the equivalency and duration of the use of foreign flag vessels to replace U.S. Flag vessel capacity to transport the cargo of a Participant which has entered into an operating agreement under section 652 of the MSA and whose U.S. Flag vessel capacity has been removed from regular service to meet VISA contingency requirements. Such foreign flag vessels shall be eligible to transport cargo subject to the Cargo Preference Act of 1904 (10 U.S.C. 2631), P.R. 17 (46 App. U.S.C. 1241-1), and Pub. L. 664 (46 App. U.S.C. 1241(b)). However, any procedures regarding the use of such foreign flag vessels to transport cargo subject to the Cargo Preference Act of 1904 must have the concurrence of USTRANSCOM before it becomes effective.

e. Co-chair (with USTRANSCOM) the JPAG.

f. Seek necessary Jones Act waivers as required. To the extent feasible, participants with Jones Act vessels or vessel capacity will use CCAs or other arrangements to protect their ability to maintain services for their commercial customers and to fulfill their commercial peacetime commitments with U.S. Flag vessels. In situations where the activation of this Agreement deprives a Participant of all or a portion of its Jones Act vessels or vessel capacity and, at the same time, creates a general shortage of Jones Act vessel(s) or vessel capacity on the market, the Administrator may request that the Secretary of the Treasury grant a temporary waiver of the provisions of the Jones Act to permit a Participant to charter or otherwise utilize non-Jones Act vessel(s) or vessel capacity, with priority consideration recommended for U.S. crewed vessel(s) or vessel capacity. The vessel(s) or vessel capacity for which such waivers are requested will be approximately equal to the Jones Act vessel(s) or vessel capacity chartered or under contract to the DoD, and any waiver that may be granted will be effective for the period that the Jones Act vessel(s) or vessel capacity is on

charter or under contract to the DoD plus a reasonable time for termination of the replacement charters as determined by the Administrator.

C. Termination of Charters, Leases and Other Contractual Arrangements

1. USTRANSCOM will notify the Administrator as soon as possible of the prospective termination of charters, leases, management service contracts or other contractual arrangements made by the DoD under this Agreement.

2. In the event of general requisitioning of ships under 46 App. U.S.C. 1242, the Administrator shall consider commitments made with the DoD under this Agreement.

D. Modification/Amendment of This Agreement

1. The Attorney General may modify this Agreement, in writing, after consultation with the Chairman-FTC, SecTrans, through his representative MARAD, and SecDef, through his representative USCINTRANS. Although Participants may withdraw from this Agreement pursuant to section VI.D, they remain subject to VISA as amended or modified until such withdrawal.

2. The Administrator, USCINTRANS and Participants may modify this Agreement at any time by mutual agreement, but only in writing with the approval of the Attorney General and the Chairman-FTC.

3. Participants may propose amendments to this Agreement at any time.

E. Administrative Expenses

Administrative and Out-of-pocket Expenses Incurred by a Participant Shall Be Borne Solely by the Participant

F. Record Keeping

1. MARAD has primary responsibility for maintaining carrier VISA application records in connection with this Agreement. Records will be maintained in accordance with MARAD Regulations. Once a carrier is selected as a VISA Participant, a copy of the VISA application form will be forwarded to USTRANSCOM.

2. In accordance with 44 CFR 332.2(c), MARAD is responsible for the making and record maintenance of a full and verbatim transcript of each JPAG meeting. MARAD shall send this transcript, and any voluntary agreement resulting from the meeting, to the Attorney General, the Chairman-FTC, the Director-FEMA, any other party or repository required by law and to Participants upon their request.

3. USTRANSCOM shall be the official custodian of records related to the contracts to be used under this Agreement, to include specific information on enrollment of a Participant's capacity in VISA.

4. In accordance with 44 CFR 332.3(d), a Participant shall maintain for five (5) years all minutes of meetings, transcripts, records, documents and other data, including any communications with other Participants or with any other member of the industry or their representatives, related to the administration, including planning related to and implementation of Stage activations of this Agreement. Each Participant agrees to make such records available to the Administrator, USCINCTrans, the Attorney General, and the Chairman-FTC for inspection and copying at reasonable times and upon reasonable notice. Any record maintained by MARAD or USTRANSCOM pursuant to paragraphs 1, 2, or 3 of this subsection shall be available for public inspection and copying unless exempted on the grounds specified in 5 U.S.C. 552(b) or identified as privileged and confidential information in accordance with section 708(e).

G. MARAD Reporting Requirements

MARAD Shall Report to the Director-FEMA, as Required, on the Status and Use of This Agreement

IV. Joint Planning Advisory Group

A. The JPAG provides USTRANSCOM, MARAD and VISA Participants a planning forum to:

1. Analyze DoD Contingency sealift/intermodal service and resource requirements.
2. Identify commercial sealift capacity that may be used to meet DoD requirements, related to Contingencies and, as requested by USTRANSCOM, exercises and special movements.
3. Develop and recommend Concepts of Operations (CONOPS) to meet DoD-approved Contingency requirements and, as requested by USTRANSCOM, exercises and special movements.

B. The JPAG will be co-chaired by MARAD and USTRANSCOM, and will convene as jointly determined by the co-chairs.

C. The JPAG will consist of designated representatives from MARAD, USTRANSCOM, each Participant, and maritime labor. Other attendees may be invited at the discretion of the co-chairs as necessary to meet JPAG requirements. Representatives will provide technical advice and support to ensure maximum coordination, efficiency and

effectiveness in the use of Participants' resources. All Participants will be invited to all open JPAG meetings. For selected JPAG meetings, attendance may be limited to designated Participants to meet specific operational requirements.

1. The co-chairs may establish working groups within JPAG. Participants may be assigned to working groups as necessary to develop specific CONOPS.

2. Each working group will be co-chaired by representatives designated by MARAD and USTRANSCOM.

D. The JPAG will not be used for contract negotiations and/or contract discussions between carriers and the DoD; such negotiations and/or discussions will be in accordance with applicable DoD contracting policies and procedures.

E. The JPAG co-chairs shall:

1. Notify the Attorney General, the Chairman-FTC, Participants and the maritime labor representative of the time, place and nature of each JPAG meeting.

2. Provide for publication in the **Federal Register** of a notice of the time, place and nature of each JPAG meeting. If the meeting is open, a **Federal Register** notice will be published reasonably in advance of the meeting. If a meeting is closed, a **Federal Register** notice will be published within ten (10) days after the meeting and will include the reasons for closing the meeting.

3. Establish the agenda for each JPAG meeting and be responsible for adherence to the agenda.

4. Provide for a full and complete transcript or other record of each meeting and provide one copy each of transcript or other record to the Attorney General, the Chairman-FTC, and to Participants, upon request.

F. Security Measures—The co-chairs will develop and coordinate appropriate security measures so that Contingency planning information can be shared with Participants to enable them to plan their commitments

V. Activation of VISA Contingency Provisions

A. General

VISA may be activated at the request of USCINCTrans, with approval of SecDef, as needed to support Contingency operations. Activating voluntary commitments of capacity to support such operations will be in accordance with prenegotiated Contingency contracts between DoD and Participants.

B. Notification of Activation

1. USCINCTrans will notify the Administrator of the activation of Stages I, II, and III.

2. The Administrator shall notify the Attorney General and the Chairman-FTC when it has been determined by DoD that activation of any Stage of VISA is necessary to meet DoD Contingency requirements.

C. Voluntary Capacity

1. Throughout the activation of any Stages of this Agreement, DoD may utilize voluntary commitment of sealift capacity or systems.

2. Requests for volunteer capacity will be extended simultaneously to both Participants and other carriers. First priority for utilization will be given to Participants who have signed Stage I and/or II contracts and are capable of meeting the operational requirements. Participants providing voluntary capacity may request USTRANSCOM to activate their prenegotiated Contingency contracts; to the maximum extent possible, USTRANSCOM, where appropriate, shall support such requests. Volunteered capacity will be credited against Participants' staged commitments, in the event such stages are subsequently activated.

3. In the event Participants are unable to fully meet Contingency requirements, or do not voluntarily offer to provide the required capacity, the shipping capacity made available under VISA may be supplemented by ships/capacity from non-Participants.

4. When voluntary capacity does not meet DoD Contingency requirements, DoD will activate the VISA stages as necessary.

D. Stage I

1. Stage I will be activated in whole or in part by USCINCTrans, with approval of SecDef, when voluntary capacity commitments are insufficient to meet DoD Contingency requirements. USCINCTrans will notify the Administrator upon activation.

2. USTRANSCOM will implement Stage I Contingency contracts as needed to meet operational requirements.

E. Stage II

1. Stage II will be activated, in whole or in part, when Contingency requirements exceed the capability of Stage I and/or voluntarily committed resources.

2. Stage II will be activated by USCINCTrans, with approval of SecDef, following the same procedures discussed in paragraph D above.

F. Stage III

1. Stage III will be activated, in whole or in part, when Contingency requirements exceed the capability of Stages I and II, and other shipping services are not available. This stage involves DoD use of capacity and vessels operated by Participants which will be furnished to DoD when required in accordance with this Agreement. The capacity and vessels are allocated by MARAD on behalf of SecTrans to USCINTRANS.

2. Stage III will be activated by USCINTRANS upon approval by SecDef. Upon activation, DoD SecDef will request SecTrans to allocate sealift capacity based on DoD requirements, in accordance with Title 1 of DPA, to meet the Contingency requirement. All Participants' capacity committed to VISA is subject to use during Stage III.

3. Upon allocation of sealift assets by SecTrans, through its designated representative MARAD, USTRANSCOM will negotiate and execute Contingency contracts with Participants, using pre-approved rate methodologies as established jointly by SecTrans and SecDef in fulfillment of section 653 of the Maritime Security Act of 1996. Until execution of such contract, the Participant agrees that the assets remain subject to the provisions of section 902 of the Merchant Marine Act of 1936, Title 46 App. U.S.C. 1242.

4. Simultaneously with activation of Stage III, the DoD Sealift Readiness Program (SRP) will be activated for those carriers still under obligation to that program.

G. Partial Activation

As used in this Section V, activation "in part" of any Stage under this Agreement shall mean one of the following:

1. Activation of only a portion of the committed capacity of some, but not all, of the Participants in any Stage that is activated; or
2. Activation of the entire committed capacity of some, but not all, of the Participants in any Stage that is activated; or
3. Activation of only a portion of the entire committed capacity of all of the Participants in any Stage that is activated.

VI. Terms and Conditions

A. Participation

1. Any U.S. Flag vessel operator organized under the laws of a State of the United States, or the District of Columbia, may become a "Participant" in this Agreement by submitting an executed copy of the form referenced in

Section VII, and by entering into a VISA Enrollment Contract with DoD which establishes a legal obligation to perform and which specifies payment or payment methodology for all services rendered.

2. The term "Participant" includes the entity described in VI.A.1 above, and all United States subsidiaries and affiliates of the entity which own, operate, charter or lease ships and intermodal equipment in the regular course of their business and in which the entity holds a controlling interest.

3. Upon request of the entity executing the form referenced in Section VII, the term "Participant" may include the controlled non-domestic subsidiaries and affiliates of such entity signing this Agreement, provided that the Administrator, in coordination with USCINTRANS, grants specific approval for their inclusion.

4. Any entity receiving payments under the Maritime Security Program (MSP), pursuant to the Maritime Security Act of 1996 (MSA) (P.L. 104-239), shall become a "Participant" with respect to all vessels enrolled in MSP at all times until the date the MSP operating agreement would have terminated according to its original terms. The MSP operator shall be enrolled in VISA as a Stage III Participant, at a minimum. Such participation will satisfy the requirement for an MSP participant to be enrolled in an emergency preparedness program approved by SecDef as provided in section 653 of the MSA.

5. A Participant shall be subject only to the provisions of this Agreement and not to the provisions of the SRP.

6. MARAD shall publish periodically in the **Federal Register** a list of Participants.

B. Agreement of Participant

1. Each Participant agrees to provide commercial sealift and/or intermodal shipping services/systems in accordance with DoD Contingency contracts. USTRANSCOM will review and approve each Participant's commitment to ensure it meets DoD Contingency requirements. A Participant's capacity commitment to Stages I and II will be one of the considerations in determining the level of DoD peacetime contracts awarded with the exception of Jones Act capacity (as discussed in paragraph 4 below).

2. DoD may also enter into Contingency contracts, not linked to peacetime contract commitments, with Participants, as required to meet Stage I and II requirements.

3. Commitment of Participants' resources to VISA is as follows:

a. Stage III: A carrier desiring to participate in DoD peacetime contracts/traffic must commit no less than 50% of its total U.S. Flag capacity into Stage III. Carriers receiving DOT payments under the MSP, or carriers subject to section 909 of Merchant Marine Act of 1936, as amended, that are not enrolled in the SRP will have vessels receiving such assistance enrolled in Stage III. Participants' capacity under charter to DoD will be considered "organic" to DoD, and does not count towards the Participant's Contingency commitment during the period of the charter. Participants utilized under Stage III activation will be compensated based upon a DoD pre-approved rate methodology.

b. Stages I and II: DoD will annually develop and publish minimum commitment requirements for Stages I and II. Normally, the awarding of a long-term (*i.e.*, one year or longer) DoD contract, exclusive of charters, will include the annual predesignated minimum commitment to Stages I and/or II. Participants desiring to bid on DoD peacetime contracts will be required to provide commitment levels to meet DoD-established Stage I and/or II minimums on an annual basis. Participants may gain additional consideration for peacetime contract cargo allocation awards by committing capacity to Stages I and II beyond the specified minimums. If the Participant is awarded a contract reflecting such a commitment, that commitment shall become the actual amount of a Participant's U.S. Flag capacity commitment to Stages I and II. A Participant's Stage III U.S. Flag capacity commitment shall represent its total minimum VISA commitment. That Participant's Stage I and II capacity commitments as well as any volunteer capacity contribution by Participant are portions of Participant's total VISA commitment. Participants activated during Stages I and II will be compensated in accordance with prenegotiated Contingency contracts.

4. Participants exclusively operating vessels engaged in domestic trades will be required to commit 50% of that capacity to Stage III. Such Participants will not be required to commit capacity to Stages I and II as a consideration of domestic peacetime traffic and/or contract award. However, such Participants may voluntarily agree to commit capacity to Stages I and/or II.

5. The Participant owning, operating, or controlling an activated ship or ship capacity will provide intermodal equipment and management services

needed to utilize the ship and equipment at not less than the Participant's normal efficiency, in accordance with the prenegotiated Contingency contracts implementing this Agreement.

C. Effective Date and Duration of Participation

1. Participation in this Agreement is effective upon execution by MARAD of the submitted form referenced in Section VII, and approval by USTRANSCOM by execution of an Enrollment Contract, for Stage III, at a minimum.

2. VISA participation remains in effect until the Participant terminates the Agreement in accordance with paragraph D below, or termination of the Agreement in accordance with 44 CFR 332.4. Notwithstanding termination of VISA or participation in VISA, obligations pursuant to executed DoD peacetime contracts shall remain in effect for the term of such contracts and are subject to all terms and conditions thereof.

D. Participant Termination of VISA

1. Except as provided in paragraph 2 below, a Participant may terminate its participation in VISA upon written notice to the Administrator. Such termination shall become effective 30 days after written notice is received, unless obligations incurred under VISA by virtue of activation of any Contingency contract cannot be fulfilled prior to the termination date, in which case the Participant shall be required to complete the performance of such obligations. Voluntary termination by a carrier of its VISA participation shall not act to terminate or otherwise mitigate any separate contractual commitment entered into with DoD.

2. A Participant having an MSP operating agreement with SecTrans shall not withdraw from this Agreement at any time during the original term of the MSP operating agreement.

3. A Participant's withdrawal, or termination of this Agreement, will not deprive a Participant of an antitrust defense otherwise available to it in accordance with DPA section 708 for the fulfillment of obligations incurred prior to withdrawal or termination.

4. A Participant otherwise subject to the DoD SRP that voluntarily withdraws from this Agreement will become subject again to the DoD SRP.

E. Rules and Regulations

Each Participant acknowledges and agrees to abide by all provisions of DPA section 708, and regulations related thereto which are promulgated by the

Secretary, the Attorney General, and the Chairman-FTC. Standards and procedures pertaining to voluntary agreements have been promulgated in 44 CFR part 332. 46 CFR part 340 establishes procedures for assigning the priority for use and the allocation of shipping services, containers and chassis. The JPAG will inform Participants of new and amended rules and regulations as they are issued in accordance with law and administrative due process. Although Participants may withdraw from VISA, they remain subject to all authorized rules and regulations while in Participant status.

F. Carrier Coordination Agreements (CCA)

1. When any Stage of VISA is activated or when DoD has requested volunteer capacity pursuant to section V.B. of VISA, Participants may implement approved CCAs to meet the needs of the DoD and to minimize the disruption of their services to the civil economy.

2. A CCA for which the parties seek the benefit of section 708(j) of the DPA shall be identified as such and shall be submitted to the Administrator for approval and certification in accordance with section 708(f)(1)(A) of the DPA. Upon approval and certification, the Administrator shall transmit the Agreement to the Attorney General for a finding in accordance with section 708(f)(1)(B) of the DPA. Parties to approved CCAs may avail themselves of the antitrust defenses set forth in section 708(j) of the DPA. Nothing in VISA precludes Participants from engaging in lawful conduct (including carrier coordination activities) that lies outside the scope of an approved Carrier Coordination Agreement; but antitrust defenses will not be available pursuant to section 708(j) of the DPA for such conduct.

3. Participants may seek approval for CCAs at any time.

G. Enrollment of Capacity (Ships and Equipment)

1. A list identifying the ships/capacity and intermodal equipment committed by a Participant to each Stage of VISA will be prepared by the Participant and submitted to USTRANSCOM within seven days after a carrier has become a Participant. USTRANSCOM will maintain a record of all such commitments. Participants will notify USTRANSCOM of any changes not later than seven days prior to the change.

2. USTRANSCOM will provide a copy of each Participant's VISA commitment data and all changes to MARAD.

3. Information which a Participant identifies as privileged or business confidential/proprietary data shall be withheld from public disclosure in accordance with Section 708(h)(3) and Section 705(e) of the DPA, 5 App. U.S.C. 552(b), and 44 CFR Part 332.

4. Enrolled ships are required to comply with 46 CFR Part 307, Establishment of Mandatory Position Reporting System for Vessels.

H. War Risk Insurance

1. Where commercial war risk insurance is not available on reasonable terms and conditions, DOT shall provide non-premium government war risk insurance, subject to the provisions of section 1205 of the Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1285(a)).

2. Pursuant to 46 CFR 308.1(c), the Administrator (or DOT) will find each ship enrolled or utilized under this agreement eligible for U.S. Government war risk insurance.

I. Antitrust Defense

1. Under the provisions of DPA section 708, each carrier shall have available as a defense to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out this Agreement, that such act was taken in the course of developing or carrying out this Agreement and that the Participant complied with the provisions of DPA section 708 and any regulation thereunder, and acted in accordance with the terms of this Agreement.

2. This defense shall not be available to the Participant for any action occurring after termination of this Agreement. This defense shall not be available upon the modification of this Agreement with respect to any subsequent action that is beyond the scope of the modified text of this Agreement, except that no such modification shall be accomplished in a way that will deprive the Participant of antitrust defense for the fulfillment of obligations incurred.

3. This defense shall be available only if and to the extent that the Participant asserting it demonstrates that the action, which includes a discussion or agreement, was within the scope of this Agreement.

4. The person asserting the defense bears the burden of proof.

5. The defense shall not be available if the person against whom it is asserted shows that the action was taken for the purpose of violating the antitrust laws.

6. As appropriate, the Administrator, on behalf of SecTrans, and DoD will

support agreements filed by Participants with the Federal Maritime Commission that are related to the standby or Contingency implementation of VISA.

J. Breach of Contract Defense

Under the provisions of DPA section 708, in any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken by a Participant during an emergency (including action taken in imminent anticipation of an emergency) to carry out this Agreement. Such defense shall not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.

K. Vessel Sharing Agreements (VSA)

1. VISA allows Participants the use of a VSA to utilize non-Participant U.S. Flag or foreign-owned and operated foreign flag vessel capacity as a substitute for VISA Contingency capability provided:

a. The foreign flag capacity is utilized in accordance with cargo preference laws and regulations.

b. The use of a VSA, either currently in use or a new proposal, as a substitution to meet DoD Contingency requirements is agreed upon by USTRANSCOM and MARAD.

c. The Participant carrier demonstrates adequate control over the offered VSA capacity during the period of utilization.

d. Service requirements are satisfied.

e. Participant is responsible to DoD for the carriage or services contracted for. Though VSA capacity may be utilized to fulfill a Contingency commitment, a Participant's U.S. Flag VSA capacity in another Participant's vessel shall not act in a manner to

increase a Participant's capacity commitment to VISA.

2. Participants will apprise MARAD and USTRANSCOM in advance of any change in a VSA of which it is a member, if such changes reduce the availability of Participant capacity provided for in any approved and accepted Contingency Concept of Operations.

3. Participants will not act as a broker for DoD cargo unless requested by USTRANSCOM.

VII. Application and Agreement

The Administrator, in coordination with USCINCTRANS has adopted the form on page 31 ("Application to Participate in the Voluntary Intermodal Sealift Agreement") on which intermodal ship operators may apply to become a Participant in this Agreement. The form incorporates, by reference, the terms of this Agreement.

United States of America, Department of Transportation, Maritime Administration

Application To Participate in the Voluntary Intermodal Sealift Agreement

The applicant identified below hereby applies to participate in the Maritime Administration's agreement entitled "Voluntary Intermodal Sealift Agreement." The text of said Agreement is published in Federal Register _____, _____, 19 _____. This Agreement is authorized under Section 708 of the Defense Production Act of 1950, as amended (50 App. U.S.C. 2158). Regulations governing this Agreement appear at 44 CFR part 332 and are reflected at 49 CFR Subtitle A.

The applicant, if selected, hereby acknowledges and agrees to the incorporation by reference into this Application and Agreement of the entire text of the Voluntary Intermodal Sealift

Agreement published in Federal Register _____, _____, 19 ____, as though said text were physically recited herein.

The Applicant, as a Participant, agrees to comply with the provisions of section 708 of the Defense Production Act of 1950, as amended, the regulations of 44 CFR part 332 and as reflected at 49 CFR Subtitle A, and the terms of the Voluntary Intermodal Sealift Agreement. Further, the applicant, if selected as a Participant, hereby agrees to contractually commit to make specifically enrolled vessels or capacity, intermodal equipment and management of intermodal transportation systems available for use by the Department of Defense and to other Participants as discussed in this Agreement and the subsequent Department of Defense Voluntary Intermodal Sealift Agreement Enrollment Contract for the purpose of meeting national defense requirement.

Attest:

(Corporate Secretary)

(CORPORATE SEAL)

Effective Date:

(Secretary)

(SEAL)

(Applicant-Corporate Name)

(Signature)

(Position Title)

United States of America, Department of Transportation, Maritime Administration

By: Maritime Administrator

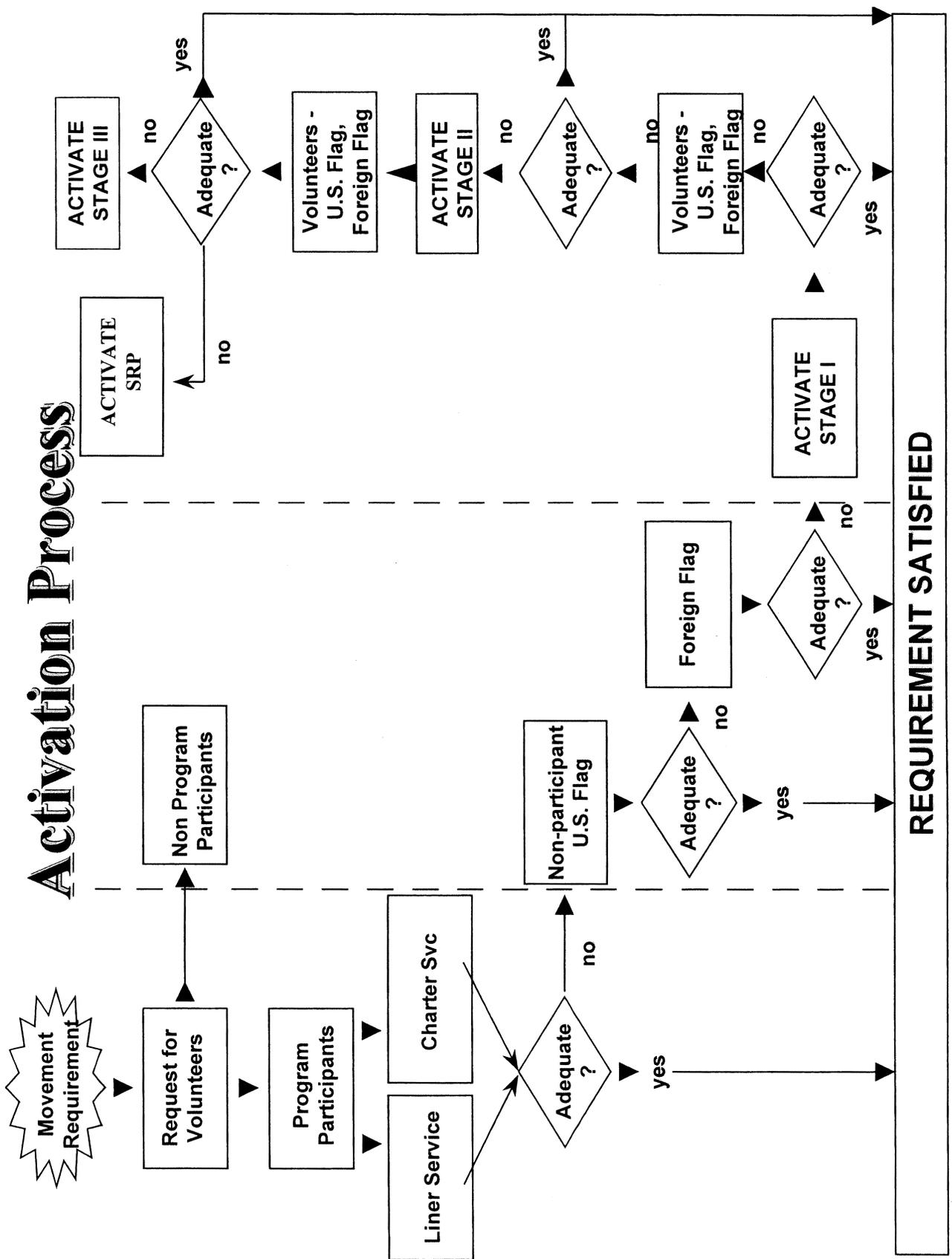
Dated: February 14, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

Activation Process



[FR Doc. 01-4109 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2001-8842; Notice 1]

General Motors Corporation; Receipt of Application for Decision of Inconsequential Noncompliance

General Motors Corporation (GM) of Warren, Michigan, has determined that it has manufactured approximately 33,916 vehicles that fail to comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 225, "Child Restraint Anchorage Systems," and has filed an appropriate report pursuant to 49 CFR Part 573, "Defects and Noncompliance Reports." GM has also applied to be exempted from the notification and remedy requirements of 49 U.S.C. Chapter 301—"Motor Vehicle Safety" on the basis that the noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgement concerning the merits of the petition.

FMVSS No. 225 establishes requirements for child restraint anchorage systems to ensure their proper location and strength for the effective securing of child restraints, to reduce the likelihood of the anchorage systems' failure, and to increase the likelihood that child restraints are properly secured and thus more fully achieve their potential effectiveness in motor vehicles. S15.1.2 of the standard prescribes the dimensions and location of the anchorages. Specifically, S15.1.2.1(a) requires that the lower anchorages be 6 mm ± 0.1 mm in diameter.

GM has determined that certain vehicles it has manufactured have lower anchorages that do not meet the requirements of S15.1.2.1(a). The vehicles containing the noncompliance are certain 2001 Model Year Chevrolet Venture, Oldsmobile Silhouette, Pontiac Montana and Aztek model vehicles. Approximately 17,377 Pontiac Aztecs and 5,215 Pontiac Montanas, 8,370 Chevrolet Ventures, and 2,954 Oldsmobile Silhouette (U-vans) were built with lower anchorage bars whose diameter are either above or below the required 6.0 ± 0.1 mm.

GM supports its application for inconsequential noncompliance with the following:

In the case of the Aztek, this condition was caused by the inadvertent release of component drawings that allowed the lower anchorage bar material to be supplied out of compliance. For the U vans and Aztecs, it was not originally known that the coating process for the lower anchorage bar was not capable of holding the required tolerance. As a result, some of the lower anchorages of the subject vehicles do not meet the diameter specification.

These lower anchorages do, however, meet all of the location, strength and marking requirements of FMVSS 225. In the static strength test, the lower anchor bars are the first structural parts to deform. The static strength performance requirements of the standard are met even though anchor bars that meet the diameter specification fully deform in the static strength test. Based on analysis, the smallest diameter bars will not deform any more than those that meet the diameter requirement and, therefore, the static strength performance requirements for the lower anchorages will still be met. The ultimate load potential of the seat/vehicle system is not affected by the smaller diameter anchor bars because the bars are not the load limiting component.

The purpose of the diameter specification is to ensure compatibility with child restraints that contain the new LATCH attachment mechanisms. Child restraint manufacturers currently offer to U.S. customers two child seats with LATCH attachment mechanisms: the Fisher Price Safe Embrace and the Cosco Triad. Both of these child seats use a hook mechanism to attach to the lower anchorage bars. This hook mechanism has the same configuration and geometry as the top tether hook specified in Figure 11 of FMVSS 213. Based on our examination of these hooks, the integrity and performance of the attachment will not be materially affected by the small deviations from the specification for the diameter of the lower anchor. Consistent with our observations about the compatibility of the lower anchors with the available child seats, GM has received no warranty claims or customer complaints about these anchors.

GM personnel have seen other proposed child seats using the LATCH attachment mechanism that may be offered in the United States. GM is not aware of any proposed U.S. child seat latch mechanism that would not be compatible with the anchors on the subject vehicles. Furthermore, all child seats, in addition to the requirements for a latch mechanism, must also be designed to work with the vehicle seat belt system. Therefore, each child seat, whether LATCH compatible or not, will be able to be safely secured to each of these vehicles. We cannot rule out the possibility of an incompatible attachment mechanism in the future. While we do not think it is likely, it is possible that a slotted attachment could be designed and that the slot might be too small to accept some of these anchors that exceed 6.1 mm. To address this situation, GM plans to send a letter to owners to advise them on how to handle such a situation. We do not foresee any problem with future designs and the anchors that are below 5.9 mm.

GM believes that all LATCH equipped child restraints today and those expected in

the near future will successfully attach to the lower anchorage bars on these vehicles. The letter will address future issues, if they should occur. As a result, GM believes that this noncompliance with S15.1.2.1 of FMVSS 225 is inconsequential to motor vehicle safety, and therefore, requests the affected vehicles be exempted from the notification, recall and remedy provisions of Section 30120 of the Safety Act.

Interested persons are invited to submit written data, views, and arguments on the application of GM described above. Comments should refer to the docket number and be submitted to: U.S. Department of Transportation Docket Management, Room PL-401, 400 Seventh Street, SW, Washington, DC 20590. It is requested, but not required, that two copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and will be considered to the extent possible. When the application is granted or denied, the notice will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: March 22, 2001.

(49 U.S.C. 30118 and 30120; delegations of authority at 49 CFR 1.50 and 501.8)

Issued on: February 13, 2001.

Stephen R. Kratzke,
Associate Administrator for Safety Performance Standards.

[FR Doc. 01-4097 Filed 2-16-01; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 166X)]

Union Pacific Railroad Company—Abandonment Exemption—in Adams and Hall Counties, NE (Hansen Industrial Lead Between Hastings and Hansen, NE)

On January 31, 2001, Union Pacific Railroad Company (UP) filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad known as the Hansen Industrial Lead, extending from milepost 1.0 near Hastings to the end of the line at milepost 7.50 at Hansen, in Adams and Hall Counties, NE, a distance of 6.50 miles. The line traverses U.S. Postal Service Zip Code 68901. There are no stations on the line.

The line does not contain federally granted rights-of-way. Any documentation in UP's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by May 21, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each OFA must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than March 12, 2001. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27).

All filings in response to this notice must refer to STB Docket No. AB-33 (Sub-No. 166X) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001; and (2) James P. Gatlin, General Attorney, 1416 Dodge Street, Room 830, Omaha, NE 68179-0830. Replies to the UP petition are due on or before March 12, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the

hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: February 7, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01-3759 Filed 2-16-01; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 165X)]

Union Pacific Railroad Company— Abandonment Exemption—in Caddo Parish, LA

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 0.47-mile line of railroad over the Good Roads Lead from milepost 8.21 to milepost 8.68 in Shreveport, Caddo Parish, LA. The line traverses United States Postal Service Zip Codes 71101 and 71103.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local

government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on March 22, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,¹ formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 2, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by March 12, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423.

¹ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

² Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).

A copy of any petition filed with the Board should be sent to applicant's representative: James P. Gatlin, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by February 23, 2001. Interested persons

may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If

consummation has not been effected by UP's filing of a notice of consummation by February 20, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: February 8, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 01-3760 Filed 2-16-01; 8:45 am]

BILLING CODE 4915-00-P

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Tuesday, February 20, 2001

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LIST OF PUBLIC LAWS

This is the first in a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.

H.J. Res. 7/P.L. 107-1

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

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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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300-399	(869-042-00011-1)	29.00	Jan. 1, 2000
400-699	(869-042-00012-9)	41.00	Jan. 1, 2000
700-899	(869-042-00013-7)	37.00	Jan. 1, 2000
900-999	(869-042-00014-5)	46.00	Jan. 1, 2000
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1200-1599	(869-042-00016-1)	44.00	Jan. 1, 2000
1600-1899	(869-042-00017-0)	61.00	Jan. 1, 2000
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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	(869-042-00181-8)	54.00	Oct. 1, 2000
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)	(869-042-00188-5)	53.00	Oct. 1, 2000
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	(869-042-00197-4)	58.00	Oct. 1, 2000
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	(869-042-00202-4)	55.00	Oct. 1, 2000
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..