



# Federal Register

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# Contents

## Federal Register

Vol. 66, No. 40

Wednesday, February 28, 2001

### Centers for Disease Control and Prevention

#### NOTICES

##### Meetings:

Injury Prevention and Control Advisory Committee,  
12798

### Coast Guard

#### PROPOSED RULES

##### Anchorage regulations:

California, 12742–12744

##### Drawbridge operations:

Indiana, 12745–12746

#### NOTICES

##### Agency information collection activities:

Submission for OMB review; comment request, 12827

### Commerce Department

*See* Economic Development Administration

*See* International Trade Administration

*See* National Institute of Standards and Technology

*See* National Oceanic and Atmospheric Administration

### Committee for the Implementation of Textile Agreements

#### NOTICES

##### Cotton, wool, and man-made textiles:

Bangladesh, 12766–12767

Brazil, 12767

### Economic Development Administration

#### NOTICES

##### Trade adjustment assistance eligibility determination petitions:

Advance Products & Systems, Inc., et al., 12757–12758

### Education Department

#### NOTICES

##### Meetings:

National Assessment Governing Board, 12767–12768

### Energy Department

*See* Federal Energy Regulatory Commission

### Environmental Protection Agency

#### PROPOSED RULES

##### Reporting and recordkeeping requirements

Electronic reports and records; performance standards,  
12746–12747

#### NOTICES

##### Agency information collection activities:

Submission for OMB review; comment request, 12775–  
12779

##### Air programs:

Fuels and fuel additives—

Low sulfur gasoline refinery hardship applications,  
12779–12780

##### Air quality implementation plans:

Preparation, adoption, and submittal—

Opacity emissions from stationary sources;  
measurement method, 12780

##### Superfund; response and remedial actions, proposed settlements, etc.:

ABC One Hour Dry Cleaners, Inc., Site, NC, 12780–12781

BPS Pesticide Inc. Site, TX, 12781

Copper Basin Mining District Site, TN, 12781

Irvington Tire Fire Site, AL, 12781–12782

##### Superfund program:

Emergency Planning and Community Right-To-Know  
Act—

Report preparations; training courses, 12782–12786

##### Toxic and hazardous substances control:

New chemicals—

Receipt and status information, 12786–12790

##### Water pollution control:

Clean Water Act—

Class II administrative penalty assessments, 12790–  
12791

National pollutant discharge elimination system  
(NPDES)—

Maine, 12791–12795

##### Water supply:

Public water supply supervision program—

North Carolina, 12795–12796

### Executive Office of the President

*See* Management and Budget Office

*See* Presidential Documents

*See* Trade Representative, Office of United States

### Federal Aviation Administration

#### RULES

##### Airworthiness directives:

Bombardier, 12724–12726

CFM International, S.A., 12726–12729

Raytheon, 12723–12724

SOCATA-Groupe Aerospatiale, 12729–12731

Standard provisions added and part revised  
Correction, 12834

Class E airspace, 12731–12733

#### PROPOSED RULES

Class E airspace, 12741–12742

### Federal Communications Commission

#### PROPOSED RULES

##### Digital television stations; table of assignments:

Arkansas, 12748–12752

Florida, 12752

Idaho, 12752–12753

Mississippi, 12749

New Jersey, 12750

Ohio, 12749–12750

Texas, 12747–12748

West Virginia, 12751

##### Television stations; table of assignments:

Kansas, 12753

Missouri, 12753–12754

### Federal Energy Regulatory Commission

#### NOTICES

##### Electric rate and corporate regulation filings:

American Transmission Co. LLC, et al., 12770–12771

Wisvest Connecticut, LLC, et al., 12771–12773

##### Environmental statements; notice of intent:

Petal Gas Storage, L.L.C., 12773–12775

##### Applications, hearings, determinations, etc.:

Chevron Products Co. et al., 12768–12769

Northern Natural Gas Co., 12769

### Federal Highway Administration

#### NOTICES

Agency information collection activities:  
Submission for OMB review; comment request, 12827–12829

### Federal Maritime Commission

#### NOTICES

Agreements filed, etc., 12796  
Ocean transportation intermediary licenses:  
Alkahest Logistics, Inc., et al., 12796

### Federal Reserve System

#### NOTICES

Agency information collection activities:  
Reporting and recordkeeping requirements, 12796–12797  
Banks and bank holding companies:  
Permissible nonbanking activities, 12797–12798

### Fish and Wildlife Service

#### PROPOSED RULES

Endangered and threatened species:  
Critical habitat designations—  
Riverside fairy shrimp, 12754–12755

#### NOTICES

Endangered and threatened species permit applications, 12806

### Food and Drug Administration

#### RULES

Medical devices:  
Clinical chemistry and clinical toxicology devices—  
B-type natriuretic peptide test system; classification, 12733–12734  
Orthopedic devices—  
Shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis; reclassification, 12734–12737

#### NOTICES

Agency information collection activities:  
Proposed collection; comment request, 12798–12803  
Reporting and recordkeeping requirements, 12803–12804  
12804  
Submission for OMB review; comment request, 12804–12805

Food additive petitions:  
Avecia, Inc.; withdrawn, 12805

### Geological Survey

#### NOTICES

Agency information collection activities:  
Proposed collection; comment request, 12806–12807

### Government Printing Office

#### NOTICES

Meetings:  
Depository Library Council, 12798

### Health and Human Services Department

See Centers for Disease Control and Prevention  
See Food and Drug Administration  
See Health Resources and Services Administration

#### RULES

Privacy act; implementation  
Individually identifiable health information; privacy standards, 12738–12739

### PROPOSED RULES

Medical care and examinations:  
Indian health—  
Joint Tribal and Federal Self-Governance Negotiated Rulemaking Committee; meeting cancellation, 12747

### Health Resources and Services Administration

#### NOTICES

Meetings:  
Childhood Vaccines Advisory Commission, 12805–12806

### Information Security Oversight Office

#### NOTICES

Meetings:  
National Industrial Security Program Policy Advisory Committee, 12817

### Interior Department

See Fish and Wildlife Service  
See Geological Survey  
See Land Management Bureau  
See Minerals Management Service

### Internal Revenue Service

#### RULES

Estate and gift taxes:  
Generation-skipping transfer tax issues; correction, 12834

### International Trade Administration

#### NOTICES

Antidumping:  
Stainless steel sheet and strip in coils from—  
Germany, 12759  
Steel wire rope from—  
Various countries, 12759–12761  
Tapered roller bearings and parts, finished and unfinished, from—  
Japan, 12761–12762  
Antidumping and countervailing duties:  
Administrative review requests, 12758–12759  
Overseas trade missions:  
2001 trade missions—  
Private sector participants recruitment and selection, 12762

### International Trade Commission

#### NOTICES

Import investigations:  
Aramid fiber formed of poly para-phenylene terephthalamide from—  
Netherlands, 12810  
Garlic, fresh from—  
China, 12810  
Steel wire rope from—  
Various countries, 12810–12811

### Justice Department

See National Institute of Corrections

### Labor Department

See Occupational Safety and Health Administration

### Land Management Bureau

#### NOTICES

Environmental statements; availability, etc.:  
Lander County, NV; Phoenix Project, 12807

## Meetings:

Resource Advisory Councils—  
New Mexico, 12807–12808

## Survey plat filings:

New Mexico, 12808

## Withdrawal and reservation of lands:

Alaska, 12808–12809

**Management and Budget Office****NOTICES**

## Budget rescissions and deferrals

Cumulative reports, 12821–12823

**Minerals Management Service****NOTICES**

## Meetings:

Minerals Management Advisory Board, 12809–12810

**National Archives and Records Administration**

See Information Security Oversight Office

**National Highway Traffic Safety Administration****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 12829–12831

**National Institute of Corrections****NOTICES**

## Grants and cooperative agreements; availability, etc.:

NIC Executive Leadership Training for Women;  
effectiveness assessment and impact documentation,  
12811–12813

**National Institute of Standards and Technology****NOTICES**

## Information processing standards, Federal:

Advanced Encryption Standard; comment request, 12762–  
12763

**National Oceanic and Atmospheric Administration****RULES**

## Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—  
Groundfish; closure to vessels using non-pelagic trawl  
gear in red king crab savings subarea, 12739–12740

**PROPOSED RULES**

## Fishery conservation and management:

Northeastern United States fisheries—  
New England Fishery Management Council; meetings,  
12755–12756

**NOTICES**

## Permits:

Marine mammals, 12763–12764

## Seabirds in longline fisheries; incidental catch reduction;

national plan of action, 12764–12766

**National Skill Standards Board****NOTICES**

National voluntary skill standards, assessments, and  
certification systems development; comment request,  
12835–12837

**Nuclear Regulatory Commission****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 12817  
Submission for OMB review; comment request, 12818

## Reports and guidance documents; availability, etc.:

Foundations of nuclear power plants; site investigations,  
12820–12821

*Applications, hearings, determinations, etc.:*

Tennessee Valley Authority, 12818–12820

**Occupational Safety and Health Administration****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 12813–12817

**Office of Management and Budget**

See Management and Budget Office

**Office of United States Trade Representative**

See Trade Representative, Office of United States

**Overseas Private Investment Corporation****NOTICES**

Meetings; Sunshine Act, 12823

**Pension Benefit Guaranty Corporation****NOTICES**

## Agency information collection activities:

Submission for OMB review; comment request, 12823

**Presidential Documents****ADMINISTRATIVE ORDERS**

Cuba; continuation of emergency with respect to regulation  
of anchorage and movement of vessels (Notice of  
February 27, 2001), 12839–12841

**Public Health Service**

See Centers for Disease Control and Prevention

See Food and Drug Administration

See Health Resources and Services Administration

**Securities and Exchange Commission****NOTICES**

## Self-regulatory organizations; proposed rule changes:

Philadelphia Stock Exchange, Inc., 12823–12825

**Small Business Administration****NOTICES**

## Privacy Act:

Systems of records, 12825–12826

**State Department****RULES**

## International Traffic in Arms regulations:

General policies and provisions; Canadian exemptions;  
CFR correction, 12738

## Visas; nonimmigrant documentation:

O and P Nonimmigrant Visas; reissuance, 12737–12738

**Surface Transportation Board****NOTICES**

## Railroad services abandonment:

Grand Trunk Western Railroad, Inc., 12831

**Textile Agreements Implementation Committee**

See Committee for the Implementation of Textile  
Agreements

**Trade Representative, Office of United States****NOTICES**

## Reports and guidance documents; availability, etc.:

Discrimination in foreign government procurement  
pursuant to Executive order 13116 (Title VII), 12826–  
12827

**Transportation Department**

*See* Coast Guard

*See* Federal Aviation Administration

*See* Federal Highway Administration

*See* National Highway Traffic Safety Administration

*See* Surface Transportation Board

**Treasury Department**

*See* Internal Revenue Service

**NOTICES**

Agency information collection activities:

Submission for OMB review; comment request, 12831–12833

---

**Separate Parts In This Issue****Part II**

National Skill Standards Board, 12835–12837

**Part III**

The President, 12839–12841

---

**Reader Aids**

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

**CFR PARTS AFFECTED IN THIS ISSUE**

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

**3 CFR****Proclamations:**

6867 (See Notice of  
February 27,  
2001) .....12841

**Administrative Orders:**

Notice of February 27,  
2001 .....12841

**14 CFR**

39 (5 documents) .....12723,  
12724, 12726, 12729, 12834  
71 .....12731

**Proposed Rules:**

71 .....12741

**21 CFR**

862 .....12733  
888 .....12734

**22 CFR**

41 .....12737  
126 .....12738

**26 CFR**

26 .....12834

**33 CFR****Proposed Rules:**

110 .....12742  
117 .....12745

**40 CFR****Proposed Rules:**

51 .....12746  
60 .....12746  
63 .....12746  
70 .....12746  
123 .....12746  
142 .....12746  
145 .....12746  
162 .....12746  
233 .....12746  
257 .....12746  
258 .....12746  
271 .....12746  
281 .....12746  
403 .....12746  
501 .....12746  
745 .....12746  
763 .....12746

**42 CFR****Proposed Rules:**

36 .....12747

**45 CFR**

160 .....12738  
164 .....12738

**47 CFR****Proposed Rules:**

73 (12 documents) .....12747,  
12748, 12749, 12750,12751,  
12752, 12753

**50 CFR**

679 .....12739

**Proposed Rules:**

17 .....12754  
648 .....12755

# Rules and Regulations

Federal Register

Vol. 66, No. 40

Wednesday, February 28, 2001

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-CE-10-AD; Amendment 39-12123; AD 2001-04-05]

RIN 2120-AA64

#### Airworthiness Directives; Raytheon Aircraft Company Beech Model 1900D Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Raytheon Aircraft Company (Raytheon) Beech Model 1900D airplanes that are equipped with a KLN-90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI-D. This AD requires rewiring the KLN-90B GPS to eliminate the possibility of inconsistent NAV "FLAG" displays. This AD is the result of an instance where the copilot's NAV "FLAG" display was based on the pilot's NAV source validity. The actions specified by this AD are intended to assure that the copilot's NAV "FLAG" displays are based on the copilot's selected NAV source. Inconsistent NAV "FLAG" displays could cause the copilot to make decisions based on an invalid GPS source without knowing it was invalid.

**DATES:** This AD becomes effective on April 9, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 9, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085; telephone: (800) 625-7043 or (316) 676-4556. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-10-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Todd Dixon, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4152; facsimile: (316) 946-4407.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What events have caused this AD?* The FAA has received a report of inconsistent NAV "FLAG" displays on the KLN-90B Global Positioning System (GPS) that was installed on a Raytheon Model Beech 1900D airplane. This system is installed in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI-D, and could be installed on Raytheon Beech Model 1900D airplanes, serial numbers UE-156 through UE-299.

In this situation, the copilot had the KLN-90B GPS selected as the NAV source and the pilot did not have a valid NAV source selected. This caused the flight director command bar to disappear from the copilot's electronic attitude director indicator (EADI), and the copilot received an inconsistent NAV "FLAG".

*What are the consequences if the condition is not corrected?* Inconsistent NAV "FLAG" displays could cause the copilot to make decisions based on an

invalid GPS source without knowing it was invalid.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Raytheon Beech Model 1900D airplanes that are equipped with a KLN-90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI-D. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on November 2, 2000 (65 FR 65803). The NPRM proposed to require rewiring the KLN-90B GPS to eliminate the possibility of inconsistent NAV "FLAG" displays.

*Was the public invited to comment?* Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

**FAA's Determination**

*What is FAA's final determination on this issue?* After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

**Cost Impact**

*How many airplanes does this AD impact?* We estimate that this AD affects 82 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
4 workhours × \$60 per hour = \$240.	No parts required for the rewiring	\$240 per airplane .....	\$240 × 82 = \$19,680.

**Note:** Warranty credit will be allowed on all affected airplanes to the extent specified in the service bulletin.

**Regulatory Impact**

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

*Does this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this action (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) 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 final 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, Incorporation by reference, Safety.

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

2. FAA amends § 39.13 by adding a new AD to read as follows:

**2001–04–05 Raytheon Aircraft Company:** Amendment 39-12123; Docket No. 2000-CE-10-AD.

(a) *What airplanes are affected by this AD?* This AD affects Beech Model 1900D airplanes, serial numbers UE-156 through UE-299, that are:

- (1) Certificated in any category; and
- (2) Equipped with a KLN-90B Global Positioning System (GPS) incorporated in accordance with AlliedSignal Supplemental Type Certificate (STC) SA00245WI-D.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to assure that the copilot’s NAV “FLAG” displays are based on the copilot’s selected NAV source. Inconsistent NAV “FLAG” displays could cause the copilot to make decisions based on an invalid GPS source without knowing it was invalid.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
Rewire the KLN-90B Global Positioning System to eliminate the possibility of inconsistent NAV “FLAG” displays.	Within the next 400 hours time-in-service (TIS) after April 9, 2001 (the effective date of this AD), unless already accomplished.	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Raytheon Mandatory Service Bulletin SB 34-3222, Issued: January, 2000.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Wichita Aircraft Certification Office (ACO), approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

**Note 1:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Todd Dixon, Aerospace Engineer, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Mid-Continent Airport, Wichita, Kansas 67209; telephone: (316) 946-4152; facsimile: (316) 946-4407.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Raytheon Mandatory Service Bulletin SB 34-3222, Issued: January, 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from the Raytheon Aircraft Company, PO Box 85, Wichita, Kansas 67201-0085. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 9, 2001.

Issued in Kansas City, Missouri, on February 8, 2001.

**Michael Gallagher,**  
*Manager, Small Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-4049 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2001-NM-27-AD; Amendment 39-12125; AD 2001-03-52]

RIN 2120-AA64

**Airworthiness Directives; Bombardier Model CL-600-2B16 (CL-604) Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2001-03-52 that was sent previously to all known U.S. owners and operators of Bombardier Model CL-600-2B16 (CL-604) series airplanes by individual notices. This AD requires revising the airplane flight manual to provide the flight crew with revised aft center of gravity (CG) limits. This action is prompted by issuance of mandatory continuing airworthiness information by a foreign airworthiness authority. The

actions specified by this AD are intended to prevent fuel migration under conditions of acceleration and/or climb, which could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane.

**DATES:** Effective March 5, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001-03-52, issued February 2, 2001, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of March 5, 2001.

Comments for inclusion in the Rules Docket must be received on or before March 30, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 2001-NM-27-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227-1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain "Docket No. 2001-NM-27-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 applicable service information may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** James E. Delisio, Aerospace Engineer, Airframe and Propulsion Branch, ANE-171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; telephone (516) 256-7521; fax (516) 568-2716.

**SUPPLEMENTARY INFORMATION:** On February 2, 2001, the FAA issued emergency AD 2001-03-52, which is

applicable to certain Bombardier Model CL-600-2B16 (CL-604) series airplanes.

Transport Canada Civil Aviation (TCCA), which is the airworthiness authority for Canada, recently notified the FAA that an unsafe condition may exist on certain Bombardier Model CL-600-2B16 (CL-604) series airplanes. The TCCA reported a recent incident that occurred during a flight test in which, during the initial takeoff rotation, an airplane pitched up at a significantly high rate resulting in a natural stall. After the initial pushover from the stall, the airplane stalled again when the pilot attempted to raise the nose a second time.

Investigation revealed that fuel migration in the center fuel tank caused a center of gravity shift. The fuel tanks are not baffled, which allows fuel to migrate when the airplane pitches up. Such fuel migration under conditions of acceleration and/or climb, if not corrected, could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane.

#### Correction of Typographical Error

The FAA has revised paragraph (a) of this AD to correct a typographical error that appeared in the emergency AD. The typographical error referenced Canadair Challenger CL-604 Airplane Flight Manual (AFM) PSP-606-1, which does not exist, and has been changed to Canadair Challenger CL-604 Airplane Flight Manual (AFM) PSP-604-1 in the **Federal Register** version of the final rule.

#### FAA's Conclusions

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

#### Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 2001-03-52 to prevent fuel migration under conditions of acceleration and/or climb, which

could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane. The AD requires revising the FAA-approved Airplane Flight Manual to provide the flight crew with revised aft center of gravity (CG) limits that prevent fuel migration from resulting in a rearward shift of the CG to the degree that will result in controllability problems.

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on February 2, 2001, to all known U.S. owners and operators of Bombardier Model CL-600-2B16 (CL-604) series airplanes. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

#### Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire.

Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

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

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

submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NM-27-AD." The postcard will be date stamped and returned to the commenter.

### Regulatory Impact

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

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

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

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

**2001-03-52 Bombardier Inc. (Formerly Canadair):** Amendment 39-12125. Docket 2001-NM-27-AD.

**Applicability:** Model CL-600-2B16 (CL-604) series airplanes, serial numbers 5301

through 5489 inclusive; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent fuel migration under conditions of acceleration and/or climb, which could result in the airplane exceeding the aft center of gravity limit, and consequent loss of control of the airplane, accomplish the following:

#### Airplane Flight Manual Revision

(a) Within 5 days after the effective date of this AD, revise the Limitations and Abnormal Procedures Sections of the Canadair Challenger CL-604 Airplane Flight Manual (AFM) PSP-604-1, by inserting a copy of Canadair Challenger Temporary Revision (TR) No. 604/13, dated February 1, 2001, into the AFM.

(b) When the information in TR No. 604/13, dated February 1, 2001, has been incorporated into the FAA-approved general revisions of the AFM, the general revisions may be inserted in the AFM, and the TR may be removed from the AFM.

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

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

**Note 2:** The subject of this AD is addressed in Canadian airworthiness directive CF-2001-07, dated February 2, 2001.

#### Incorporation by Reference

(d) The AFM revision shall be done in accordance with Canadair Challenger Temporary Revision No. 604/13, dated February 1, 2001. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, P.O. Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(e) This amendment becomes effective on March 5, 2001, to all persons except those persons to whom it was made immediately effective by emergency AD 2001-03-52, issued February 2, 2001, which contained the requirements of this amendment.

Issued in Renton, Washington, on February 13, 2001.

**Vi L. Lipski,**

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

[FR Doc. 01-4217 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

**[Docket No. 98-ANE-57-AD; Amendment 39-12124; AD 2001-04-06]**

**RIN 2120-AA64**

### Airworthiness Directives; CFM International, S.A. CFM56-3, -3B, and -3C Series Turbofan Engines

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that is applicable to CFM International, S.A. CFM56-3, -3B, and -3C series turbofan engines. This amendment requires that use of certain lubricants no longer on the manufacturer's approved list be discontinued. In addition, this amendment requires a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, requires an ultrasonic inspection for cracks in the fan disk, and, if necessary, removal from service of fan disks and replacement with serviceable parts. This amendment is prompted by reports of fan disk heavy wear and cracks. The actions specified by this amendment are intended to prevent fan disk failure, which could result in an uncontained engine failure and damage to the aircraft.

**DATES:** Effective date April 4, 2001. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 4, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone (513) 552-2800, fax (513) 552-2816. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Glorianne Niebuhr, Aerospace Engineer, Engine Certification Office, FAA, Engine

and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7132, fax (781) 238-7199.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to CFM International S.A. CFM56-3, -3B, and -3C Series Turbofan Engines was published in the **Federal Register** on March 3, 2000 (65 FR 11505). That action proposed to require a one-time fan disk dovetail wear measurement, and if wear exceeds certain limits, require an ultrasonic inspection for cracks in the fan disk, and, if necessary, require removal from service of fan disks and replacement with serviceable parts. That action was prompted by reports of fan disk heavy wear and cracks. That condition, if not corrected, could result in an uncontained engine failure and damage to the aircraft.

#### Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

#### Compliance Intent

One commenter suggests that the compliance intent of the AD would be met if an operator accomplished Boeing task card C72-31-02-2A-1 or -2, and Boeing Aircraft Maintenance Manual (AMM) 72-31-02, tasks on page 601. The FAA disagrees. The Boeing task card only describes the procedure for lubricating fan blade dovetails. In addition, the AMM does not lead the operator to perform ultrasonic inspection and does not explain how to gain serviceability.

#### When Inspection Is Not Required

One commenter suggests that the information contained in paragraphs 1.A. (1) and (2) of CFMI SB 72-854, Revision 2, should be added to the AD to clarify when the inspection is NOT required. The FAA partially agrees. The information is already included in the flowcharts in the referenced SB. However, to further clarify when an inspection is NOT required, information has been added to new paragraphs (h), (i) and (j) of this AD.

#### Requirements of Revision 1 and Revision 2

One commenter is concerned that the requirements of CFMI CFM56-3 SB 72-854 Revision 1 and CFMI CFM56-3 SB 72-854 Revision 2 are different and that the AD will result in another round of

inspections after they have already been done according to Revision 1. Other commenters want to be sure that credit will be given for performing Revision 1 of the SB. The FAA partially agrees and clarification has been added to the AD to allow Revision 1 as a method of compliance. There is no technical difference between Revision 1 and 2. Revision 2 simply adds flowcharts for clarification.

#### Clarification of Wear Limits

One commenter states that the wear limits in the SB are inconsistent with the wear limits in the AD (.004 inch vs. .005 inch). The FAA does not agree. There is no difference between the AD and the SB. The two measurements noted (.004 and .005) are applied in different contexts. The .004 inch limit in SB paragraph 1.A.(2) refers to the last inspection performed in accordance with the engine shop manual and is one of the conditions required to avoid the inspection per the AD. However, the .005 inch limit is a result of the on-wing inspection required by the AD to determine if the disk is serviceable or if further inspections are necessary.

#### Inspection Parameters

One commenter asks that the second bullet in paragraph 1.A of the SB, which states that for "fan disks relubricated with a currently recommended lubricant, inspection of these disks is due at 20,000 cycles-since-new (CY)/35,000 hours-since-new (H) threshold-since-new or rebroached," be added to the compliance section of the AD to clarify when it is possible to wait until 20,000 cycles to perform the inspection. The FAA agrees with the intent of the second bullet in paragraph 1.A of the SB and clarification has been added to new paragraph (k) of the compliance section to further explain when it is possible to wait until 20,000 cycles to inspect.

#### Rebroached Fan Disks

The manufacturer asks that a statement be added to the effectivity section of the AD that rebroached fan disks do not require an inspection per this AD. The FAA agrees and has added new paragraph (i) to the AD, stating that inspections will not be required for rebroached fan disks.

#### Where To Perform the Inspection

One commenter requests that the fan disk inspections be performed at the shop visit level instead of on-wing. The commenter further states that there is a low failure rate and incidents that occurred resulted from the use of an uncommon lubricant. The FAA does not agree. The lubricant being discontinued

was an approved lubricant. The lubricant has since been taken off of the approved lubricant list. But before that time, any and all operators had the possibility of being exposed. As stated in SB paragraph 1.A.(1), if the fan disk has used a currently approved lubricant and has the recommended configuration installed before 3,000 cycles/5250 hours, inspection is not required. Otherwise inspection per the AD is necessary to maintain a minimum acceptable level of safety. In addition, a cracked fan disk could lead to an uncontained failure. The risk analysis shows that the control program described in this AD meets the minimum level of safety.

#### Labor Requirement

One commenter asks the FAA to add two hours for ultrasonic inspection to the labor requirement. The FAA does not agree. The two hours for ultrasonic inspection is already included in the estimated nine man-hours detailed in the AD. It is also spelled out in detail in paragraph 1.F.(4) of the SB.

#### Availability of Blade Replacements

One commenter asks that the FAA revise the on-wing inspection requirement to a shop visit when it is necessary to install the 37° fan blades. The commenter is concerned that blades are not always available and down time may result. The FAA does not agree. The manufacturer has informed the FAA that all parts should be readily available for purchase and installation. In addition, this method meets the minimum acceptable level of safety necessary for this program.

#### Wear Measurement Tool

One commenter, who questions the accuracy and repeatability of the measuring tool with respect to the allowable max wear limit of .005 inch, asks that the FAA consider eliminating the wear measurement tool in the inspection process. The FAA does not agree. The current wear measurement tool is acceptable for this inspection program. This issue was addressed in the beginning of the program. The .005 inch wear limit takes into consideration the accuracy and repeatability factor. In addition, new improvements have since been introduced to this tool and courses have been provided to explain how to use it properly. Repeatability and reproducibility tests were performed in overhaul shops in 1997. This is the current best practice that is compatible with existing maintenance constraints and practices.

**Concurrence as Written**

One commenter concurs with the AD as written.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

**Regulatory Impact**

This proposal does not have federalism implications, as defined in Executive Order 13132, because it 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. Accordingly, the FAA has not consulted with state authorities prior to publication of this proposal.

For the reasons discussed above, I certify that this action (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, Incorporation by reference, Safety.

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**2001-04-06 CFM International:** Amendment 39-12124. Docket 98-ANE-57-AD.

**Applicability:** CFM International, S.A (CFMI) CFM56-3, -3B, and -3C series turbofan engines, installed on but not limited to Boeing 737 series aircraft.

**Note 1:** This airworthiness directive (AD) applies to each engine 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 engines 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 (l) 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 fan disk failure, which could result in an uncontained engine failure and damage to the aircraft, accomplish the following:

**Wear Measurement (Thrust Rating Category A Only)**

(a) For CFM56-3, -3B, and -3C series engines operating at the category A thrust rating on the effective date of this AD that have never previously operated at the category B or C thrust ratings, perform a one time fan disk dovetail wear measurement in accordance with section 2.B.(1) of Service Bulletin (SB) CFMI CFM56-3/-3B/-3C, No. 72-854, Revision 1, dated August 7, 1998, or section 2.B.(1) of SB CFMI CFM56-3/-3B/-3C, No. 72-854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's, and the current fan disk time and cycles on the effective date of the AD.

**Inspection**

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(b)1 of the SB.

**Removal**

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 cycles-in-service (CIS), fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(b)1 of the SB.

**Wear Measurement (Thrust Rating Category A, if the Engine Was Previously Operated at Thrust Rating Categories B or C)**

(b) For CFM56-3, -3B, and -3C series engines operating at the category A thrust rating on the effective date of this AD that have previously operated at the category B or category C thrust ratings, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of SB CFMI CFM56-3/-3B/-3C, No. 72-854, Revision 1, dated August 7, 1998, or section 2.B.(1) of SB CFMI CFM56-3/-3B/-3C, No. 72-854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's, and the current fan disk time and cycles on the effective date of the AD.

**Inspection**

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(b)2 of the SB.

**Removal**

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(b)2 of the SB.

**Wear Measurement (Thrust Rating Category B, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or C)**

(c) For CFM56-3B and -3C series engines operating at the category B thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at thrust rating categories A or C, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of CFMI CFM56-3/-3B/-3C Service Bulletin (SB) No. 72-854, Revision 1, dated August 7, 1998, or section 2.B.(1) of CFMI CFM56-3/-3B/-3C SB No. 72-854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's, and the current fan disk time and cycles on the effective date of the AD.

**Inspection**

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(c) of the SB.

**Removal**

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection

criteria defined in paragraph 2.B.(2)(d)8b of the SB, if the wear measurement is greater than or equal to 9 mils.

(2) Remove and replace fan blades and install dampers, as required, in accordance with the compliance times and criteria described in section 1.D.(1)(c) of the SB.

**Wear Measurement (Thrust Rating Category C, Regardless of Whether the Engine Was Previously Operated at Thrust Rating Categories A or B)**

(d) For CFM56-3C series engines operating at the category C thrust rating on the effective date of this AD, regardless of whether the engine was previously operated at category A or B thrust ratings, perform a one-time fan disk dovetail wear measurement in accordance with section 2.B.(1) of SB CFMI CFM56-3/-3B/-3C, No. 72-854, Revision 1, dated August 7, 1998, or section 2.B.(1) of SB CFMI CFM56-3/-3B/-3C SB, No. 72-854, Revision 2, dated November 29, 1999, using the intervals defined in section 1.D.(1)(a)(1) and 1.D.(1)(a)(2) of the SB's and the current fan disk time and cycles on the effective date of the AD.

**Inspection**

(1) Perform a local ultrasonic inspection for cracks in the fan disk in accordance with section 2.B.(2) of the SB, if required by the wear criteria described in section 1.D.(1)(d) of the SB.

**Removal**

(i) Remove from service prior to further flight fan disks that do not meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, and replace with a serviceable part.

(ii) Remove from service within 50 CIS, fan disks that meet the ultrasonic inspection criteria defined in paragraph 2.B.(2)(d)8b of the SB, if the wear measurement is greater than or equal to 5 mils.

(2) [Reserved]

**Cleaning and Lubrication of Fan Disk/Blade**

(e) If the fan disk is determined to be serviceable, clean and lubricate the fan disk and fan blades using the instructions in paragraph 2.B.(2)(d)8d of the SB.

**Definitions**

(f) The category A, B, and C thrust ratings listed in paragraphs (a) through (d) of this AD are defined in chapter 05 of the CFM56-3 model series Engine Shop Manual, CFMI-TP.SM.5.

**Lubricants**

(g) After the effective date of this AD, the following lubricants are no longer approved for use on the CFMI CFM56-3, -3B, and -3C series engines: Sandstrom 27A, ZIP D5460, Surf-kote A 1625, Tiolube 70 and Tiolube 75/75.

**When Inspection Is Not Required**

(h) The actions required by paragraphs (a), (b), (c), and (d), (e) of this AD are not required if the fan disk has been equipped with configurations (1) or (2) below prior to reaching 3,000 cycles-since-new, or 5,250 hours-since-new, whichever occurs first, and has never been relubricated using one of the lubricants identified in paragraph (g) of this AD:

(1) For fan disks operating at a thrust rating of 20,000 pounds or less, the fan disk has either 25° fan blades with dampers or 37° fan blades with or without dampers.

(2) For fan disks operating at a thrust rating of more than 20,000 pounds, the fan disk has 37° fan blades with dampers.

(i) Inspection is not required for fan disks that used lubricants identified in paragraph (g) but were then rebroached prior to exceeding the .004 inch wear limit, then were not lubricated with the lubricants identified in paragraph (g) AND were equipped with fan blade configurations specified either in sub-paragraph (h)(1) or (h)(2) of this AD.

(j) Inspection is also not required for fan disks that were inspected to and within

Engine Shop Manual limits of .004 inch wear limit, then were not lubricated with the lubricants identified in paragraph (g) AND were equipped with fan blade configurations specified either in sub-paragraph (h)(1) or (h)(2) of this AD.

**When Inspection Can Wait Until 20,000 Cycles-Since-New (CSN)/35,000 Time-Since-New (TSN)**

(k) For disks that have never been relubricated since first manufacture using one of the lubricants identified in paragraph (g) of this AD, the inspections required by paragraphs (a), (b), (c), and (d) of this AD are required at 20,000 CSN or 35,000 hours TSN, whichever occurs first.

**Alternative Methods of Compliance**

(l) 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, Engine Certification Office (ECO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, ECO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

**Ferry Flights**

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

**Incorporation by Reference Material**

(n) The FAA has reviewed and approved the technical content of the listed CFMI SBs. The actions required by this AD shall be done in accordance with the following CFMI SBs:

Document No.	Pages	Revision	Date
CFM56 -3/-3B/-3C, SB No. 72-854 .....	1-39	1	August 7, 1998.
Total pages .....	39		
CFM56 -3/-3B/-3C, SB No. 72-854 .....	1-40	2	November 29, 1999.
Total pages .....	40		

The incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from CFM International, Technical Publications Department, 1 Neumann Way, Cincinnati, OH 45215; telephone: (513) 552-2800, fax: (513) 552-2816. Copies may be inspected at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA 01803-5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Effective Date**

(o) This amendment becomes effective on April 4, 2001.

Issued in Burlington, Massachusetts, on February 12, 2001.

**Jay J. Pardee,**  
*Manager, Engine and Propeller Directorate,  
 Aircraft Certification Service.*

[FR Doc. 01-4216 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-CE-69-AD; Amendment 39-12126; AD 2001-04-07]

**RIN 2120-AA64**

**Airworthiness Directives; SOCATA-Groupe Aerospatiale Model TBM 700 Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain Socata-Groupe Aerospatiale (Socata) Model TBM 700 airplanes. This AD requires you to install a thermal protection sleeve on the propeller governor flexible cable. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for France. The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable, which could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

**DATES:** This AD becomes effective on April 13, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 13, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from Socata Groupe Aerospatiale, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930-F65009 Tarbes Cedex, France; telephone: (33) (0)5.62.41.73.00; facsimile: (33) (0)5.62.41.76.54; or the Product Support Manager, Socata-Groupe Aerospatiale, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023; telephone: (954) 894-1160; facsimile: (954) 964-4191. You may examine this information at the Federal Aviation Administration (FAA), Central Region,

Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-69-AD, 901 Locust, Room 506, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4146; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What events have caused this AD?* The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, recently notified FAA that an unsafe condition may exist on certain Socata Model TBM 700 airplanes. The DGAC reports five occurrences on civilian and military Socata Model TBM 700 airplanes where there was damage to the internal sleeve of the flexible propeller control cable. This damage was because of thermal conduction generated by the turboprop left hand exhaust nozzle.

*What are the consequences if the condition is not corrected?* The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable. This could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

*Has FAA taken any action to this point?* We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include

an AD that would apply to certain SOCATA Model TBM 700 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 14, 2000 (65 FR 78122). The NPRM proposed to require you to install a thermal protection sleeve on the propeller governor flexible cable.

*Was the public invited to comment?* Interested persons were afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

**FAA's Determination**

*What is FAA's final determination on this issue?* After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

- Will not change the meaning of the AD; and
- Will not add any additional burden upon the public than was already proposed.

**Cost Impact**

*How many airplanes does this AD impact?* We estimate that this AD affects 80 airplanes in the U.S. registry.

*What is the cost impact of this AD on owners/operators of the affected airplanes?* We estimate the following costs to accomplish the modification:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
2 workhours × \$60 per hour = \$120.	\$40 .....	\$120 + \$40 = \$160 .....	\$160 × 80 = \$12,800.

**Compliance Time of This AD**

*What will be the compliance time of this AD?* The compliance time of this AD will be within the next 100 hours time-in-service (TIS) after the effective date of this AD or within the next 3 calendar months after the effective date of this AD, whichever occurs first.

*Why is the compliance time of this AD presented in both hours TIS and calendar time?* The affected airplanes are used in general aviation operations. Those operators may accumulate 100 hours TIS on the airplane in less than 3 months and many owners have numerous affected airplanes. We have determined that the dual compliance time:

- Gives all owners/operators of the affected airplanes adequate time to schedule and do the actions in this AD; and
- Ensures that the unsafe condition referenced in this AD will be corrected within a reasonable time period without inadvertently grounding any of the affected airplanes.

*What are the differences between the French AD and this AD?* The French AD requires the modification at the next scheduled inspection and at the latest before December 21, 2000. We are requiring that you install the thermal protection sleeve within the next 100 hours time-in-service (TIS), or within

the next 3 calendar months, whichever occurs first.

We cannot legally enforce a compliance time of at the next scheduled inspection. We believe that a compliance time of 100 hours TIS or within the next 3 months, whichever occurs first, will give the owners or operators of the affected airplanes enough time to have the actions accomplished without compromising the safety of the airplanes.

**Regulatory Impact**

*Does this AD impact various entities?* The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or

on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

*Does this AD involve a significant rule or regulatory action?* For the reasons discussed above, I certify that this action (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) 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 final 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, Incorporation by reference, Safety.

**Adoption of the Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

2. FAA amends § 39.13 by adding a new AD to read as follows:

**2001-04-07 Socata-Groupe Aerospatiale:** Amendment 39-12126; Docket No. 2000-CE-69-AD.

(a) *What airplanes are affected by this AD?* This AD affects Model TBM 700 airplanes, serial numbers 1 through 156, and 158 thru 163, that are certificated in any category.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions specified by this AD are intended to prevent loss of propeller control because of hardening or blocking of the control cable, which could result in the inability to control propeller pitch and inability to feather the propeller. Such failure could lead to loss of airplane control.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance	Procedures
Install a thermal protection sleeve on the propeller governor flexible cable.	Within the next 100 hours time-in-service (TIS) after April 13, 2001 (the effective date of this AD) or within the next 3 calendar months after April 13, 2001, whichever occurs first, unless already accomplished.	In accordance with Accomplishment Instructions of Socata Service Bulletin SB 70-084, dated September 2000, and the applicable maintenance manual.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

- (1) Your alternative method of compliance provides an equivalent level of safety; and
- (2) The Manager, Small Airplane Directorate, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

**Note 1:** This AD applies to each airplane identified in paragraph (a) of this AD, 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 you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* Contact Karl Schletzbaum, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64016; telephone: (816) 329-4146; facsimile: (816) 329-4090.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location

where you can accomplish the requirements of this AD.

(h) *Are any service bulletins incorporated into this AD by reference?* Actions required by this AD must be done in accordance with Socata Service Bulletin SB 70-084, dated September 2000. The Director of the Federal Register approved this incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. You can get copies from Socata Groupe Aerospatiale, Customer Support, Aerodrome Tarbes-Ossun-Lourdes, BP 930-F65009 Tarbes Cedex, France; or the Product Support Manager, Socata-Groupe Aerospatiale, North Perry Airport, 7501 Pembroke Road, Pembroke Pines, Florida 33023. You can look at copies at the FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

(i) *When does this amendment become effective?* This amendment becomes effective on April 13, 2001.

**Note 2:** The subject of this AD is addressed in French AD 2000-430(A), dated November 15, 2000.

Issued in Kansas City, Missouri, on February 14, 2001.

**Michael Gallagher,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-4399 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Airspace Docket No. 01-ACE-1]

**Amendment to Class E Airspace; Monroe City, MO**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Direct final rule; request for comments.

**SUMMARY:** This action amends the Class E airspace area at Monroe City, MO. The FAA has developed Area Navigation (RNAV) Global Positioning System (GPS) Runway (RWY) 9 ORIGINAL, and RNAV (GPS) RWY 27 ORIGINAL Standard Instrument Approach Procedures (SIAP) to serve Monroe City Regional Airport, Monroe City, MO. Additional controlled airspace extending upward from 700 feet Above Ground Level (AGL) is needed to accommodate the SIAPs and for other Instrument Flight Rules (IFR) operations at this airport.

The intended effect of this rule is to provide controlled Class E airspace for aircraft executing the SIAPs and to segregate aircraft using instrument approach procedures in instrument

conditions from aircraft operating in visual conditions.

**DATES:** This direct final rule is effective on 901 UTC, May 17, 2001.

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

**ADDRESSES:** Send comments regarding the rule in triplicate to: Manager, Operations and Airspace Branch, Air Traffic Division, ACE-530, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 01-ACE-1, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Regional at the same address 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 in the Air Traffic Division at the same address listed above.

**FOR FURTHER INFORMATION CONTACT:**

Brenda Mumper, Air Traffic Division, Operations & Airspace Branch, ACE-520A, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329-2524.

**SUPPLEMENTARY INFORMATION:** The FAA has developed RNAV (GPS) RWY 9 ORIGINAL and RNAV (GPS) RWY 27 ORIGINAL SIAPs to serve Monroe City Regional Airport, Monroe City, MO. The amendment to Class E airspace at Monroe City, MO will provide additional controlled airspace at and above 700 feet AGL in order to contain the new SIAPs within controlled airspace, and thereby facilitate separation of aircraft operating under Instrument Flight Rules (IFR). The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document 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. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the

presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. 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 withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published 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 would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy-related 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. 01-ACE-1." The postcard

will be date stamped and returned to the commenter.

**Agency Findings**

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

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (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.

**List of Subjects in 14 CFR Part 71**

Airspace, Incorporation by reference, Navigation (air).

Accordingly, 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 E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 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 amended as follows:

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

\* \* \* \* \*

**ACE MO E5 Monroe City, MO**

Monroe City Regional Airport, MO  
(Lat. 39°38'04" N., long. 91°43'37" W.)  
Quincy VORTAC  
(Lat. 39°50'53" N., long. 91°16'44" W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Monroe City Regional Airport and within 3.5 miles each side of the Quincy VORTAC 239° radial extending from 6.3-mile radius to 7 miles northeast of the airport.

\* \* \* \* \*

Issued in Kansas City, MO, on February 8, 2001.

**Richard L. Day,**

*Acting Manager, Air Traffic Division, Central Region.*

[FR Doc. 01-4677 Filed 2-27-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 862

[Docket No. 00P-1675]

#### Clinical Chemistry and Clinical Toxicology Devices; Classification of B-Type Natriuretic Peptide Test System

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is classifying the B-type natriuretic peptide (BNP) test system into class II (special controls). The special control that will apply to this device is a guidance document entitled "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers." The agency is taking this action in response to a petition submitted under the Federal Food, Drug, and Cosmetic Act (the act) as amended by the Medical Device Amendments of 1976, the Safe Medical Devices Act of 1990, and the Food and Drug Administration Modernization Act of 1997. The agency is classifying these devices into class II (special controls) in order to provide a reasonable assurance of the safety and effectiveness of the device.

**DATES:** This rule is effective February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Jean M. Cooper, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 2098 Gaither Rd., Rockville, MD 20850, 301-594-1293.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with section 513(f)(1) of the act (21 U.S.C. 360c(f)(1)), devices that were not in commercial distribution before May 28, 1976, the date of enactment of the Medical Device Amendments of 1976 (the amendments), generally referred to as postamendments devices, are classified automatically by statute into class III without any FDA rulemaking process. These devices remain in class III and require premarket approval, unless and until the device is classified or reclassified into class I or II or FDA issues an order finding the device to be substantially equivalent, in accordance with section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines whether new devices are substantially equivalent to previously marketed devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and 21 CFR part 807 of FDA's regulations.

Section 513(f)(2) of the act provides that any person who submits a premarket notification under section 510(k) of the act for a device that has not previously been classified may, within 30 days after receiving an order classifying the device in class III under section 513(f)(1) of the act, request FDA to classify the device under the criteria set forth in section 513(a)(1) of the act. FDA shall, within 60 days of receiving such a request, classify the device by written order. This classification shall be the initial classification of the device. Within 30 days after the issuance of an order classifying the device, FDA must publish a notice in the **Federal Register** announcing such classification.

In accordance with section 513(f)(1) of the act, FDA issued an order on November 13, 2000, classifying the BNP test in class III, because it was not substantially equivalent to a device that was introduced or delivered for introduction into interstate commerce for commercial distribution before May 28, 1976, or a device that was subsequently reclassified into class I or II. On November 15, 2000, FDA received a petition submitted by Biosite Diagnostic, Inc., requesting classification of the BNP test system into class II under section 513(f)(2) of the act.

After review of the information submitted in the petition, FDA determined that the Biosite Diagnostics BNP test system can be classified in class II with the establishment of special controls. This device is intended to measure BNP in whole blood and

plasma as an aid in the diagnosis of patients with congestive heart failure. FDA believes that class II special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

In addition to the general controls of the act, the Biosite Diagnostics BNP test system is subject to a special control guidance document entitled "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

Section 510(m) of the act provides that FDA may exempt a class II device from the premarket notification requirement under section 510(k) of the act, if FDA determines that premarket notification is not necessary to provide reasonable assurance of the safety and effectiveness of the device. FDA has determined that premarket notification is necessary to provide reasonable assurance of the safety and effectiveness of this type of device and, therefore, the device is not exempt from the premarket notification requirements. The test is used in the diagnosis of patients with congestive heart failure. FDA review of data sets and labeling ensure that minimum levels of performance are obtained before marketing and are subject to impartial external quality control before labeling is put into place. Thus, persons who intend to market this device must submit to FDA a premarket notification submission containing information on the BNP test system before marketing the device.

On November 20, 2000, FDA issued an order to the petitioner classifying the Biosite Diagnostics BNP test system, and substantially equivalent devices of this generic type, into class II under the generic name, BNP test system. FDA identifies this generic type of device as a BNP test system, which is intended to aid in the diagnosis of congestive heart failure. FDA is codifying this device by adding § 862.1117. This order also identifies a special control applicable to this device "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

##### II. Electronic Access

In order to receive the draft guidance document entitled "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers" via your fax machine, call the CDRH Facts on Demand System at 800-899-0381 or 301-827-0111 from a touch-tone

telephone. At the first voice prompt press 1 to enter the system. At the second voice prompt press 1 to order a document. Enter the document number (1183) followed by the pound sign (#). Follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the draft guidance may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. The CDRH home page may be accessed at <http://www.fda.gov/cdrh>. "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notification; Final Guidance for Industry and FDA Reviewers" is available at <http://www.fda.gov/cdrh/ode/guidance/1072.pdf>.

### III. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

### IV. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601-612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104-1210), and the Unfunded Mandates Reform Act of 1995 (Public Law 104-4)). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so it is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. FDA knows of only one manufacturer of this type of device. Classification of these devices in class II will relieve this manufacturer of the device of the cost of complying with the

premarket approval requirements of section 515 of the act (21 U.S.C. 360e) and may permit small potential competitors to enter the market place by lowering their costs. The agency, therefore, certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

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

### V. Federalism

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

### VI. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

#### List of Subjects in 21 CFR Part 862

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 862 is amended as follows:

#### PART 862—CLINICAL CHEMISTRY AND CLINICAL TOXICOLOGY DEVICES

1. The authority citation for 21 CFR part 862 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 862.1117 is added to subpart B to read as follows:

#### § 862.1117 B-type natriuretic peptide test system.

(a) *Identification.* The B-type natriuretic peptide (BNP) test system is an in vitro diagnostic device intended to measure BNP in whole blood and plasma. Measurements of BNP are used as an aid in the diagnosis of patients with congestive heart failure.

(b) *Classification.* Class II (special controls). The special control is "Class II Special Control Guidance Document for B-Type Natriuretic Peptide Premarket Notifications; Final Guidance for Industry and FDA Reviewers."

Dated: January 11, 2001.

**Linda S. Kahan,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 01-4847 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 888

[Docket No. 97P-0354]

#### Medical Devices; Reclassification of the Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that it is reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II (special controls). The agency is also announcing that it has issued an order in the form of a letter to the Orthopedic Surgical Manufacturers Association (OSMA) reclassifying the device. The special control that will apply is a guidance document entitled "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis." The agency is classifying this device into class II because special controls, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the device, and there is sufficient information to establish special controls.

**DATES:** This rule is effective March 30, 2001.

**FOR FURTHER INFORMATION CONTACT:** Theodore R. Stevens, Center for Devices and Radiological Health (HFZ-410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-2036.

**SUPPLEMENTARY INFORMATION:**

**I. Background (Regulatory Authorities)**

The Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 301 *et. seq.*), as amended by the Medical Device Amendments of 1976 (the 1976 amendments) (Public Law 94-295), the Safe Medical Devices Act of 1990 (the SMDA) (Public Law 101-629), and the Food and Drug Administration Modernization Act of 1997 (the FDAMA) (Public Law 105-115), established a comprehensive system for the regulation of medical devices intended for human use. Section 513 of the act (21 U.S.C. 360c) established three categories (classes) of devices, depending on the regulatory controls needed to provide reasonable assurance of their safety and effectiveness. The three categories of devices are class I (general controls), class II (special controls), and class III (premarket approval).

Under section 513 of the act, devices that were in commercial distribution before May 28, 1976 (the date of enactment of the 1976 amendments), generally referred to as preamendments devices, are classified after FDA has: (1) Received a recommendation from a device classification panel (an FDA advisory committee); (2) published the panel's recommendation for comment, along with a proposed regulation classifying the device; and (3) published a final regulation classifying the device. FDA has classified most preamendments devices under these procedures.

Devices that were not in commercial distribution prior to May 28, 1976, generally referred to as postamendments devices, are classified automatically by statute (section 513(f) of the act) into class III without any FDA rulemaking process. Those devices remain in class III and require premarket approval, unless and until: (1) The device is reclassified into class I or II; (2) FDA issues an order classifying the device into class I or II in accordance with new section 513(f)(2) of the act, as amended by the FDAMA; or (3) FDA issues an order finding the device to be substantially equivalent, under section 513(i) of the act, to a predicate device that does not require premarket approval. The agency determines

whether new devices are substantially equivalent to previously offered devices by means of premarket notification procedures in section 510(k) of the act (21 U.S.C. 360(k)) and part 807 of the regulations (21 CFR part 807).

A preamendments device that has been classified into class III may be marketed, by means of premarket notification procedures, without submission of a premarket approval application (PMA) until FDA issues a final regulation under section 515(b) of the act (21 U.S.C. 360e(b)) requiring premarket approval.

Reclassification of postamendments devices is governed by section 513(f)(3) of the act, formerly section 513(f)(2) of the act. This section provides that FDA may initiate the reclassification of a device classified into class III under section 513(f)(1) of the act, or the manufacturer or importer of a device may petition the Secretary of Health and Human Services (the Secretary) for the issuance of an order classifying the device in class I or class II. FDA's regulations in § 860.134 (21 CFR 860.134) set forth the procedures for the filing and review of a petition for reclassification of such class III devices. In order to change the classification of the device, it is necessary that the proposed new class have sufficient regulatory controls to provide reasonable assurance of the safety and effectiveness of the device for its intended use.

The FDAMA added a new section 513(f)(2) to the act which addresses classification of postamendments devices. New section 513(f)(2) of the act provides that, upon receipt of a "not substantially equivalent" determination, a 510(k) applicant may request FDA to classify a postamendments device into class I or class II. Within 60 days from the date of such a written request, FDA must classify the device by written order. If FDA classifies the device into class I or II, the applicant has then received clearance to market the device, and it can be used as a predicate device for other 510(k)'s. It is expected that this process will be used for low risk devices. This process does not apply to devices that have been classified by regulation into class III, i.e., preamendments class III devices, or class III devices for which a PMA is appropriate.

Under section 513(f)(3)(B)(i) of the act, formerly section 513(f)(2)(B)(i) of the act, the Secretary may, for good cause shown, refer a petition to a device classification panel. If a petition is referred to a panel, the panel shall make a recommendation to the Secretary respecting approval or denial of the

petition. Any such recommendation shall contain: (1) A summary of the reasons for the recommendation, (2) a summary of the data upon which the recommendation is based, and (3) an identification of the risks to health (if any) presented by the device with respect to which the petition was filed.

**II. Recommendation of the Panel**

On July 23, 1997, FDA filed the reclassification petition submitted by OSMA, requesting reclassification of the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II. FDA consulted with the Orthopedic and Rehabilitation Devices Panel (the Panel) regarding the reclassification petition. During an open public meeting on January 12 and 13, 1998, the Panel recommended that FDA reclassify the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III to class II. The Panel recommended that the special controls for the device be FDA guidance documents, consensus standards, and postmarket surveillance.

FDA considered the Panel's recommendation and tentatively agreed that the generic type of device, the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint, be reclassified from class III to class II. FDA agrees that guidance documents and consensus standards are appropriate special controls for the device.

FDA disagrees with the Panel that postmarket surveillance is a necessary or an appropriate special control for the device. In their deliberations, the Panel stated that it was important that adverse device outcomes should be reported to FDA and should be tracked through postmarket surveillance. FDA believes that another postmarket mechanism better addresses the Panel's concern. FDA believes that the existing mandatory Medical Device Reporting system is the appropriate mechanism to report such adverse events. Therefore, postmarket surveillance is unnecessary to address the Panel's concerns and to reasonably assure the safety and effectiveness of the device.

Subsequently, in the **Federal Register** of May 28, 1999 (64 FR 29043), FDA issued the Panel's recommendation for public comment. FDA received two comments on the Panel's recommendation. Both comments supported the Panel's recommendation

to reclassify the device into class II. One comment also provided updated information on the designations (years of issuance) and the titles for six of the American Society for Testing and Materials (ASTM) consensus standard special controls for the device. FDA agrees with these comments and will incorporate the updated designations and titles in the special control for the device.

After reviewing the data in the petition and presented before the Panel, and after considering the Panel's recommendation and the comments on the notice of panel recommendation, FDA issued an order to the petitioner on December 17, 1999, reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint, and substantially equivalent devices of this generic type, from class III to class II with the implementation of special controls.

The special controls listed in the order to the petitioner were FDA guidance documents and consensus standards. The FDA guidance documents were as follows:

1. "Guidance Document for Testing Orthopedic Implants with Modified Metallic Surfaces Apposing Bone or Bone Cement;"
2. "Guidance Document for Testing Non-articulating, 'Mechanically Locked' Modular Implant Components;"
3. "Draft Guidance Document for the Preparation of Premarket Notification (510(k)) Applications for Orthopedic Devices-The Basic Elements;"
4. "Use of International Standard ISO-10993, 'Biological Evaluation of Medical Devices Part 1: Evaluation and Testing;" and
5. "510(k) Sterility Review Guidance (# K90-1)," 2/12/90.

The ASTM consensus standards were as follows:

1. F 67-95, "Standard Specifications for Unalloyed Titanium for Surgical Implant Applications;"
2. F 75-98, "Standard Specification for Cobalt-28 Chromium-6 Molybdenum Casting Alloy and Cast Products for Surgical Implants (UNS R30075);"
3. F 136-98, "Standard Specification for Wrought Titanium-6 Aluminum-4 Vanadium ELI (Extra Low Interstitial Alloy (UNS R56401)) for Surgical Implant Applications;"
4. F 648-98, "Standard Specification for Ultra-High Molecular Weight Polyethylene Powder and Fabricated Form for Surgical Implants;"
5. F 1044-95, "Standard Test Method for Shear Testing of Porous Metal Coatings;"

6. F 1147-99, "Standard Test Method for Tension Testing of Calcium Phosphate and Metallic Coatings;"

7. F 1160-98, "Standard Test Method for Shear and Bending Fatigue Testing of Calcium Phosphate and Metallic Medical Coatings;"

8. F 1377-98a, "Standard Specification for Cobalt-28 Chromium-6 Molybdenum Powder for Coating of Orthopedic Implants (UNS R30075);"

9. F 1378-99, "Standard Specification for Shoulder Prostheses;" and

10. F 1580-95, "Standard Specification for Titanium and Titanium-6% Aluminum-4% Vanadium Alloy Powders for Coatings of Surgical Implants."

FDA has recently incorporated the 5 FDA guidance documents and the 10 ASTM consensus standards into a special control guidance entitled "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis." This guidance document is now the special control for this generic device.

Accordingly, as required by § 860.134(b)(6) and (b)(7) of the regulations, FDA is announcing the reclassification of the generic shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis intended to replace a shoulder joint from class III into class II. On December 17, 1999, FDA issued an order to OSMA reclassifying the shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis into class II. In addition, FDA is issuing this final rule to codify the reclassification of the device by adding new § 888.3670.

### III. Access to Special Controls

Persons interested in obtaining a copy of an FDA guidance may do so using the Internet. The Center for Devices and Radiological Health (CDRH) maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. The CDRH home page may be accessed at <http://www.fda.gov/cdrh>. Guidance documents are also available from the Division of Small Manufacturers Assistance (DSMA) (HFZ-220), Food and Drug Administration, Center for Devices and Radiological Health, 1350 Piccard Dr., Rockville, MD 20850. In order to receive the FDA guidance documents via your fax machine call the CDRH Facts-On-Demand (FOD) system at 800-899-0381 or 301-827-0111 from a touch-tone telephone. Press 1 to enter the system

and enter the document number followed by the pound sign (#). Follow the remaining voice prompts to complete your request. The document number is 1193 for "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis."

### IV. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

### V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601-612 (as amended by subtitle D of the Small Business Regulatory Fairness Enforcement Act of 1996 (Public Law 104-121))), and the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of the device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act. Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant economic impact on any small entities, and it may permit small potential competitors to enter the marketplace by lowering their costs. The agency therefore certifies that this final rule will not have a significant economic impact on a substantial number of small entities. In addition, this final rule will not impose costs of \$100 million or more on either the private sector or

State, local, or tribal governments in the aggregate, and therefore a summary statement or analysis under section 202(a) of the Unfunded Mandates Reform Act of 1995 is not required.

## VI. Federalism

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

## VII. Paperwork Reduction Act of 1995

This final rule contains no collections of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

### List of Subjects in 21 CFR Part 888

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 888 is amended as follows:

### PART 888—ORTHOPEDIC DEVICES

1. The authority citation for 21 CFR part 888 continues to read as follows:

**Authority:** 21 U.S.C. 351, 360, 360c, 360e, 360j, 371.

2. Section 888.3670 is added to subpart D to read as follows:

#### **§ 888.3670 Shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis.**

(a) *Identification.* A shoulder joint metal/polymer/metal nonconstrained or semi-constrained porous-coated uncemented prosthesis is a device intended to be implanted to replace a shoulder joint. The device limits movement in one or more planes. It has no linkage across-the-joint. This generic type of device includes prostheses that have a humeral component made of alloys such as cobalt-chromium-molybdenum (Co-Cr-Mo) and titanium-aluminum-vanadium (Ti-6Al-4V) alloys, and a glenoid resurfacing component made of ultra-high molecular weight polyethylene, or a combination of an articulating ultra-high molecular weight

bearing surface fixed in a metal shell made of alloys such as Co-Cr-Mo and Ti-6Al-4V. The humeral component and glenoid backing have a porous coating made of, in the case of Co-Cr-Mo components, beads of the same alloy or commercially pure titanium powder, and in the case of Ti-6Al-4V components, beads or fibers of commercially pure titanium or Ti-6Al-4V alloy, or commercially pure titanium powder. The porous coating has a volume porosity between 30 and 70 percent, an average pore size between 100 and 1,000 microns, interconnecting porosity, and a porous coating thickness between 500 and 1,500 microns. This generic type of device is designed to achieve biological fixation to bone without the use of bone cement.

(b) *Classification.* Class II (special controls). The special control for this device is FDA's "Class II Special Controls Guidance: Shoulder Joint Metal/Polymer/Metal Nonconstrained or Semi-Constrained Porous-Coated Uncemented Prosthesis."

Dated: February 4, 2001.

**Linda S. Kahan,**

*Deputy Director for Regulations Policy, Center for Devices and Radiological Health.*

[FR Doc. 01-4846 Filed 2-27-01; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF STATE

### 22 CFR Part 41

[Public Notice 3568]

RIN 1400 AA-96

#### **Bureau of Consular Affairs; Visas: Reissuance of O and P Nonimmigrant Visas**

**AGENCY:** Bureau of Consular Affairs, Department of State.

**ACTION:** Final rule.

**SUMMARY:** This rule amends the Department's regulation which allows designated officers in the Directorate for Visa Services to reissue certain categories of nonimmigrant visas for aliens who are maintaining status and intend to depart the United States and reenter in that status after a temporary absence abroad. This regulation will add "O" and "P" visas to those categories that can be "revalidated" in the United States. The Department is also taking this opportunity to make an editorial amendment substituting "Deputy Assistant Secretary for Visa Services" for "Director of the Visa Office." Some years ago, as part of an internal administrative reorganization, the title "Director of the Visa Office" was

replaced by the title "Deputy Assistant Secretary for Visa Services." The powers, duties and responsibilities of the position have not changed; only the title. There is, thus, no substantive significance to this substitution.

**DATES:** This rule takes effect on February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, DC 20520-0106, (202) 663-1204.

#### **SUPPLEMENTARY INFORMATION:**

*What Is the Authority for Reissuing Visas?*

The Department of State regulation at 22 CFR 41.111(b) authorizes the Director of the Visa Office and such officers of the Department of State as he or she may designate for such purpose to reissue nonimmigrant visas for aliens in certain nonimmigrant visa classifications who meet the requirements set forth in that section. The purpose of this authority, in part, is to provide a service to the international business community.

*Why Is the Regulation Being Amended?*

Section 207(a)(3) of the Immigration Act of 1990, (Pub. L. 191-649) amended INA 101(a)(15) by adding two new classes of nonimmigrant temporary workers, "O", aliens of extraordinary ability in the sciences, arts, education, business and athletics, and "P", internationally recognized athletes, and certain artists and entertainers. Since that time, the Department has been reissuing "O" and "P" visas. This rule codifies this long-established practice that complements our existing authority.

#### **Final Rule**

*How Is the Department Amending Its Regulation?*

The Department is amending 22 CFR 41.111(b) by adding the "O" and "P" visas to those categories of visas that the Department currently reissues.

#### **Administrative Procedure Act**

The Department's implementation of this regulation as a final rule is based upon the "good cause" exceptions found at 5 U.S.C. 553(b)(B) and (d)(3). Since the Department is providing an administrative service by reissuing visas in the United States for the benefit of aliens who are currently maintaining status in a nonimmigrant category who wish to travel temporarily abroad by reissuing visas in the United States, the Department believes that solicitation of

public comments would serve no purpose.

#### Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by state, local and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

#### Small Business Regulatory Enforcement Fairness Act of 1996

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

#### Executive Order 12866

The Department of State does not consider this rule, to be a "significant regulatory action" under Executive Order 12866, section 3(f), Regulatory Planning and Review, and the Office of Management and Budget has waived its review process under section 6(a)(3)(A).

#### Executive Order 13132

This regulation will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

#### Paperwork Reduction Act

This rule does not impose any new reporting or record-keeping

requirements. The information collection requirement (Form OF-156) contained by reference in this rule was previously approved for use by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

#### List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports and visas.

Accordingly, the Department amends 22 CFR part 41 as follows:

#### PART 41—[AMENDED]

1. The authority citation for Part 41 is revised to read as follows:

**Authority:** 8 U.S.C. 1104; 22 U.S.C. 2651a.

2. Revise § 41.111(b) introductory text and (b)(2) to read as follows:

#### § 41.111 Authority to issue visa.

(b) *Issuance in the United States in certain cases.* The Deputy Assistant Secretary for Visa Services and such officers of the Department as the former may designate are authorized, in their discretion, to issue nonimmigrant visas, including diplomatic visas, to:

\* \* \* \* \*

(2) Other qualified aliens who:

(i) Are currently maintaining status in the E, H, I, L, O, or P nonimmigrant category;

(ii) Intend to reenter the United States in that status after a temporary absence abroad; and

(iii) Who also present evidence that:

(A) They were previously issued visas at a consular office abroad and admitted to the United States in the status which they are currently maintaining; and

(B) Their period of authorized admission in that status has not expired.

Dated: January 21, 2001.

**Mary A. Ryan,**

*Assistant Secretary for Consular Affairs,  
Department of State.*

[FR Doc. 01-4769 Filed 2-27-01; 8:45 am]

BILLING CODE 4710-06-U

#### DEPARTMENT OF STATE

#### 22 CFR Part 126

#### General Policies and Provisions

#### CFR Correction

In Title 22 of the Code of Federal Regulations, parts 1 to 299, revised as of Apr. 1, 2000, in part 126, beginning on page 469, the second § 126.5 is removed.

[FR Doc. 01-55502 Filed 2-27-01; 8:45 am]

BILLING CODE 1505-01-D

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Office of the Secretary

#### 45 CFR Parts 160 and 164

RIN 0991-AB08

#### Standards for Privacy of Individually Identifiable Health Information

**AGENCY:** Office for Civil Rights, HHS.

**ACTION:** Final rule; request for comments.

**SUMMARY:** This action provides for the submission of comments on a technical amendment to the final rule adopting standards for privacy of individually identifiable health information published on December 28, 2000, in the **Federal Register** (65 FR 82462), to convert it to a final rule with request for comments. The purpose of this action is to permit public comment on the final rule for a limited period before the rule becomes effective.

**DATES:** 1. Comments will be considered if received as provided below, no later than 5 p.m. on March 30, 2001.

2. The effective date of the final rule with request for comments published December 28, 2000 (65 FR 82462) was corrected to be April 14, 2001. See 66 FR 12434 (February 26, 2001).

**ADDRESSES:** Comments will be considered only if provided through any of the following means:

1. Mail written comments (1 original and, if possible, a floppy disk) to the following address: U.S. Department of Health and Human Services, Attention: Privacy I, Room 801, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

2. Deliver written comments (1 original and, if possible, a floppy disk) to Room 801, 200 Independence Avenue, SW., Washington, DC 20201.

3. Submit electronic comments at the following website: <http://aspe.hhs.gov/admsimp/>.

#### FOR FURTHER INFORMATION CONTACT:

Kimberly Coleman, 1-866-OCR-PRIV (1-866-627-7748) or TTY 1-866-788-4989.

#### SUPPLEMENTARY INFORMATION:

#### Comment Procedures, Availability of Copies, and Electronic Access

*Comment procedures:* All comments should include the full name, address, and telephone number of the sender or a knowledgeable point of contact. Each specific comment should specify the section of the final rule to which the specific comment pertains. If possible, please send an electronic version of the

comments on a 3½ inch DOS format floppy disk in Adobe Acrobat Portable Document Format (PDF), HTML, ASCII text, or popular word processor format (Microsoft Word, Corel WordPerfect). All comments and content must be limited to the 8.5 wide by 11.0 high vertical (also referred to as "portrait") page orientation. If identical/duplicate comment submissions are submitted both electronically and in paper form, each submission should clearly indicate that it is a duplicate submission.

Because of staffing and resource limitations, we will *not* accept comments by electronic mail or facsimile (FAX) transmission. Any comments received through such media will be deleted or destroyed, as appropriate. They will not be considered as public comments.

Comments that are timely received in proper form and at one of the addresses specified above will be available for public inspection by appointment as they are received, generally beginning approximately three weeks after this publication in Room 801 of the Department's offices at 200 Independence Avenue, SW, Washington, DC on Monday through Friday of each week from 8:30 a.m. to 5 p.m. Appointments may be made by telephoning 202-260-3392.

After the close of the comment period, comments that we are technically able to convert will be posted on the Administrative Simplification website specified above.

**Copies:** To order copies of the **Federal Register** containing this document, send your request to New Orders, Superintendent of Documents, PO Box 371954, Pittsburgh, PA 15250-7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents or enclose your Visa or Master Card number and expiration date. Credit card orders can also be placed by calling the order desk at 202-512-1800 or by fax to 202-512-2250. The cost for each copy is \$9. Alternatively, the **Federal Register** may be viewed and photocopied at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

**Electronic Access:** This document is available electronically at the above website as well as at the web site of the Government Printing Office at [http://www.access.gpo.gov/su\\_docs/aces/140.html](http://www.access.gpo.gov/su_docs/aces/140.html).

## Discussion

On December 28, 2000, we published in the **Federal Register** a final rule adopting standards for the privacy of individually identifiable health information (Privacy Rule). The Privacy Rule is the second in a series of rules mandated by sections 261-264 of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191. In general, the Privacy Rule establishes in 45 CFR part 160 a set of definitions applicable to the entire set of HIPAA rules, requirements for requesting that a state law be excepted from preemption by the statute, and compliance and enforcement requirements. The Privacy Rule also establishes a new subpart E of part 164. Subpart E establishes standards which entities covered by the statute—health plans, health care clearinghouses, and certain health care providers—are required to comply with to protect the privacy of certain individually identifiable health information ("protected health information"). The standards are requirements relating to the uses and disclosures of protected health information, the rights of individuals with respect to their protected health information, and the procedures for exercising those rights.

The Privacy Rule affects over 600,000 entities and virtually every American. It is estimated to cost in excess of \$17.6 billion over ten years. The Department received over 52,000 public comments in the public comment period on the proposed rule; in the period following publication of the final rule, HHS has received approximately a thousand inquiries about the impact and operation of the Privacy Rule on numerous sectors of the economy. Many comments exhibit substantial confusion over how the Rule will operate; others express great concern over the complexity and workability of the Rule. The significance of the Privacy Rule for the health care industry and for society as a whole, and the substantial nature of some concerns that have been raised have led us to conclude that an additional comment period on the Privacy Rule is warranted. Accordingly, we hereby solicit public comment for 30 days on the Privacy Rule, as published in the **Federal Register** on December 28, 2000 at 65 FR 82462.

Based on telephone calls, e-mails, letters, and other contacts with HHS, we are aware that the Privacy Rule has been the subject of widespread debate in the health care industry and the public at large in the almost two months since its publication. Thus, we believe that many

of the public's concerns about the Privacy Rule have already crystallized. We accordingly are of the view that 30 days should be sufficient for the public to state its views fully to HHS.

We determined that the report to Congress required by 5 U.S.C. 801(a)(1) was not received by the Congress concurrent with the transmission of the Privacy Rule to the **Federal Register**, as previously thought. We have published elsewhere in this section of the **Federal Register** a final rule correcting the effective date of the Privacy Rule to April 14, 2001 to comply with 5 U.S.C. 801(a)(3)(A). This action does not alter the corrected effective date. The public comment period provided for above accordingly will close before the Privacy Rule becomes effective.

Dated: February 22, 2001.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 01-4811 Filed 2-26-01; 11:13 am]

BILLING CODE 4150-04-M

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 022201A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish by Vessels Using Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea

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

**ACTION:** Modification of a closure.

**SUMMARY:** NMFS is opening directed fishing for groundfish with non-pelagic trawl gear in the red king crab savings subarea (RKCSS) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to utilize the amount of the 2001 red king crab bycatch limit specified for the RKCSS.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), February 23, 2001, until 1200 hrs, A.l.t., February 27, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the BSAI exclusive economic zone according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area

(FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and CFR part 679.

The amount of the 2001 red king crab bycatch limit specified for the RKCSS was established as 22,674 animals by the 2001 Harvest Specifications of Groundfish (66 FR 7276, January 22, 2001). The directed fishery for groundfish with non-pelagic trawl gear was closed effective 1200 hrs, A.l.t., February 18, 2001 in accordance with § 679.21(e)(7)(ii)(B)(66 FR 11123, February 22, 2001) because it was expected that the 2001 red king crab bycatch limit specified for the RKCSS would be caught.

NMFS has determined that as of February 20, 2001, 6,000 red king crab

remain in the 2001 red king crab bycatch limit specified for the RKCSS. Therefore, NMFS is terminating the previous closure and is re-opening directed fishing for groundfish with non-pelagic trawl gear in the RKCSS in accordance with § 679.21(e)(3)(ii)(B).

#### **Classification**

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA, finds that the need to immediately implement this action in order to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to waive the requirement to provide prior notice opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(3)(B) and 50 CFR

679.20(b)(3)(iii)(A), as such procedures would be unnecessary and contrary to the public interest. Similarly the need to implement these measures in a timely fashion to allow full utilization of the remaining amount of the 2001 red king crab bycatch limit specified for the RKCSS constitutes good cause to find that the effective date of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: February 22, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01-4863 Filed 2-23-01; 3:17 pm]

**BILLING CODE 3510-22-S**

# Proposed Rules

Federal Register

Vol. 66, No. 40

Wednesday, February 28, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 01-AEA-01]

#### Establishment of Class E Airspace; Hagerstown, MD

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This action proposes to establish Class E airspace at Hagerstown, MD. Controlled airspace extending upward from surface is needed to accommodate operations under Instrument Flight Rules (IFR) at the airport when the air traffic control tower (ATCT) is not in operation.

The area would be depicted on aeronautical charts for pilot reference.

**DATES:** Comments must be received on or before March 30, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, AEA-520, Docket No. 01-AEA-01, 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 action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 01-AEA-01". 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 action 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 docket 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 Washington County Regional Airport, Hagerstown, MD, when the ATCT is closed. This controlled airspace extending upward from the surface is needed when the Air Traffic Control Tower is not open to accommodate IFR operations at the airport.

Class E airspace designations for airspace areas extending upward from the surface are published in Paragraph 6002 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 affect 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 7400.9H dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6002 Class E Airspace Areas Extending Upward From the Surface of the Earth*

\* \* \* \* \*

**AEA MD, E2 Hagerstown, MD [NEW]**

Washington County Regional Airport,  
Hagerstown, MD.  
(Lat. 39°42'28"N., long 77°43'46"W.)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.1-mile radius of Washington County Regional Airport. This Class E2 area is effective during the specific dates and times when the Class D airspace is not in effect.

\* \* \* \* \*

Issued in Jamaica, New York on February 9, 2001.

**F.D. Hatfield,**

Manager, Air Traffic Division, Eastern Region.  
[FR Doc. 01-4681 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 110**

[CGD11-01-003]

RIN 2115-AA98

**Anchorage Regulation; San Francisco Bay, California**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to revise the anchorage boundaries for Anchorages 8, 9, and 24, and to specify procedures for vessels intending to be in a "dead ship" status in the San Francisco Bay Anchorage Grounds. The regulations concerning use of the anchorage by vessels, and the activities permitted in the anchorage areas are not affected by the change in shape and size of these anchorages.

**DATES:** Comments and related material must reach the Coast Guard on or before March 30, 2001.

**ADDRESSES:** You may mail comments and related material to Commanding Officer, Coast Guard Marine Safety Office San Francisco Bay, Bldg. 14, Coast Guard Island, Alameda, CA 94501, ATTN: LT Andrew Cheney. The Marine Safety Office maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection and copying at the Marine Safety Office between 7:30 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Lieutenant Patricia Springer, Vessel

Traffic Management Section, Coast Guard Eleventh District/Pacific Area, (510) 437-2951, email: pspringer@d11.uscg.mil.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD11-01-003), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

**Public Meeting**

We do not plan to hold a public meeting, however you may submit a request for a meeting by writing the Marine Safety Office at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

**Background and Purpose**

Due to changing uses of the waterways in the San Francisco Bay region—including the closure of Naval Air Station Alameda, the trend of larger ships arriving in the Bay, and the anticipated growth of faster Marine Transportation Systems—mariners have requested changes to several anchorage grounds. Recent situations have demanded increased use and space for Anchorages 8 and 9. Vessels have had to take anchor while awaiting the departure of another at berth. Periodic labor strikes and disputes have caused delays in the turnaround time of cargo, which in turn have filled the anchorages to capacity. In general, these proposed changes will allow more room for the anchorages while enhancing safer and more efficient use of the waterways through San Francisco Bay and the Carquinez Strait.

Currently, safety measures for anchoring in the San Francisco Bay in a dead-ship status are addressed by individual COTP orders. The term "dead ship" refers to when a vessel's propulsion or control is unavailable for normal operations. This rulemaking will

enhance the safety of navigation in the area by designating a dead-ship anchorage, away from usual areas of navigation on the bay, and by uniformly requiring the assistance of a tug boat when anchoring in a dead ship status. Also, with this proposed change to the rule, the owner/operator will be able to make its own arrangements for a tug without having to gain the approval of the COTP before proceeding to the dead-ship anchorage.

**Discussion of Proposed Rule***Anchorage 8 and Anchorage 9 (South San Francisco Bay)*

In the past, San Francisco Bay had a strong military presence and much waterway traffic resulted from the military facilities homeported in the area. Both Anchorage 8 and 9 were designed to accommodate large naval vessels enroute to Naval Air Station Alameda. The configuration of these anchorages is no longer optimal due to the closure of the Naval Air Station. Commercial vessels awaiting a berth, favorable tides, orders, or other operational uses now use Anchorages 8 and 9. The size and draft of these commercial vessels has steadily risen in recent years and this trend is expected to continue.

This proposed change includes modifications to Anchorages 8 and 9 which enlarge the anchorage area into the waters previously used for large military vessel transit. Enlarging Anchorage 8 and 9 will allow today's larger vessels to have better use of the available water. Changes to Anchorage 8 would allow one to two more vessels to anchor, and change to Anchorage 9 would allow more deep draft anchorage space. Generally, this proposed regulation is intended to eliminate congestion in the anchorages and promote safety for these new vessels.

*Anchorage 24 (Carquinez Strait)*

The Coast Guard conducted a Waterways Analysis and Management study of the San Pablo Bay and Carquinez Strait in late 1998. One of the recommendations of the study which was based primarily on the comments of mariners using the waterway, was to make better use of the navigable waters of the Carquinez Strait just south-southeast of Southampton Bay. The Coast Guard decided to establish a buoy marking the edge of the useable channel just west-southwest of Commodore Jones Point, effectively shrinking the area which is currently Anchorage 24. Study of records from the Vessel Traffic Service in San Francisco (which monitors this waterway) and discussion

with waterway users indicated that Anchorage 24 is rarely used, and almost never used by vessels that would require over 10 meters of depth in the anchorage. Furthermore, there are adequate anchorages for vessels of this size in the immediate vicinity. This proposed rulemaking is intended to provide more room for large vessels maneuvering through Carquinez Strait.

#### *Dead-Ship Procedure*

The Coast Guard has been issuing individual Captain of the Port (COTP) Orders for each vessel entering "dead-ship" status (propulsion or control unavailable for normal operations) in the San Francisco Bay. This rulemaking proposes to designate Anchorage 9, which has sufficient room for such practices, so that within this area, owner/operators following these new procedures will not need to obtain the permission of the COTP before proceeding to Anchorage 9. Additionally, instead of issuing individual COTP orders to require a tug assist during heavy weather, with this rulemaking, vessels will be required to take such safety measures when disabling their main propulsion at all times, not just during heavy weather.

#### **Regulatory Evaluation**

This proposed regulation is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979).

We expect the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary.

The proposed changes in the size and shape of anchorage areas are slight and the purpose is to conform to the changed use of the harbor and to make best use of available water. As for implementing the cold-iron regulation, this rulemaking simply makes official in the regulation what has already been in practice.

#### **Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. § 601 *et seq.*), we considered whether this proposed regulation would have significant impact on a substantial number of small entities. The term "small entities" comprises small businesses, not-for-profit organizations

that 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 proposed rule will not have a significant economic impact on a substantial number of small entities.

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

#### **Assistance for Small Entities**

Under § 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lieutenant Andrew Cheney at the address listed in **ADDRESSES** above.

#### **Collection of Information**

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

#### **Federalism**

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

#### **Unfunded Mandates Reform Act**

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

#### **Taking of Private Property**

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

#### **Civil Justice Reform**

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

#### **Protection of Children**

We have analyzed this proposed 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**

We will consider the environmental impact of this proposed regulation. However, under figure 2-1, paragraph 34(f) of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from conducting an Environmental Assessment or an Environmental Impact Statement. In the above referenced Coast Guard policy instruction, the Coast Guard has determined that no further environmental documentation is required when changing the size of Special Anchorage Areas or anchorage grounds, or when disestablishing or reducing the size of the Area or grounds, as proposed to take place in Anchorage No. 24. Because the Coast Guard is proposing to increase the size of Anchorages No. 8 and 9, the Coast Guard will complete a Categorical Exclusion Document (CED) and an Environmental Analysis Checklist.

#### **List of Subjects in 33 CFR Part 110**

Anchorage grounds.  
For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 110 as follows:

#### **PART 110—[AMENDED]**

1. The authority citation for Part 110 continues to read as follows:

**Authority:** 33 U.S.C. 471, 1221 through 1236, 2030, 2035, 2071; 49 CFR 1.46; and 33 CFR 1.05-1(g).

2. § 110.224 is amended by:
- In paragraph (a), add a new paragraph (a)(18);
  - In paragraph (d), revise Table 110.224(D)(1) and add a new paragraph m to Notes at the end of the table and;
  - In paragraph (d), revise paragraphs (e)(5), (e)(6), and (e)(17) to read as follows:

**§ 110.224 San Francisco Bay, San Pablo Bay, Carquinez Strait, Suisun Bay, Sacramento River, San Joaquin River, and connecting waters, CA.**

(a) \* \* \*

(18) No vessel may anchor in a "dead ship" status (propulsion or control unavailable for normal operations) at any anchorage other than in Anchorage

9 as specified in Table 110.224(D)(1) without prior approval of the Captain of the Port.

(d) \* \* \*

\* \* \* \* \*

TABLE 110.224(D)(1)

Anchorage No.	General location	Purpose	Specific regulations
4	San Francisco Bay	General	Notes a, b.
5	.....do	.....do	Do.
6	.....do	.....do	Note a.
7	.....do	.....do	Notes a, b, c, d, e.
8	.....do	.....do	Notes a, b, c.
9	.....do	.....do	Notes a, b, m.
10	.....do	Naval	Note a.
12	.....do	Explosives	Notes a, f.
13	.....do	.....do	Notes a, e, g.
14	.....do	.....do	Notes a, f, h.
18	San Pablo Bay	General	
19	.....do	.....do	Note b.
20	.....do	.....do	
21	.....do	Naval	
22	Carquinez Strait	General	
23	Benicia	General	Notes c, d, e, l.
24	Carquinez Strait	General	Note j.
26	Suisan Bay	.....do	Note k.
27	.....do	.....do	
28	San Joaquin River	.....do	
30	.....do	Explosives	

**Notes:** a. When sustained winds are in excess of 25 knots each vessel greater than 300 gross tons using this anchorage shall maintain a continuous radio watch on VHF channel 13 (156.65 MHz) and VHF channel 14 (156.70 MHz). This radio watch must be maintained by a person who fluently speaks the English language.

b. Each vessel using this anchorage may not project into adjacent channels or fairways.

c. This anchorage is primarily for use by vessels requiring a temporary anchorage waiting to proceed to pier facilities or other anchorage grounds. This anchorage may not be used by vessels for the purpose of loading any dangerous cargoes or combustible liquids unless authorized by the Captain of the Port.

d. Each vessel using this anchorage may not remain for more than 12 hours unless authorized by the Captain of the Port.

e. Each vessel using this anchorage shall be prepared to move within 1 hour upon notification by the Captain of the Port.

f. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 3,000 tons unless otherwise authorized with the written permission of the Captain of the Port.

g. The maximum total quantity of explosives that may be on board a vessel using this anchorage shall be limited to 50 tons except that, with the written permission of the Captain of the Port, each vessel in transit, loaded with explosives in excess of 50 tons, may anchor temporarily in this anchorage provided that the hatches to the holds containing explosives are not opened.

h. Each vessel using this anchorage will be assigned a berth by the Captain of the Port

on the basis of the maximum quantity of explosives that will be on board the vessel.

i. [Reserved]

j. Each vessel using this anchorage shall promptly notify the Captain of the Port, upon anchoring and upon departure.

k. See § 162.270 of this title establishing restricted areas in the vicinity of the Maritime Administration Reserve Fleet.

l. Vessels using this anchorage must exceed 15 feet draft, have engines on standby, and have a pilot on board.

m. Any vessel anchoring in a "dead-ship" status shall have one assist tug of adequate bollard pull on standby and immediately available (maximum of 15 minute response time) to provide emergency maneuvering. When the sustained winds are 20 knots or greater, or when the wind gusts are 25 knots or greater, the tug must be alongside.

(e) \* \* \*

(5) *Anchorage No. 8.* In San Francisco Bay bounded by the west shore of Alameda Island and the following lines: Beginning at 37°47'52" N, 122°19'58" W; thence west-northwesterly to 37°48'02.5" N 122°21'01.5" W; thence west-southwesterly to 37°47'51.5" N, 122°21'40" W; thence south-southwesterly to 37°47'35.5" N, 122°21'50" W; thence south-southeasterly to 37°46'40" N, 122°21'23" W; thence easterly to 37°46'36.5" N, 122°19'52" W; thence northerly to shore at 37°46'53" N, 122°19'53.5" W (NAD 83).

(6) *Anchorage No. 9.* In San Francisco Bay bounded on the east by the eastern

shore of San Francisco Bay and on the north by the southern shore of Alameda Island and a line beginning at 37°46'21.5" N, 122°19'07" W; thence westerly to 37°46'30" N, 122°21'56" W; thence south-southeasterly to 37°41'45" N, 122°20'22" W (San Bruno Channel Light 1); thence south-southeasterly to 37°38'38.5" N, 122°18'48.5" W (San Bruno Channel Light 5); thence southeasterly to 37°36'05" N, 122°14'18" W; thence northeasterly to shore at 37°37'38.5" N, 122°09'06.5" W (NAD 83).

\* \* \* \* \*

(17) *Anchorage No. 24.* Bounded by the north shore of Carquinez Strait and the following points: Beginning on the shore at Dillon Point at 38°03'44" N, 122°11'34" W; thence southeasterly to 38°03'21" N, 122°10'43" W; thence southeasterly to 38°02'36" N, 122°10'03" W (Carquinez Strait Light 23); thence to the shore at the Benicia City Wharf at 38°02'40" N, 122°09'55" W (NAD 83).

\* \* \* \* \*

Dated: February 1, 2001.

**L.G. Brudnicki,**

*Captain, U.S. Coast Guard, Commander, Eleventh Coast Guard District, Acting.*

[FR Doc. 01-4885 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-15-U**

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

[CGD09-01-003]

RIN-2115-AE47

**Drawbridge Operation Regulations;  
Trail Creek, IN****AGENCY:** Coast Guard, DOT.**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Coast Guard proposes to revise the operating regulation governing moveable bridges on Trail Creek in Michigan City, Indiana. The proposed rule would establish twice-an-hour openings for the Franklin Street bridge, mile 0.5, and revise the current regulation for the Amtrak bridge, mile 0.85.

**DATES:** Comments must be received on or before April 30, 2001.

**ADDRESSES:** Comments may be mailed or delivered to: Commander (obr), Ninth Coast Guard District, 1240 East Ninth Street, Room 2019, Cleveland, OH, 44199-2060 between 6:30 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (216) 902-6084.

**FOR FURTHER INFORMATION CONTACT:** Mr. Scot M. Striffler, Project Manager, Ninth Coast Guard District Bridge Branch, at (216) 902-6084.

**SUPPLEMENTARY INFORMATION:****Request for Comments**

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views or arguments for or against this rule. Persons submitting comments should include names and addresses, identify the rulemaking [CGD09-01-003] and the specific section of this proposal to which each comment applies, and give the reason(s) for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. Persons wanting acknowledgement of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard plans no public hearing. Individuals may request a public hearing by writing to the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If the Coast Guard determines that the opportunity for oral presentation will aid this rulemaking, they will hold a public hearing at a time

and place announced in the **Federal Register**.

**Background and Purpose**

The owner of the Franklin Street bridge, LaPorte County Highway Department, IN, requested the Coast Guard approve a modified schedule for the bridge to reduce vehicular traffic delays in the vicinity of the bridge during the peak tourist season and to establish a permanent winter operating schedule. The current regulation for the Amtrak bridge is obsolete and does not accurately reflect current train and vessel operations at that location.

The Amtrak bridge is currently required to open on signal between the hours of 6:30 a.m. and 2:30 p.m., except Sundays, from February 16 through December 14. The bridge is not required to be manned all other times and would be opened within 20 minutes following notification to the Amtrak dispatcher in Chicago. The Coast Guard has determined that this schedule does not provide for the reasonable needs of navigation and places undue burden on vessel operators wishing to pass the draw. Amtrak representatives concur with this finding. Also, the bridge is currently manned during periods of no vessel traffic on the waterway during winter months, placing an undue burden on the railroad. The proposed regulation would establish operating hours and dates that more accurately reflect the needs of navigation, and would allow the bridge to be unmanned during periods of no train traffic and during winter months when there is no navigation.

The Franklin Street bridge is located in a highly congested section of Michigan City, and adjacent to a park area that is visited by a large number of residents and tourists between April 1 and December 1 each year. LaPorte County Highway Dept., acting on behalf of the City of Michigan City, has asked the Coast Guard to regulate bridge openings to coincide with the park hours to alleviate vehicular traffic congestion in the area, while still providing for the reasonable needs of navigation.

**Discussion of Proposed Rule**

The opening schedule for Franklin Street bridge is currently governed by the general articles of Subpart A in 33 CFR Part 117. Under the proposed rule, the bridge would open on signal from March 16 through November 30, except from 6:15 a.m. to 11:15 p.m., Monday through Sunday, the bridge would open only from three minutes before to three minutes after the quarter-hour and three-quarter hour. The bridge would

open at all times for public vessels, vessels in distress, and vessels seeking shelter from severe weather. From December 1 through March 15, the bridge would open for vessels if at least 12-hours advance notice is provided. The largest marinas in Michigan City are located in the park area, with no need for most vessels to pass Franklin Street bridge. By scheduling openings for vessels between the hours of 6:15 a.m. and 11:15 p.m., vehicles going in and out of the park area would not create a congestion problem for the city during park hours, while still providing for the reasonable needs of navigation. This schedule has been employed and accepted on a voluntary basis by vessel operators upstream of the bridge for at least five years. Bridge logs submitted by the LaPorte County Highway Department showed two openings for vessels between December 1, 1998, and March 14, 1999. The logs indicate that the majority of openings for vessels occur between April 1 and October 30. The proposed rule would ensure that the bridge is manned between March 16 and November 30.

**Regulatory Evaluation**

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This determination is based on the fact that this proposed rule would not eliminate bridge openings for any vessels, but would only require vessels to pass during scheduled periods throughout the peak navigation season (March 15 to December 1). The bridges would still open between December 1 and March 15 if 12-hour advance notice is provided.

**Small Entities**

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposed rule will have a significant impact on a substantial number of small entities. "Small entities" may include small businesses and not-for-profit organizations that are independently owned and operated and are not

dominant in their fields, and governmental jurisdictions with populations of less than 50,000 people.

The small entities identified (approximately 3 charter fisherman and 1 tug operator) do not represent a substantial number of entities that would be affected by this proposed rule. Most vessels that must pass Franklin Street bridge are pleasure craft. According to LaPorte County Highway Dept., the charter fisherman can pass Franklin Street in the closed position once all lowerable appurtenances on their vessels are adjusted. Otherwise, the scheduled openings would still satisfy the reasonable needs for these few vessels. The 12-hour advance notice requirement during winter months is a standard practice on the Great Lakes and still provides for bridge openings with advance notice from vessel operators.

Therefore, the Coast Guard certifies under 5 U.S.C 605(b) that this proposed rule will not have a significant economic impact on a substantial number of small entities.

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

#### Collection of Information

This proposed rule would call for no new collection of information requirement under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

#### Federalism

The Coast Guard has analyzed this proposed rule under the principles and criteria contained in Executive Order 13132, and determined that this rule does not have federalism implications 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 having first provided the funds to pay those unfunded mandate costs. This proposed rule will not impose an unfunded mandate.

#### Taking of Private Property

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

#### Civil Justice Reform

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

#### Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This proposed 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 proposed rule and concluded that, under figure 2–1, paragraph 34(g) of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This proposed rule changes a drawbridge regulation which has been found not to have a significant effect on the environment. A Categorical Exclusion Determination is not required.

#### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard proposes to revise Part 117 of Title 33, Code of Federal Regulations, 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. Revise § 117.401 to read as follows:

##### § 117.401 Trail Creek.

(a) The draw of the Franklin Street bridge, mile 0.5 at Michigan City, shall be operated as follows:

(1) From March 16 through November 30, the draw shall open on signal; except from 6:15 a.m. to 11:15 p.m., Monday through Sunday, the draw need open only from three minutes before to

three minutes after the quarter-hour and three-quarter hour.

(2) From December 1 through March 15, the draw shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(b) The draw of the Amtrak bridge, mile 0.9 at Michigan City, shall open on signal; except, from December 1 through March 15, the bridge shall open on signal if at least 12-hours advance notice is provided prior to intended time of passage.

(c) Public vessels of the United States, state or local vessels used for public safety, vessels in distress, and vessels seeking shelter from severe weather shall be passed through the draws of each bridge as soon as possible.

Dated: February 5, 2001.

**James D. Hull,**

*Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.*

[FR Doc. 01–4884 Filed 2–27–01; 8:45 am]

**BILLING CODE 4910–15–U**

#### ENVIRONMENTAL PROTECTION AGENCY

**40 CFR Parts 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745 and 763**

[FRL–6949–6]

RIN 2025–AA10

#### Public Information: Advanced Notice of Proposed Rulemaking on Electronic Reporting and Recordkeeping and Delayed Effective Date of Recordkeeping Provisions in the Electronic Signatures in Global and National Commerce Act of 2000

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Advance notice of proposed rulemaking (ANPRM).

**SUMMARY:** EPA announces its intent to develop a rule to establish performance standards to assure accuracy, record integrity, and accessibility of electronic reports and records applying generally to all recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations. This action delays until June 1, 2001 the effective date of certain provisions in the Electronic Signatures in Global and National Commerce Act of 2000 that may affect certain federal environmental recordkeeping requirements.

**DATES:** In order to be considered, comments on this ANPRM must be received on or before March 30, 2001.

Please direct all correspondence to the addresses shown below.

**ADDRESSES:** Written comments should be submitted in triplicate to the United States Environmental Protection Agency, Enforcement and Compliance Docket and Information Center (Mail Code 2201A), Docket Number EC-2000-007 (Attn: E-SIGN ANPRM), 1200 Pennsylvania Avenue NW, Washington, DC, 20460. No facsimiles (faxes) will be accepted.

Comments in an electronic format should also reference docket number EC-2000-07, (Attn: E-SIGN ANPRM), and should be addressed to the following Internet address: [doCKET.oeca@epa.gov](mailto:doCKET.oeca@epa.gov). Electronic comments must be submitted as an ASCII, WordPerfect 5.1/6.1/8 format file and avoid the use of special characters or any form of encryption.

**FOR FURTHER INFORMATION CONTACT:** David Schwarz (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 260-2710, [schwarz.david@epa.gov](mailto:schwarz.david@epa.gov), or Evi Huffer (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC, 20460, (202) 260-8791, [huffer.evi@epa.gov](mailto:huffer.evi@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Electronic Signatures in Global and National Commerce Act of 2000, 15 U.S.C. 7001 to 7031 (hereinafter "E-Sign"), enacted on June 30, 2000, provides that, with respect to any transaction in or affecting interstate commerce, no contract, signature, or record relating to such a transaction shall be denied legal effect solely because it is in electronic form. Similarly, E-Sign provides that such a document may not be denied legal effect solely because an electronic signature or record was used in its formation. Under E-Sign, terms of existing statutes or agency rules containing paper-based requirements that might otherwise deny effect to electronic signatures and records in consumer, commercial or business transactions between two or more parties are superseded. While E-Sign does not generally affect reporting under federal regulations or records of those reports, E-Sign does potentially supersede a requirement that a record be kept on paper if that record is not retained principally for governmental purposes, but is maintained primarily for consumer, commercial or business purposes. E-Sign does, however, preserve the authority of federal and State agencies to set technology-neutral

standards and formats for the retention of any such electronic records.

Today, EPA announces its intent to develop rules governing the use of electronic records to satisfy any recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations, including any recordkeeping requirements potentially affected by E-Sign. With respect to record retention requirements imposed by federal statute, regulation, or other rule of law, E-Sign takes effect on March 1, 2001 unless a federal regulatory agency has announced, proposed, or initiated, but not completed, rulemaking to establish performance standards to assure accuracy, record integrity, and accessibility of electronic reports and records. If a federal agency announces, proposes, or initiates such a rulemaking on or before March 1, 2001, the effective date of E-Sign is delayed until June 1, 2001, with respect to such records. Today's ANPRM announces EPA's intent to develop a rule applying generally to all recordkeeping requirements contained in Chapter I of Title 40 of the Code of Federal Regulations and, accordingly, to the extent E-Sign affects any such requirement, E-Sign will take effect on June 1, 2001, instead of March 1, 2001.

In order to satisfy the mandates of the Government Paperwork Elimination Act (GPEA) of 1998, public law 105-277, <http://ec.fed.gov/gpedoc.htm>, EPA is currently developing the Cross-Media Electronic Reporting and Recordkeeping Rule (CROMERRR). This rule would govern the use of electronic records and recordkeeping to satisfy any reporting or recordkeeping requirement contained in Chapter I of Title 40 of the Code of Federal Regulations. EPA may also choose to develop a rule in addition to CROMERRR that would apply to the subset of those recordkeeping requirements that are affected by E-Sign. Such a rule would establish interim performance standards to assure accuracy, record integrity, and accessibility of this smaller universe of electronic records until EPA is able to finalize the CROMERR rule of general applicability. EPA solicits comment on whether it should develop such an interim rule. EPA also solicits comment on what class or classes of records should be subject to any such interim rule.

Dated: February 23, 2001.

**Christine Todd Whitman,**  
*Administrator.*

[FR Doc. 01-4972 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### 42 CFR Part 36

#### Cancellation of the Meeting of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance

**AGENCY:** Indian Health Service, HHS.

**ACTION:** Notice of Meeting Cancellation.

**SUMMARY:** On February 13, 2001, the Indian Health Service published a notice in the **Federal Register** announcing two meetings of the Negotiated Rulemaking Committee on Joint Tribal and Federal Self-Governance (66 FR 10182, February 13, 2001). The first meeting, scheduled for February 27-28 in Washington, DC, is cancelled. The second meeting, scheduled for March 15-16 in San Diego, CA, will be held as planned at the Clarion Hotel Bay View, 660 K Street, San Diego, CA 92101, from 8:00 a.m.-5:00 p.m. each day.

**FOR FURTHER INFORMATION CONTACT:** Paula Williams, Director, Office of Tribal Self-Governance, Indian Health Service, 5600 Fishers Lane, Room 5A-55, Rockville, MD 20857, Telephone 301-443-7821. (This is not a toll-free number.)

Dated: February 22, 2001.

**Michael H. Trujillo,**

*Assistant Surgeon General, Director.*

[FR Doc. 01-4967 Filed 2-26-01; 12:37 pm]

**BILLING CODE 4160-16-M**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01-390, MM Docket No. 01-46, RM-10046]

#### Digital Television Broadcast Service; Temple, TX

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Channel 6, Inc., licensee of station KCEN-TV, NTSC channel 6, Temple, Texas, requesting the substitution of DTV channel 9 for station KCEN-TV's assigned DTV channel 50. DTV Channel 9 can be allotted to Temple, Texas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (31-16-24 N. and 97-13-14 W.). As requested, we propose to allot

DTV Channel 9 to Temple with a power of 7.5 and a height above average terrain (HAAT) of 573 meters.

**DATES:** Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Kenneth C. Howard, Baker & Hostetler LLP, 1050 Connecticut Avenue, NW., Suite 1100, Washington, DC 20036-5304 (Counsel for Channel 6, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-46, adopted February 16, 2001, and released February 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Texas is amended by removing DTV Channel 50 and adding DTV Channel 9 at Temple.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4806 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-389, MM Docket No. 01-45, RM-9997]

#### Digital Television Broadcast Service; Mountain View, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Arkansas Educational Television Commission, licensee of noncommercial educational station KEMV(TV), NTSC channel \*6, Mountain View, Arkansas, requesting the substitution of DTV channel \*13 for station KEMV(TV)'s assigned DTV channel \*35. DTV channel \*13 can be allotted to Mountain View, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35-48-47 N. and 92-17-24 W.). As requested, we propose to allot DTV channel \*13 to Mountain View with a power of 20 and a height above average terrain (HAAT) of 425 meters.

**DATES:** Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D Gray, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-45, adopted February 16, 2001 and released April 30, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel \*35 and adding DTV Channel \*13 at Mountain View.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4805 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-388, MM Docket No. 01-43, RM-10041]

**Digital Television Broadcast Service; Jackson, MS****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Civic License Holding Company, Inc. licensee of WLBT-TV, NTSC channel 3, Jackson, Mississippi, requesting the substitution of DTV channel 9 for station WLBT-TV's assigned DTV channel 51. DTV Channel 9 can be allotted to Jackson, Mississippi, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (32-12-49 N. and 90-2-56 W.). As requested, we propose to allot DTV Channel 9 to Jackson with a power of 3.2 and a height above average terrain (HAAT) of 610 meters.

**DATES:** Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John S. Logan, Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802 (Counsel for Civic License Holding Company, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-43, adopted February 16, 2001, and released February 20, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—TELEVISION BROADCAST SERVICES**

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

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

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Mississippi is amended by removing DTV Channel 51 and adding DTV Channel 9 at Jackson.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-4804 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-U**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-415, MM Docket No. 01-51, RM-10007]

**Digital Television Broadcast Service; Lima, OH****AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Lima Communications Corporation, licensee of station WLIO(TV), NTSC channel 35, Lima, Ohio, proposing the substitution of DTV channel 8 for station WLIO(TV)'s assigned DTV channel 20. DTV Channel 8 can be allotted to Lima, Ohio, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (40-44-54 N. and 84-07-55 W.). However, since the community of

Lima is located within 400 kilometers of the U.S.-Canadian border, concurrence government must be obtained for this proposal. As requested, we propose to allot DTV Channel 8 to Lima with a power of 30 and a height above average terrain (HAAT) of 165 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Feore, Jr., Scott S. Patrick, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802 (Counsel for Lima Communications Corporation).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-51, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—TELEVISION BROADCAST SERVICES**

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

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

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under Ohio is amended by removing DTV Channel 20 and adding DTV Channel 8 at Lima.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4802 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-U**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-413, MM Docket No. 01-49, RM-10032]

**Digital Television Broadcast Service; Atlantic City, NJ**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Lenfest Broadcasting, LLC, licensee of station WWAC-TV, NTSC channel 53, Atlantic City, New Jersey, requesting the substitution of DTV 44 for station WWAC-TV's assigned DTV 50. DTV Channel 44 can be allotted to Atlantic City, New Jersey, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (39-55-06 N. and 75-02-44 W.). As requested, we propose to allot DTV Channel 44 to Atlantic City with a power of 200 and a height above average terrain (HAAT) of 208 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Richard J. Bodorff, E. Joseph Knoll III, Wiley, Rein & Fielding, 1776 K Street, NW., Washington, DC 20006 (Counsel for Lenfest Broadcasting, LLC).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-49, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**List of Subjects in 47 CFR Part 73**

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

**PART 73—TELEVISION BROADCAST SERVICES**

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

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

**§ 73.622 [Amended]**

2. Section 73.622(b), the Table of Digital Television Allotments under New Jersey is amended by removing DTV Channel 50 and adding DTV Channel 44 at Atlantic City.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4801 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-U**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 73**

[DA 01-414, MM Docket No. 01-50, RM-10059]

**Digital Television Broadcast Service; Little Rock, AR**

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by the Arkansas Educational Television Commission, licensee of noncommercial educational station KETS(TV), NTSC channel \*2, Little Rock, Arkansas, proposing the substitution of DTV channel \*5 for station KETS(TV)'s DTV channel \*47. DTV Channel 5 can be allotted to Little Rock, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (34-28-23 N. and 92-12-11 W.). As requested, we propose to allot DTV Channel \*5 to Little Rock with a power of 2.1 and a height above average terrain (HAAT) of 540.1 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Dow, Lohnes & Albertson, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-50, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel \*47 and adding DTV Channel \*5 at Little Rock.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-4800 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-U**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-427, MM Docket No. 01-56, RM-10033]

#### Digital Television Broadcast Service; Huntington, WV

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Gateway Communications, Inc., licensee of station WOWK-TV, NTSC channel 13, Huntington, West Virginia, requesting the substitution of DTV channel 47 for station WOWK-TV assigned DTV channel 54. DTV Channel 47 can be allotted to Huntington, West Virginia, in compliance with the principle community coverage

requirements of Section 73.625(a) at reference coordinates (38-30-21 N. and 82-12-33 W.). As requested, we propose to allot DTV Channel 47 to Huntington with a power of 1000 and a height above average terrain (HAAT) of 396 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John R. Wilner, Bryan Cave LLP, 700 Thirteenth Street, NW., Washington, DC 20005-3960 (Counsel for Gateway Communications, Inc.)

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-56, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under West Virginia is amended by removing DTV Channel 54 and adding DTV Channel 47 at Huntington.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-4799 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-426, MM Docket No. 01-55, RM-10034]

#### Digital Television Broadcast Service; Fayetteville, AR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Arkansas Educational Television Commission, licensee of noncommercial station KAFT(TV), NTSC channel \*13, Fayetteville, Arkansas, requesting the substitution of DTV channel \*9 for station KAFT(TV)'s assigned DTV channel \*45. DTV Channel \*9 can be allotted to Fayetteville, Arkansas, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35-48-53 N. and 94-01-41 W.). As requested, we propose to allot DTV Channel \*9 to Fayetteville with a power of 19.0 and a height above average terrain (HAAT) of 509 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Todd D. Gray, Dow, Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036 (Counsel for Arkansas Educational Television Commission).

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-55, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Arkansas is amended by removing DTV Channel \*45 and adding DTV Channel \*9 at Fayetteville.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4798 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-428, MM Docket No. 01-57, RM-10031]

#### Digital Television Broadcast Service; Panama City, FL

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by WJHG-TV Licensee Corporation, licensee of station WJHG-TV, NTSC channel 7, requesting the substitution of DTV channel 8 for station WJHG-TV's assigned DTV channel 42. DTV Channel 8 can be allotted to Panama City, Florida, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (30-26-00 N. and 85-24-51 W.). As requested, we propose to allot DTV Channel 8 to Panama City with a power of 27.0 and a height above average terrain (HAAT) of 265 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert A. Beizer, Secretary, Gray Communications Systems, Inc., 1201 New York Avenue, NW., Suite 1000, Washington, DC 20005-3917 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-57, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter

is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Florida is amended by removing DTV Channel 42 and adding DTV Channel 8 at Panama City.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4797 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-425, MM Docket No. 01-54, RM-9918]

#### Digital Television Broadcast Service; Nampa, ID

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Idaho Independent Television, Inc., licensee of KTRV(TV), NTSC Channel 12, Nampa, Idaho, requesting the substitution of DTV Channel 13 for its assigned DTV Channel 44. DTV Channel 13 can be allotted to Nampa, Idaho, in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (43-45-18 N. and 116-05-52 W.). As requested, we propose to allot DTV Channel 13 to Nampa with a power of 17.0 and a

height above average terrain (HAAT) of 829 meters.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Scott S. Patrick, Dow, Lohnes & Albertson, 1200 New Hampshire Avenue, NW., Suite 800, Washington, DC 20036-6802 (Counsel for Idaho Independent Television, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-54, adopted February 22, 2001, and released February 23, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Idaho is amended by removing DTV Channel 44 and adding DTV Channel 13 at Nampa.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4796 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-391, MM Docket No. 01-44, RM-1002J]

#### Television Broadcast Service; Derby, KS

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Pappas Telecasting of America requesting the allotment of channel 59 to Derby, Kansas, as the community first local commercial television service. Channel 59 can be allotted to Derby consistent with Section 73.623(d) of the Commission's Rules with a zero offset at coordinates 37-55-01 N. and 97-37-21 W. We will not accept competing expressions of interest in the use of television channel 59 at Derby or counterproposals in the same or nearby communities. See Public Notice released on November 22, 1999, DA 99-2605.

**DATES:** Comments must be filed on or before April 13, 2001, and reply comments on or before April 30, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Andrew S. Kersting, Fletcher, Heald & Hildreth, P.L.C., 11th Floor, 1300 North 17th Street, Arlington, Virginia 22209-3801 (Counsel for Pappas Telecasting of America).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-44, adopted February 16, 2001, and released February 20, 2001. The full text

of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

#### § 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Kansas is amended by adding Derby, Channel 59. Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4807 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-P**

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 73

[DA 01-416, MM Docket No. 01-52, RM-1002J]

#### Television Broadcast Service; Marshfield, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Commission requests comments on a petition filed by Pelican

Broadcasting Company, Inc. requesting the allotment of TV channel 56 to Marshfield, Missouri, as the community first local commercial television service. Channel 56 can be allotted to Marshfield consistent with Section 73.623(d) of the Commission's Rules with a minus offset at coordinates 37-11-40 N. and 92-56-04 W. We will not accept competing expressions of interest in the use of television channel 56- at Marshfield or counterproposals in the same or nearby communities. See Public Notice released on November 22, 1999, DA 99-2605.

**DATES:** Comments must be filed on or before April 16, 2001, and reply comments on or before May 1, 2001.

**ADDRESSES:** Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bruce A. Eisen, Kaye, Scholer, Fierman, Hays & Handler, LLP, 901 15th Street, NW., Washington, DC 20005-2327 (Counsel for Pelican Broadcasting Company, Inc.).

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418-1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01-52, adopted February 20, 2001, and released February 21, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—TELEVISION BROADCAST SERVICES

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

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

##### § 73.606 [Amended]

2. § 73.606(b), the Table of Television Allotments under Missouri is amended by adding Marshfield, Channel 56-

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01-4803 Filed 2-27-01; 8:45 am]

**BILLING CODE 6712-01-U**

#### DEPARTMENT OF THE INTERIOR

##### Fish and Wildlife Service

##### 50 CFR Part 17

RIN 1018-AG34

#### Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Riverside Fairy Shrimp

**AGENCY:** Fish and Wildlife Service, Interior.

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

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces the availability of the draft economic analysis for the proposed designation of critical habitat for the Riverside fairy shrimp (*Streptocephalus woottoni*). We also provide notice of the reopening of the comment period for the proposal to designate critical habitat for the Riverside fairy shrimp to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as a part of this reopened comment period and will be fully considered in the final rule.

**DATES:** The original comment period on the critical habitat proposal closed on November 6, 2000. The comment period is reopened and we will accept comments until March 30, 2001. Comments must be received by the

closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

**ADDRESSES:** Copies of the draft economic analysis are available on the Internet at <http://carlsbad.fws.gov> or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008.

Written comments should be sent to the Field Supervisor. You may also send comments by electronic mail (e-mail) to [fws1rvfs@fws.gov](mailto:fws1rvfs@fws.gov). Please submit comments in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: Riverside fairy shrimp" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at phone number 760-431-9440.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

**FOR FURTHER INFORMATION CONTACT:** Douglas Krofta, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, at the above address (telephone 760-431-9440; facsimile 760-431-9624).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Riverside fairy shrimp is a small aquatic crustacean that occurs in vernal pools, ephemeral ponds, and human-modified depressions. Basins, ponds, and depressions that support Riverside fairy shrimp are located on coastal terraces and plateaus ranging from coastal southern California to northwestern Baja California, Mexico. Typically, this species is found in vernal pools that are deeper and cooler than those basins which support the related species, the endangered San Diego fairy shrimp (*Branchinecta sandiegonensis*).

Basins that support Riverside fairy shrimp are typically dry a portion of the year, but usually are filled by late fall, winter, or spring rains, and may persist into April or May. Critical to the formation of vernal pool basins is the presence of nearly impermeable surface or subsurface soil layers and flat or gently sloping topography. Historically, vernal pool soils and habitats covered extensive areas on the coastal plains and mesas of Los Angeles, Orange, Riverside, San Diego, and Ventura Counties. Significant losses of vernal

pools supporting the Riverside fairy shrimp have occurred throughout these areas due to urban and water development, flood control, highway and utility projects, as well as the conversion of wildlands to agricultural and other human uses.

The species was Federally listed as endangered throughout its range on August 3, 1993 (58 FR 41384), and its continued survival is reduced by habitat loss and degradation. On September 21, 2000, the Fish and Wildlife Service published a rule proposing critical habitat for the Riverside fairy shrimp in the **Federal Register** (65 FR 57136). We proposed designation of approximately 4,880 hectares (12,060 acres) as critical habitat for the Riverside fairy shrimp pursuant to the Endangered Species Act of 1973, as amended (Act). Proposed critical habitat is in Los Angeles, Orange, Riverside, San Diego, and Ventura Counties, California, as described in the proposed rule.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the Riverside fairy shrimp and comments received during previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation, which is available at the above Internet and mailing address.

#### Public Comment Solicited

We have reopened the comment period at this time in order to accept the best and most current scientific and

commercial data available regarding the proposed critical habitat and the draft economic analysis. Previously submitted written comments on this critical habitat proposal need not be resubmitted. The current comment period on this proposal closes on March 30, 2001. Written comments may be submitted to the Service office in the **ADDRESSES** section.

#### Author

The primary author of this notice is Douglas Krofta (see **ADDRESSES** section).

#### Authority

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

Dated: February 20, 2001.

#### David Patte,

*Acting Manager, California/Nevada Operations.*

[FR Doc. 01-4844 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-55-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 022001A]

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will

hold a 2-day Council meeting, on March 14 and 15, 2001, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will be held on Wednesday and Thursday, March 14 and 15, at 9 a.m. and 8:30 a.m., respectively.

**ADDRESSES:** The meetings will be held at the Radisson Hotel New London, 35 Governor Winthrop Boulevard, New London, CT, 06320; telephone (860) 443-7000. Requests for special accommodations should be addressed to the New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465-0492.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

#### SUPPLEMENTARY INFORMATION:

#### Wednesday, March 14, 2001

After introductions, the meeting will begin with a report from the Council's Groundfish Committee on alternatives for draft Amendment 13 to the Northeast Multispecies Fishery Management Plan (FMP). Prior to that discussion, the Council will receive two reports. The first will summarize fishing industry comments on the social impacts of groundfish management measures since 1994. The second will present information on changes in groundfish vessel gross revenues since 1994. A discussion of the biological objectives for the amendment is also scheduled. The alternatives discussion will be based on the broad concepts of refinements to the status quo measures, area-based management and sector allocation by gear type.

**Thursday, March 15, 2001**

The second day of the Council meeting will begin with reports on recent activities from the Council Chairman, Executive Director, the NMFS Regional Administrator, Northeast Fisheries Science Center and Mid-Atlantic Fishery Management Council liaisons, NOAA General Counsel and representatives of the Coast Guard, NMFS Enforcement and the Atlantic States Marine Fisheries Commission. These reports will be followed by a brief period for public comments on any topic relevant to Council business. The Council will revisit its priorities for 2001 in view of the need to develop a Red Crab FMP. Based on Council approval of a change in priorities, the Red Crab Committee will be prepared to recommend goals and objectives for the Red Crab FMP. The Scallop Committee will seek approval of goals and objectives for

Amendment 10 to the Scallop FMP as well as a draft outline of management alternatives. The Council meeting will adjourn after addressing any other outstanding business.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

The Council will consider public comments at a minimum of two Council meetings before making recommendations to the NMFS Regional Administrator on any framework

adjustment to a fishery management plan. If she concurs with the adjustment proposed by the Council, the Regional Administrator has the discretion to publish the action either as proposed or final regulations in the **Federal Register**. Documents pertaining to framework adjustments are available for public review 7 days prior to a final vote by the Council.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: February 22, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01-4893 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-22-S**

# Notices

Federal Register

Vol. 66, No. 40

Wednesday, February 28, 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.

**ACTION:** To give firms an opportunity to comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

The petitions were submitted pursuant to section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by Trade Adjustment Assistance, Room 7315, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

## DEPARTMENT OF COMMERCE

### Economic Development Administration

#### Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

**AGENCY:** Economic Development Administration (EDA).

#### LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/25/01–02/15/01

Firm name	Address	Date petition accepted	Product
Advance Products & Systems, Inc ..	108 Asset Avenue, Scott, Louisiana 70583.	01/25/01	Flange protectors and casing insulators.
ILPEA, Inc .....	3333 South Zero Street, Ft. Smith, AR 72908.	01/25/01	Rubber gaskets and seals.
Midwest Industries, Inc .....	614 West Main Meeker, OK 74885	01/30/01	Magnets made of metal wire for material handling containers, the containers and racks of metal.
Creative Fabrication, Inc .....	172 Industrial Park Road, Hartwell, GA 30643.	01/30/01	Circular springs of steel.
Keeler Brass Company .....	955 Godfrey Ave., SW., Grand Rapids, MI 40503.	01/30/01	Furniture hardware made of brass.
Ace Building Co., Inc .....	3031 James Street, Baltimore, MD 21230.	01/30/01	Bias bindings and waistbands for the apparel industry.
A. T. Cross Company, Inc .....	1 Albion Road Lincoln, RI 02865 ...	01/30/01	Ball point pens, pen and pencil sets and mechanical pencils.
Rex-Cut Products, Inc .....	960 Airport Road, Fall River, MA 02722.	02/05/01	Reinforced cotton fiber abrasive grinding wheels and points for stainless steel.
Boehringer Laboratories, Inc .....	500 East Washington St., Norristown, PA 19404.	02/05/01	Suction regulators, autovac T C orthopedic autotransfusion systems, and peep valves used in operating and postoperating rooms.
Crust Buster, Inc .....	2300 E. Trail Street, Dodge City, KS 67801.	02/05/01	Cotton machinery, grain drills and bulk material conveyor equipment.
General Leathercraft, Inc .....	900 Airport Road, Coleman, TX 76834.	02/05/01	Gymnasium and other exercise articles, and equipment, parts and accessories, including mats, back support and weightlifting.
J. A. Thurston Co., Inc .....	P. O. Box H Rumford, Maine 04276	02/05/01	Hardwood glue pins.
Gaddis-Walker Electric, Inc., dba Modular Services Co..	109 N. 38th Street, Oklahoma City, OK 73105.	02/05/01	Parts and accessories for machines, appliances, instruments or apparatus which include metal hospital wall units.
Wayne Metal Protection, Inc .....	1511 Wabash Avenue, Fort Wayne, IN 46803.	02/06/01	Environmentally appropriate protective coatings for iron and steel hydraulic fittings and hardware.
Matrix Tool Company, Inc .....	32873 Groesbeck Highway, Fraser, MI 48026.	02/06/01	Metal forming dies and general machining services.
Boardman Silversmiths, Inc .....	290 Pratt Street, Meriden, CT 06450.	02/06/01	Sterling silver and pewter gift- and tableware.
Amergraph Corporation .....	520 Lafayette Road, Sparta, NJ 07871.	02/07/01	Printing presses.
Rycam, Inc. dba Wes & Willy .....	P. O. Box 31698, Omaha, NE 68131.	02/07/01	Boys clothing.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 01/25/01–02/15/01—Continued

Firm name	Address	Date petition accepted	Product
Endres Floral Company .....	1401 Pleasant Hill Rd. NW., New Philadelphia, OH 44663.	02/13/01	Roses, other cut flowers and potted plants.
Lnytech Industries, Inc .....	106 McLean Boulevard Paterson, NJ 07514.	02/14/01	Industrial organic chemical auxiliaries, soaps, detergents and cleaners used by the textile and car wash industries.

Dated: February 22, 2001.  
**Anthony J. Meyer,**  
*Coordinator, Trade Adjustment and Technical Assistance.*  
 [FR Doc. 01–4827 Filed 2–27–01; 8:45 am]  
**BILLING CODE 3510–24–P**

**DEPARTMENT OF COMMERCE**  
**International Trade Administration**  
**Initiation of Antidumping and Countervailing Duty Administrative Reviews**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Initiation of Antidumping and Countervailing Duty Administrative Reviews.

**SUMMARY:** The Department of Commerce (the Department) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates. In accordance with the Department's regulations, we are initiating those administrative reviews.

**EFFECTIVE DATE:** February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Holly A. Kuga, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW.,

Washington, DC 20230, telephone: (202) 482–4737.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department has received timely requests, in accordance with 19 CFR 351.213(b)(2000), for administrative reviews of various antidumping and countervailing duty orders and findings with January anniversary dates.

**Initiation of Reviews**

In accordance with section 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than January 31, 2002.

	Period to be reviewed
<b>Antidumping Duty Proceedings</b>	
France: Anhydrous Sodium Metasilicate (ASM) A–427–098 .....	1/1/00–12/31/00
Rhone-Poulenc, S.A.	
The People's Republic of China: Certain Cased Pencils A–570–001 .....	12/1/99–11/30/00
Shanghai Foreign Trade Corporation <sup>1</sup>	
The Republic of Korea: Top-of-the-Stove Stainless Steel Cooking Ware A–580–601 .....	1/1/00–12/31/00
Cheffline Corp.	
Dae-Lim Trading Co., Ltd.	
Dong Won Metal Co., Ltd.	
Sam Yeung Ind. Co., Ltd.	
Namyang Kitchenflower Co., Ltd.	
Kyung-Dong Industrial Co., Ltd.	
Ssang Yong Ind. Co., Ltd.	
O. Bok Stainless Steel Co., Ltd.	
Dong Hwa Stainless Steel Co., Ltd.	
Il Shin Co., Ltd.	
Hai Dong Stainless Steel Ind. Co., Ltd.	
Han Il Stainless Steel Ind. Co., Ltd.	
Bae Chin Metal Ind. Co.	
East One Co., Ltd.	
Charming Art Co., Ltd.	
Poong Kang Ind. Co., Ltd.	
Won Jin Ind. Co., Ltd.	
Wonkwang Inc.	
Sungjin International Inc.	
Saekwang Aluminum Co., Ltd.	
Hanil Stainless Steel Ind. Co., Ltd.	
Seshin Co., Ltd.	
Pionix Corporation	
East West Trading Korea, Ltd.	
Clad Co., Ltd.	
B.Y. Enterprise, Ltd.	

	Period to be reviewed
<b>Countervailing Duty Proceedings</b>	
None.	
<b>Suspension Agreements</b>	
None.	

<sup>1</sup> Inadvertently omitted from previous initiation notice.

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under section 351.211 or a determination under section 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Interested parties must submit applications for disclosure under administrative protective orders in accordance with 19 CFR 351.305.

These initiations and this notice are in accordance with section 751(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)), and 19 CFR 351.221(c)(1)(i).

Dated: February 26, 2001.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary, Group II for Import Administration.*

[FR Doc. 01-5005 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration A-428-825

#### Stainless Steel Sheet and Strip in Coils From Germany; Antidumping Duty Administrative Review; Time Limits

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of extension of time limits.

**SUMMARY:** The Department of Commerce (the Department) is extending the time

limits for the preliminary results of the 1999-2000 administrative review of the antidumping duty order (A-428-825) on stainless steel sheet and strip in coils from Germany. This review covers one manufacturer/exporter of the subject merchandise to the United States, Krupp Thyssen Nirosta GmbH (KTN), and the period January 4, 1999 through June 30, 2000.

**EFFECTIVE DATE:** February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Martin Odenyo at (202) 482-5254 or Robert James at (202) 482-0649, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** Because it is not practicable to complete these reviews within the normal statutory time limit, the Department is extending the time limits for completion of the preliminary results until July 31, 2001 in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. See Memorandum from Richard O. Weible to Joseph A. Spetrini, on file in Room B-099 of the main Commerce building. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A) (2000)).

Dated: February 20, 2001.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, AD/CVD Enforcement Group III.*

[FR Doc. 01-4896 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-533-819, A-570-859, A-557-810]

#### Notice of Final Determinations of Sales at Less Than Fair Value: Steel Wire Rope From India and the People's Republic of China; Notice of Final Determination of Sales at Not Less Than Fair Value: Steel Wire Rope From Malaysia

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** February 28, 2001.

**ACTION:** Notice of final determinations of sales at less than fair value and notice of sales at not less than fair value.

**FOR FURTHER INFORMATION CONTACT:** Keir Whitson or Gabriel Adler, at (202) 482-1777 or (202) 482-3813, respectively; AD/CVD Enforcement, Office 5, Group II, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

#### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2000).

#### Final Determinations

We determine that steel wire rope from India and the People's Republic of China (PRC) is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. We also determine that steel wire rope from Malaysia is not being sold in the United States at LTFV. The estimated margins of sales at LTFV are shown in the Continuation of

Suspension of Liquidation section of this notice.

### Case History

The preliminary determinations in these investigations were issued on September 25, 2000. See *Notice of Preliminary Determinations of Sales at Less Than Fair Value: Steel Wire Rope from India and the People's Republic of China; Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Steel Wire Rope from Malaysia*, 65 FR 58736 (October 2, 2000) (*Steel Wire Rope Preliminary Determinations*).

In the India investigation, we conducted verification of the cost and sales information submitted by respondent Usha Martin Industries, Ltd. (Usha) from October 16 through October 20, 2000, and from November 6 through November 10, 2000, respectively. In addition, we conducted a verification of Usha's constructed export price (CEP) information on December 13 and 14, 2000. The petitioner<sup>1</sup> requested a hearing in this case on October 30, 2000, and withdrew this request on January 17, 2001. No other interested party requested a hearing. Usha and the petitioner submitted case briefs on January 10, 2001. The petitioner submitted a rebuttal brief on January 16, 2001; Usha did not submit a rebuttal brief.

In the PRC investigation, we conducted verification of the sales and factors of production information submitted by respondents Nantong Zhongde (Nantong), and Fasten Group Import and Export Co., Ltd. (Fasten) from October 9 through October 13, 2000, and October 16 through October 20, 2000, respectively. In addition, we conducted a verification of Fasten USA's CEP information on October 23 and October 24, 2000. Counsel to Nantong and the petitioner requested a hearing on October 27 and October 30, 2000, respectively. Nantong, Fasten, Dragon Trading, Inc. (an interested party), and the petitioner submitted case briefs on December 15, 2000. On December 21, 2000, Fasten submitted to the Department an allegation that certain portions of the petitioner's case brief contained new factual information. Dragon Trading, Inc. submitted a rebuttal brief on December 22; Nantong, Fasten, and the petitioner submitted rebuttal briefs on December 27, 2000. On January 5, 2001, the Department held a public hearing in the PRC investigation. On January 9, 2001, the

Department rejected certain pages in the petitioner's case brief containing new factual information. See *Memorandum to the File* (January 9, 2001).

In the Malaysia investigation, we conducted verification of the cost and sales information submitted by respondent Kiswire SDN.BHD (Kiswire) from October 23 through October 26, 2000, and October 30 through November 2, 2000, respectively. In addition, we conducted a verification of Kiswire's CEP information on November 14, 2000. Kiswire and the petitioner requested a hearing in this case on October 24, 2000, and October 30, 2000, respectively. Both parties submitted case briefs on December 21, 2000, and rebuttal briefs on January 4, 2001. Kiswire and the petitioner withdrew their requests for a hearing on January 9 and January 10, 2001, respectively.

### Scope of Investigations

For purposes of these investigations, the product covered is steel wire rope. Steel wire rope encompasses ropes, cables, and cordage of iron or carbon or stainless steel, other than stranded wire, not fitted with fittings or made up into articles, and not made up of brass-plated wire. Imports of these products are currently classifiable under subheadings: 7312.10.6030, 7312.10.6060, 7312.10.9030, 7312.10.9060, and 7312.10.9090 of the Harmonized Tariff Schedule of the United States (HTSUS). Although HTSUS subheadings are provided for convenience and Customs Service purposes, the written description of the scope of these investigations is dispositive.

### Period of Investigations

The period of the investigations (POI) is January 1, 1999, through December 31, 1999, for India and Malaysia, and July 1, 1999, through December 31, 1999, for the PRC.

### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to these antidumping proceedings are listed in the Appendix to this notice and addressed in the *Decision Memorandum* for each of the instant investigations, dated February 14, 2001, which are hereby adopted by this notice. The *Decision Memorandum* for each case is on file in room B-099 of the main Department of Commerce building. In addition, a complete version of the *Decision Memorandum* for each investigation can be accessed directly on the World Wide Web at [www.ita.doc.gov/import\\_admin/records/frn](http://www.ita.doc.gov/import_admin/records/frn). The paper and electronic

versions of each *Decision Memorandum* are identical in content.

### Changes Since the Preliminary Determinations

Based on our findings at verification, and analysis of comments received, we have made adjustments to the preliminary determination calculation methodologies in calculating the final dumping margins in these proceedings. These adjustments are discussed in the case-specific *Decision Memorandum* for each of the instant investigations.

### Critical Circumstances

Section 735(a)(3) of the Act provides that the Department will determine that critical circumstances exist if: (A)(i) there is a history of dumping and material injury by reason of dumped imports in the United States or elsewhere of the subject merchandise, or (ii) the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the subject merchandise at less than its fair value and that there would be material injury by reason of such sales, and (B) there have been massive imports of the subject merchandise over a relatively short period. Section 351.206(h)(1) of the Department's regulations provides that, in determining whether imports of the subject merchandise have been "massive," the Department normally will examine: (i) The volume and value of the imports; (ii) seasonal trends; and (iii) the share of domestic consumption accounted for by the imports. In addition, section 351.206(h)(2) of the Department's regulations provides that an increase in imports of 15 percent or more during the "relatively short period" of time may be considered "massive."

Section 351.206(i) of the Department's regulations defines "relatively short period" as normally being the period beginning on the date the proceeding begins (*i.e.*, the date the petition is filed) and ending at least three months later. The regulations also provide, however, that if the Department finds that importers, exporters, or producers, had reason to believe, at some time prior to the beginning of the proceeding, that a proceeding was likely, the Department may consider a period of not less than three months from that earlier time.

On August 25, 2000, the petitioner made allegations that critical circumstances exist with respect to imports of steel wire rope from India and the PRC.<sup>2</sup> In the *Steel Wire Rope*

<sup>1</sup> The petitioner in these investigations is the Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers.

<sup>2</sup> There was no allegation of critical circumstances in the Malaysia case.

*Preliminary Determinations*, we found preliminarily that critical circumstances existed with respect to both countries.

Since the preliminary determinations, we have received comments on the issue of critical circumstances from Usha, Fasten, Nantong, Dragon Trading Inc., and the petitioner. After consideration of these comments, which are discussed in detail in the respective *Decision Memorandum* for each case, we find that critical circumstances exist in the India case for both Usha and all other Indian producer/exporters of subject merchandise. We also find that critical circumstances exist in the PRC case for Nantong, the six companies which received an "all others"<sup>3</sup> rate, and all non-responsive companies, which are included in the "PRC-wide" category. Finally, we find that critical circumstances do not exist for Fasten because Fasten's final dumping margin is de minimis. These determinations are discussed in detail in the *Decision Memorandum* for each case.

#### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of steel wire rope exported from India and the PRC, with the exception of merchandise produced by Fasten Co., Ltd. and exported by Fasten Group Import and Export Co., Ltd., that are entered, or withdrawn from warehouse, for consumption on or after July 4, 2000, (90 days prior to the date of publication of the preliminary determinations in the **Federal Register**). The Customs Service shall continue to require a cash deposit or the posting of a bond based on the estimated weighted-average dumping margins shown below. Because we have determined that steel wire rope produced by Fasten Co., Ltd. and exported by Fasten Group Import and Export Co., Ltd., in the PRC is not being sold at LTFV, we are not directing the

<sup>3</sup> The "all others" category in a non-market economy proceeding, unlike the "all others" category in a market-economy investigation, only includes companies that demonstrated entitlement to separate rates and expressed a willingness to participate in the proceeding, but whose responses were not examined due to limited Department resources.

We note that the "all others" rate for this final determination is the rate assigned to Nantong, the only investigated respondent with a rate above de minimis. This is consistent with our methodology of setting the "all others" rate in NME cases on the weighted average of calculated margins, excluding rates that are de minimis, based entirely on facts available, or calculated for voluntary respondents. See *Notice of Final Determination of Sales at Less Than Fair Value: Certain Non-Frozen Apple Juice Concentrate from the People's Republic of China*, 65 FR 19873 (April 13, 2000).

Customs Service to suspend liquidation of this merchandise. The suspension of liquidation instructions will remain in effect until further notice.

Because we have determined that steel wire rope from Malaysia is not being sold at LTFV, we are not directing the Customs Service to suspend liquidation of steel wire rope exported from Malaysia.

We determine that the following weighted-average dumping margins for India, the PRC, and Malaysia exist:

Manufacturer/exporter	Margin (percent)
India:	
Usha Martin Industries, Ltd ...	38.63
All Others .....	38.63
People's Republic of China:	
Fasten Group Import and Export Co., Ltd .....	20.02
Haicheng Greatx Industry Co. Ltd. <sup>1</sup> .....	42.23
Henan Baoi Wire Rope Factory <sup>1</sup> .....	42.23
Jiangsu COFCO <sup>1</sup> .....	42.23
Jiangsu Guo Tai <sup>1</sup> .....	42.23
Liaoning Metals & Minerals Import & Export Corp. <sup>1</sup> .....	42.23
Nantong Wire Rope Company <sup>1</sup> .....	42.23
Nantong Zhongde .....	42.23
PRC-Wide Rate .....	58.00
Malaysia:	
Kiswire SDN.BHD .....	20.26
All Others .....	20.26

<sup>1</sup> All others.

<sup>2</sup> De minimis.

The PRC-wide rate applies to all entries of the subject merchandise except for entries from exporters/factories that are identified individually above.

#### International Trade Commission Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. As our final determinations are affirmative for India and the PRC, the ITC will determine, within 45 days, whether imports of subject merchandise from India and the PRC are causing material injury, or threaten material injury, to an industry in the United States. If the ITC determines that material injury or threat of injury does not exist, the proceedings will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue antidumping orders directing Customs Service officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse for consumption on or

after the effective date of the suspension of liquidation.

These determinations are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: February 14, 2001.

**Timothy J. Hauser,**

*Acting Under Secretary for International Trade.*

#### Appendix

*Issues Covered in Decision Memorandum for India*

1. Facts Available
2. Major Input Rule
3. Financial Expense Ratio
4. Duty Drawback
5. Home Market Credit Expense
6. Home Market Warehousing Expense
7. Critical Circumstances
8. Treatment of Negative Margins
9. Ministerial Errors

*Issues Covered in Decision Memorandum for the PRC*

1. Surrogate Value for Wire Rod
2. Surrogate Value for Fiber Cores
3. Surrogate Value for Wood Pallets
4. Surrogate Value for Sulphuric Acid
5. Surrogate Value for Nuts and Bolts
6. Surrogate Value for Hydrochloric Acid
7. Surrogate Value for Lead
8. Surrogate Value for Electricity
9. Surrogate Value for Zinc Nitrate
10. Use of a Market Economy Rate for Ocean Freight
11. Critical Circumstances
12. Correction of Ministerial Error for Valuing International Freight
13. Correction of Ministerial Error for the Conversion Factor of Wood Reels

*Issues Covered in Decision Memorandum for Malaysia*

1. Mandatory Respondents and "All Others" Rate
2. Cost Reporting for Grade and Lay of Rope
3. Model Match Hierarchy
4. Adjustments to Home Market and U.S. Market Short-Term Borrowing Rates
5. Treatment of Negative Margins
6. General and Administrative Expense
7. Financial Expense Ratio

[FR Doc. 01-4895 Filed 2-27-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-588-604]

#### Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan; Rescission of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of rescission of antidumping duty administrative review.

**SUMMARY:** In response to an October 30, 2000 request made by NTN Corporation (NTN), a manufacturer/exporter of tapered roller bearings (TRBs) and parts thereof, finished and unfinished, from Japan, on November 30, 2000, the Department of Commerce (the Department) published the initiation of an administrative review of the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan, covering the period October 1, 1999 through December 31, 1999 (65 FR 71299). This review has now been rescinded as a result of the timely withdrawal by NTN of its request for review.

**EFFECTIVE DATE:** February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Deborah Scott or Robert James, AD/CVD Enforcement, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2657 or (202) 482-0649, respectively.

**APPLICABLE STATUTE AND REGULATIONS:** Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act) are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (April 1, 2000).

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 6, 1987, the Department published the antidumping duty order on TRBs and parts thereof, finished and unfinished, from Japan (A-588-604) (52 FR 37352). On October 30, 2000, NTN, a manufacturer/exporter of TRBs from Japan, requested an administrative review of the antidumping duty order on TRBs for the period October 1, 1999 through December 31, 1999. In accordance with 19 CFR 351.221(c)(1)(i), we published the initiation of the review on November 30, 2000 (65 FR 71299). On December 8, 2000, NTN withdrew its request for review.

**Rescission of Review**

The Department's regulations, at 19 CFR 351.213(d)(1), provide that the Department will rescind an administrative review if a party that requested a review withdraws the

request within 90 days of the date of publication of the notice of initiation of the requested review. NTN withdrew its request for an administrative review on December 8, 2000, which is within the 90-day deadline. No other party requested a review of NTN's sales. Therefore, the Department is rescinding this administrative review with respect to NTN.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: January 31, 2001.

**Bernard T. Carreau,**  
*Deputy Assistant Secretary, AD/CVD Enforcement II.*

[FR Doc. 01-4897 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**Private Sector Participation in Overseas Trade Missions**

**AGENCY:** International Trade Administration, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce invites U.S. companies to participate in the below listed overseas trade missions. For a more complete description of each trade mission, obtain a copy of the mission statement from the Project Officer indicated for each mission below. Recruitment and selection of private sector participants for these missions will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions dated March 3, 1997.

Computer, Telecommunications and Office Equipment (CTO) Forum and Seminar Mission, Lagos, Nigeria. March 15-16, 2001. Recruitment Closes on March 8, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond Cho, U.S. Department of Commerce. Telephone 202-482-0396; or e-Mail: Raymond\_Cho@ita.doc.gov  
IT-Telecommunications Trade Mission to Russia, Moscow and St. Petersburg. May 12-19, 2001. Recruitment closes on April 6, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Beatrix Roberts, U.S. Department of Commerce. Telephone 202-482-2952; or e-Mail: Beatrix\_Roberts@ita.doc.gov  
U.S. Franchising Matchmaker Trade Delegation, Santiago, Chile and Sao Paulo, Brazil. June 4-9, 2001. Recruitment closes on April 20, 2001.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sam Dhir, U.S. Department of Commerce. Telephone 202-482-4756; or e-Mail: Sam.Dhir@mail.doc.gov  
Trade mission applications received after the above closing dates will be considered only if space and scheduling constraints permit. For further information contact Mr. Reginald Beckham, U.S. Department of Commerce, telephone 202-482-5478, or e-mail Reginald\_Beckham@ita.doc.gov

Dated: February 22, 2001.

**Thomas H. Nisbet,**

*Director, Promotion Planning and Support Division, Office of Export Promotion Coordination.*

[FR Doc. 01-4833 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DR-U**

**DEPARTMENT OF COMMERCE**

**National Institute of Standards and Technology**

[Docket No. 000929280-0280-01]

RIN 0693-ZA-42

**Announcing Draft Federal Information Processing Standard (FIPS) for the Advanced Encryption Standard (AES) and Request for Comments**

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** Recently, NIST announced its selection for the Advanced Encryption Standard (AES) in a report available at <http://www.nist.gov/aes/>, and this selection for the AES has now been described in detail in a Draft Federal Information Processing Standard (FIPS) for the AES. The Draft FIPS for the AES specifies technology that can be used to protect the confidentiality of sensitive (unclassified) electronic information. The AES specification will provide a FIPS-approved encryption algorithm in addition to the Triple Data Encryption

Algorithm ("Triple DES"), which is specified in FIPS 46-3.

NIST invites public comments on the Draft FIPS for the AES. After the comment period closes, NIST will analyze the comments, make changes to the document, as appropriate, and then propose the draft standard to the Secretary of Commerce for approval as a FIPS.

**DATES:** Comments on the Draft FIPS for the AES must be received on or before May 29, 2001.

**Specifications:** Specifications for the Draft FIPS for the AES are available through the AES home page: <http://www.nist.gov/aes/>.

**ADDRESSES:** Official comments on the Draft FIPS for the AES may either be sent electronically to [AEScomments@nist.gov](mailto:AEScomments@nist.gov) or by regular mail to: Chief, Computer Security Division, Information Technology Laboratory, ATTN: Comments on Draft FIPS for the AES, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899-8930.

**FOR FURTHER INFORMATION CONTACT:** Mr. James Foti (301) 975-5237, [jfoti@nist.gov](mailto:jfoti@nist.gov), National Institute of Standards and Technology, 100 Bureau Drive, STOP 8930, Gaithersburg, MD 20899-8930.

**SUPPLEMENTARY INFORMATION:** In January 1997, NIST initiated an effort to develop the Advanced Encryption Standard (AES), which would provide cryptographic security well into the twenty-first century. In August 1999, NIST announced five publicly submitted candidate algorithms as finalists for the AES, and invited public review, comment, and analysis in order to make a selection for the Draft FIPS for the AES. During the Round 2 technical evaluation period, these five finalists were subjected to extensive analysis and testing by the cryptographic community. After much careful study and consideration of the finalists and Round 2 public comments, NIST made its selection for the Draft FIPS for the AES, and issued a report explaining that selection. The report is available at <http://www.nist.gov/aes/>.

NIST strongly encourages the public to continue performing analyses of the security of the AES, and to submit those analyses as official comments in response to this request. Such analyses and other comments received will be considered by NIST in preparing the final version of the FIPS for the AES.

NIST seeks detailed comments regarding any intellectual property that may be infringed by the practice of the algorithm(s) in the Draft FIPS for the

AES. This includes comments from all parties regarding specific claims that the practice of a finalist algorithm infringes on their patent(s). Claims regarding infringement of copyrighted software are also particularly solicited. NIST views this input as a critical factor in the eventual widespread adoption and implementation of the Draft FIPS for the AES.

NIST reminds all interested parties that the AES development effort is being conducted as an open standards-setting activity. Specifically, NIST has requested that all interested parties identify to NIST any patents or inventions that may be required for the use of AES. Public comments received in response to this request will be posted periodically during the comment period at <http://csrc.nist.gov/cryptval/aes/draftfips/>.

To encourage on-going discussions related to the AES, NIST will continue to maintain its AES electronic discussion forum at <http://aes.nist.gov/aes/>. Please note that comments posted at that site will NOT be considered "official" comments.

No additional conferences are planned for the Draft FIPS for the AES at this time.

NIST intends to develop a Draft FIPS for AES Modes of Operation. Given the need for further public discussion and study of suggested modes of operation, NIST will hold a public workshop to discuss the Draft FIPS. Details on this effort are located at <http://www.nist.gov/modes/>.

**Authority:** Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology after approval by the Secretary of Commerce pursuant to section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987, Public Law 100-235.

E.O. 12866: This notice has been determined to be significant for purposes of E.O. 12866.

Dated: February 20, 2001.

**Karen Brown,**

*Acting Director, NIST.*

[FR Doc. 01-4886 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-CN-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 121200J]

#### Marine Mammals; File No. 87-1593-00

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Dr. Daniel Costa (Principal Investigator), Institute of Marine Sciences, Earth & Marine Sciences Bldg. A316, University of California, Santa Cruz, CA, 95064, has been issued a permit to take California sea lions (*Zalophus californianus*) and Antarctic pinnipeds for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before March 30, 2001.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson, 301/713-2289.

**SUPPLEMENTARY INFORMATION:** On August 15, 2000, and on November 15, 2000, notices were published in the **Federal Register** (65 FR 49786 and 68983) that a request for a scientific research permit to take California sea lions and Antarctic pinnipeds had been submitted by the above-named individual.

Project I - The Holder is studying the foraging ecology and energetics of California sea lions of all age and sex classes in southern and central California, including San Nicolas, Ano Nuevo and San Miguel Islands. The Permit authorizes, annually, for 5 years, 40 adult sea lions and 100 pup sea lions will be captured, tagged, bleach marked, instrumented with satellite linked TDRs, blood sampled, and measured. In addition the Holder is authorized to incidentally harass up to 6,650 animals annually and is allowed up to five accidental mortalities over the five-year period.

Project II - The Holder is studying Crabeater seals (*Lobodon carcinophagus*). The Permit authorizes annually, for up to 5 years, 25 *L. carcinophagus* and 10 each for leopard seal (*Hydrurga leptonyx*), Weddell seal (*Leptonychotes weddellii*), and Ross seal (*Ommatophoca rossii*). Animals will be captured, immobilized, weighed/measured, sampled [blood and biopsy, whisker], administered tritiated saline water, flipper tagged, marked, lavaged for stomach contents, and instrumented

with VHF/satellite transmitters. The project will determine the distribution and foraging behavior of adult Crabeater seals and simultaneously assess the impact that oceanographic features and prey aggregations have on foraging strategies employed. Equivalent data will be obtained for other species. Research will occur in Marguerite Bay, West Antarctic Peninsula. Opportunistic samples will be collected from dead beach cast seals for deposit in the natural history collection at the University.

The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Dated: February 21, 2001.

**Ann D. Terbush,**

Chief, Permits and Documentation Division,  
Office of Protected Resources, National  
Marine Fisheries Service.

[FR Doc. 01-4892 Filed 2-27-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 022000C]

#### National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries

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

**ACTION:** Notice of availability; response to public comments.

**SUMMARY:** NMFS announces the availability of the National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (NPOA-S). NMFS also responds to public comments received on the draft NPOA-S.

**DATES:** The final version of the NPOA-S is now in effect and available on the NMFS web site (<http://www.nmfs.gov>). Hard copies of the document are available upon request (see **ADDRESSES**).

**ADDRESSES:** Requests for hard copies of the NPOA-S should be sent to Steve Leathery, NOAA-Fisheries/SF3, Room 14434, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Steve Leathery, 301-713-2341, or fax 301-713-1193.

**SUPPLEMENTARY INFORMATION:** The United States developed an NPOA-S through a collaborative effort between NMFS, the U.S. Department of State (DOS), and the U.S. Fish & Wildlife Service (FWS), pursuant to the International Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (IPOA-S) that was adopted by the United Nations Food and Agriculture Organization Committee on Fisheries (COFI) in February 1999. The United States will report to COFI by February, 2001, on NPOA-S development and implementation.

An outline describing the proposed structure of the draft NPOA-S was published in the **Federal Register** on September 9, 1999 (64 FR 48987). The draft NPOA-S was released for public review and comment on December 29, 1999 (64 FR 73017), and the public comment period was subsequently extended through February 7, 2000.

#### Comments and Responses

NMFS received 10 written public comments and held one public meeting during the development of the NPOA-S. NMFS considered all comments received on the draft NPOA-S when drafting the final version of the NPOA-S.

*Comment 1:* The draft NPOA-S does not fulfill the responsibilities outlined in the IPOA-S and compromises U.S. leadership in international negotiations on reducing seabird bycatch in longline fisheries.

*Response:* The IPOA-S is a voluntary measure that calls on member states to assess their longline fisheries and, if a seabird bycatch problem is determined to exist, to develop an NPOA-S to reduce seabird bycatch within 2 years. NMFS has conducted a preliminary review of seabird bycatch in U.S. longline fisheries and has determined that a seabird bycatch problem exists in several U.S. longline fisheries, including Hawaii-based pelagic longline fisheries and Alaska halibut and groundfish demersal longline fisheries. Consistent with this NPOA-S, seabird bycatch regulations are in place for Alaska longline fisheries and under development for Hawaii longline fisheries, and research is underway in Alaska and Hawaii longline fisheries to determine the effectiveness of seabird bycatch measures and to improve those measures.

NMFS, FWS, and DOS developed this NPOA-S to provide policy guidance to reduce seabird bycatch in those longline fisheries where a problem is already known to exist and to assess all other U.S. longline fisheries within 2 years to

determine whether a seabird bycatch problem exists. If a seabird bycatch problem is found to exist, a fishery-specific plan should be developed within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

Although incidental (i.e., unintended) catch of seabirds in longline fisheries is often termed "bycatch," the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), which is the primary law covering management of marine fishery resources in U.S. waters, specifically excludes seabirds from the definition of "fish" and, therefore, bycatch. Unless certain requirements under the Endangered Species Act are involved, the Magnuson-Stevens Act does not require implementation of measures to reduce incidental catch of seabirds. However, the Magnuson-Stevens Act authorizes implementation of fishery management measures designed to protect the marine environment from the effects of fishing activities.

In order to strengthen NMFS' ability to effectively implement seabird conservation measures in U.S. fisheries, NMFS is supporting an amendment to the Magnuson-Stevens Act that would change the definition of bycatch to include seabirds and would require fishery management plans to specifically address seabird bycatch. For the purpose of the NPOA-S, the term "bycatch" is used for incidental seabird catch, and the term "seabird" refers to those bird species that habitually obtain their food from the sea below the low water mark.

NMFS believes that the final NPOA-S demonstrates strong U.S. leadership on this important international seabird conservation issue. The United States already has seabird bycatch mitigation regulations in place for all Alaska longline fisheries and under consideration for implementation in Hawaii longline fisheries. Additionally, the United States is likely to be one of the first COFI members to complete an NPOA-S, which calls on the United States to further advance the IPOA-S at future international fisheries management fora.

*Comment 2:* The draft NPOA-S does not contain any seabird bycatch reduction guidelines or performance standards.

*Response:* The final NPOA-S provides policy guidance to the Regional Fishery Management Councils (Councils) and the NMFS Regions to assess all U.S. longline fisheries within the next 2 years to determine if a seabird bycatch problem exists beyond what was determined in the preliminary

assessment. If a seabird bycatch problem is found to exist, a fishery-specific plan should be developed within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

Additionally, NMFS has proposed an amendment to the Magnuson-Stevens Act that would include seabirds in the bycatch definition and thus require that fishery conservation and management measures, to the extent practicable, minimize seabird bycatch and to the extent that seabird bycatch cannot be avoided, minimize the mortality of such bycatch.

NMFS believes that individual longline fishery interactions with seabirds constitute unique situations that require development of fishery-specific seabird bycatch mitigation measures. It is not possible to state explicit seabird bycatch reduction standards for individual fisheries or for the nation as a whole. The NPOA-S recommends that additional data should be collected on seabird-fishery interactions in all U.S. longline fisheries in order to assess seabird bycatch and determine the effectiveness of seabird bycatch mitigation measures.

*Comment 3:* The NPOA-S should contain a well-defined schedule for seabird bycatch assessments and for implementing seabird protection measures.

*Response:* NMFS agrees. In response to this comment, the final version of the NPOA-S contains a more detailed implementation schedule. Within a year, and each subsequent year, the Councils and NMFS Regions will jointly prepare annual implementation reports. Within 2 years, assessments of all the U.S. longline fisheries should be completed; if a seabird bycatch problem is found to exist, a fishery-specific plan should be established within 1 year that would implement seabird bycatch mitigation measures in that fishery within 2 years.

NMFS and FWS will assume joint responsibility for preparing a biennial report to COFI on the NPOA-S. Implementation of the NPOA-S will be assessed every 4 years by NMFS and FWS to evaluate progress to date, prioritize future actions, and identify cost-effective strategies for increasing the plan's effectiveness.

*Comment 4:* The NPOA-S should state the explicit goal of eliminating seabird bycatch in U.S. longline fisheries.

*Response:* NMFS disagrees. Such a perspective represents a change of national and international policy on fishery bycatch issues. NMFS believes that the focus of the NPOA-S should be

on reducing seabird bycatch to the maximum extent practicable.

*Comment 5:* The draft NPOA-S advocates a regional approach to reducing seabird bycatch in U.S. longline fisheries. Such an approach without required actions will not effectively reduce seabird bycatch.

*Response:* Addressing seabird bycatch at the regional level is consistent with the IPOA-S and calls on the Councils to recommend seabird bycatch mitigation measures that are tailored to individual longline fisheries and that would be incorporated in regulations. NMFS will use these regionally based Council recommendations to take action to require fishery management measures that effectively reduce seabird bycatch.

*Comment 6:* There should be national-level coordination and oversight to ensure consistent and effective regional implementation of the NPOA-S.

*Response:* NMFS agrees. NMFS and FWS will continue to work in close partnership and with the DOS through the activities of the Interagency Seabird Working Group (ISWG) to accomplish the goals of the NPOA-S, including consistent and effective regional implementation of the NPOA-S. The ISWG was formed in February, 1999 for the express purpose of drafting the NPOA-S based on the IPOA-S guidelines. This working group was composed of members from NMFS, FWS, and DOS, many of whom served on a similar U.S. working group during development of the IPOA-S.

Several commenters suggested continuing the ISWG in varying capacities during NPOA-S implementation. NMFS agrees that the ISWG has continuing value as a resource for helping ensure consistent and effective regional implementation of the NPOA-S, for helping prepare a biennial report to COFI on the NPOA-S, and for helping assess implementation of the NPOA-S every 4 years to evaluate progress to date, prioritize future actions, and identify cost-effective strategies for increasing its effectiveness. However, the ISWG will not function as a certifying body for fishery management measures, as some commenters have suggested, and ISWG membership will be limited to NMFS, FWS, and DOS staff.

NMFS has assigned coordination and oversight responsibility to the Domestic Fisheries Division of the Office of Sustainable Fisheries (Sustainable Fisheries) to help ensure consistent and effective regional implementation of the NPOA-S. All Council-developed fishery management actions are submitted to Sustainable Fisheries for review, and are

implemented under authority of the Secretary of Commerce.

*Comment 7:* The draft NPOA-S does not state the need for additional funding and does not identify specific research goals or projects.

*Response:* The final NPOA-S suggests that there should be research into developing effective, fishery-specific seabird bycatch mitigation measures. In addition to regional assessments of seabird/longline interactions, the NPOA-S emphasizes the importance of increased NMFS observer coverage and additional observer training on seabird identification. The NPOA-S also emphasizes continued cooperation between FWS and NMFS on seabird bycatch mitigation issues, including assessment of existing seabird bycatch mitigation measures and research and development of new measures.

NMFS acknowledges that assessing seabird bycatch and researching the effectiveness of mitigation measures is costly, and that the final NPOA-S includes ambitious objectives and goals. Additional funding required for implementing the final NPOA-S needs to be addressed by the individual management entities. NMFS has historically not received sufficient appropriated funds to monitor seabird bycatch in all U.S. longline fisheries. The cost of previous seabird bycatch mitigation research studies ranged between \$150,000 and \$227,000. NMFS further acknowledges that cooperation with the fishing industry led to the use of commercial longline vessels in seabird mitigation research studies, which resulted in significant cost savings. NMFS will use the final NPOA-S as guidance in its strategic planning and budget processes.

Assessment of seabird bycatch via fishery observer programs is also expensive, with variable costs relating to the degree of necessary program development (i.e., creation of a new program or modification of an existing program), and whether industry shares costs or fully funds individual longline observer programs. Agency costs for observer programs have ranged from several hundred thousand to several million dollars annually.

*Comment 8:* The draft NPOA-S does not state or impose regulations requiring the use of seabird bycatch mitigating measures, even in those longline fisheries where a seabird bycatch problem is known to already exist.

*Response:* NMFS agrees. The Magnuson-Stevens Act provides the authority for managing fishery resources in the United States. Fishery management plans (FMPs) are developed by the Councils, in

consultation with NMFS, and are implemented by regulations promulgated under the authority of the Secretary of Commerce. Public participation is an important part of the Council process, where a wide variety of viewpoints are considered when developing FMPs and FMP amendments.

NMFS considers the NPOA-S to be a clear statement of policy that provides guidance to the Councils and NMFS Regions to conduct seabird bycatch assessments and reduce seabird bycatch in U.S. longline fisheries. In those U.S. longline fisheries where seabird bycatch problems are already known to exist, including Alaska groundfish and halibut demersal longline fisheries and Hawaii pelagic longline fisheries, seabird bycatch regulations are already in place, are undergoing further refinement, or are under development. NMFS considers it inappropriate to include regulations in the NPOA-S that were not developed through the Council process.

NMFS notes, however, that the final NPOA-S does call on the Councils, in partnership with NMFS, to prescribe appropriate and effective mitigation measures and to develop regulations if a seabird bycatch problem exists. Additionally, the NPOA-S provides guidance to the Councils and NMFS to consider all existing information in determining whether development of precautionary seabird bycatch mitigation measures is warranted, even prior to completing formal seabird bycatch assessments. Such an approach is consistent with U.S. marine fisheries policy on using the precautionary approach for developing fisheries management actions in the face of scientific uncertainty.

*Comment 9:* The draft NPOA-S does not contain specific guidelines for education, outreach, and training on the seabird bycatch issues.

*Response:* NMFS considers outreach and education to be of utmost importance. The final NPOA-S states that the Councils and NMFS should engage longline fishermen in education and outreach activities that will increase awareness of seabird bycatch issues and the importance of employing seabird bycatch mitigation measures.

#### Changes from the Proposed NPOA-S

NMFS made a number of changes in the final NPOA-S pursuant to public comments that were submitted on the draft NPOA-S. The final NPOA-S requires that seabird bycatch be reduced to the maximum extent practicable. The final NPOA-S provides a time line for Council and NMFS action when a seabird bycatch problem is found to

exist, and requires that a fishery-specific plan be established within 1 year to develop seabird bycatch mitigation measures in that fishery within 2 years. The final NPOA-S also calls for additional NMFS observer training in seabird identification, cooperative research between the longline fishing industry and seabird scientists, and coordination of U.S. research with international research efforts to reduce seabird bycatch. The section describing efforts that should be taken by the United States to encourage other nations to develop individual NPOA-S is expanded. The annual report describing seabird bycatch research and mitigation efforts is explained in greater detail. Finally, Executive Order 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," is addressed.

Dated: February 22, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-4894 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-22-S**

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#### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

##### Denying Entry to Textiles and Textile Products Produced in Certain Companies in Bangladesh

February 23, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs directing Customs to deny entry to shipments manufactured in certain companies in Bangladesh.

**EFFECTIVE DATE:** March 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 12475 of May 9, 1984, as amended.

The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were

unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see **Federal Register** notice 64 FR 41395, published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA is directing the U.S. Customs Service to deny entry to textiles and textile products manufactured by the following Bangladesh companies for two years: Eldest Garments, A.M. Inspection, Fashion International, Newtex Apparel and Runa Textile. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

Should CITA determine that this decision should be amended, such amendment will be published in the **Federal Register**.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

#### Committee for the Implementation of Textile Agreements

February 23, 2001.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: The U.S. Customs Service has conducted on-site verification of textile and textile product production in a number of foreign countries. Based on information obtained through on-site verifications and from other sources, U.S. Customs has informed CITA that certain companies were illegally transshipping, were closed, or were unable to produce records to verify production. The Chairman of CITA has directed the U.S. Customs Service to issue regulations regarding the denial of entry of shipments from such companies (see directive dated July 27, 1999 (64 FR 41395), published on July 30, 1999). In order to secure compliance with U.S. law, including Section 204 and U.S. customs law, to carry out textile and textile product agreements, and to avoid circumvention of textile agreements, the Chairman of CITA directs the U.S. Customs Service, effective for goods exported on and after March 1, 2001 and extending through February 28, 2003, to deny entry to textiles and textile products manufactured by the following Bangladesh companies: Eldest Garments, A.M. Inspection, Fashion International, Newtex Apparel and Runa

Textile. Customs has informed CITA that these companies were found to have been illegally transshipping, closed, or unable to produce records to verify production.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-4856 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DR-F**

## COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

### Adjustment of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Federative Republic of Brazil

February 23, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs increasing limits.

**EFFECTIVE DATE:** February 28, 2001.

**FOR FURTHER INFORMATION CONTACT:** Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927-5850, or refer to the U.S. Customs website at <http://www.customs.gov>. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at <http://otexa.ita.doc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also

see 65 FR 66718, published on November 7, 2000.

#### D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

### Committee for the Implementation of Textile Agreements

February 23, 2001.

Commissioner of Customs,  
*Department of the Treasury, Washington, DC 20229.*

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on February 28, 2001, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit <sup>1</sup>
Sublevels with the aggregate	
338/339/638/639 .....	2,386,678 dozen.
361 .....	1,803,266 numbers.
363 .....	38,486,052 numbers.

<sup>1</sup>The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-4857 Filed 2-27-01; 8:45 am]

**BILLING CODE 3510-DR-F**

## DEPARTMENT OF EDUCATION

### National Assessment Governing Board; Meeting

**AGENCY:** National Assessment Governing Board; Education.

**ACTION:** Notice of full and partially closed meetings.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is

required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend. This notice does not meet the 15 days requirement for publishing in the **Federal Register** because of administrative clearance issues. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.* interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202-357-6938 or [Munira.Mwalimu@ed.gov](mailto:Munira.Mwalimu@ed.gov) by no later than February 26, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

**DATES:** March 1-3, 2001.

**Time:** March 1—Executive Committee, 5-6:15 p.m. (open), 6:15-7 p.m. (closed). March 2—Full Board 8:30-10:15 a.m. (open); Assessment Development Committee 10:15 a.m.-12:15 p.m., (open); Committee on Standards, Design and Methodology, 10:15 a.m.-12:15 p.m. (open); Reporting and Dissemination Committee, 10:15 a.m.-12:15 p.m. (open); Full Board, 12:15-1:45 p.m., (closed); 1:45-3:30 p.m., (open); 3:30-5 p.m. (closed). March 3—Full Board, 8:30 a.m.-12 p.m. (open).

**Location:** Omni Colonnade Hotel, 180 Aragon Avenue, Coral Gables, Florida.

**FOR FURTHER INFORMATION CONTACT:** Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW, Suite 825, Washington, DC, 20002-4233, Telephone: (202) 357-6938.

**SUPPLEMENTARY INFORMATION:** The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103-382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons. Under P.L. 105-78, the National Assessment Governing Board is also granted exclusive authority over developing the Voluntary National Tests pursuant to contract number RJ97153001.

The Executive Committee will meet on March 1 in open session from 5 p.m. to 6:15 p.m., and in closed session from 6:15 p.m. to 7 p.m.

In the open session, the Executive Committee will receive updates on the status of the VNT contract and on the NAEP Reauthorization. The Committee will then receive briefings on the implications of President Bush's education proposal for the NAEP schedule; on the appointment of the Trial Urban Advisory Panel; and on NAEP participation issues.

From 6:15–7 p.m. the Committee will meet in closed session to make a contractual decision pertaining to the VNT; to discuss future cost estimates on contracts for the National Assessment of Education Progress (NAEP) project; and to receive independent government cost estimates on contract initiatives for NAEP.

The meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of 522b(c) of Title 5 U.S.C.

On March 2, the full Board will convene in open session from 8:30 a.m.–12:15 p.m. the Board will approve the agenda; hear a report from the Executive Director of the National Assessment Governing Board; and receive an update on NAEP activities. Beginning at 10:15 a.m., the Board's Standing committees will meet in open session.

The Assessment Development Committee will meet from 10:15 a.m.–12:15 p.m. to discuss NAEP participation issues, a proposal for a ten-year follow-up of NAEP's oral reading study, the 2004 NAEP math framework project, and other NAEP assessment development issues.

The Committee on Standards, Design, and Methodology will meet from 10:15 a.m.–11:15 p.m. to hear a report from the Ad Hoc Committee on enhancing NAEP participation; to discuss the Tribal Urban Assessment; and to receive an update on Achievement Levels.

The Reporting and Dissemination Committee will meet from 10:15 a.m.–11:15 p.m. to receive and take action on the release plan for NAEP 2000 Fourth Grade National Reading Report Card; to discuss the schedule for release of future NAEP reports; and to discuss and take action on recommendations of the Ad Hoc Committee on NAEP Participation. The Reporting and Dissemination Committee will also hear

a presentation on reporting results for subgroups.

There will be a Joint Meeting of the Committee on Standards, Design, and Methodology and the Committee on Reporting and Dissemination from 11:15 a.m.–12:15 p.m. to discuss new models for reporting achievement levels and new NCES recommendations for presenting differences in exclusion and accommodation rates for reporting NAEP 2000 results in reading, mathematics, and science.

On March 2, the full Board will meet in closed session from 12:15–1:45 p.m. to receive a briefing on the NAEP 2000 Reading Report Card: Fourth Grade. This meeting must be closed because the report has not gone through complete National Center for Education Statistics (NCES) adjudication process and has not been released by the Secretary of Education. Premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

The full Board will meet in open session from 1:45–2:15 p.m. to receive an update on the 2002 Math Framework Project. From 2:15–3:30 p.m., the Board will hear a panel discussion on the Trial Urban Assessment.

On March 2, the full Board will meet in closed session from 3:30–5 p.m. to review NAEP Long Term Trend Assessment Items. This meeting must be closed because the Long Term Trend Assessment uses the same secure items for testing and thus cannot be reviewed in an open meeting. Premature disclosure of the information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C.

On March 3, the full Board will meet from 8:30 a.m.–12:00 p.m. From 8:30–9:30 a.m., the full Board will receive a briefing on Student Motivation and NAEP, followed by a presentation on NAEP Interactive from 9:30–10:00 a.m. The Board will then hear and take action on the Committee reports from 10:00 a.m. to 12:00 p.m. whereupon the meeting will adjourn.

Summaries of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public

inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m. Eastern Standard Time.

Dated: February 22, 2001.

**Roy Truby,**

*Executive Director, National Assessment Governing Board.*

[FR Doc. 01–4819 Filed 2–27–01; 8:45 am]

BILLING CODE 4000–01–M

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. OR01–4–000]

#### **Chevron Products Company v. Frontier Pipeline Company and Express Pipeline Partnership; Notice of Complaint**

February 22, 2001.

Take notice that on February 15, 2001, Chevron Products Company (Chevron), tendered for filing a complaint against Frontier Pipeline Company (Frontier) and Express Pipeline Partnership (Express).

Chevron states that it is a shipper of crude oil on tariffs filed by Frontier as well as on joint tariffs published by Frontier and Express for the shipment of crude petroleum between International Boundary, Canada and Salt Lake City, Utah. Chevron states that it is also a shipper of sour condensate on a tariff filed by Frontier. Chevron alleges in its Complaint that the rates being charged on the Frontier tariff and on the Frontier portion of the Frontier/Express joint tariffs are unjust and unreasonable and unduly discriminatory and unduly preferential, and therefore in violation of the Interstate Commerce Act. Chevron further alleges that the Express/Frontier joint tariff rates exceed applicable ceiling price regulations.

Any person desiring to be heard or to protest said complaint should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 14, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the

Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>. Answers to this complaint shall be due on or before March 14, 2001.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-4816 Filed 2-27-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP01-89-000]

#### Northern Natural Gas Company; Notice of Application

February 22, 2001.

Take notice that on February 14, 2001, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP01-89-000, an application, pursuant to Section 7(b) of the Natural Gas Act (NGA), as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's Regulations (18 CFR 157.7 and 157.18), requesting permission and approval to abandon, by sale to Western Gas Resources—Texas, Inc. (WGR), certain compression, pipeline, and delivery and receipt point facilities, with appurtenances, located in the state of Texas and certain services rendered thereby, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm>. (Call 202-208-2222 for assistance.)

Northern proposes to convey to WGR facilities located in the Permian Area of West Texas which consist of approximately 83 miles of 8-inch and 16-inch pipeline, a compressor station consisting of seven (7) units, treating and dehydration facilities designed to remove H<sub>2</sub>S, CO<sub>2</sub>, and water from the natural gas stream, all delivery and receipt points located along the length of the pipelines, and all other appurtenant facilities.

Northern states that it proposes to convey the subject facilities to WGR in accordance with the provisions of the

Purchase and Sales Agreement dated October 20, 2000.

Northern states that these facilities are located on the extreme south end of Northern's Field Area in the Permian Basin of West Texas. Northern has indicated that the abandonment and accompanying transfer will be beneficial since these gas supply facilities are no longer needed for Northern to transport or treat gas for its merchant service obligations. As such, Northern states that WGR will be assuming all future service obligations and operational and economic responsibilities for the subject facilities and will provide service to all customers. Northern states that its customers will benefit from the abandonment and accompanying transfer since the operating and maintenance costs from these facilities will no longer be incurred and Northern will be able to optimize its system operations.

Any questions regarding this application should be directed to Keith L. Peterson, Director, Certificates and Reporting at (402) 398-7421, Northern Natural Gas Company, 1111 South 103rd Street, Omaha, Nebraska 68124.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 15, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to any proceeding must file a motion to intervene in accordance with the Commission's rules. Beginning November 1, 2000, comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the Commission's website at <http://www.ferc.fed.us/efi/doorbell.htm>.

A person obtaining intervenor status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents issued by the Commission, filed by the applicant, or filed by all other intervenors. An intervenor can file for rehearing of any Commission order and can petition for court review of any such order. However, an intervenor must serve copies of comments or any other filing it makes with the Commission to every

other intervenor in the proceeding, as well as filing an original and 14 copies with the Commission.

A person does not have to intervene, however, in order to have comments considered, a person, instead, may submit two copies of such comments to the Secretary of the Commission. Commenters will be placed on the Commission's environmental mailing list, will receive copies of environmental documents, and will be able to participate in meetings associated with the Commission's environmental review process. Commenters will not be required to serve copies of filed documents on all other parties. However, Commenters will not receive copies of all documents filed by other parties or issued by the Commission, and will not have the right to seek rehearing or appeal the Commission's final order to a Federal court.

The Commission will consider all comments and concerns equally, whether filed by Commenters or those requesting intervenor status. Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate authority is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Northern to appear or be represented at the hearing.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4814 Filed 2-27-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. ER00-3316-002, et al.]

**American Transmission Company LLC, et al.; Electric Rate and Corporate Regulation Filings**

February 20, 2001.

Take notice that the following filings have been made with the Commission:

**1. American Transmission Company LLC**

[Docket No. ER00-3316-002]

Take notice that on February 15, 2001, American Transmission Company (ATCLLC), tendered for filing revisions to its Open Access Transmission Tariff in compliance with the Commission's December 14, 2000 Order in *American Transmission Company LLC*, 93 FERC ¶ 61,267 (2000).

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

**2. Xcel Energy Services, Inc.**

[Docket No. ER01-205-002]

Take notice that on February 14, 2001, Xcel Energy Services, Inc., made its Filing in Compliance with the Commission's Order of January 30, 2001, in the above referenced dockets.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**3. Entergy Services, Inc.**

[Docket No. ER01-599-001]

Take notice that on February 15, 2001 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for filing its compliance filing in the above-captioned docket.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

**4. Wisconsin Electric Power Company**

[Docket No. ER01-850-001]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a revised Wholesale Distribution Agreement (WDA) between Wisconsin Electric and Wisconsin Public Power, Inc., to substitute for the WDA originally filed on December 28, 2000 in the above-captioned docket. The revised WDA contains pagination in compliance

with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Otherwise, the revised WDA contains no substantive changes from the WDA filed on December 28, 2000.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**5. California Independent System Operator Corporation**

[Docket No. ER01-967-001]

Take notice that on February 15, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a revised Utility Distribution Company Operating Agreement (UDC Operating Agreement) between the ISO and the City of Pasadena, California (Pasadena). The ISO made this filing pursuant to the Commission's Order No. 614 and to direction provided by Commission staff. The ISO states that the revised UDC Operating Agreement synthesizes the terms of the UDC Operating Agreement between the ISO and Pasadena, which the ISO filed on July 16, 1999 in Docket No. ER99-3619-000, and the terms of Amendment No. 1 to the UDC Operating Agreement, which the ISO filed on January 16, 2001 in Docket No. ER01-967-000, but does not include any new proposed changes. The ISO further states that the instant filing is intended to amend and replace the ISO's January 16, 2001 filing.

The ISO states that this filing has been served on all parties listed on the official service lists in Docket Nos. ER99-3619-000 and ER01-967-000.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

**6. PSI Energy, Inc.**

[Docket No. ER00-3608-001]

Take notice that on October 23, 2000, PSI Energy, Inc., tendered for a filing rate schedule designation for the Transmission and Local Facilities Agreement (T&LF) between PSI and Wabash Valley Power Association, Inc., and between PSI and Indiana Municipal Power Agency (IMPA).

*Comment date:* March 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

**7. Wisconsin Electric Power Company**

[Docket No. ER01-849-001]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully-executed Wholesale Distribution Agreement (WDA) between Wisconsin Electric and the City of Oconto Falls, Wisconsin. The fully-executed WDA substitutes for a partially-executed WDA

filed by Wisconsin Electric on December 28, 2000. The fully-executed WDA also contains pagination in compliance with Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000). Otherwise, the fully-executed WDA contains no substantive changes from the partially-executed WDA filed on December 28, 2000.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**8. Cleco Power LLC**

[Docket No. ER01-1099-001]

Take notice that on February 15, 2001, Cleco Power LLC, tendered for filing an amendment to the Notice of Succession it filed on January 30, 2001 in the above-referenced docket.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

**9. Connexus Energy**

[Docket No. ER01-1234-000]

Take notice that on February 12, 2001, Connexus Energy tendered for filing Revised Electric Rate Schedule FERC No. 1. Connexus Energy states that the Revised Electric Rate Schedule effects changes to Connexus Energy's contract with Elk River Municipal Utilities.

Connexus Energy requests waiver of the Commission's notice requirement to allow a January 1, 2001 effective date.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**10. Avista Corporation**

[Docket No. ER01-1235-000]

Take notice that on February 13, 2001, Avista Corporation, tendered for filing with the Federal Energy Regulatory Commission pursuant to section 35.12 of the Commissions, 18 CFR Part 35.12, an executed Mutual Netting Agreement with MIECO, Inc., effective February 2, 2001 under Rate Schedule FERC No. 285.

Notice of the filing has been served upon Peter D'Anna.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

**11. Florida Power & Light Company**

[Docket No. ER01-1236-000]

Take notice that on February 14, 2001, Florida Power & Light Company (FPL), tendered for filing a Service Agreement with NRG Power Marketing Inc., for service pursuant to FPL's Market Based Rates Tariff.

FPL requests that the Service Agreement be made effective on January 26, 2001.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 12. Public Service Electric and Gas Company

[Docket Nos. ER01-763-001 and ER01-768-001]

Take notice that on February 13, 2001, Public Service Electric and Gas Company (PSEG), tendered for filing amendments to its Interconnection Agreements filed with the Commission on December 22, 2000, in the above referenced dockets.

*Comment date:* March 6, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 13. Entergy Services, Inc.

[Docket No. ER01-1238-000]

Take notice that on February 14, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc. (Entergy Arkansas), tendered for filing a Long-Term Market Rate Sales Agreement between Entergy Arkansas and North Arkansas Electric Cooperative, Incorporated for the sale of power under Entergy Services' Rate Schedule SP.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 14. Wisconsin Electric Power Company LLC

[Docket No. ER01-1239-000]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully executed Control Area Operations Coordination Agreement, designated as Rate Schedule 100, between Wisconsin Electric and Upper Peninsula Power Company.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 15. PJM Interconnection, L.L.C.

[Docket No. ER01-1240-000]

Take notice that on February 14, 2001, PJM Interconnection, L.L.C. (PJM), tendered for a Notice of Termination of the Umbrella Service Agreement for Network Integration Service between PJM and Utility.com, Inc. (PJM Interconnection, L.L.C. Third Revised Rate Schedule FERC No. 1 Service Agreement No. 409).

PJM requested a waiver to permit an effective date of February 7, 2001 for the termination of the agreement.

Copies of this filing were served upon Utility.com, Inc., affected Electric Distribution Companies, and all state utility regulatory commissions in the PJM control area.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

## 16. Wisconsin Electric Power Company LLC

[Docket No. ER01-1237-000]

Take notice that on February 14, 2001, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing a fully executed Control Area Operations Coordination Agreement, designated as Rate Schedule Number 99, between Wisconsin Electric and Wisconsin Public Service Corporation.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

## Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-4813 Filed 2-27-01; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC01-70-000, et al.]

### Wisvest Connecticut, LLC, et al; Electric Rate and Corporate Regulation Filings

February 21, 2001.

Take notice that the following filings have been made with the Commission:

### 1. Wisvest Connecticut, LLC and Bridgeport Harbor Power, LLC, New Haven Power, LLC, NRG Connecticut Power Assets LLC

[Docket No. EC01-70-000]

Take notice that on February 16, 2001, Wisvest-Connecticut, LLC (Wisvest), Bridgeport Harbor Power LLC (BHP), New Haven Harbor Power LLC (NHHP), and NRG Connecticut Power Assets LLC (NRG Connecticut) pursuant to section 203 of the Federal Power Act, filed with the Federal Energy Regulatory Commission an application requesting authorization for Wisvest to transfer to NRG Connecticut the 590-MW Bridgeport Harbor Power Station, 466-MW New Haven Harbor Power Station, and associated power sales agreements. At closing, NRG Connecticut would in turn transfer the Bridgeport Harbor Station to BHP and the New Haven Harbor Station to NHHP, but would retain the power sales agreements.

*Comment date:* April 17, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 2. Wisconsin Power & Light Company

[Docket No. ER01-843-001]

Take notice that on February 16, 2001, Wisconsin Power & Light Company (WPL), tendered for filing its tariff and service agreements correcting sheet designations filed with the Commission in the above-referenced docket.

WPL indicates that copies of the filing have been provided to WPPI and to the Public Service Commission of Wisconsin.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 3. American Electric Power Service Corporation

[Docket No. ER01-1112-001]

Take notice that on February 14, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing an amendment to the Service Agreements filed on January 30, 2001 in Docket Number ER01-1112-000 to include copies of previously executed and filed Firm Point-to-Point Transmission Service Agreements for American Municipal Power-Ohio, Inc., Cleveland Public Power, Dynegy Power Marketing, Inc., and PECO Energy Power Team. All of these agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Service Agreements to be

made effective for service billed on and after January 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 4. Niagara Mohawk Power Corporation

[Docket No. ER01-1241-000]

Take notice that on February 14, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Fortisus Energy Corporation for the Diana Hydro generating facility, dated as of December 14, 2000.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of December 14, 2000. To the extent necessary, Niagara Mohawk requests waiver of the Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Niagara Mohawk Power Corporation

[Docket No. ER01-1242-000]

Take notice that on February 14, 2001, Niagara Mohawk Power Corporation tendered for filing an Interconnection Agreement between Niagara Mohawk Power Corporation and Fortisus Energy Corporation for the Dolgeville Hydro generating facility, dated as of December 14, 2000.

Niagara Mohawk Power Corporation requests an Interconnection Agreement effective date of December 14, 2000. To the extent necessary, Niagara Mohawk requests waiver of the Commission requirement that a rate schedule be filed not less than 60 days or more than 120 days from its effective date.

*Comment date:* March 7, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Ohio Valley Electric Corporation

[Docket No. ER01-1243-000]

Take notice that on February 15, 2001, Ohio Valley Electric Corporation (OVEC), tendered for filing an Interconnection and Operation Agreement, dated February 8, 2001, between Jackson County Power, LLC (JCP) and OVEC.

OVEC proposes an effective date of February 16, 2001 and requests waiver of the Commission's notice requirement to allow the requested effective date.

Copies of this filing were served upon JCP and the Public Utilities Commission of Ohio.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Cinergy Services, Inc.

[Docket No. ER01-1244-000]

Take notice that on February 15, 2001, Cinergy Services, Inc. (Provider), tendered for filing a service agreement and a Network Operating Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and The New Power Company (Customer).

Provider and Customer are requesting an effective date of January 18, 2001.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Puget Sound Energy, Inc.

[Docket No. ER01-1245-000]

Take notice that on February 15, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Pacific Northwest Generating Cooperative (PNGC), as Transmission Customer.

A copy of the filing was served upon PNGC.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Puget Sound Energy, Inc.

[Docket No. ER01-1246-000]

Take notice that on February 15, 2001, Puget Sound Energy, Inc., as Transmission Provider, tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service and a Service Agreement for Non-Firm Point-To-Point Transmission Service with Power Resources Cooperative (PRC) as Transmission Customer.

A copy of the filing was served upon PRC.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Entergy Services, Inc.

[Docket No. ER01-1247-000]

Take notice that on February 15, 2001 Entergy Services, Inc. (Entergy Services), on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (collectively, the Entergy Operating Companies), tendered for

filing a Short-Term Market Rate Sales Agreement between Entergy Services, as agent for the Entergy Operating Companies, and Terrebonne Parish Consolidated Government, as agent for the City of Houma, for the sale of power under Entergy Services' Rate Schedule SP.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 11. New York State Electric & Gas Corporation

[Docket No. ER01-1248-000]

Take notice that on February 15, 2001, New York State Electric & Gas Corporation (NYSEG), tendered for filing pursuant to Section 35 of the Federal Energy Regulatory Commission's Regulations, 18 CFR 35, a service agreement (the Service Agreement) under which NYSEG may provide capacity and/or energy to Atlantic City Electric Company (Atlantic) in accordance with NYSEG's FERC Electric Tariff, Original Volume No. 3.

NYSEG has requested waiver of the notice requirements so that the Service Agreement becomes effective as of February 16, 2001.

NYSEG has served copies of the filing upon the New York Service Public Service Commission and Atlantic.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 12. PECO Energy Company

[Docket No. ER01-1249-000]

Take notice that on February 15, 2001, PECO Energy Company (PECO), tendered for filing under Section 205 of the Federal Power Act, 16 U.S.C. S 792 *et seq.*, a Service Agreement dated January 13, 2001 with Sithe Power Marketing, L.P. (SITHE) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff).

PECO requests an effective date of April 16, 2001 for the Agreement.

PECO states that copies of this filing have been supplied to Sithe Power Marketing, L.P. and to the Pennsylvania Public Utility Commission.

*Comment date:* March 8, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 13. Indianapolis Power & Light Company

[Docket No. ER01-1250-000]

Take notice that on February 16, 2001, Indianapolis Power & Light Company (IPL), tendered for filing service agreements executed under IPL's Open Access Transmission Tariff and an index of customers.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 14. Lake Worth Generation L.L.C.

[Docket No. ER01-1251-000]

Take notice that on February 16, 2001, Lake Worth Generation L.L.C.

(Applicant), 245 Winter Street, Suite 300, Watham, MA 02154, tendered for filing with the Federal Energy Regulatory Commission a notice of cancellation of its FERC Electric Tariff, Original Volume No. 1, Original Sheet No. 1—Market Based Rate Tariff.

The tariff will not become effective until service commences and no service agreements have been executed under it. Copies were filed upon the Florida Public Service Commission.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 15. Southern Company Services, Inc.

[Docket No. ER01-1252-000]

Take notice that on February 16, 2001, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Company), tendered for filing seven (7) long term firm point-to-point transmission service agreements between Southern Company and Carolina Power and Light Company, Duke Power Company, The Energy Authority, Entergy Services Inc., as agent for the Entergy operating companies, Oglethorpe Power Corporation, Sempra Energy Trading Corp. (Sempra) (for OASIS Request 191679); and Sempra (for OASIS Request 191684); three (3) umbrella agreements for short-term firm point-to-point transmission service between Southern Company and Amerada Hess Corporation (Amerada), DTE Energy Trading, Inc. (DTE), and North Carolina Municipal Power Agency Number 1 (NCMPA); and three (3) umbrella agreements for non-firm point-to-point transmission service between Southern Company and Amerada, DTE, and NCMPA under the Open Access Transmission Tariff of Southern Company (FERC Electric Tariff, Fourth Revised Volume No. 5).

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 16. Commonwealth Edison Company

[Docket No. ER01-1254-000]

Take notice that on February 16, 2001, Commonwealth Edison Company

(ComEd), tendered for filing two Short-Term Firm Transmission Service Agreements and two Non-Firm Transmission Service Agreements with Otter Tail Power Company (Otter Tail) and Exelon Generation Company, LLC (Exelon) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of January 26, 2001, for the Agreements with Otter Tail and an effective date of January 19, 2001 for the Agreements with Exelon, and accordingly, seeks waiver of the Commission's notice requirements.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 17. Maine Public Service Company

[Docket No. ER01-1253-000]

Take notice that on February 16, 2001, Maine Public Service Company (Maine Public) tendered for filing an executed Service Agreement for Network Integration Transmission Service under Maine Public's open access transmission tariff with Houlton Water Company.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 18. The Detroit Edison Company

[Docket No. ER01-1255-000]

Take notice that on February 16, 2001, The Detroit Edison Company (Detroit Edison), tendered for filing amended electric supply agreements for wholesale power sales transactions under Detroit Edison's Wholesale Power Sales Tariff (WPS-1), FERC Electric Tariff, Original Vol. No. 4 (the WPS-1 Tariff) between Detroit Edison and the City of Croswell, Michigan; Detroit Edison and the Village of Sebewaing, Michigan; and Detroit Edison and Thumb Electric Cooperative.

*Comment date:* March 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-4812 Filed 2-27-01; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP01-69-000]

#### Petal Gas Storage, L.L.C.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Petal Pipeline Project, and Request for Comments on Environmental Issues

February 22, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of Petal Gas Storage, L.L.C.'s (Petal) proposed Phase II Pipeline Project in Forrest, Jones, Jasper, and Clarke Counties, Mississippi.<sup>1</sup> The project would involve the construction and operation of about 59 miles of 36-inch-diameter pipeline, a new 9,000-horsepower (hp) compressor station, and appurtenance facilities. This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

If you are a landowner receiving this notice, you may be contacted by a Petal representative about the acquisition of an easement to construct, operate, and maintain the proposed facilities. The pipeline company would seek to negotiate a mutually acceptable agreement. However, if the project is approved by the Commission, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings in accordance with state law.

A fact sheet prepared by the FERC entitled "An Interstate Natural Gas Facility On My Land? What Do I Need To Know?" should have been attached to the project notice Petal provided to

<sup>1</sup> Petal's application under section 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations was filed on January 23, 2001.

landowners. This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)).

This Notice of Intent (NOI) is being sent to landowners along Petal's proposed route; Federal, state, and local government agencies; national elected officials; regional environmental and public interest groups; Indian tribes that might attach religious and cultural significance to historic properties in the area of potential effects; local libraries and newspapers; and the Commission's list of parties to the proceeding. Government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern. Additionally, with this NOI we are asking Federal, state, local, and tribal agencies with jurisdiction and/or special expertise with respect to environmental issues to cooperate with us in the preparation of the EA. These agencies may choose to participate once they have evaluated Petal's proposal relative to their agencies' responsibilities. Agencies who would like to request cooperating status should follow the instructions for filing comments described below.

### Summary of the Proposed Project

Petal's proposed action would consist of the construction and operation of:

- About 58.7 miles of 36-inch-diameter bi-directional pipeline (Petal 100 Line), from Petal's existing storage header and Tennessee Gas Pipeline Company (Tennessee) Meter Station in Forrest County, Mississippi, north through Jones and Jasper Counties to a site near Southern Natural Gas Company's (SNG) existing Enterprise Compressor Station in Clarke County, Mississippi. Petal's proposed 100 Line would be adjacent to Tennessee's existing 500 Line for about 56.2 miles, and then adjacent to existing SNG and Destin Pipeline Company (Destin) pipelines for the remaining 2.5 miles;
- A new 9,000 hp compressor station consisting of two gas driven compressor units, near Heidelberg in Jasper County, Mississippi;
- About 0.3 mile of 36-inch-diameter bi-directional pipeline (Transco Lateral), extending from the proposed Heidelberg Compressor Station to an interconnection with existing facilities of Transcontinental Gas Pipe Line Corporation (Transco) in Jasper County, Mississippi;

- Three new meter stations at the proposed interconnections with Transco, SNG, and Destin;
- A bi-directional pig launcher/receiver trap at the proposed Destin Meter Station in Clarke County, Mississippi; and
- Six mainline block valves along the proposed Petal 100 Line.

The proposed facilities would allow Petal to make deliveries of up to 700,000 decatherms per day (Dth/d), and take receipts of up to 350,000 Dth/d. The facilities would be used for transportation services to and from Petal's existing natural gas storage facilities in Forrest County, Mississippi.

The general location of Petal's proposed facilities is shown on the map attached as appendix 1.<sup>2</sup>

### Land Requirements for Construction

Construction of Petal's proposed facilities would affect a total of about 965 acres of land. Following construction, about 222 acres would be retained as permanent right-of-way. The remaining 743 acres of temporary work space would be restored and allowed to revert to its former use.

The nominal construction right-of-way for both Petal's proposed 100 Line and the Transco Lateral would be 100 feet wide, with 30 feet retained as permanent right-of-way for Petal's 100 Line and 25 feet of new permanent easement for the Transco Lateral. About 98 percent of the route of the pipelines would overlap existing easements. For about 1.26 miles Petal's 100 Line would deviate away from existing rights-of-way for certain road or railroad crossings, to avoid existing utility facilities, and to avoid impacts on sensitive environmental areas, such as a pond or creek. The use of 66 access roads during construction would temporarily affect about 50 acres. Also, Petal would temporarily use 11 pipe storage and contractor yards, covering a total of about 175 acres, during construction.

The proposed aboveground facilities would consist of a new compressor station, three new meter stations, and six mainline block valves. The proposed Heidelberg compressor station would cover about 8 acres, of which only 6 acres would be used for operation. The proposed Transco Meter Station would

<sup>2</sup>The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available on the Commission's website at the "RIMS" link or from the Commission's Public Reference and Files Maintenance Branch, 888 First Street, NE, Room 2A, Washington, DC 20426, or call (202) 208-1371. For instructions on connecting to RIMS refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

occupy 0.1 acre within the new Heidelberg Compressor Station. Although Petal would acquire a 9-acre tract for the SNG and Destin Meter Stations, near SNG's existing Enterprise Compressor Station, the construction and operation of these two new adjacent meter stations would affect a total of about 1 acre. The six mainline valves would disturb a total of about 2 acres within the pipeline construction right-of-way, and would permanently occupy about 0.2 acre combined within the pipeline's permanent operation easement.

### The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us<sup>3</sup> to discover and address concerns the public may have about proposals. We call this "scoping." The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this NOI, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, elected officials, affected landowners, regional public interest groups, Indian tribes, local newspapers and libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

### Currently Identified Environmental Issues

The EA will discuss impacts that could occur as a result of construction and operation of the proposed project. We have already identified a number of issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Petal. This preliminary list of issues may be changed based on your comments and our analysis.

<sup>3</sup>"Us," "we," and "our" refer to the environmental staff of the FERC's Office of Energy Projects.

- Geology and Soils
  - Crossing about 20 miles of prime farm land.
  - Crossing about 15 miles of erosion prone soils.
- Water Resources and Wetlands
  - Crossing 103 perennial and 113 intermittent streams, and 2 ponds.
  - Crossing 276 wetlands, including 81 acres of forested wetlands.
- Vegetation and Wildlife
  - Crossing about 34.3 miles of upland forest.
  - Potential impacts on federally listed threatened gopher tortoise.
- Cultural Resources
  - Potential impacts on 30 cultural resources.
  - Portion of the project would be adjacent to the Mississippi Band of Choctaw Indians Reservation.
- Land use
  - Crossing about 8.5 miles of agricultural land, including one pecan plantation;
  - Crossing two Conservation Reserve Program parcels, and one private hunting ranch.
- Air and Noise Quality
  - Impacts on local quality and noise environment as a result of the new compressor station.

#### Public Participation

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentator, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative locations or routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: David P. Boegers, Secretary Federal Energy Regulatory Commission, 888 First St., NE., Room 1A Washington, DC 20426;
- Label one copy of the comments for the attention of the Gas/Hydro Group, PJ-11.3;
- Reference Docket No. CP01-69-000; and
- Mail your comments so that they will be received in Washington, DC on or before March 30, 2001.

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>.

[If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (appendix 3). If you do not return the Information Request, you will be removed from the environmental mailing list.]

#### Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding known as an "intervenor." Intervenor play a more formal role in the process. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide 14 copies of its filings to the Secretary of the Commission and must send a copy of its filings to all other parties on the Commission's service list for this proceeding. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2). Only intervenors have the right to seek rehearing of the Commission's decision.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

Additional information about the proposed project is available from the Commission's Office of External Affairs at (202) 208-0004 or on the FERC website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the

CIPS helpline can be reached at (202) 208-2474.

**Linwood A. Watson, Jr.,**

*Acting Secretary.*

[FR Doc. 01-4815 Filed 2-27-01; 8:45 am]

BILLING CODE 6717-01-M

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6948-1]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request, Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA Subpart CC

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Title: Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA subpart CC; OMB number 2060-0318; expiration date February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before March 30, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR No. 1593.05 and OMB Control No. 2060-0318, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260-2740, by E-Mail at [Farmer.Sandy@epamail.epa.gov](mailto:Farmer.Sandy@epamail.epa.gov) or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1593.05. For technical questions about the ICR contact Everett Bishop at 202-564-7032 or by E-mail at [bishop.everett@epa.gov](mailto:bishop.everett@epa.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Air Emission Standards for Tanks, Surface Impoundments and Containers, RCRA subpart CC; OMB number 2060-0318; EPA ICR Number 1593.05; expiring on February 28, 2001. This is a request for extension of a currently approved collection.

*Abstract:* This ICR contains recordkeeping and reporting requirements that are mandatory for compliance with 40 CFR part 264, subpart CC and 40 CFR part 265, subpart CC. RCRA subpart CC requires controls for minimizing release of volatile organic air emissions from tanks, surface impoundments and containers holding hazardous waste. Records and reports are necessary in order for the EPA to determine that the standards are implemented and maintained to protect human health and the environment.

Organic air emissions from hazardous waste Treatment, Storage and Disposal Facilities (TSDFs) can contain toxic chemical compounds. Cancer and other adverse noncancerous human health effects can result from exposure to these emissions. Organic emissions from TSDFs react photochemically with other compounds in the atmosphere to form ground level ozone. Excessive ambient ozone concentrations are a major air quality problem in many cities throughout the United States. Nationwide organic emissions from TSDFs are estimated to be approximately one million megagrams per year. These organic emissions are estimated to result in 48 excess incidences of cancer per year nationwide and a  $3 \times 10^{-2}$  maximum individual risk (MIR). The experience of the EPA in implementing and enforcing New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) promulgated under authority of the Clean Air Act has demonstrated that certain information must be collected to ensure compliance with air emission standards. Information collection is needed by the EPA to determine: (a) Whether a hazardous waste contains sufficiently low concentrations of volatile organics to allow the waste to be managed in a tank, surface impoundment, or container without the use of emission controls, and (b) for units requiring emission controls, whether the controls are being properly operated and maintained. The collected information will be used by the EPA enforcement personnel to ensure that the requirements of the recommended rules are being properly applied and that emission control devices are being properly operated and maintained on a continuous basis.

In addition, records and reports are necessary to enable the EPA to identify TSDF owners or operators that may not be operating in compliance with the standards. The reported information is used by the EPA to target TSDFs for inspection and identify what records or waste management units should be inspected at the TSDF. The information that TSDF owners or operators are required to maintain is recorded in sufficient detail to enable owners or operators to demonstrate their means of complying with the applicable standards. The data collected by the affected facility is retained at the facility for a minimum of three years.

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. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on August 17, 2000; no comments were received.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 106 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Hazardous waste treatment, storage and disposal facilities and large quantity generators.

*Estimated Number of Respondents:* 6,318.

*Frequency of Response:* On occasion.

*Estimated Total Annual Hour Burden:* 672,640.

*Estimated Total Annualized Capital, O&M Cost Burden:* \$1,460,333.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through

the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1593.05 and OMB Control No. 2060-0318 in any correspondence.

Dated: February 13, 2001.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01-4866 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6948-3]

### Agency Information Collection Activities: Submission for OMB Review; Comment Request; Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program, EPA ICR #1955.01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collections instrument.

EPA is requesting emergency clearance from OMB for this ICR to allow the collection of documentation on operator certification programs from states so that we may make a decision on whether or not a state's program meets our Operator Certification Guidelines. The ICR also covers the collection of material that states must submit to EPA before we can award Operator Certification Expense Reimbursement Grants. 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. EPA is requesting a valid control number from OMB through the emergency clearance process. The OMB control number for this ICR will be listed in 40 CFR part 9 and 48 CFR chapter 15.

**DATES:** Comments must be submitted on or before March 30, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR #1955.01, to the following:

Jenny Jacobs, Drinking Water Protection Division (Mailcode 4606), Office of Ground Water and Drinking Water, U.S. EPA, 1200 Pennsylvania Avenue NW, Washington, D.C., 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503. Copies of the ICR may be obtained from the Safe Drinking Water Hotline, toll-free at (800) 426-4791. Hours of operation are 9:00 a.m. to 5:30 p.m. (ET), Monday-Friday, excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Contact Jenny Jacobs, (202) 260-2939, fax (202) 260-0732, email: jacobson.jenny@epa.gov.

**SUPPLEMENTARY INFORMATION:**

*Affected entities:* Entities potentially affected by this action are those which own, operate or regulate public water systems but not limited to: Owners/operator of public water systems, State Environmental Water Quality Agencies, State Departments of Health.

*Title:* Operator Certification Guidelines and Operator Certification Expense Reimbursement Grants Program, EPA ICR #1955.01.

*Abstract:* The purpose of this information collection is to determine if states are meeting the requirements of EPA's operator certification guidelines. Section 1419(a) of the Safe Drinking Water Act (SDWA) Amendments of 1996 requires to EPA to develop guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity public water systems and to publish final guidelines by February 6, 1999. The final guidelines were published in the **Federal Register** on February 5, 1999 (64 FR 5916). Pursuant to section 1419(b) of the SDWA, beginning two years after the date on which EPA publishes guidelines for the certification (and recertification) of operators of community and nontransient noncommunity public water systems (or February 5, 2001), EPA shall withhold 20 percent of the funds a state is otherwise entitled to receive under SDWA section 1452 unless a state has adopted and is implementing a program that meets the requirements of EPA's operator certification guidelines. EPA is required under SDWA section 1419 to make an annual determination on whether to withhold 20 percent of a state's Drinking Water State Revolving Fund (DWSRF) allotment. In order to make these decisions, EPA must collect information from the states as required

by EPA's operator certification guidelines. States, in turn, must collect information from water systems as required by their respective programs.

SDWA section 1419(d) requires EPA to reimburse (through grants to states) the costs of training, including an appropriate per diem for unsalaried operators, and certification for persons operating community and nontransient noncommunity public water systems serving 3,300 persons or fewer that are required to undergo training pursuant to EPA's operator certification guidelines. Prior to awarding expense reimbursement grants to states, EPA will need to collect information from states to ensure that the state has a plan for distributing the funds to small system operators.

The EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) enhance the quality, utility, and clarity of the information to be collected; and

(iv) 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.

*Burden Statement:* EPA estimates that the cost and burden to states for this ICR is \$412,449 and 11,914 hours over the three year period between FY2001 and FY2003. EPA also estimates the cost and burden to public water systems for this ICR is \$6,514,596 and 290,511 hours over the three year period between FY2001 and FY2003. The average annual cost and burden per state is \$2,695 and 78 hours. On a per system level, an average annual cost and burden of \$31 and 2 hours is estimated.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency.

This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and

providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Dated: February 16, 2001.

**Cynthia C. Dougherty,**

*Director, Office of Ground Water and Drinking Water.*

[FR Doc. 01-4868 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6947-9]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; Exports From and Imports to the United States Under International and Bilateral Waste Agreements**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: "Exports from and Imports to the United States under International and Bilateral Waste Agreements," OMB Control Number 2050-0143; expiration date March 31, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before March 30, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR No. 1647.03 and OMB Control No. 2050-0143, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260-2740, by e-mail at [farmer.sandy@epamail.epa.gov](mailto:farmer.sandy@epamail.epa.gov), or

download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1647.03. For technical questions about the ICR contact Patricia Whiting on 703-308-8421.

**SUPPLEMENTARY INFORMATION:**

*Title:* Exports from and Imports to the United States under International and Bilateral Waste Agreements; OMB Control Number 2050-0143; EPA ICR No. 1647.03; expiring March 31, 2001. This is a request for extension of a currently approved collection.

*Abstract:* Authority for this information collection is found in sections 2002(a) and 3017(a)(2) and (f) of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act, and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901 *et seq.* The Organization for Economic Cooperation and Development (OECD) Decision is considered legally binding on the United States under Articles 5(a) and 6(2) of the OECD Convention, 12 U.S.T. 1728. In addition, the OECD Decision and EPA's rule implementing the OECD Decision in 40 CFR part 262, subpart H (61 FR 16290; April 12, 1996) impose requirements on U.S. exporters and importers for shipments of hazardous waste for recovery to and from OECD member countries. EPA also imposes requirements on hazardous waste exports and imports to and from other countries in 40 CFR part 262, subparts E and F, respectively (August 8, 1986; 51 FR 28664). U.S. EPA's Office of Enforcement and Compliance Assurance uses the information provided by each U.S. exporter and importer to determine compliance with the applicable RCRA regulatory provisions. In addition, the information will be used to determine the number, origin, destination, and type of exports from and imports to the U.S. for tracking purposes and for reporting to the OECD. This information also will be used to assess the efficiency of the program. 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. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information, was published on November 1, 2000 (65 FR 65304); no comments were received.

*Burden Statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 hours per exporter and 1 hour per importer.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

*Respondents/Affected Entities:* Exporters and Importers of Hazardous Wastes to U.S.

*Estimated Number of Respondents:* 1,562.

*Estimated Total Annual Hour Burden:* 9,334.

*Estimated Total Annualized Capital, O&M Cost Burden:* \$1,015.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggestions for minimizing respondent burden, including the use of automated estimates, and any suggestions for minimizing respondent burden, including the use of automated collection techniques to the addresses listed above. Please refer to the EPA ICR Number 1647.03 Control Number 2050-0143 in any correspondence.

Dated: February 13, 2001.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01-4869 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6947-8]

**Agency Information Collection Activities: Submission for OMB Review; Comment Request; Establishing No-Discharge Zones Under the Clean Water Act Section 312**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management

and Budget (OMB) for review and approval: Establishing No-Discharge Zones (NDZs) Under the Clean Water Act Section 312, EPA ICR Number 1791.03, OMB Control Number: 2040-0187 and current expiration date of February 28, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before March 30, 2001.

**ADDRESSES:** Send comments, referencing EPA ICR No. 1791.03 and OMB Control No. 2040-0187, to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** For a copy of the ICR, contact Sandy Farmer at EPA by phone at (202) 260-2740, by E-mail at

[Farmer.sandy@epamail.epa.gov](mailto:Farmer.sandy@epamail.epa.gov), or download off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1791.03. For technical questions about the ICR, contact James Woodley at EPA by phone at (202) 260-1998 in the Office of Wetlands, Oceans, and Watersheds.

**SUPPLEMENTARY INFORMATION:** *Title:* Establishing No-Discharge Zones Under Clean Water Act Section 312 (OMB Control Number 2040-0187; EPA ICR Number 1791.03) expiring 02/28/2001. This is a request for extension of a currently approved collection.

*Abstract:* (A) UNDS No-discharge Zones: Under section 312(n) of the Clean Water Act ("Uniform National Discharge Standards for Vessels of the Armed Forces" or "UNDS") no-discharge zones ("NDZs") for discharges from Armed Forces vessels may be established by either State prohibition or EPA prohibition following the procedures in 40 CFR part 1700. UNDS also provides that the Governor of any State may petition EPA and the Secretary of Defense to review any determination or standard promulgated under the UNDS program if there is significant new information that could reasonably result in a change to the determination or standard. This ICR discusses the information that will be required from a State if it decides to establish a NDZ by State prohibition or apply for a NDZ by EPA prohibition, and the information that will be

required from a State if it decides to submit a petition for review. The responses to this collection of information are required to obtain the benefit of an UNDS NDZ or a review of an UNDS determination or standard (see 33 U.S.C. 1322(n)). The information collection activities discussed in this ICR do not require the submission of any confidential information.

(B) Sewage No-discharge Zones: The need for EPA to obtain information for the establishment of no-discharge zones (NDZs) for vessel sewage in State waters stems from CWA sections 312(f)(3), (f)(4)(A), and (f)(4)(B), and subsequent regulations at 40 CFR 140.4(a-c). No-discharge zones are established to provide State and local governments with additional protection of waters from treated or untreated vessel sewage. There are 3 ways in which NDZs for vessel sewage can be established. This ICR discusses the information requirements associated with the establishment of NDZs for vessel sewage. The responses to this collection of information are required to obtain the benefit of a sewage NDZ (see 33 U.S.C. 1322). The information collection activities discussed in this ICR do not require the submission of any confidential information.

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. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 19, 2000 (65 FR 31894) of the **Federal Register** and no comments were received.

**Burden Statement:** The annual public reporting and record keeping burden for this collection of information is estimated to average 144 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions;

develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

**Respondents/Affected Entities:** States.  
**Estimated Number of Respondents:** 16 per year.

**Frequency of Response:** one time collection.

**Estimated Total Annual Hour Burden:** 2207 hours per year.

**Estimated Total Annualized Capital, O&M Cost Burden:** \$2,300.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1791.03 and OMB Control No. 2040-0187 in any correspondence.

Dated: February 13, 2001.

**Oscar Morales,**

*Director, Collection Strategies Division.*

[FR Doc. 01-4870 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[AMS-FRL-6948-5]**

**Control of Air Pollution From New Motor Vehicles; Low Sulfur Gasoline Refinery Hardship Applications**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for comments.

**SUMMARY:** In December 1999, we promulgated the Tier 2/Gasoline Sulfur final rule (see 65 FR 6698, February 10, 2000) for more stringent vehicle emission standards and low sulfur

gasoline. This action included a provision which allows refiners to seek temporary relief from the regulations based on a showing of unusual circumstances that impose extreme hardship and significantly affect their ability to comply by the required date, as well as other factors. This provision also requires refiners to make best efforts to comply with low sulfur gasoline requirements. Through this action, we are inviting comment on the applications and relief requested for three refiners whose application is under active assessment. The public is invited to provide comment on this matter.

**DATES:** Any comment should be provided to the EPA by March 21, 2001.

**ADDRESSES: Comments:** Send paper or e-mail comments to the contact person listed below. If applicable, commenters should specify which application they are addressing.

**FOR FURTHER INFORMATION CONTACT:** Tad Wysor, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor, MI 48105; telephone (734) 214-4332, fax (734) 214-4816, e-mail wysor.tad@epa.gov.

**SUPPLEMENTARY INFORMATION:** In the Tier 2/Gasoline Sulfur final rule, we established standards to limit the sulfur content of gasoline beginning in 2004. As part of this rule, we included provisions permitting refiners to seek temporary relief from these requirements based on a showing of unusual circumstances that impose extreme hardship and significantly affect the refiner's ability to comply by the required date, as well as other factors. This provision also requires the refiners to make best efforts to comply with the low sulfur gasoline requirements (see 40 CFR 80.270). At this time, we are actively considering applications from three refiners. These applicants are identified below with their refinery's total crude oil capacity in barrels per calendar day and a general description of the relief they are seeking:

Refinery	Location	Crude capacity (bped)*	Relief sought
United Refining Company .....	Warren, PA .....	65,000	Same as small refiner program. 150 ppm avg/300 ppm cap for 2004-2007.
Wyoming Refining .....	Newcastle, WY .....	9,995	
National Cooperative Refinery Assoc. (NCRA) .....	McPherson, KS .....	77,400	Interim sulfur reductions with full compliance in June 2006.

\*Based on data from the Department of Energy's Energy Information Administration Petroleum Supply Annual 1999, Vol. 1 as of January 1, 2000.

We are now in the process of reviewing and evaluating these hardship applications according to the provisions of 40 CFR 80.270. Although the review and determination associated with these applications does not involve a rulemaking, we believe it is important to provide public notice of these applications and to provide opportunity for public comment. The applicants have requested that we treat most of the information in their applications as business proprietary "Confidential Business Information" under 40 CFR part 2.

Any party wishing to provide us input on these applicants in the context of 40 CFR 80.270 or to provide what they otherwise consider to be relevant materials should direct these to the contact person listed above by March 21, 2001. We will consider any relevant information provided in our evaluation of these applications.

Dated: February 16, 2001.

**Robert D. Brenner,**

*Acting Assistant Administrator for Air and Radiation.*

[FR Doc. 01-4864 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6948-2]

### Notice of Reopening of the Comment Period for Method 203: Determination of the Opacity of Emissions From Stationary Sources by Continuous Opacity Monitoring Systems

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** We, the Environmental Protection Agency (EPA), are reopening the comment period in order to afford the public the opportunity to provide new, clarifying, or updated comments on Method 203, part 51, appendix M, which was proposed on October 7, 1992 (57 FR 46114). Method 203 specifies quality assurance requirements and procedures that must be performed by the continuous opacity monitoring system (COMS) operator after the initial demonstration of compliance with Performance Specification 1 (PS-1). We will consider these comments in deciding whether to re-propose Method 203 in its entirety, publish a supplemental proposal on Method 203, or to publish an amended version of Method 203 as a Final Rule. We believe it is necessary to reopen the comment period as a courtesy to the public due

to the length of time since the original proposal. It was decided to delay the Method 203 proposal until the revisions to PS-1 were promulgated. Also, we were aware that the PS-1 revisions would have an impact on any action taken with Method 203, therefore we wanted to give the public the opportunity to comment on Method 203 as it relates to the revisions to PS-1 (65 FR 48885). PS-1 outlines the design and performance requirements for COMS.

**DATES:** *Comments.* Comments must be received on or before March 30, 2001.

**ADDRESSES:** *Comments.* Comments should be submitted (in duplicate) to: Office of Air and Radiation Docket and Information Center (Mail code 6102), Attention: Docket Number A-91-08, U.S. Environmental Protection Agency, 401 M Street S.W., Washington, DC 20460.

*Docket.* Docket number A-91-08, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:00 a.m. to 5:30 p.m., on all federal government work days at the Office of Air and Radiation Docket and Information Center. The Docket is located at 401 M Street S.W., Washington, DC 20460, room number M-1500. A reasonable fee may be charged for the duplication of materials. **FOR FURTHER INFORMATION CONTACT:** Mr. Solomon Ricks at (919) 541-5242, U.S. EPA, Emission Measurement Center, Research Triangle Park, North Carolina, 27711.

**SUPPLEMENTARY INFORMATION:** On October 7, 1992, we proposed Method 203 (57 FR 46114) as a means of providing states with an instrumental test method which could be used in determining, on a continuous basis, compliance with stationary source opacity emission limitations. In view of the significant amount of time that has passed since the proposal was published, we believe it is appropriate to offer the public another opportunity to comment on proposed Method 203. In particular, we are seeking comment on whether the requirements and procedures outlined in the proposal remain appropriate, or whether newer technologies and/or procedures have become available which we should consider before taking final action on this proposed rule.

Subsequent to the proposal, we received comments questioning whether Method 203, when adopted, should be codified at 40 CFR part 51, appendix M, as proposed. Commenters suggested that it would be more appropriate to codify this method at 40 CFR part 60, appendix F because the proposed method outlines

the quality assurance procedures for COMS, and appendix F contains quality assurance procedures for continuous monitoring equipment. For this reason, we also seek public comment on placing Method 203 in part 60, appendix F as "Procedure 2. Quality Assurance Requirements for Continuous Opacity Monitoring Systems Used for Compliance Determination." Based on comments provided during this additional 30-day comment period, we will take appropriate action on the proposed Method 203, which may include re-proposing the rule in its entirety, issuing a supplemental notice of proposed rulemaking, or adopting the rule in final form, with only minor changes. We will make the comments received during this comment period available to the public through the public docket (Docket Number A-91-08). A draft document containing a summary of the comments received on the 1992 proposal is also available in the public docket.

You may download a copy of proposed Method 203 via the world wide web at <http://www.epa.gov/ttnemc01/frpromth.html>. In addition, you may obtain copies of the 1992 proposal and previously submitted public comments through Docket Number A-91-08, which contains all materials relevant to this rulemaking, and is available for public inspection between 8:00 a.m. and 5:30 p.m., Monday through Friday (except for Federal holidays) at the following address: U.S. Environmental Protection Agency, Office of Air and Radiation Docket and Information Center (MC-6102), Room M-1500, 401 M Street S.W., Washington, DC 20460, telephone: (202) 260-7548. A reasonable fee may be charged for copying.

Dated: February 16, 2001.

**Robert D. Brenner,**

*Acting Assistant Administrator, for Air and Radiation.*

[FR Doc. 01-4867 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6947-4]

### ABC One Hour Dry Cleaners Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The United States Environmental Protection Agency is

proposing to enter into a settlement with ABC One Hour Dry Cleaners, Inc., Victor Melts and Martha Melts pursuant to section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the ABC One Hour Dry Cleaners Superfund Site located in Jacksonville, North Carolina. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the settlement are available from: Ms. Paula Batchelor, U.S. EPA, Region 4 (WMD-CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the days of this publication.

Dated: February 6, 2001.

**Franklin E. Hill,**

*Chief, CERCLA Program Services Branch,  
Waste Management Division.*

[FR Doc. 01-4865 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6947-7]

### Notice of Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; request for public comment.

**SUMMARY:** In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(i), notice is hereby given of a proposed administrative settlement concerning the BPS, Inc. Superfund Site, ("Site") with BPS Pesticide Incorporated ("Settling Party"), the United States Environmental Protection Agency ("EPA"), and the United States Department of Justice (DOJ).

The settlement requires the Settling Party to reimburse EPA for Past Response Costs in the amount of \$54,772.37 in connection with a response action at the Site.

Within 30 days of the effective date of this Agreement, and consistent with

Paragraph 10 of the Settlement Agreement, the Settling Party shall pay to the EPA Hazardous Substance Superfund, \$54,772.37 in reimbursement of Past Response Costs, plus an additional sum for Interest on that amount calculated from the date set forth in the definition of Past Response Costs through the date of payment.

The settlement includes a covenant not to sue under Section 107 of CERCLA, 42 U.S.C. 9607.

For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the settlement. The Agency will consider all comments received and may withdraw or withhold its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202-2733.

**DATES:** Comments must be submitted on or before March 30, 2001.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at 1445 Ross Avenue, Dallas, Texas, 75202-2733. A copy of the proposed settlement may be obtained from Barbara J. Aldridge (6SF-AC), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas, 75202-2733 at (214) 665-2712. Comments should reference the BPS, Inc. Superfund Site, West Helena, Arkansas, and EPA Docket Number 6-12-00, and should be addressed to Joseph E. Compton III at the address listed below.

**FOR FURTHER INFORMATION CONTACT:** Joseph E. Compton III, (6RC-S), U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas, 75202-2733 at (214) 665-8506.

Dated: January 17, 2001.

**Gregg A. Cooke,**

*Regional Administrator, Region 6.*

[FR Doc. 01-4874 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6947-5]

### Copper Basin Mining District Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed agreement.

**SUMMARY:** The United States Environmental Protection Agency is proposing to enter into an agreement with OXY USA, Inc. and Glenn Springs Holdings, Inc. pursuant to section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, regarding the Copper Basin Mining District Superfund Site located in Polk County, Tennessee and Fannin County, Georgia. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4 (WMD-CPSB), Sam Nunn Atlanta Federal Center, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within thirty (30) calendar days of the date of this publication.

Dated: February 6, 2001.

**Franklin E. Hill,**

*Chief, CERCLA Program Services Branch,  
Waste Management Division.*

[FR Doc. 01-4871 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6945-9]

### Irvington Tire Fire Superfund Site; Notice of Proposed Settlement

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The United States Environmental Protection Agency is proposing to enter into three administrative settlements with responsible parties for response costs pursuant to Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9622(h)(1) concerning the Irvington Tire Fire Superfund Site (Site) located in Irvington, Mobile County, Alabama. EPA will consider public comments on the proposed settlement for thirty (30) days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper or inadequate. Copies of the

proposed settlement are available from: Ms. Paula V. Batchelor, U.S. EPA, Region 4, (WMD-CPSB), 61 Forsyth Street, SW, Atlanta, Georgia 30303, (404) 562-8887.

Written comments may be submitted to Ms. Batchelor within 30 calendar days of the date of this publication.

Dated: February 2, 2001.

**Franklin E. Hill,**

Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01-4877 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[OEI-100008; FRL-6723-1]

**Workshop Schedules for EPCRA/TRI Training: Spring 2001**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA will conduct EPCRA/TRI Training workshops across the country during the spring of 2001. These workshops are intended to assist persons preparing their annual reports on release and other waste management activities as required under sections 313 of the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA).

These reports must be submitted to EPA and designated state officials on or before July 1, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Priscilla Evans, Workshop Coordinator (202) 260-9124, evans.priscilla@epa.gov for specific information on this notice. Information concerning the EPCRA/TRI Training workshops is also available on EPA's web site at <http://www.epa.gov/tri>.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this Notice Apply to Me?*

You may find this notice applicable if you manufacture, process, or otherwise use any EPCRA section 313 listed toxic chemical. Potentially applicable categories and entities may include, but are not limited to:

Category	Examples of regulated entities
Industry	Metal mining, Coal mining, Manufacturing, Electricity generating facilities, Hazardous waste treatment/TSDF, Chemicals and allied products-wholesale, Petroleum bulk plants and terminals, and Solvent recovery services.
Federal Government	Federal facilities.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to find this notice of training course offerings applicable. Other types of entities not listed in the table may also find this notice applicable. To determine whether your facility could find this notice applicable, you should carefully examine the applicability criteria in part 372 subpart B of Title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the preceding "FOR FURTHER INFORMATION CONTACT" section. You may be able to take advantage of the training courses if:

- your facility is a facility covered under section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA);
- your facility is a federal facility that manufactures, processes, or otherwise uses section 313 listed toxic chemicals;
- you prepare annual release and other waste management activity reports (i.e., Form R or Form A);
- you are a consultant who assists in the preparation of these reports; or
- you would like information on recent changes to EPCRA/TRI regulations

The EPA conducts annual training courses to assist you with your reporting requirements under section 313 of the

Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA) or Executive Order 13148 (for federal facilities). You must submit your annual release and other waste management activity reports (i.e., Form R or Form A) if your facility meets the descriptions for the following Standard Industrial Classification (SIC) codes and qualifiers, and meets other criteria specified in part 372 of Title 40 of the Code of Federal Regulations:

- Metal Mining (SIC Code 10, except 1011, 1081, and 1094);
- Coal Mining (SIC Code 12, except 1241);
- Manufacturing (SIC Codes 20-39)
- Electricity Generating Facilities (SIC Codes 4911, 4931, and 4939—limited to facilities that combust coal and/or oil for the purpose of generating electricity for distribution in commerce);
- Hazardous Waste Treatment/TSDF (SIC Code 4953—limited to facilities regulated under RCRA subtitle C, 42 U.S.C. section 6921 *et seq.*);
- Chemicals and Allied Products (SIC Code 5169);
- Petroleum Bulk Plants and Terminals (SIC Code 5171);
- Solvent Recovery (SIC Code 7389—limited to facilities primarily engaged in solvents recovery services on a contract or fee basis); and
- Federal Facilities (by Executive Order 13148).

**B. What is Presented at these Training Courses?**

The training courses present reporting requirements of EPCRA section 313 and PPA section 6607. A variety of hands-on exercises using the reporting forms (i.e., Form R or Form A) along with supporting materials will be used to help you understand any reporting obligations you might have under EPCRA section 313. The training courses are scheduled in the spring so that you can prepare and submit your report(s) for the Reporting Year 2000, forms due on or before July 1, 2001.

**C. How Much Time is Required for the Training?**

The full training course runs two days and a schedule for the 2-day workshops is provided below (see Table 1). The course is divided into three modules. The first module encompasses the first day and is devoted to a general discussion of EPCRA section 313 and PPA section 6607 reporting requirements with exercises used to reinforce key concepts. The second module is given in the morning of the second day, and is designed to provide detailed information about the persistent, bioaccumulative, and toxic (PBT) chemicals within the TRI program. The third and final module is

given in the afternoon of the second day, and this module is designed to provide an update to the TRI program and information about difficult policy topics. Interested persons may register for both days (persons with little or no background in EPCRA section 313 and PPA section 6607 reporting requirements) or just the second day (persons experienced in preparing either Form R or Form A). In addition, EPA is conducting abbreviated training courses. These courses are one day in duration and, in some cases, are focused for a particular industry sector(s) (see Table 2).

#### D. When are these Training Courses Offered and How Do I Register?

The schedules for training courses are provided in the tables below. You should note, however, that changes to the schedules may occur without further

notice so it is important to check your registration materials and confirmation notice (see below). Also, you may access current training course schedule information via the TRI Home Page (<http://www.epa.gov/tri>) or via the TRI training course Home Page (<http://www.epcra-tri.com>).

You should direct your requests for training course registration materials, including schedules of dates and locations, to the designated contacts in Table 3 (if registration contact is other than SAIC).

To register for any of the EPA training courses supported by SAIC, you can direct your requests to SAIC ([www.epcra-tri.com](http://www.epcra-tri.com)). If you do not have access to the internet, you may fax your request to: (703) 318-4644.

To register, you must provide all of the following information to the registration contact indicated: your

name, your company's name and SIC code, your postal address, your telephone number, your fax number, your email address, and your preferred training location(s). Requests should be directed to the indicated registration contact.

You will receive an acknowledgment of application receipt via fax or email. If your application is accepted, a confirmation notice will be sent to you that will contain important information regarding date, location, directions, etc. If the training course you applied for is filled or canceled, alternate training courses will be suggested. Since space is limited, you are encouraged to submit your registration application as early as possible but not less than one week before your preferred training course.

TABLE 1. EPCRA/TRI TRAINING: SPRING 2000 2-DAY WORKSHOP SCHEDULE<sup>1</sup> .

Date	Location	Registration Contact
February 21-22	Denver, CO <sup>2</sup>	Joyel Dhieux, US EPA Region 8
February 28—March 1	Denver, CO <sup>3</sup>	Joyel Dhieux, US EPA Region 8
March 5-6	Philadelphia, PA	Science Application International Corporation (SAIC)
March 7-8	Falls Church, VA (Washington, DC)	SAIC
March 13-14	Salt Lake City, UT <sup>3</sup>	Joyel Dhieux, US EPA Region 8
March 19-20	Boston, MA	SAIC
March 20-21	Denver, CO <sup>2</sup>	Joyel Dhieux, US EPA Region 8
March 21-22	Newington, CT	SAIC
March 22-23	Los Angeles, CA	SAIC
March 27-28	Salt Lake City, UT <sup>2</sup>	Joyel Dhieux, US EPA Region 8
March 29-30	Milwaukee, WI	SAIC
April 2-3	Dallas, TX	SAIC
April 3-4	Roanoke, VA	SAIC
April 4-5	New Orleans, LA	SAIC
April 9-10	Honolulu, HI	SAIC
April 9-10	Sioux Falls, SD	SAIC
April 12-13	San Francisco, CA	SAIC
April 16-17	Atlanta, GA	SAIC
April 16-17	Pocatello, ID	SAIC
April 18-19	Salt Lake City, UT	SAIC
April 18-19	Nashville, TN	SAIC
April 25-26	Denver, CO <sup>4</sup>	Joyel Dhieux, US EPA Region 8
April 25-26	Kansas City, KS	SAIC

TABLE 1. EPCRA/TRI TRAINING: SPRING 2000 2-DAY WORKSHOP SCHEDULE<sup>1</sup> .—Continued

Date	Location	Registration Contact
April 30-May 01	Charlotte, NC	SAIC
May 1-2	Edison, NJ	SAIC
May 2-3	Orlando, FL	SAIC
May 3-4	New York, NY	SAIC
May 10-11	Phoenix, AZ	SAIC
May 14-15	Las Vegas, NV	SAIC
May 14-15	Jackson, MS	SAIC
May 16-17	Atlanta, GA	SAIC
May 21-22	Portland, OR	SAIC
May 23-24	Seattle, WA	SAIC

<sup>1</sup> = This schedule may change without further notice. A schedule reflecting any changes to this notice will be posted at <http://www.epa.gov/tri>;

<sup>2</sup> = Manufacturing and select new industries only;  
<sup>3</sup> = Mining and Electricity Generating Facilities only;

<sup>4</sup> = Federal Facilities only.

TABLE 2. SCHEDULE FOR OTHER EPCRA/TRI WORKSHOPS<sup>1</sup>

Date	1Location	Registration Contact
March 14	Chicago, IL	SAIC
March 15	Indianapolis, IN	SAIC
March 21	Carson, CA	Warren Layne, US EPA Region 6
March 26	San Diego, CA	SAIC
March 27	Riverside, CA	SAIC
April 5	San Jose, CA	SAIC
April 6	Reno, NV	SAIC
April 10	Richmond, V	Mega-tech
April 11	St. Louis, MO <sup>2</sup>	SAIC
April 12	Overland Park, KS <sup>2</sup>	SAIC
April 23	Cedar Rapids, IO <sup>2</sup>	SAIC
April 24	Lincoln, NE <sup>2</sup>	SAIC
April 24	Chicago, IL	Fran Guido, US EPA Region 5
April 24	Baltimore, MD	Mega-tech
April 24	Puerto Rico, VI	SAIX
April 25	Puerto Rico, VI	SAIC
April 26	Davenport, IA	Stephen Wurtz, US EPA Region 7
April 26	Hagerstown, MD	Mega-tech
May 1	Pittsburgh, PA	Mega-tech
May 2	Meadville, PA	Conrad Sobczak
May 3	Madison, WI	Fran Guido, US EPA Region 5

TABLE 2. SCHEDULE FOR OTHER EPCRA/TRI WORKSHOPS<sup>1</sup>—Continued

Date	1Location	Registration Contact
May 9	Cincinnati, OH	Fran Guido, US EPA Region 5
May 9	Tucson, AZ	SAIC
May 9	Cherry Hill, NJ	SAIC
May 10	Rochester, NY	SAIC
May 15	Pittston, PA	Len Carlin
May 15	Grand Rapids, MI	Fran Guido, US EPA Region 5
May 18	Moses Lake, WA	SAIC
May 22	Philadelphia, PA	Mega-tech
May 23	Strongsville, OH	Fran Guido, US EPA Region 5
May 24	Philadelphia, PA	Mega-tech
May 29	Philadelphia, PA	Mega-tech
May 30	South Bend, IN	Fran Guido, US EPA Region 5
May 31	Philadelphia, PA	Mega-tech
June 5	Philadelphia, PA	Mega-tech
June 6	Bloomington, MN	Fran Guido, US EPA Region 5

<sup>1</sup> = This schedule may change without further notice. A schedule reflecting any

changes from this notice will be posted at <http://www.epa.gov/tri>;

<sup>2</sup> = Registration fee may be required for these workshops.

TABLE 3. REGISTRATION CONTACTS

Contact	Telephone	Fax	Email/Web Site
Lann Malesky, Duane Jennings, Carmen Urbina Mega-tech	(888) 534-1629		
Jan Taylor National Institute for Chemical Studies	(304) 346-6264		
Conrad Sobczak Air & Waste Mgmt. Assoc.	(814) 878-5508		
Len Carlin Economic Development Council of NE PA	(570) 655-5581		
Bill Reilly US EPA Region 3	(215) 814-2072		reilly.bill@epa.gov
Fran Guido US EPA Region 5	(312) 886-0404		
Warren Layne US EPA Region 6	(214) 665-8013		layne.warren@epa.gov
Stephen Wurtz US EPA Region 7	(913) 551-7680	(913) 551-5021	luce.judy@epa.gov
Joyel Dhieux US EPA Region 8	(303) 312-6447		dhieux.joyel@epa.gov
SAIC		(703) 318-4644	Training@EPCRA-TRI.com or <a href="http://www.EPCRA-TRI.com">http://www.EPCRA-TRI.com</a>

### E. How Much Will the Training Course Cost?

There is no registration fee for the 2-Day EPCRA/TRI Training courses; however, there may be a registration fee for some of the 1-day EPCRA/TRI workshops (check with the registration contact for fees and further information). You may access information regarding registration fees via the TRI Home Page (<http://www.epa.gov/tri>) or by contacting the respective Registration Contact listed above (see Table 3). If there is insufficient interest at any of the training course locations, those courses may be canceled. The Agency bears no responsibility for your decision to purchase non-refundable transportation tickets or accommodation reservations.

### List of Subjects

Environmental protection, Community right-to-know, Reporting and recordkeeping requirements, Toxics Release Inventory.

Dated: February 20, 2001.

**Elaine G. Stanley,**

*Director, Office of Information Analysis and Access.*

[FR Doc. 01-4879 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-F

## ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-51964; FRL-6771-3]

### Certain New Chemicals; Receipt and Status Information

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from January 10, 2001 to January 26, 2001, consists of the PMNs and TMEs, both pending or expired, and the notices of commencement to manufacture a new

chemical that the Agency has received under TSCA section 5 during this time period. The "S" and "G" that precede the chemical names denote whether the chemical identity is specific or generic.

**ADDRESSES:** Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS-51964 and the specific PMN number in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any 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 copies of this document and certain other available documents from the EPA Internet Home Page at <http://www.epa.gov/>. On the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "**Federal Register**—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPPTS-51964. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, any test data submitted by the manufacturer/importer and other information related to this

action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B-607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260-7099.

##### C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS-51964 and the specific PMN number in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G-099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260-7093.

3. *Electronically.* You may submit your comments electronically by e-mail to: "oppt.ncic@epa.gov," or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS-51964 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

*D. How Should I Handle CBI that I Want to Submit to the Agency?*

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**"

*E. What Should I Consider as I Prepare My Comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

**II. Why is EPA Taking this Action?**

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those

chemicals. This status report, which covers the period from January 10, 2001 to January 26, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

**III. Receipt and Status Report for PMNs**

This status report identifies the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The "S" and "G" that precede the chemical names denote whether the chemical identity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-01-0245	01/10/01	04/10/01	Ashland Inc.	(G) Defoamer	(G) Mixture of oxygenated hydrocarbons
P-01-0246	01/10/01	04/10/01	CBI	(G) Binder resin for graphic arts coatings	(G) 1,3-isobenzofurandione, polymer with triol and 2-methyl-1,3-propanediol, 2-propenoate
P-01-0247	01/10/01	04/10/01	Reichhold, Inc.	(S) Primer coatings and flooring	(G) Reaction product of aliphatic amines with fatty acids, phthalic anhydride and epoxide oligomers
P-01-0248	01/10/01	04/10/01	Arizona Chemical	(S) Tackifying resin for adhesive formulations	(S) Terpenes and terpenoids, turpentine-oil, alpha-pinene fraction, polymers with 1-methyl-4-(1-methylethenyl) cyclohexene
P-01-0249	01/10/01	04/10/01	CBI	(G) Water pickup additive	(S) Boric acid (h3bo3), mixed 2-[2-(2-methoxyethoxy)ethoxy]ethyl and 3,6,9,12-tetraoxatridec-1-yl triesters
P-01-0250	01/11/01	04/11/01	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Substituted sulfonyl alkanonic acid ester
P-01-0251	01/11/01	04/11/01	Eastman Kodak Company	(G) Chemical intermediate, destructive use	(G) Aromatic substituted alkanonic acid derivative
P-01-0252	01/16/01	04/16/01	3M Company	(S) Chemical intermediate	(G) Substituted guanidine
P-01-0253	01/16/01	04/16/01	3M Company	(G) Paper coating additive	(G) Modified vinylpyridine
P-01-0254	01/16/01	04/16/01	Dainippon Ink and Chemicals, Inc.	(S) Uv curable resin for glass fiber coatings	(G) Epoxy urethane acrylate
P-01-0255	01/16/01	04/16/01	Reichhold, Inc.	(S) Fiber bonding	(G) Acrylic-modified cationic styrene butadiene polymer
P-01-0256	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P-01-0257	01/16/01	04/16/01	H.B. Fuller Company	(S) Intermediate polyol for manufacture of moisture-cure adhesives	(G) Polymeric amine

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-01-0258	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P-01-0259	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P-01-0260	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P-01-0261	01/16/01	04/16/01	H.B. Fuller Company	(S) Epoxy resin curing agent	(G) Polymeric amine
P-01-0262	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum conc. and tall oil fatty acid
P-01-0263	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum naphtha and tall oil fatty acid
P-01-0264	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with cyclic hydrocarbons and tall oil fatty acid
P-01-0265	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum conc.
P-01-0266	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with light steam-cracked petroleum naphtha
P-01-0267	01/16/01	04/16/01	Westvaco Corporation - Chemical division	(S) Hydrocarbon resin for lithographic inks	(G) Distillates (petroleum), steam-cracked, polymers with cyclic hydrocarbons
P-01-0268	01/17/01	04/17/01	Solutia Inc.	(S) Binder for industrial coatings	(G) Modified polybutanediol dispersion
P-01-0269	01/17/01	04/17/01	CBI	(G) Crude-oil gelling agent for oil well fracturing	(G) Aluminum, mixed organic salts
P-01-0270	01/17/01	04/17/01	CBI	(G) Crude-oil gelling agent for oil well fracturing	(G) Aluminum, mixed organic salts
P-01-0271	01/17/01	04/17/01	Solutia Inc.	(S) Wet strengthening of industrial paper	(G) Modified melamine formaldehyde resin
P-01-0272	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P-01-0273	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P-01-0274	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P-01-0275	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P-01-0276	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether
P-01-0277	01/16/01	04/16/01	CBI	(G) Surfactant	(G) Alkylarylpolyether salt
P-01-0278	01/17/01	04/17/01	CBI	(G) Open, non-dispersive (urethane)	(G) Polyester urethane
P-01-0279	01/18/01	04/18/01	CBI	(G) Catalyst	(G) Silicone salt
P-01-0280	01/17/01	04/17/01	CBI	(S) Hydrophilic coating for textiles	(G) Acrylic polymer resin
P-01-0281	01/18/01	04/18/01	CBI	(G) Open non-dispersive	(G) Acrylic copolymer
P-01-0282	01/19/01	04/19/01	CBI	(S) Coatings;Inks	(G) Urethane acrylate
P-01-0283	01/19/01	04/19/01	Solutia Inc.	(S) Leveling agent for industrial coatings	(G) Modified acrylic copolymer
P-01-0284	01/22/01	04/22/01	Cardolite Corporation	(S) Epoxy resin in coatings;epoxy resin in other epoxy applicat.	(G) Glycidyl ether of novolac resin
P-01-0285	01/22/01	04/22/01	Cognis Corporation	(S) Intermediate for textile antistatic agent	(S) Phosphoric acid, mono- and di-c11-14-isoalkyl esters, c13-rich
P-01-0286	01/22/01	04/22/01	Cognis Corporation	(G) Textile antistat	(S) Phosphoric acid, mono- and di-c11-14-isoalkyl esters, c13-rich, compds. with diethanolamine
P-01-0287	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Hexanoic acid, 3,5,5-trimethyl-, mixed tetraesters with 2-ethylhexanoic acid and pentaerythritol
P-01-0288	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Isononanoic acid, mixed tetraesters with 2-ethylhexanoic acid and pentaerythritol
P-01-0289	01/22/01	04/22/01	Cognis Corporation	(G) Compressor lubricant	(S) Isononanoic acid, mixed tetraesters with 2-ethylhexanoic acid, pentaerythritol and 3,5,5-trimethylhexanoic
P-01-0290	01/22/01	04/22/01	Ciba specialty Chemicals Corporation	(S) Plant micronutrient for use in fertilizers	(G) Chelated metal complexes
P-01-0291	01/22/01	04/22/01	CBI	(S) Site-limited intermediate	(G) Alkoxylated alkyl amine
P-01-0292	01/22/01	04/22/01	Dow Corning Corporation	(S) Masonry water repellent	(S) Silane, trimethoxyoctyl-

TABLE I. 68 PREMANUFACTURE NOTICES RECEIVED FROM: 01/10/01 TO 01/26/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P-01-0293	01/23/01	04/23/01	Wacker Biochem Corporation	(S) Complexing agent for use in textiles	(S) Beta-cyclodextrin, 6-chloro-1,4-dihydro-4-oxo-1,3,5-triazin-2-yl ethers, sodium salts
P-01-0294	01/24/01	04/24/01	Shin-ETSU Silicones of America, Inc	(S) Burning inhibitor for resin	(S) Siloxanes and silicones, di-me, di-ph, polymers with vinyl silsesquioxanes, methoxy-terminated
P-01-0295	01/24/01	04/24/01	Shin-ETSU Silicones of America, Inc	(S) Burning inhibitor for resin	(S) Siloxanes and silicones, di-ph, polymers with ph silsesquioxanes, sec-butoxy- and [(trimethylsilyl)oxy]-terminated
P-01-0296	01/24/01	04/24/01	CBI	(G) Processing aid for nylon	(G) Polyamide
P-01-0297	01/24/01	04/24/01	Cytec Industries Inc.	(G) Uv stabilizer in plastics	(G) Aromatic ultraviolet light absorber
P-01-0298	01/25/01	04/25/01	CBI	(S) Polymer additive	(G) Substituted propane
P-01-0299	01/26/01	04/26/01	CBI	(S) Resin for coatings	(G) Maleinized polybutadiene
P-01-0300	01/26/01	04/26/01	CBI	(S) Resin for coatings	(G) Maleinized polybutadiene
P-01-0301	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0302	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0303	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0304	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0305	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0306	01/26/01	04/26/01	CBI	(G) Component of coating with open use	(G) Polyureapolyurethane polyol
P-01-0307	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal-working fluid - corrosion inhibition and ph control	(S) Nitric acid, reaction products with cyclododecanol and cyclododecanone, by-products from, high-boiling fraction, compds. with 2-(2-aminoethoxy) ethanol
P-01-0308	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Dodecanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P-01-0309	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Undecanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P-01-0310	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Decanedioic acid, compd. with 2-(2-aminoethoxy)ethanol
P-01-0311	01/26/01	04/26/01	Huntsman petro-Chemical Corporation	(S) Metal working fluid - corrosion inhibition and ph control	(S) Hexanoic acid, 3,5,5-trimethyl-, compd. with 2-(2-aminoethoxy)ethanol (1:1)
P-01-0312	01/26/01	04/26/01	CBI	(G) Ingredients for use in consumer products: highly dispersive use	(G) Carbobicycle aldehyde

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

TABLE II. 26 NOTICES OF COMMENCEMENT FROM: 01/10/00 TO 01/26/01

Case No.	Received Date	Commencement/Import Date	Chemical
P-00-0087	01/22/01	12/21/00	(G) Cyclohexyl carboxalkyl propionate
P-00-0185	01/22/01	01/01/01	(S) 1,4-cyclohexanedicarboxylic acid, dimethyl ester, trans-, polymer with 1,4-cyclohexanedimethanol
P-00-0605	01/12/01	12/21/00	(G) Acrylic graft polymer
P-00-0686	01/22/01	11/15/00	(G) Phenol,4,4'-(1-methylethylidene)bis-, polymers with aliphatic diamines, epichlorohydrin and polyethylene glycol
P-00-0719	01/10/01	12/08/00	(G) Flexible acrylic polymer
P-00-0803	01/17/01	12/13/00	(G) 2,7-naphthalenedisulfonic acid, 5-[[4-chloro-6-[substituted]amino]-1,3,5-triazin-2-yl]amino]-4-hydroxy-3-[(1-sulfo-2-naphthalenyl)azo]-, trisodium salt

TABLE II. 26 NOTICES OF COMMENCEMENT FROM: 01/10/00 TO 01/26/01—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P-00-0818	01/10/01	11/21/00	(G) Fatty acids, unsatd., dimers, polymers with a,w-diisocyanate and w-hydroxyalkyl-imidazolidinone
P-00-0829	01/11/01	12/30/00	(G) Hindered amine light stabilizer
P-00-0949	01/22/01	01/15/01	(G) Alkoxy alkylmercaptan
P-00-1033	01/19/01	01/02/01	(G) Substituted-((4,5-dihydro-3-methyl-5-oxo-(substituted carbomonocyclic)-1h-pyrazol-4-yl)azo)-benzenesulfonic acid, mixed metal salt
P-00-1037	01/12/01	12/21/00	(G) Acrylic dispersant polymer
P-00-1056	01/19/01	12/27/00	(G) Polyester resin
P-00-1077	01/19/01	12/27/00	(G) Ferric complex
P-00-1095	01/10/01	12/12/00	(G) Isocyanate terminated urethane polymer
P-00-1096	01/16/01	12/13/00	(G) Methacrylated aliphatic urethane
P-00-1103	01/19/01	01/09/01	(G) Aromatic isocyanate-polyester-polyether base urethane prepolymer with excess isocyanate
P-00-1115	01/12/01	12/13/00	(G) Acrylic dispersant polymer
P-00-1133	01/16/01	12/27/00	(G) Carboxy modified polyester
P-00-1192	01/18/01	12/28/00	(G) Toluene diisocyanate terminated polyether polyol
P-00-1218	01/24/01	01/16/01	(G) Aminosilanol polymer
P-00-1220	01/23/01	01/08/01	(G) Phenol-biphenyl polymer condensate
P-00-1226	01/16/01	01/10/01	(G) 1,7-naphthalenedisulfonic acid, 2-substitutedamino-5-hydroxy-6-[(4-methyl-2-sulfophenyl)azo]-, salt
P-01-0026	01/22/01	01/10/01	(G) Acrylic polymer salt
P-01-0027	01/16/01	01/09/01	(G) Acid functional acrylic polymer
P-98-0867	01/24/01	01/06/01	(G) Sodium alcoholate
P-99-0780	01/16/01	12/13/00	(G) Carboxylated, acrylate vinyl ester copolymer

**List of Subjects**

Environmental protection, Chemicals, Premanufacturer notices.

Dated: February 8, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01-4880 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6943-6; MM-HQ-2001-0015]

**Clean Water Act Class II: Proposed Administrative Settlement, Penalty Assessment and Opportunity To Comment Regarding Broadwing Communications Services Inc.**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has entered into a consent agreement with Broadwing Communications Services Inc. to resolve violations of the Clean Water Act ("CWA"), and its implementing regulations. Broadwing failed to prepare Spill Prevention Control and Countermeasure ("SPCC") plans for thirty-six facilities where they stored diesel oil in above ground tanks. EPA, as authorized by CWA section 311(b)(6), 33 U.S.C. 1321(b)(6), has assessed a civil penalty for these violations. The

Administrator, as required by CWA section 311(b)(6)(C), 33 U.S.C. 1321(b)(6)(C), is hereby providing public notice of, and an opportunity for interested persons to comment on, this consent agreement and proposed final order.

**DATES:** Comments are due on or before March 30, 2001.

**ADDRESSES:** Mail written comments to the Enforcement & Compliance Docket and Information Center (2201A), Docket Number EC-2001-003, Office of Enforcement and Compliance Assurance, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Mail Code 2201A, Washington, DC 20460. (Comments may be submitted on disk in WordPerfect 8.0 or earlier versions.) Written comments may be delivered in person to: Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Submit comments electronically to [docket.oeca@epa.gov](mailto:docket.oeca@epa.gov). Electronic comments may be filed online at many Federal Depository Libraries.

The consent agreement, the proposed final order, and public comments, if any, may be reviewed at the Enforcement and Compliance Docket Information Center, U.S. Environmental Protection Agency, Rm. 4033, Ariel Rios Bldg., 1200 Pennsylvania Avenue, NW., Washington, DC. Persons interested in reviewing these materials must make

arrangements in advance by calling the docket clerk at 202-564-2614. A reasonable fee may be charged by EPA for copying docket materials.

**FOR FURTHER INFORMATION CONTACT:** Beth Cavalier, Multimedia Enforcement Division (2248-A), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-3271; fax: (202) 564-9001; e-mail: [cavalier.beth@epa.gov](mailto:cavalier.beth@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**Electronic Copies:** Electronic copies of this document are available from the EPA Home Page under the link "Laws and Regulations" at the **Federal Register**—Environmental Documents entry (<http://www.epa.gov/fedrgstr>).

**I. Background**

Broadwing Communications Services Inc., a telecommunications company incorporated in the State of Delaware and located at 201 E. Fourth Street (102-700), Cincinnati, Ohio 45202 failed to prepare SPCC plans for thirty-six facilities. Broadwing Communications Services Inc. disclosed, pursuant to the EPA "Incentives for Self-Policing: Discovery, Disclosures, Correction and Prevention of Violations" ("Audit Policy"), 60 FR 66,706 (December 22, 1995), that they failed to prepare SPCC plans for thirty-six facilities where they stored diesel oil in above ground storage tanks, in violation of the CWA section 311(b)(3) and 40 CFR Part 112. EPA determined

that Broadwing met the criteria set out in the Audit Policy for a 100% waiver of the gravity component of the penalty. As a result, EPA waived the gravity based penalty (\$137,500) and proposed a settlement penalty amount of eight thousand, one hundred and eight (\$8,108). This is the amount of the economic benefit gained by Broadwing, attributable to their delayed compliance with the SPCC regulations. Broadwing Communications Services Inc. has agreed to pay this amount in civil penalties. EPA and Broadwing negotiated and signed an administrative consent agreement, following the Consolidated Rules of Procedure, 40 CFR section 22.13, on January 30, 2001 (*In Re: Broadwing Communications Services Inc.*, Docket No. MM-HQ-2001-0015). This consent agreement is subject to public notice and comment under CWA section 311(b)(6), 33 U.S.C. section 1321(b)(6).

Under CWA section 311(b)(6)(A), 33 U.S.C. 1321 (b)(6)(A), any owner, operator, or person in charge of a vessel, onshore facility, or offshore facility from which oil is discharged in violation of the CWA section 311 (b)(3), 33 U.S.C. 1321 (b)(3), or who fails or refuses to comply with any regulations that have been issued under CWA section 311 (j), 33 U.S.C. 1321(j), may be assessed an administrative civil penalty of up to \$137,500 by EPA. Class II proceedings under CWA section 311(b)(6) are conducted in accordance with 40 CFR Part 22.

The procedures by which the public may comment on a proposed Class II penalty order, or participate in a Clean Water Act Class II penalty proceeding, are set forth in 40 CFR 22.45. The deadline for submitting public comment on this proposed final order is March 30, 2001. All comments will be transferred to the Environmental Appeals Board ("EAB") of EPA for consideration. The powers and duties of the EAB are outlined in 40 CFR 22.04(a).

Pursuant to CWA section 311(b)(6)(C), EPA will not issue an order in this proceeding prior to the close of the public comment period.

#### List of Subjects

Environmental protection.

Dated: February 5, 2001.

**David A. Nielsen,**

*Director, Multimedia Enforcement Division,  
Office of Enforcement and Compliance  
Assurance.*

[FR Doc. 01-4878 Filed 2-27-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6938-3]

### State Program Requirements; Approval of Application by Maine To Administer the National Pollutant Discharge Elimination System (NPDES) Program; Maine

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice; Final approval of the Maine Pollutant Discharge Elimination System under CWA.

**SUMMARY:** On January 12, 2001, the Regional Administrator for the Environmental Protection Agency, Region I, approved the application by the State of Maine to administer and enforce the Maine Pollutant Discharge Elimination System (MEPDES) Program, for all areas within the State, other than Indian country regarding which EPA has not yet made a final decision about the applicability of State law. The authority to approve State programs is provided to EPA in section 402(b) of the Clean Water Act (CWA). The State will administer the approved program through its Department of Environmental Protection (DEP), subject to continuing EPA oversight and enforcement authority, in place of the National Pollutant Discharge Elimination System (NPDES) program previously administered by the EPA in Maine. The program is a partial program to the extent described in the section of this Notice entitled "Scope of the MEPDES Program." In making its decision, the EPA considered and addressed all comments and issues raised during the public comment period, except for those relating to jurisdiction over Indian country which remain under review as described below.

**DATES:** Pursuant to 40 CFR 123.61(c), the MEPDES program was approved and became effective on January 12, 2001.

**ADDRESSES:** Questions or requests for additional information may be submitted to: Stephen Silva, USEPA Maine State Office, 1 Congress Street—Suite 1100 (CME), Boston, MA 02114-2023 or Dennis Merrill, MEDEP, Statehouse Station #17, Augusta, ME 04333-0017.

Copies of documents Maine has submitted in support of its program approval and copies of the comments received on this request may be reviewed during normal business hours, Monday through Friday, excluding holidays, at: EPA Region I, 11th Floor Library, 1 Congress Street—Suite 1100,

Boston, MA 02114-2023, 617-918-1990 or 1-888-372-5427; and MEDEP, Ray Building, Hospital Street, Augusta, ME.

#### FOR FURTHER INFORMATION CONTACT:

Stephen Silva at the address listed above or by calling (617) 918-1561 or Dennis Merrill at the address listed above or by calling (207) 287-7788. Part of the State's program submission and supporting documentation is available electronically at the following Internet address: <http://www.state.me.us/dep/blwq/delegation/delegation.htm>.

**SUPPLEMENTARY INFORMATION:** Maine's application was described in the **Federal Register** (64 FR 73552) on December 30, 1999 in which EPA requested comments. Notices of Maine's application were published in the Bangor Daily News, Lewiston Sun Journal and Portland Press Herald newspapers on January 12, 2000. A public hearing on the application was held on February 16, 2000 in Augusta, ME. EPA extended the comment period on June 28, 2000 (65 FR 3989) and August 4, 2000 (65 FR 6845) through August 21, 2000, solely for the purpose of taking further comment on the Indian law issues.

In response to public comments, Maine submitted a revised Memorandum of Agreement on April 25, 2000 and a Supplemental Attorney General's Statement on June 2, 2000. In addition, by letter dated September 19, 2000, the EPA proposed revisions to Attachment A to the Memorandum of Agreement. By letter from DEP Commissioner Martha Kirkpatrick dated September 26, 2000, the State agreed to the revisions.

A summary of those public comments received which relate to the final action EPA has taken on the portion of Maine's program outside Indian country and the EPA's responses to those comments are discussed below in the section of this Notice entitled "Responsiveness Summary." (In this notice the term Indian country refers to the land and territory reserved or taken into trust for the federally recognized Maine Indian tribes pursuant to the Maine Indian Claims Settlement Act, 25 U.S.C. 1721 *et seq.*, and the Aroostook Bank of Micmacs Settlement Act, Public Law 102-171, Nov. 26, 1991, 105 Stat. 1143, including any disputed areas as discussed further in this document.)

The State and EPA agreed to extend the CWA section 402(c)(1) deadline for EPA to make a decision on the application through September 26, 2000, pursuant to 40 CFR 123.21(d). However, because of the many complex issues that were raised with respect to the State's program and the need to

address them in a comprehensive and thoughtful manner, the EPA did not make a final decision by September 26, 2000. Thus the EPA suspended issuance of NPDES permits in Maine on September 26, 2000 as required by section 402(c)(1) of the CWA. However, failure to make a decision by the September 26, 2000 deadline did not mean that the State automatically gained NPDES authority. It is EPA's interpretation that a State agency does not gain NPDES authority unless and until EPA approves the State program, consistent with CWA section 402(b) and 40 CFR 123.1. As of January 12, 2001, the State DEP is now authorized to issue MEPDES permits under the CWA in all areas of the State except for Indian country. As discussed below, EPA remains the permitting authority for the NPDES program in Indian country during the interim period, but must suspend issuing such permits pursuant to CWA section 402(c)(1).

#### A. Scope of the MEPDES Program

Maine is being approved to administer both the NPDES permit program covering point source dischargers to State waters and the pretreatment program covering industrial sources discharging to publicly owned treatment works. The EPA and State initially had contemplated that the State would assume program responsibility in phases, first for the permit program and subsequently for the pretreatment program. But in light of the delay in approving the State's program and since it always was contemplated that the State would assume responsibility for the pretreatment program by now, both components of the State's program are being approved now, to start at the same time.

Maine is not being approved at this time to regulate cooling water intake structures under CWA section 316(b). In response to a public comment, the EPA has determined that the State currently lacks the necessary statutory authority to administer this NPDES program element. Thus the State is being approved to operate a partial permit program, pursuant to CWA section 402(n)(4). At first, the State program will cover all NPDES permitting responsibilities other than under CWA section 316(b). Sources with cooling water intake structures subject to CWA section 316(b) will need to obtain permits from the State regulating their discharges (including thermal discharges regulated under CWA section 316(a)), but also will need to obtain supplemental permits from the EPA regulating their cooling water intake

structures pursuant to CWA section 316(b). The State has committed to promptly seeking legislation to obtain the needed additional statutory authority. When such statutory authority is obtained, the EPA will determine after a further opportunity for public comment whether to approve the State to operate the CWA section 316(b) program element.

The State is not applying for authorization for the municipal sewage sludge program at this time. EPA will continue to regulate sewage sludge in Maine in accordance with section 405 of the Act and 40 CFR part 503.

Pursuant to CWA section 402(d), EPA retains the right to object to MEPDES permits proposed by MEDEP, and if the objections are not resolved, to issue the permits itself. EPA also will retain jurisdiction over all NPDES permits it has issued in Maine until MEDEP reissues them as MEPDES permits. Finally, the EPA and State have agreed that the EPA may retain permitting authority over draft permits for which EPA has issued public notice at the time of program approval, until final issuance. A list of these permits that the EPA may issue following the approval of the State program is set forth in Attachment A to the EPA-State Memorandum of Agreement, as amended.

To address questions from the regulated community, EPA also has prepared a guidance document entitled "Status of EPA Issued NPDES Permits After Maine Program Approval." Copies of this document are available upon request.

As part of operating the approved program, the Maine DEP generally will have the lead responsibility for enforcement. However, the EPA will retain its full statutory enforcement authorities under CWA sections 308, 309, 402(i) and 504. Thus the EPA may continue to bring federal enforcement action under the CWA in response to any violation of the CWA. In particular, if the EPA determines that the State has not taken timely enforcement action against a violator and/or that its action has not been appropriate, the EPA may take its own enforcement action in Maine.

#### B. Responsiveness Summary

The EPA received numerous public comments concerning the Maine program. However, EPA is not addressing the many comments concerning the State's assertion of jurisdiction and the applicability of State law in Indian country, because the Agency is taking no final action on these issues at this time, as described below.

Other commenters urged the EPA to approve the State's program. The EPA agrees that the State program should be approved at this time outside Indian country.

Several commenters who expressed concerns about possible State administration of the program in Indian country also indicated some concern about State administration of the program outside those areas. These comments are addressed in a memorandum from Stephen Silva, Director of EPA's Maine Program, entitled "Responses to Comments on Maine General Program," dated January 12, 2001.

Finally, the National Environmental Law Center of the United States Public Interest Group ("NELC") submitted extensive comments urging that the EPA reject Maine's program application on a variety of grounds. These comments are addressed in the following memoranda from Jeffrey Fowley of the EPA Office of Regional Counsel: (i) "Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated April 2000, (ii) "Further Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated May 9, 2000, and (iii) "Further Response to Comments Opposing Approval of Maine to Administer the NPDES Program," dated January 12, 2001.

The EPA Regional Administrator hereby concurs with and adopts the responses to comments set forth in the four memoranda referenced above. These memoranda, together with this **Federal Register** Notice, constitute EPA's Responsiveness Summary. Copies of the memoranda are available upon request.

#### C. Status of Indian Country

EPA is not taking final action at this time on Maine's application to administer its program in Indian country. Maine has argued that the Maine Indian Claims Settlement Act, 25 U.S.C. 1721-1735 (MICSA), makes State law applicable and grants the State jurisdiction to implement its program in Indian country. EPA invited comment on this question, and received strongly conflicting views from the Maine Indian tribes, the State, and interested parties on both sides of the issue. On May 16, 2000 EPA received an opinion from the Department of Interior (DOI) interpreting how MICSA applies to the question of the State's jurisdiction over water quality regulation in Indian lands and territories. EPA made DOI's opinion available for public review, and invited further comment on the question of State jurisdiction in Indian lands and

territories, as well as comment on the geographic scope of those areas. See 65 FR 3989 (June 28, 2000) and 65 FR 6845 (August 4, 2000). In response to this invitation, EPA received even more extensive comments on both sides of the question of the State's jurisdiction.

In addition, the parties contested the geographic scope of Indian country in Maine. While there appears to be several disputes about the boundaries of Indian country, it appears that the only dispute which implicates existing NPDES permitted dischargers is the question of the scope of the Penobscot Nation's reservation on the Penobscot River. DOI has concluded that the Penobscot Nation's reservation includes the bed and banks of the Penobscot River. Letter from Edward B. Cohen to John P. DeVillars, September 2, 1997 at 6. The Penobscot Nation asserts that its reservation includes the Penobscot River and its branches from Indian Island northward to the headwaters of the river and its tributaries, including the east and west branches, the Mattawamkeag, and the Piscataquis River. See Supplemental Public Comments of the Penobscot Nation, August 21, 2000 at 30. The State of Maine argues that the reservation does not include the Penobscot River bank to bank, and is limited to the area from Indian Island northward to the fork where the east and west branches divide, the so-called "Main Stem" of the Penobscot River. Letter from Paul Stern to Stephen Silva, August 18, 2000 at 1-2.

In light of the difficulty of determining jurisdiction in Indian country in Maine, EPA is further considering the question of the State's jurisdiction in Indian lands and territories. EPA will consult with the U.S. Department of Justice in addition to continuing to consult with DOI regarding the interpretation of MICSA. EPA is working to resolve this question promptly. If EPA's conclusion concerning the jurisdictional question makes it necessary to define the geographic boundaries of Indian country, EPA will work with DOI to clarify which areas are within Indian country in Maine and, thus, which dischargers are covered by the State's program. But until EPA takes final action on these issues, as an interim step, EPA is not authorizing the State's program in Indian country, including disputed areas.

EPA has not reached any final conclusion concerning the boundaries of Indian country, but for the purposes of clarifying which facilities are covered by the State program EPA has approved, EPA has listed in Appendix 1 of this

notice the facilities that are not included in the program EPA has authorized due to the dispute over the applicability of State law in Indian country. This list includes all the currently permitted NPDES facilities that appear to discharge into waters where EPA has received substantial arguments disputing the status of those waters. Generally speaking, EPA is temporarily withholding trust lands for all the Maine tribes, the reservations for the Passamaquoddy Tribe at Pleasant Point and Indian Township and for the Penobscot Nation, and any disputed areas. We are withholding the Penobscot River extending from bank to bank of the river, starting at Indian Island and proceeding northward to the headwaters, including all tributaries. EPA has taken this approach to preserve the status quo in Indian country until the Agency takes final action on these issues. In addition, we are temporarily withholding the land owned by the Aroostook Band of Micmac Indians which the Band has applied to DOI to place into trust. Temporarily withholding this land will avoid the disruption of removing this land from the State's program if EPA ultimately determines that state environmental law will not apply to the Micmac's land once it is taken into trust. Moreover, temporarily withholding the Micmac's lands does not affect Maine's program substantially, because EPA is not aware of any dischargers in Micmac lands. This cautionary approach to withholding action temporarily while resolving jurisdictional disputes in Indian country is consistent with the federal government's trust responsibility to protect Indian interests in land and jurisdiction. See *HRI, Inc. v. E.P.A.*, 298 F.3d 1224, 1245 (10th Cir. 2000), amended on denial of rehearing (March 30, 2000). Similarly, any new facilities in Indian country that require an NPDES permit while EPA is considering the question of Maine's jurisdiction in Indian country are not included in the program EPA has authorized.

The State of Maine has not agreed to extend EPA's deadline for acting on the State's program application in Indian country in Maine. Therefore, pursuant to CWA section 402(c)(1), EPA will continue to suspend issuing or modifying NPDES permits in these areas. This suspension will remain in effect until the Agency takes final action in these areas or the State agrees to extend the Agency's deadline for action.

## D. Other Federal Statutes

### *Endangered Species Act*

Section 7(a)(2) of the Endangered Species Act (ESA), 33 U.S.C. 1536(a)(2), requires that federal agencies insure, in consultation with the United States Fish & Wildlife Service (FWS) and/or National Marine Fisheries Service (NMFS), that actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed threatened or endangered species (listed species) or result in the destruction or adverse modification of critical habitat. Additionally, section 7(a)(4) of the ESA, 33 U.S.C. 1536(a)(4), requires federal agencies to confer with FWS and/or NMFS on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed as threatened or endangered (proposed species) or result in the destruction or adverse modification of proposed critical habitat.

EPA consulted with both FWS and NMFS (the Services) under section 7(a)(2) of the ESA regarding the effects of the MEPDES program approval on listed species. Additionally, EPA engaged in a conference with the Services pursuant to section 7(a)(4) of the ESA regarding the effects of the action on the Gulf of Maine distinct population segment of Atlantic salmon (*salmo salar*), which had been a proposed species. Following the Services' final listing of the wild Atlantic salmon, EPA and the Services converted that conference into a consultation under section 7(a)(2) of the ESA. EPA addressed issues raised during the conference and consultation by establishing coordination procedures between EPA and the Services and by providing assurances to the Services that endangered species, and in particular the recently listed wild Atlantic salmon, will be protected. After careful consideration, the Services concluded in a biological opinion that approving the MEPDES program is not likely to jeopardize the continued existence of the wild Atlantic salmon. Further, the Services concluded that approval of the MEPDES program is not likely to adversely affect any other listed species or critical habitat. The Services' conclusion is based in part on assurances provided by EPA to the Services as described below that EPA will coordinate its review of MEPDES permits with the Services and use its CWA oversight authority to assure that water quality standards are met.

First, EPA intends to follow the procedures described in the draft Memorandum of Agreement Between

the Environmental Protection Agency—New England, Fish and Wildlife Service, and National Marine Fisheries Service Regarding Enhanced Coordination Under the Clean Water Act, the Endangered Species Act, and the Magnuson-Stevens Fishery Conservation and Management Act for NPDES Permits Issued by the State of Maine (April 19, 2000) (“Draft EPA—New England—Services MOA”), or any subsequently negotiated MOA for all species. In addition, the Services sought specific coordination procedures and further assurances from EPA-Region 1 with regard to the recently listed wild Atlantic salmon. On December 4, 2000, the EPA Regional Administrator sent a letter to the Regional Administrator of the National Marine Fisheries Service and the Acting Regional Director of the U.S. Fish and Wildlife Service specifying the oversight measures that the EPA intends to implement with respect to MEPDES permits to be issued to salmon fish farms and hatcheries by Maine. This letter affirmed EPA’s commitment, based on EPA’s analysis of current information including that contained in the Services’ listing documents, to utilize its CWA authorities to ensure compliance with Maine water quality standards by ensuring that conditions to protect the wild Atlantic salmon are included in MEPDES permits for salmon fish farms and hatcheries. Specifically, EPA committed, in accordance with 40 CFR 123.44(c) and section 402(d) of the CWA, that it will object to any permit proposed by MEDEP authorizing activities that would adversely affect the wild Atlantic salmon where such adverse effects would cause or contribute to a failure of a water body to meet State water quality standards, unless such adverse effects are avoided by incorporating permit conditions that would protect the wild Atlantic salmon. In the event EPA objects to a proposed permit, and where that objection is not resolved such that effects on the wild Atlantic salmon resulting in a failure to meet water quality standards are avoided, EPA will assume permitting authority for the subject facility. Any permit issued by EPA will, following consultation under section 7 of the ESA, include conditions necessary to protect the Wild Salmon. The EPA’s December 4, 2000 letter to the Services is included in the record.

In addition, with respect to bald eagles, the FWS sought assurances that any permits issued by Maine would require the monitoring plan included in the Services’ August 18, 2000 biological opinion on the EPA’s proposed

reissuance of NPDES permits for six kraft pulp and paper mills in Maine. The monitoring plan is designed to analyze bird samples downstream of the mills for pollutants which either have historically or may still be discharged by the mills in quantities likely too low to be detected by direct effluent sampling. In a letter dated May 2, 2000, EPA provided the requested assurance and will require, consistent with its CWA oversight authority, that Maine include the plan within permits it issues to the mills. This letter, and the biological opinion, are included in the record.

On January 12, 2001, the Services issued a biological opinion concluding that in light of the EPA’s oversight commitments, the approval of the Maine State NPDES program is not likely to jeopardize the continued existence of the endangered wild Atlantic salmon. No critical habitat has been designated for this species; therefore none will be affected. Further, the Services concluded that approval of the Maine NPDES program is not likely to adversely affect any other listed species or critical habitat. Issuance of the biological opinion with these findings concludes the consultation process required by ESA section 7(a)(2) and reflects the Services’ agreement with EPA that the approval of the State program meets the substantive requirements of that provision.

#### *The Magnuson-Stevens Fishery Conservation and Management Act*

Section 305(b)(3) of the Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with NMFS on actions undertaken by the Agency that may affect Essential Fish Habitat (EFH). EPA consulted with NMFS regarding EFH in reviewing the MEPDES program approval request, and responded to NMFS recommendations for avoiding, mitigating, or offsetting any impact from EPA’s action in a letter dated March 28, 2000. This letter is included as part of the record. As noted in that letter, as part of EPA’s response to NMFS recommendations EPA agreed to follow the procedures described in the Draft EPA—New England—Services MOA or any subsequently negotiated MOA to specifically take into account EFH when coordinating its MEPDES permit review with NMFS.

#### *National Historic Preservation Act*

Section 106 of the National Historic Preservation Act, 16 U.S.C. 470(f), requires Federal agencies to take into account the effects of their undertakings on historic properties and to provide the

Advisory Council on Historic Preservation (ACHP) an opportunity to comment on such undertakings. Under the ACHP’s regulations (36 CFR part 800), the Agency consults with the appropriate State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer on federal undertakings that have the potential to affect historic properties listed or eligible for listing in the National Register of Historic Places. During EPA’s review of the Maine NPDES application, EPA engaged in discussions with the Maine SHPO and sought public comment regarding EPA’s determination that approval of the State permitting program would have no effect on historic properties. As noted below, the EPA also has held discussions with Indian Tribes in Maine regarding any potential effects of MEPDES program approval on historic properties of interest to Tribes.

On July 7, 1999, EPA sought the Maine SHPO’s concurrence with its determination that EPA’s approval of Maine’s application would have No Effect on historic properties in Maine. The Maine SHPO provided EPA with a determination that there would be “No Historic Properties Affected” or “No Adverse Effect” to historic properties in Maine from EPA’s approval, on the condition that MEDEP provides relevant notice and information regarding draft permits to the SHPO and coordinates with the SHPO. On November 26, 2000 the SHPO and MEDEP entered into a Memorandum of Understanding (MOU) assuring the SHPO that it would receive the requested notices. This MOU further provides for coordination between MEDEP and the SHPO to resolve any identified issues to ensure that MEPDES permits will comply with Maine water quality standards and Maine laws protecting historic properties. For those permits with the potential to adversely affect historic properties, MEDEP and the SHPO agreed to seek ways to avoid, minimize or mitigate any adverse effects to historic properties stemming from the proposed permit. Thus, EPA believes that the agreement between MEDEP and the SHPO satisfies the conditions underlying the SHPO’s determination of “No Historic Properties Affected” or “No Adverse Effect” as a result of EPA’s approval of Maine’s application.

In addition, EPA has engaged in extensive discussions with the Maine Tribes regarding any potential effects on Tribal historic properties. In light of certain complex jurisdictional issues still being evaluated by EPA, today’s program approval does not include Indian country within the State of Maine. EPA intends to continue

discussions with the Maine Tribes regarding any issues related to historic properties of interest to the Tribes prior to reaching a final decision on Maine's application within Indian country.

#### *Coastal Zone Management Act*

Pursuant to section 307(c)(1)(C) of the Coastal Zone Management Act, Federal agencies carrying out an activity which affects any land or water use or natural resource within the Coastal Zone of a state with an approved Coastal Zone Management Plan must determine whether that activity is, to the maximum extent practicable, consistent with the enforceable requirements of the Plan and provide its determination to the State agency responsible for implementation of the Plan for review. Maine's approved Coastal Zone Management Plan is administered by the Maine Office of State Planning. Maine's permit actions are themselves subject to consistency review under State law; thus approval of the MEPDES program would not affect Maine's coastal zone and would be consistent with the enforceable requirements of Maine's Coastal Zone Management Plan.

#### *Regulatory Flexibility Act*

Based on General Counsel Opinion 78-7 (April 18, 1978), EPA has long considered a determination to approve or deny a State NPDES program submission to constitute an adjudication because an "approval," within the meaning of the APA, constitutes a "license," which, in turn, is the product of an "adjudication." For this reason, the statutes and Executive Orders that apply to rulemaking action are not applicable here. Among these are provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.* Under the RFA, whenever a Federal agency proposes or promulgates a rule under section 553 of the Administrative Procedure Act (APA), after being required by that section or any other law to publish a general notice of proposed rulemaking, the Agency must prepare a regulatory flexibility analysis for the rule, unless the Agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. If the Agency does not certify the rule, the regulatory flexibility analysis must describe and assess the impact of a rule on small entities affected by the rule.

Even if the NPDES program approval were a rule subject to the RFA, the Agency would certify that approval of the State's proposed MEPDES program would not have a significant economic impact on a substantial number of small entities. EPA's action to approve an

NPDES program merely recognizes that the necessary elements of an NPDES program have already been enacted as a matter of State law; it would, therefore, impose no additional obligations upon those subject to the State's program. Accordingly, the Regional Administrator would certify that this program, even if a rule, would not have a significant economic impact on a substantial number of small entities.

#### **E. Notice of Decision**

I hereby provide public notice that EPA has taken final action authorizing Maine to implement the NPDES program in the areas outside disputed Indian territory to the extent described in this notice, and review of the issues related to this action is available as provided in CWA section 509(b)(1)(D). EPA has not taken final action on the issues related to the State's jurisdiction and the applicability of State law in Indian country for the purposes of implementing the NPDES program in those areas, and review of those issues is not available until EPA takes final action on Maine's program as it applies in those areas.

**Authority:** This action is taken under the authority of section 402 of the Clean Water Act as amended, 42 U.S.C. 1342.

Dated: January 12, 2001.

**Mindy S. Lubber,**

*Regional Administrator, Region I.*

#### **Appendix 1—Permitted Facilities in Areas of Indian Country, Where EPA Is Not Acting on Maine's Program (NPDES Permit Numbers/State Discharge License Numbers)**

##### **Penobscot River Basin**

*Main Stem of the Penobscot River From Indian Island to Fork*

Howland (Municipal) (ME0101788/2632)

Mattawamkeag (Municipal) (ME0102245/7568)

Lincoln (Municipal) (ME0101796/1479)

Lincoln Pulp and Paper (ME0002003/0381)

Bangor Hydro in West Enfield (ME0023388/7529)

Beaver Wood Joint Venture (ME0023078/6436)

Penobscot Indian Nation Indian Island (ME0101311/2672)

Indeck Maine Energy (ME0023213/6116)

*West Branch of the River Above the Fork*

Bowater Great Northern in Millinocket (ME0000167/2227)

Bowater Great Northern in East Millinocket (ME0000175/2228)

Millinocket (Municipal) (ME0100803/2680)

East Millinocket (Municipal) (ME0100196/2683)

*Piscataquis Tributary*

Guilford-Sangerville POTW (ME0102032/6792)

Dover-Foxcroft POTW (ME0100501/2633)  
Dover-Foxcroft Water District (ME0102229/7330)

Milo POTW (ME0100439/0865)

Brownville POTW (Pleasant River) (ME0100099/0829)

Unity College Inc. (Pleasant River) (ME0110167/1718)

*Mattawamkeag Tributary*

Danforth (Municipal) (ME0100161)

Wheelabrator—Sherman Energy (ME0023191)

##### **St. Croix River Basin**

Passamaquoddy Tribal Council (ME0100773/2561)

Passamaquoddy Water District (ME0102211/7568)

[FR Doc. 01-4872 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-6941-6]

### **Public Water System Supervision Program Revision for the State of North Carolina**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the State of North Carolina is revising its approved Public Water System Supervision Program. North Carolina has adopted drinking water regulations requiring consumer confidence reports from all community water systems. EPA has determined that this revision is no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve this State program revision.

**DATES:** All interested parties may request a public hearing. A request for a public hearing must be submitted by March 30, 2001 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by March 30, 2001, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective on March 30, 2001. Any request for a public hearing shall include the following information: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a

brief statement of the information that the requesting person intends to submit at such hearing; (3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

**ADDRESSES:** All documents relating to this determination are available for inspection between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, at the following offices: North Carolina Department of Environment and Natural Resources, Public Water Supply Section, Parker-Lincoln Building, 2728 Capital Boulevard, Raleigh, North Carolina 27604. Environmental Protection Agency, Region 4, Drinking Water Section, 61 Forsyth Street Southwest, Atlanta, Georgia 30303.

**FOR FURTHER INFORMATION CONTACT:** Dale Froneberger, EPA Region 4, Drinking Water Section at the Atlanta address given above (telephone 404-562-9446).

**Authority:** (Section 1413 and section 1414 of the Safe Drinking Water Act, as amended (1996), and 40 CFR part 142).

Dated: January 10, 2001.

**A. Stanley Meiburg,**

*Acting Regional Administrator, EPA Region 4.*

[FR Doc. 01-4873 Filed 2-27-01; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

**Agreement No.:** 011741-001.

**Title:** U.S. Pacific Coast-Oceania

Agreement.

**Parties:** Australia-New Zealand Direct Line, FESCO Ocean Management Limited, Hamburg Sud, P&O Nedlloyd Limited, P&O Nedlloyd B.V.

**Synopsis:** The proposed agreement modification makes technical changes in the agreement to reflect applicable Australian legal requirements.

**Agreement No.:** 011750.

**Title:** FOML/BHP IMT Slot Charter Agreement.

**Parties:** FESCO Ocean Management Ltd., BHP International Marine Transport.

**Synopsis:** Under the proposed agreement, FESCO will charter space from BHP for the carriage of empty non-operating reefer containers from the U.S. Pacific Coast to Australia.

**Agreement No.:** 011751.

**Title:** Braztrans Joint Service Agreement.

**Parties:** Companhia Libra de Navegacao, Companhia Sud Americana de Vapores S.A.

**Synopsis:** The proposed agreement authorizes the parties to operate a joint service in the trade between U.S. Atlantic Coast ports and ports in Brazil. The parties request expedited review.

**Agreement No.:** 200809-001.

**Title:** Port Manatee Cruise Facilities and Operations Agreement.

**Parties:** Manatee County Port Authority, Regal Enterprises, Inc.

**Synopsis:** The proposed amendment extends the agreement through the spring cruise season of 2003.

**Agreement No.:** 201073-001.

**Title:** New Orleans/Cosco/K-Line/Yang Ming Crane Agreement.

**Parties:** Port of New Orleans, Cosco North America, Inc., "K" Line America, Inc., Yang Ming Line.

**Synopsis:** The proposed agreement amendment revises the rate schedule for the rental of cranes used by the carriers at the port.

Dated: February 23, 2001.

By Order of the Federal Maritime Commission.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 01-4881 Filed 2-27-01; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL MARITIME COMMISSION

### Ocean Transportation Intermediary License; Revocations

The Federal Maritime Commission hereby gives notice that the following ocean transportation intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

**License Number:** 14829N

**Name:** Alkahest Logistics, Inc.

**Address:** 40 South 1st Street, New Hyde Park, NY 11040

**Date Revoked:** January 10, 2001.

**Reason:** Surrendered license voluntarily.

**License Number:** 14701N

**Name:** August Jackson International, Inc.

**Address:** 8311 Pat Blvd., Tampa, FL 33615

**Date Revoked:** January 18, 2001.

**Reason:** Failed to maintain a valid bond.

**License Number:** 15917N

**Name:** Golden Jet-L.A., Inc. d/b/a Golden Jet Freight Forwarders

**Address:** 12333 S. Van Ness, Suite #201, Hawthorne, CA 90250

**Date Revoked:** January 14, 2001.

**Reason:** Failed to maintain a valid bond.

**License Number:** 14502N

**Name:** Hudson Transport Line Inc.

**Address:** 200 Livingston Avenue, New Brunswick, NJ 08901

**Date Revoked:** January 3, 2001.

**Reason:** Failed to maintain a valid bond.

**License Number:** 4065F

**Name:** Lynx International, Inc.

**Address:** 1942 Shawnee Road

**Date Revoked:** January 18, 2001.

**Reason:** Surrendered license voluntarily.

**License Number:** 15693N

**Name:** Mega Transport, Inc.

**Address:** 11222 S. La Cienega Blvd., Suite 620, Inglewood, CA 90304

**Date Revoked:** January 26, 2001.

**Reason:** Failed to maintain a valid bond.

**License Number:** 4067F

**Name:** Summit Trade Specialists (U.S.), Inc.

**Address:** 4621 Gruman Drive, Medford, OR 97504

**Date Revoked:** January 10, 2001.

**Reason:** Surrendered license voluntarily.

**License Number:** 16562N

**Name:** U.S. Brokers (BOS) Inc.

**Address:** 331-333 Northern Avenue, Boston, MA 02210

**Date Revoked:** January 18, 2001.

**Reason:** Failed to maintain a valid bond.

**Ronald D. Murphy,**

*Deputy Director, Bureau of Consumer Complaints and Licensing.*

[FR Doc. 01-4882 Filed 2-27-01; 8:45 am]

**BILLING CODE 6730-01-P**

## FEDERAL RESERVE SYSTEM

### Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

#### 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:* The Daily Report of Dealer Activity in Treasury Financing.

*Agency form number:* FR 2004WI.

*OMB Control number:* 7100-0003.

*Frequency:* Daily.

*Reporters:* Primary dealers in the U.S. government securities market.

*Annual reporting hours:* 4,640 hours.

*Estimated average hours per response:* 1 hour.

*Number of respondents:* 29 dealers.

Small businesses are affected.

*General description of report:* This information collection is voluntary (12 U.S.C. 248(a)(2), 353-359, and 461(c)). Completing the FR 2004 reports by nondepository institutions is not a mandatory obligation, and it may be deemed to be voluntary; however, it is required to be completed by those nondepository institution dealers who desire to be primary dealers. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552 (b)(4)).

*Abstract:* The FR 2004WI collects daily information on a next-business-day basis on positions in to-be-issued Treasury coupon securities, mainly the trading on a when-issued delivery basis.

**Final Approval Under OMB Delegated Authority of the Extension for Three Years, With Revision, of the Following Report**

1. *Report title:* The Government Securities Dealers Reports: The Weekly Report of Dealer Positions (FR 2004A), The Weekly Report of Cumulative Dealer Transactions (FR 2004B), The Weekly Report of Dealer Financing and Fails (FR 2004C), and The Weekly Report of Specific Issues (FR 2004SI).

*Agency form number:* FR 2004.

*OMB control number:* 7100-0003.

*Frequency:* Weekly.

*Reporters:* Primary dealers in the U.S. government securities market.

*Annual reporting hours:* 14,239 hours.

*Estimated average hours per response:* FR 2004A, 1.5 hours; FR 2004B, 2 hours; FR 2004 C 1.5 hours; FR 2004SI, 3 hours.

*Number of respondents:* 29 dealers.

Small businesses are affected.

*General description of report:* This information collection is voluntary (12 U.S.C. 248(a)(2), 353-359, and 461(c)). Completing the FR 2004 reports by nondepository institutions is not a mandatory obligation, and it may be deemed to be voluntary; however, it is required to be completed by those nondepository institution dealers who desire to be primary dealers. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 552(b)(4)).

*Abstract:* The FR 2004A collects data as of Wednesday of each week on dealers' outright positions in Treasury and other marketable debt securities as well as their positions in futures and options on underlying marketable debt securities. The FR 2004B collects data cumulated for the week ended Wednesday on the volume of transactions made by dealers in the same instruments for which positions are reported on the FR 2004A. The FR 2004C collects data as of Wednesday of each week on the amounts of dealer financing and fails. The FR 2004SI collects data as of Wednesday of each week on outright, financing, options, and fails positions in current or on-the-run issues. Under certain circumstances FR 2004SI data can also be collected on a daily basis for on-the-run and off-the-run securities.

*Current actions:* The Board has approved several revisions to the reports to address changes in the market conditions. Futures and options data are being deleted from the FR 2004A, B, and SI because few dealers report much activity in this area and these data have proved to be of limited use in market surveillance. Items are being added to

the FR 2004A and B to gain a better picture of the corporate securities markets. Items are being consolidated on the FR 2004C because the transactions categories currently reported have not provided significant insight into the functioning of funding markets and, therefore, add reporting burden without adequate benefit. The revised reporting forms will be implemented as of July 4, 2001, and will impose 22 percent less burden on respondents.

Board of Governors of the Federal Reserve System, February 22, 2001.

**Jennifer J. Johnson,**  
*Secretary of the Board.*

[FR Doc. 01-4821 Filed 2-27-01; 8:45 am]

**BILLING CODE 6210-01-P**

**FEDERAL RESERVE SYSTEM**

**Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities**

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 15, 2001.

**A. Federal Reserve Bank of Minneapolis** (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Native American Bancorporation, Co.*, Denver, Colorado; to engage through Native American Community Development Corporation, Denver, Colorado, in community development activities, pursuant to 12 CFR 225.28(b)(12).

Board of Governors of the Federal Reserve System, February 22, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01-4808 Filed 2-27-01; 8:45 am]

BILLING CODE 6210-01-S

## GOVERNMENT PRINTING OFFICE

### Depository Library Council to the Public Printer; Meeting

The Depository Library Council to the Public Printer (DLC) will meet on Sunday, April 1, 2001, through Wednesday, April 4, 2001, in San Antonio, Texas. The sessions will take place from 7:30 p.m. until 10 p.m. on Sunday, 8:30 a.m. until 5 p.m. on Monday and Tuesday and from 8:30 a.m. until 3:30 p.m. on Wednesday. The meeting will be held at the Adam's Mark San Antonio Riverwalk Hotel, 111 Pecan Street East, San Antonio, Texas. The purpose of this meeting is to discuss the Federal Depository Library Program. All sessions are open to the public.

A limited number of hotel rooms have been reserved at the Adam's Mark San Antonio Riverwalk Hotel for anyone needing hotel accommodations. Telephone: 210-354-2800. Please specify the U.S. Government Printing Office when you contact the hotel. Room cost per night is \$91 (plus tax) per night single and \$115 (plus tax) per night double, triple or quad through March 5, 2001.

**Michael F. DiMario,**

*Public Printer.*

[FR Doc. 01-4855 Filed 2-27-01; 8:45 am]

BILLING CODE 1520-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Committee for Injury Prevention and Control: Family and Intimate Violence Prevention Subcommittee: Conference Call

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC)

announces the following subcommittee conference call.

*Name:* ACIPC Family and Intimate Violence Prevention Subcommittee.

*Times and Dates:* 1 p.m.-3 p.m., March 12, 2001.

*Place:* National Center for Injury Prevention and Control (NCIPC), Koger Center—Vanderbilt Building, Conference Room 2000, 2939 Flowers Road South, Atlanta, Georgia 30341.

*Status:* Open to the public, limited only by the space available.

*Purpose:* To provide and make recommendations to ACIPC and the Director, NCIPC, regarding feasible goals for prevention and control of family and intimate violence and sexual assault. The Subcommittee will make recommendations regarding policies, strategies, objectives and priorities.

*Matters To Be Discussed:* The Subcommittee will discuss the FY 2001 Violence Against Women activities, and NCIPC's Research Agenda.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Ileana Arias, Ph.D., Chief, Etiology and Surveillance Branch (Provisional), Division of Violence Prevention, NCIPC, CDC, 4770 Buford Highway, NE, M/S K60, Atlanta, Georgia 30341-3724, telephone 770/488-4410.

This notice is published less than 15 days prior to the meeting due to administrative delays.

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 22, 2001.

**John Burckhardt,**

*Acting Director, Management Analysis and Services Office.*

[FR Doc. 01-4828 Filed 2-27-01; 8:45 am]

BILLING CODE 4163-18-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 01N-0063]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Medical Devices; Current Good Manufacturing Practice Quality System Regulation

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on information collection requirements related to the medical devices current good manufacturing practice (CGMP) quality system (QS) regulation.

**DATES:** Submit written comments or electronic comments on the collection of information by April 30, 2001.

**ADDRESSES:** Submit electronic comments on the collection of information to <http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm>. Submit written comments on the collection of information to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Peggy Schlosburg, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary

for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

**Medical Devices; Current Good Manufacturing Practice (CGMP) Quality System (QS) Regulation—21 CFR Part 820 (OMB Control No. 0910-0073)—Extension**

Under section 520(f) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360j(f)), the Secretary of the Department of Health and Human Services has the authority to prescribe regulations requiring that the methods used in, and the facilities and controls used for, the manufacture, preproduction design validation (including a process to assess the performance of a device but not including an evaluation of the safety and effectiveness of a device), packing, storage, and installation of a device conform to CGMP, as described in such regulations, to assure that the device will be safe and effective and otherwise in compliance with the act.

The CGMP/QS regulation implementing the authority provided by this statutory provision is found in part 820 (21 CFR part 820) of the Code of Federal Regulations and sets forth basic CGMP requirements governing the design, manufacture, packing, labeling, storage, installation, and servicing of all finished medical devices intended for human use. Section 820.20(a) through (e) requires management with executive responsibility to establish, maintain, and/or review: The quality policy; the organizational structure; the quality plan; and the quality system procedures of the organization. Section 820.22 requires the conduct and documentation of quality system audits and reaudits. Section 820.25(b) requires the establishment of procedures to identify training needs and documentation of such training.

Section 820.30(a)(1) and (b) through (j) requires, in the following respective order, the establishment, maintenance, and/or documentation of: Procedures to control design of class III and class II devices, and certain class I devices as listed therein; plans for design and development activities and updates;

procedures identifying, documenting, and approving design input requirements; procedures defining design output, including acceptance criteria, and documentation of approved records; procedures for formal review of design results and documentation of results in the design history file (DHF); procedures for verifying device design and documentation of results and approvals in the DHF; procedures for validating device design, including documentation of results in the DHF; procedures for translating device design into production specifications; procedures for documenting, verifying and validating approved design changes before implementation of changes; and the records and references constituting the DHF for each type of device.

Section 820.40 requires the establishment and maintenance of procedures for the review, approval, issuance, and documentation of required records (documents) and changes to those records.

Section 820.50 requires the establishment and maintenance of procedures and requirements to ensure service and product quality, records of acceptable suppliers and purchasing data describing specified requirements for products and services.

Sections 820.60 and 820.65 require, respectively, the establishment and maintenance of procedures for identifying all products from receipt to distribution and for using control numbers to track surgical implants and life-sustaining or supporting devices and their components.

Section 820.70(a) through (e), and (g) through (i) requires the establishment, maintenance, and/or documentation of: Process control procedures; procedures for verifying or validating changes to specification, method, process, or procedure; procedures to control environmental conditions and inspection result records; requirements for personnel hygiene; procedures for preventing contamination of equipment and products; equipment adjustment, cleaning and maintenance schedules; equipment inspection records; equipment tolerance postings; procedures for utilizing manufacturing materials expected to have an adverse effect on product quality; and validation protocols and validation records for computer software and software changes.

Sections 820.72 and 820.75(a), (b), (b)(2), and (c) require, respectively, the establishment, maintenance, and/or documentation of: Equipment calibration and inspection procedures; national, international or in-house calibration standards; records that

identify calibrated equipment and next calibration dates; validation procedures and validation results for processes not verifiable by inspections and tests; procedures for keeping validated processes within specified limits; records for monitoring and controlling validated processes; and records of the results of revalidation where necessitated by process changes or deviations.

Sections 820.80 and 820.86, respectively, require the establishment, maintenance, and/or documentation of: Procedures for incoming acceptance by inspection, test or other verification; procedures for ensuring that in-process products meet specified requirements and the control of product until inspection and tests are completed; procedures for, and records that show, incoming acceptance or rejection is conducted by inspections, tests or other verifications; procedures for, and records that show, finished devices meet acceptance criteria and are not distributed until device master (DMR) activities are completed; records in the device history record (DHR) showing acceptance dates, results and equipment used; and the acceptance/rejection identification of products from receipt to installation and servicing.

Sections 820.90 and 820.100 require, respectively, the establishment, maintenance and/or documentation of: Procedures for identifying, recording, evaluating, and disposing of nonconforming product; procedures for reviewing and recording concessions made for, and disposition of, nonconforming product; procedures for reworking products, evaluating possible adverse rework effect and recording results in the DHR; procedures and requirements for corrective and preventive actions, including analysis, investigation, identification and review of data, records, causes and results; and records for all corrective and preventive action activities.

Sections 820.120(b) and (d), 820.130, 820.140, 820.150, 820.160, and 820.170, respectively, require the establishment, maintenance, and/or documentation of: Procedures for controlling and recording the storage, examination, release and use of labeling; the filing of labels/labeling used in the DHR; procedures for controlling product storage areas and receipt/dispatch authorizations; procedures for controlling the release of products for distribution; distribution records that identify consignee, product, date and control numbers; and instructions, inspection and test procedures that are made available, and the recording of results for devices requiring installation.

Sections 820.180(b) and (c), 820.181, 820.184, and 820.186 require, respectively, the maintenance of records: That are retained at prescribed site(s), made readily available and accessible to FDA and retained for the device's life expectancy or for 2 years; that are contained or referenced in a DMR consisting of device, process, quality assurance, packaging and labeling, and installation, maintenance, and servicing specifications and procedures; that are contained in DHR's, demonstrate the manufacture of each unit, lot or batch of product in conformance with DMR and regulatory requirements, and include manufacturing and distribution dates and quantities, acceptance documents, labels and labeling, and control numbers; and that are contained in a quality system record (QSR) consisting of references, documents, procedures, and activities not specific to particular devices.

Sections 820.198(a) through (c) and 820.200(a) and (d), respectively, require the establishment, maintenance and/or documentation of: Complaint files and procedures for receiving, reviewing, and evaluating complaints; complaint investigation records identifying the device, complainant, and relationship of the device to the incident; complaint records that are reasonably accessible to the manufacturing site or at prescribed sites; procedures for performing and verifying that device servicing requirements are met and that service reports involving complaints are processed as complaints; and service reports that record the device, service activity, and test and inspection data.

Section 820.250 requires the establishment and maintenance of procedures to identify valid statistical techniques necessary to verify process and product acceptability; and sampling plans, when used, that are written and based on a valid statistical rationale, and procedures for ensuring adequate sampling methods.

The CGMP/QS regulation amends and revises the CGMP requirements for medical devices set out at part 820. It adds design and purchasing controls; modifies previous critical device requirements; revises previous validation and other requirements; and

harmonizes device CGMP requirements with quality system specifications in the international standard, ISO (International Organization for Standardization) 9001:1994 "Quality Systems—Model for Quality Assurance in Design, Development Production, Installation and Servicing." The rule does not apply to manufacturers of components or parts of finished devices, nor to manufacturers of human blood and blood components subject to 21 CFR part 606. With respect to devices classified in class I, design control requirements apply only to class I devices listed in § 820.30(a)(2) of the regulation.

The rule imposes burdens upon finished device manufacturer firms, which are subject to all recordkeeping requirements, and upon finished device contract manufacturer, specification developer, repacker and relabeler, and contract sterilizer firms, which are subject only to requirements applicable to their activities. Due to modifications to the guidance given for remanufacturers of hospital single use devices, reusers of hospital single-use devices will now be considered to have the same requirements as manufacturers in regard to this regulation. The establishment, maintenance, and/or documentation of procedures, records and data required by this final regulation will assist FDA in determining whether firms are in compliance with CGMP requirements, which are intended to ensure that devices meet their design, production, labeling, installation, and servicing specifications and, thus are safe, effective, and suitable for their intended purpose. In particular, compliance with CGMP design control requirements should decrease the number of design-related device failures that have resulted in deaths and serious injuries.

If FDA did not impose these recordkeeping requirements, it anticipates that design-related device failures would continue to occur in the same numbers as before and continue to result in a significant number of device recalls and preventable deaths and serious injuries. Moreover, manufacturers would be unable to take advantage of substantial savings attributable to reduced recall costs,

improved manufacturing efficiency, and improved access to international markets through compliance with CGMP requirements that are harmonized with international quality system standards.

The CGMP/QS regulation applies to some 9,229 respondents. These recordkeepers consist of 7,229 original respondents and an estimated 2,000 hospitals that remanufacture or reuse single use medical devices. They include manufacturers, subject to all requirements and contract manufacturers, specification developers, repackers/relabelers and contract sterilizers, subject only to requirements applicable to their activities. Hospital remanufacturers of single use medical devices (SUD's) are now defined to be manufacturers under guidelines issued by the Center for Devices and Radiological Health's (CDRH's) Office of Surveillance and Biometrics.

Respondents to this collection have no reporting activities, but must make required records available for review or copying during FDA inspection. The regulation contains additional recordkeeping requirements in such areas as design control, purchasing, installation, and information relating to the remanufacture of single use medical devices. The estimates for burden are derived from those incremental tasks that were determined when the new CGMP/QS regulation became final (October 7, 1996, 61 FR 52602) as well as those carry-over requirements. The carry-over requirements are based on decisions made by the agency on July 16, 1992, under OMB Paperwork Reduction Act submission No. 0910-0073. This still provides valid baseline data.

FDA estimates respondents will have a total annual recordkeeping burden of approximately 3,167,670 hours (shown as 3,167,670 in table 1, of this document, of this justification statement due to rounding). This figure also consists of approximately 114,882 hours spent on a startup basis by 650 new firms. Table 1 below identifies burden estimates per sections of the regulation.

FDA estimates information collection burdens imposed as follows:

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1</sup>

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours	Total Operating & Maintenance Costs
820.20(a)	9,229	1	9,229	6.58	60,727	
820.20(b)	9,229	1	9,229	4.43	40,884	
820.20(c)	9,229	1	9,229	6.17	56,943	
820.20(d)	9,229	1	9,229	9.89	91,275	

TABLE 1.—ESTIMATED ANNUAL RECORDKEEPING BURDEN<sup>1</sup>—Continued

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Recordkeeper	Total Hours	Total Operating & Maintenance Costs
820.20(e)	9,229	1	9,229	9.89	91,275	
820.22	9,229	1	9,229	32.72	301,973	
820.25(b)	9,229	1	9,229	12.68	117,024	
820.30(a)(1)	9,229	1	9,229	1.75	16,151	
820.30(b)	9,229	1	9,229	5.95	54,913	
820.30(c)	9,229	1	9,229	1.75	16,151	
820.30(d)	9,229	1	9,229	1.75	16,151	
820.30(e)	9,229	1	9,229	23.39	215,866	
820.30(f)	9,229	1	9,229	37.42	345,349	
820.30(g)	9,229	1	9,229	37.42	345,349	
820.30(h)	9,229	1	9,229	3.34	30,825	
820.30(i)	9,229	1	9,229	17.26	159,293	
820.30(j)	9,229	1	9,229	2.64	24,365	
820.4	9,229	1	9,229	8.91	82,230	
820.40(a) and (b)	9,229	1	9,229	2.04	18,827	
820.50(a)(1) to (a)(3)	9,229	1	9,229	21.9	202,115	\$1,181,925
820.50(b)	9,229	1	9,229	6.02	55,559	
821	9,229	1	9,229	0.32	2,953	
821	9,229	1	9,229	0.67	6,183	
820.70(a)(1) to (a)(5)	9,229	1	9,229	1.85	17,074	
820.70(b) and (c)	9,229	1	9,229	1.85	17,074	
820.70(d)	9,229	1	9,229	2.87	26,487	
820.70(e)	9,229	1	9,229	1.85	17,074	
820.70(g)(1) to (g)(3)	9,229	1	9,229	1.43	13,197	
820.70(h)	9,229	1	9,229	1.85	17,074	
820.70(i)	9,229	1	9,229	7.5	69,218	
820.72(a)	9,229	1	9,229	4.92	45,407	
820.72(b)(1) to (b)(2)	9,229	1	9,229	1.43	13,197	
820.75(a)	9,229	1	9,229	2.69	24,826	
820.75(b)	9,229	1	9,229	1.02	9,414	
820.75(c)	9,229	1	9,229	1.11	10,244	
820.80(a) to (e)	9,229	1	9,229	4.8	44,299	
820.86	9,229	1	9,229	0.79	7,291	
820.90(a)	9,229	1	9,229	4.95	45,684	
820.90(b)(1) and (b)(2)	9,229	1	9,229	4.95	45,684	
820.100 (a)(1) to (a)(7)	9,229	1	9,229	12.48	115,178	
820.100(b)	9,229	1	9,229	1.28	11,813	
820	9,229	1	9,229	0.45	4,153	
820.120(b)	9,229	1	9,229	0.45	4,153	
820.120(d)	9,229	1	9,229	0.45	4,153	
820.130	9,229	1	9,229	0.45	4,153	
820.140	9,229	1	9,229	6.34	58,512	
820.150(a) and (b)	9,229	1	9,229	5.67	52,328	
820.160(a) and (b)	9,229	1	9,229	0.67	6,183	
820.170(a) and (b)	9,229	1	9,229	1.5	13,844	
820.180(b) and (c)	9,229	1	9,229	1.5	13,844	
820.181(a) to (e)	9,229	1	9,229	1.21	11,167	
820.184(a) to (f)	9,229	1	9,229	1.41	13,013	
820.186	9,229	1	9,229	0.4	3,692	
820.198(a) to (c)	9,229	1	9,229	4.94	45,591	
820.200(a) and (d)	9,229	1	9,229	2.61	24,088	
820.250	9,229	1	9,229	0.67	6,183	
Totals					3,167,673	\$1,181,925

<sup>1</sup> There are no capital costs associated with this collection of information.

Burden (labor) hour and cost estimates were developed under FDA contract by the Eastern Research Group, Inc. (ERG), in 1996 when the CGMP/QS regulation became final. These figures are still accurate. Additional factors

considered in deriving estimates included:

- Establishment type: Query has been made of CDRH's registration/listing data bank and has counted 7,229 domestic firms subject to CGMP's. They were

then grouped as: Manufacturers (5,463), contract manufacturers (204), specification developers (960), repackers/relabelers (574), remanufacturer (21) and contract sterilizers (7). In addition, hospitals that

reuse or remanufacture devices are now considered manufacturers under new FDA guidance. It is estimated that out of the 6,000 hospitals in the United States, one-third of them (or 2,000 hospitals) will reuse or remanufacture single use medical devices. Thus, the number of manufacturers will increase from 5,463 to 7,463 making the total number of firms subject to CGMP's 9,229.

- Potentially affected establishments: Except for manufacturers, not every type of firm is subject to every CGMP/QS requirement. For example, all are subject to quality policy (§ 820.20(a)), document control (§ 820.40), and other requirements, whereas only manufacturers and specification developers are subject to part 820 Subpart C—Design Controls. The type of firm subject to each requirement was identified by ERG.

FDA estimated the burden hours (and costs) for the previous CGMP regulation in 1992. That estimate was submitted to OMB on May 4, 1992, under OMB Paperwork Reduction Act submission No. 0910–0073. It was approved by OMB on July 16, 1992, and it expired on June 30, 1995. The methodology used is different than that used by ERG in estimating incremental tasks when the new CGMP/QS became a final rule. Nevertheless, the agency believes its 1992 estimate adequately represents labor hours (and costs) needed to comply with previous CGMP requirements carried over into the new CGMP/QS regulation. The 1992 estimate used 9,289 respondents (rather than 9,229 respondents), which compensates for differences in methodology.

FDA estimates that some 650 “new” establishments (marketing devices for the first time) will expend some 114,882 “development” hours on a one-time startup basis to develop records and procedures for the CGMP/QS regulation.

FDA estimates that annual labor hours are apportioned as follows: 40 percent—to requirements dealing with manufacturing specifications, process controls and the DHR; 20 percent—to requirements dealing with components and acceptance activities; 25 percent—to requirements dealing with equipment, records (the DMR and QSR), complaint investigations, labeling/packaging and reprocessing/investigating product nonconformance; and 15 percent—to quality audit, traceability, handling, distribution, statistical, and other requirements.

Dated: February 22, 2001.

**William K. Hubbard,**  
*Senior Associate Commissioner for Policy,  
Planning, and Legislation.*

[FR Doc. 01–4850 Filed 2–27–01; 8:45 am]

**BILLING CODE 4160–01–F**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 01N–0069 ]

#### Agency Information Collection Activities; Proposed Collection; Comment Request; Information From U.S. Processors That Export to the European Community

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the maintenance of lists of U.S. processors that export certain animal-derived foods (i.e., shell eggs, dairy products, game meat, game meat products, animal casings, and gelatin) to the European Community (EC), temporary exemptions from certain food labeling requirements for the purpose of conducting authorized food labeling experiments, petitions for health claims, and petitions for nutrient content claims.

**DATES:** Submit written or electronic comments on the collection of information by April 30, 2001.

**ADDRESSES:** Submit electronic comments on the collection of information to <http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm>. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Peggy Schlosburg, Office of Information

Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

**SUPPLEMENTARY INFORMATION:** Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. “Collection of information” is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA’s functions, including whether the information will have practical utility; (2) the accuracy of FDA’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

#### Request for Information From U.S. Processors That Export to the European Community (OMB Control Number 0910–0320)—Extension

EC is a group of 15 European countries that have agreed to harmonize their commodity requirements to facilitate commerce among member States. EC legislation for intra-EC trade has been extended to trade with non-EC countries, including the United States. For certain food products, including those listed below in this document, EC legislation requires assurances from the responsible authority of the country of origin that the processor of the food is in compliance with applicable regulatory requirements.

With the assistance of trade associations and State authorities, FDA requests information from processors

that export certain animal-derived products (e.g., shell eggs, dairy products, game meat, game meat products, animal casings, and gelatin) to EC. FDA uses the information to maintain lists of processors that have demonstrated current compliance with U.S. requirements and provides the lists to EC quarterly. Inclusion on the list is voluntary. EC member countries refer to the lists at ports of entry to verify that products offered for importation to EC from the United States are from processors that meet U.S. regulatory requirements. Products processed by

firms not on the list are subject to detention and possible refusal at the port. FDA requests the following information from each processor:

1. Business name and address;
2. Name and telephone number of person designated as business contact;
3. Lists of products presently being shipped to EC and those intended to be shipped in the next 6 months;
4. Name and address of manufacturing plants for each product;
5. Names and affiliations of any Federal, State, or local governmental agencies that inspect the plant, government-assigned plant identifier,

such as plant number, and last date of inspection; and

6. Assurance that the firm or individual representing the firm and submitting a certificate for signature to FDA is aware of and knows that they are subject to the provisions of section 1001 of Title 18, United States Code. This law provides that it is a criminal offense to knowingly and willfully make a false statement or alter or counterfeit documents in a matter within the jurisdiction of a U.S. agency.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

Products	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Shell eggs	10	1	10	0.25	2.5
Dairy	100	1	100	0.25	25
Game meat and meat products	10	1	10	0.25	2.5
Animal casings	15	1	15	0.25	3.75
Gelatin	6	1	6	0.25	1.5
Total					35.25

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated number of respondents is based on the volume of exports and responses received to date. The estimated number of yearly responses has decreased from the estimate in

FDA's previous notice seeking comment for this collection of information (63 FR 29738, June 1, 1998) because the actual number of responses has been decreasing. Companies do not need to

reapply unless they have a compliance problem. An estimate for processors that export gelatin also has been added because these processors are now being included in the listing process.

TABLE 2.—ESTIMATED ANNUAL REPORTING BURDEN (THIRD PARTY DISCLOSURE)<sup>1</sup>

Respondents	No. of respondents	Annual frequency per response	Total annual responses	Hours per response	Total hours
Trade association	15	1	15	8	120
State	50	1	50	8	400
Total					520

<sup>1</sup>There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimated for the trade associations assumes the trade associations will disseminate FDA's information request through mass mailings to their membership or publish it in their trade magazine or newsletter. The burden estimated for State authorities assumes dissemination of information to the processors or dissemination of information about processors to FDA.

Dated: February 22, 2001.

**William K. Hubbard,**

*Senior Associate Commissioner for Policy, Planning, and Legislation.*

[FR Doc. 01-4851 Filed 2-27-01; 8:45 am]

**BILLING CODE 4160-01-F**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 00N-1440]

#### Agency Information Collection Activities; Announcement of OMB Approval; User Fee Cover Sheet

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled "User Fee Cover Sheet" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

#### FOR FURTHER INFORMATION CONTACT:

JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of December 5, 2000 (65 FR 75942), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910-0297. The approval expires on February 29, 2004.

A copy of the supporting statement for this information collection is available on the Internet at <http://www.fda.gov/ohrms/dockets>.

Dated: February 22, 2001.

**William K. Hubbard,**

*Senior Associate Commissioner for Policy, Planning, and Legislation.*

[FR Doc. 01-4852 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 99N-1852]

#### Agency Information Collection Activities; Announcement of OMB Approval; Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a collection of information entitled "Postmarketing Studies for Approved Human Drug and Licensed Biological Products; Status Reports" has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

**FOR FURTHER INFORMATION CONTACT:** JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

**SUPPLEMENTARY INFORMATION:** In the *Federal Register* of October 30, 2000 (65 FR 64607), the agency announced that the proposed information collection had been submitted to OMB for review and clearance under 44 U.S.C. 3507. 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. OMB has now approved the information collection and has assigned OMB control number 0910-0433. The approval expires on February 29, 2004. A copy of the supporting statement for this information collection is available on the Internet at <http://www.fda.gov/ohrms/dockets>.

Dated: February 22, 2001.

**William K. Hubbard,**

*Senior Associate Commissioner for Policy, Planning, and Legislation.*

[FR Doc. 01-4853 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 00N-1575]

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Nutrition Labeling; Declaration of Caloric Amounts and Serving Sizes for Breath Mints

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Submit written comments on the collection of information by March 30, 2001.

**ADDRESSES:** Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

**FOR FURTHER INFORMATION CONTACT:** Peggy Schlosburg, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-1223.

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

#### Nutrition Labeling; Declaration of Caloric Amounts and Serving Sizes for Breath Mints—21 CFR 101.9(b) and (c)(1) (OMB Control Number 0910-0364)—Extension

Section 403(q) of the Federal Food, Drug, and Cosmetic Act (the act) (21

U.S.C. 343(q)) requires that the label or labeling of a food bear nutrition information, including information on: (1) The serving size and number of servings per container, and (2) the number of calories present in a serving of the food. Under FDA's nutrition labeling regulations in § 101.9(d)(3) (21 CFR 101.9(d)(3)), the nutrition facts panel of the food label must disclose the serving size of the food product and the number of servings in each package. Under § 101.9(c)(1), the nutrition facts panel must disclose the number of calories present in a serving of the food.

In the *Federal Register* of December 30, 1997 (62 FR 67775), FDA published a proposed rule to amend the nutrition labeling regulations by changing the label serving size for the product category "Hard candies, breath mints" to one unit. FDA proposed this change in response to a petition to provide a serving size for breath mints that more accurately reflects the amount customarily consumed per eating occasion. In a related issue, FDA also proposed to: (1) Modify the rounding rules for calories to allow the declaration of caloric amounts of less than 5 calories on the nutrition label, and (2) require that the number of calories declared on the nutrition label of a food product be consistent with any claims about caloric content that are made in its labeling. As a result of this proposed rule, manufacturers, packers, or distributors who make labeling claims that their products contain between 1 and 5 calories would be required to change the declaration of the amount of calories on the nutrition label. In addition, manufacturers of small breath mints would be required, under § 101.9(b), to change the serving size and, under § 101.9(c) and (d), to modify the amounts and daily values for nutrients listed in the nutrition label for their products. The proposal included burden estimates for the proposed changes and solicited public comment. In the interim, however, FDA is seeking an extension of OMB approval for the current regulations.

In the *Federal Register* of December 5, 2000 (65 FR 75940), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN<sup>1</sup>

21 CFR Section	No. of respondents	Annual frequency per response <sup>2</sup>	Total annual responses	Hours per response	Total operating costs	Total hours
101.9(b) and (c)(1)	4	7.5	30	1	\$15,000	30

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

<sup>2</sup> Due to an inadvertent error, the "Annual Frequency per Response" column was omitted from the notice issued in the FEDERAL REGISTER of December 5, 2000 (65 FR 75940). Table 1 of this document contains the inserted column.

The proposed modification of the rules for the declaration of the amount of calories and the proposed change of the label serving size on the nutrition facts panel would result in a one-time burden created by the need for firms to revise their labels. In addition to changing the statement of calories and the serving sizes, firms would have to recalculate the number of servings per container and any nutrient amounts and daily values affected by the change in serving size. Of those breath mints for which FDA has information regarding the size of the product, there are 4 firms producing 5 brands of small breath mints, or approximately 30 distinct small breath mint labels. These are the only firms that would be affected by this proposed rule. FDA estimates that these firms would require an average of 1 hour per label to comply with the requirements of a final rule based on this proposal. For breath mint products, the average administrative, redesign, and inventory disposal costs for a labeling change of this type, with a 1-year compliance period, would result in a one-time operating cost of \$500 per label, or a total estimated operating cost of \$15,000.

Dated: February 22, 2001.

**William K. Hubbard,**

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01-4849 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 01F-0026]

#### Avecia, Inc.; Withdrawal of Food Additive Petition

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 1B4726) proposing that the food additive regulations be amended to

provide for the safe use of poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating formulations.

#### FOR FURTHER INFORMATION CONTACT:

Mark A. Hepp, Center for Food Safety and Applied Nutrition (HFS-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-418-3098.

**SUPPLEMENTARY INFORMATION:** In a notice published in the *Federal Register* of January 23, 2001 (66 FR 7498), FDA announced that a food additive petition (FAP 1B4726) had been filed by Avecia, Inc., 1405 Foulk Rd., P.O. Box 15457, Wilmington, DE 19850-5457. The petition proposed to amend the food additive regulations in § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) and § 176.180 *Components of paper and paperboard in contact with dry food* (21 CFR 176.180) to provide for the safe use of poly(hexamethylenebiguanide) hydrochloride as a preservative for food-contact paper coating formulations. Avecia, Inc., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 14, 2001.

**Alan M. Rulis,**

Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 01-4848 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Advisory Commission; Notice of Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of March 2001.

*Name:* Advisory Commission on Childhood Vaccines (ACCV).

*Date and Time:* March 7, 2001; 9:00 a.m.–3:00 p.m.

*Place:* Parklawn Building, Conference Rooms G and H, 5600 Fishers Lane, Rockville, Maryland 20857.

The meeting is open to the public.

The full Commission will meet on Wednesday, March 7, from 9:00 a.m. to 3:00 p.m. Agenda items will include, but not be limited to: (1) A presentation from Petitioners Attorneys' Perspective; (2) a discussion by the Chief Special Master of the U.S. Court of Federal Claims regarding its Alternative Dispute Resolution General Order #11, and soliciting comments from the public on the development of a new website; (3) and a report on the Institute of Medicine's Immunization Safety Review Committee. Updates from the Division of Vaccine Injury Compensation, Department of Justice, the National Vaccine Program Office, and routine program reports.

Public comment will be permitted before lunch and at the end of the Commission meeting on March 7, 2001. Oral presentations will be limited to 5 minutes per public speaker. Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A-46, 5600 Fishers Lane, Rockville, MD 20857, Telephone (301) 443-2124. Requests should contain the name, address, telephone number, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. The Division of Vaccine Injury Compensation will notify each presenter by mail or telephone of their assigned presentation time.

Persons who do not file an advance request for a presentation, but desire to make an oral statement, may sign-up in the Conference Room at the Parklawn Building, 5600 Fishers Lane, Conference Rooms G and H, Rockville, Maryland

20857 on March 7, 2001. These persons will be allocated time as time permits.

Anyone requiring information regarding the Commission should contact Ms. Cheryl Lee, Principal Staff Liaison, Division of Vaccine Injury Compensation, Bureau of Health Professions, Health Resources and Services Administration, Room 8A-46, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-2124.

Agenda items are subject to change as priorities dictate.

Dated: February 22, 2001.

**Jane M. Harrison,**

Director, Division of Policy Review and Coordination.

[FR Doc. 01-4854 Filed 2-27-01; 8:45 am]

BILLING CODE 4160-15-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Species Permit Applications

**ACTION:** Notice of receipt of permit applications.

**SUMMARY:** The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, et seq.).

#### Permit No. TE-038608

*Applicant:* USGS-BRD Sonoran Desert Field Office, Tucson, Arizona.

Applicant requests authorization to conduct surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), Mexican spotted owl (*Strix occidentalis lucida*), southwestern willow flycatcher (*Empidonax traillii extimus*), Yuma clapper rail (*Rallus longirostris yumanensis*), lesser long-nosed bat (*Leptonycteris curasoae yerbabuena*), Mexican gray wolf (*Canis lupus baileyi*), ocelot (*Felis pardalis*), and jaguar (*Panthera onca*) within Arizona and New Mexico.

#### Permit No. TE-009926

*Applicant:* Gulf South Research Corporation, Baton Rouge, Louisiana.

Applicant requests renewal of existing permit to continue to conduct presence/absence surveys for the interior least tern (*Sterna antillarum athalassos*) along the Red River within Texas and Oklahoma.

#### Permit No. TE-039144

*Applicant:* USDA—Natural Resources Conservation Service, Albuquerque, New Mexico.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

#### Permit No. TE-827369

*Applicant:* John Russell "Rusty" Mase, Austin, Texas.

Applicant requests re-issuance of an expired permit for authorization to conduct presence/absence surveys for the golden-cheeked warbler (*Dendroica chrysoparis*) and Houston toad (*Bufo houstonensis*).

#### Permit No. TE-038694

*Applicant:* Jack Childs, Tucson Arizona.

Applicant requests authorization to conduct surveys for the jaguar (*Panthera onca*) using scented hair snares in southern Arizona.

#### Permit No. TE-037155

*Applicant:* Bio/West, Inc., Logan, Utah.

Applicant requests authorization to conduct surveys for the fountain darter (*Etheostoma fonticola*), San Marcos gambusia (*Gambusia georgei*), San Marcos salamander (*Eurycea nana*), Comal Springs riffle beetle (*Heterelmis comalensis*), Comal Springs dryopid beetle (*Stygoparnus comalensis*), Peck's Cave amphipod (*Sygobromus pecki*), and Texas wild-rice (*Zizania texana*).

#### Permit No. TE-819491

*Applicant:* Ecosphere Environmental Services, Durango, Colorado.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) within New Mexico.

#### Permit No. TE-010927

*Applicant:* Bat Conservation International.

Applicant requests authorization to capture and radio-track Mexican long-nosed bats (*Leptonycteris nivalis*) in Texas.

#### Permit No. TE-676811

*Applicant:* Regional Director, Region 2, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

Applicant requests an amendment to an existing permit to add the following nine karst invertebrates located in Bexar County, Texas: Helotes mould beetle (*Batrisodes venyivi*), Robber Baron Cave harvestman (*Texella cokendolpheri*),

Robber Baron Cave spider (*Cicurina baronia*), Madla's cave spider (*Cicurina madla*), vesper cave spider (*Cincurina vespera*), Government Canyon cave spider (*Neoleptoneta microps*), as well as another cave spider (*Cicurina venii*) and two cave beetles (*Rhadine exilis* and *Rhadine infernalis*) that do not have common names.

**DATES:** Written comments on these permit applications must be received on or before March 30, 2001.

**ADDRESSES:** Written data or comments should be submitted to the Chief, Endangered Species Division, Ecological Services, P.O. Box 1306, Room 4102, Albuquerque, New Mexico 87103; Fax (505) 248-6788. Documents will be available for public inspection by written request, by appointment only, during normal business hours (8 to 4:30) at the U.S. Fish and Wildlife Service, Albuquerque, New Mexico. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

**FOR FURTHER INFORMATION CONTACT:** Chief, Endangered Species Division, Albuquerque, New Mexico, at the above address. Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

**Stephen C. Helfert,**

Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 01-4829 Filed 2-27-01; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### U.S. Geological Survey

#### Request for Public Comments on Information Collection To Be Submitted to OMB for Review Under the Paperwork Reduction Act

The proposal for the information collection described below will be submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions

on the proposal should be made within 60 days directly to the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192, telephone (703) 648-7313.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;
2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
3. The quality, utility, and clarity of the information to be collected; and
4. How 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 forms of information technology.

*Title:* Visitor knowledge and economic impact at Arapaho National Wildlife Refuge, Walden, Colorado.

*OMB Approval No.:* New collection.

*Abstract:* The National Wildlife Refuge System Improvement Act of 1997 requires that all refuges will be managed in accordance with an approved Comprehensive Conservation Plan (CCP) which, when implemented, will achieve refuge purposes; help fulfill the Refuge System mission; maintain and, where appropriate, restore the ecological integrity of each refuge and the Refuge System; help achieve the goals of the Wilderness Preservation System; and meet other mandates. An underlying component of these plans is a strong scientific foundation for establishment for refuge objectives, implementation of management actions, and quantitative monitoring of progress towards these objectives. Few studies have been conducted that evaluate public knowledge, perception, or economic value associated with National Wildlife Refuges. Information about the existing community, economic, and public relations status is a precursor to many of the habitat and visitor management decisions. The primary objective of this study is to gain sufficient knowledge about refuge visitors. Our second objective is to develop and test a set of tools that can be used/repeated at other refuges around the country. Understanding public knowledge, perception, and values is a vital component of natural resource management. Improved understanding will guide future management practices.

*Bureau Form No.:* None.

*Frequency:* One time.

*Description of Respondents:* Arapaho National Wildlife Refuge visitor or group of visitors.

*Estimated Completion Time:* 10 minutes per respondent (approximate).

*Number of Respondents:* 400 (575 surveys).

*Burden hours:* 67 hours (The burden estimates are based on 10 minutes to complete each questionnaire and a 70% return rate).

All comments concerning this notice should be addressed to Phadrea Ponds, Wildlife Biologist, 970-226-9445; or Lynne Caughlan, Economist, 970-226-9384; or Ayeisha Brinson, Wildlife Ecologist, 970-226-9330. U.S. Geological Survey, Biological Resources Division, Social, Economic and Institutional Analysis Section, 4512 McMurry Avenue, Fort Collins, CO 80525-3400.

*For Additional Information Please Contact:* Phadrea Ponds (970) 226-9445. [phadreaponds@usgs.gov](mailto:phadreaponds@usgs.gov).

Dated: February 16, 2001.

**Susan Haseltine,**

*Chief Scientist for Biology.*

[FR Doc. 01-4830 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-Y7-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-060-3809]

#### Notice of Availability; Draft Environmental Impact Statement; Phoenix Project; Proposed Expansion of Existing Gold, Silver, and Copper Mining/Processing Operations; Lander County, NV

**AGENCY:** Bureau of Land Management, Interior.

*Cooperating Agencies:* Nevada Division of Wildlife.

**ACTION:** Notice of availability of the Draft Environmental Impact Statement for the Phoenix Project, Lander County, Nevada.

**SUMMARY:** Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 and 40 Code of Federal Regulations parts 1500-1508 Council on Environmental Quality Regulations, notice is hereby given of the availability for comment of the Draft Environmental Impact Statement, prepared by the Battle Mountain BLM, which analyzes the environmental effects of the Proposed Action and the No Action Alternatives.

**DATES:** Written comments must be post-marked or otherwise delivered by 4:30

p.m. (Pacific time zone) on May 4, 2001. Comments may also be presented at public meetings to be held: April 4, 2001, (7-9 pm) BLM office, Battle Mountain, NV. A limited number of copies of the Draft EIS may be obtained at the Battle Mountain BLM Field Office.

**ADDRESSES:** Written comments should be addressed to the Bureau of Land Management, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada 89820.

**FOR FURTHER INFORMATION CONTACT:** Pam Jarnecke, Battle Mountain BLM at (775) 635-4144.

**SUPPLEMENTARY INFORMATION:** Battle Mountain Gold Company (BMG), a wholly owned subsidiary of Newmont Mining Corporation, proposes to expand its current operations near Battle Mountain, Nevada, to include mining and beneficiation of gold, silver, and copper ores. The proposed Phoenix Project would require up to an additional 4,295 acres of disturbance. BMG would develop the Phoenix and Reona pits and expand the Midas and Iron Canyon pits. Mining these ore deposits would be coupled with excavating and beneficiating low-grade gold ore stockpiles associated with the previous Tomboy, Northeast Extension, and Fortitude mining operations. Beneficiation operations would include heap leach facility expansion and new milling facilities. The projected mine life is up to 28 years, followed by five years of reclamation.

Dated: February 13, 2001.

**Gerald M. Smith,**

*Field Manager, Battle Mountain Field Office.*

[FR Doc. 01-4824 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-910-01-1020-PB]

#### New Mexico Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Department of the Interior.

**ACTION:** Notice of council meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix 1, the Department of the Interior, Bureau of Land Management (BLM), announces a meeting of the New Mexico Resource Advisory Council (RAC). The meeting will be held on April 5 and 6, 2001, at the Best Western

Stevens Inn, 1829 South Canal, Carlsbad, New Mexico 88220.

There will be an optional all day field trip on Wednesday, April 4, 2001. Transportation will be provided for RAC members. The optional field trip will be organized by the Carlsbad Field Office of the BLM. The Field Tour will leave from the Best Western Stevens Inn at 8:30 a.m. The meeting on Thursday, April 5, 2001, will start at 8 a.m. and will end about 5 p.m.

The draft agenda for the RAC meeting includes agreement on the meeting agenda, any RAC comments on the draft minutes of the last RAC meeting on January 24 through 26, 2001, in Silver City, New Mexico, and a check-in from the RAC members. The focus of the meeting will be on Off Highway Vehicle issues, the RAC Charter, the International Program and discussion of Part D of the Draft National Energy Policy. Presentations will include discussion.

The three established RAC Subcommittees may have late afternoon or evening meetings on Wednesday, April 4, after the optional field trip, or on Thursday, April 5, after the meeting. The exact time and location of possible Subcommittee meetings will be established by the Chairperson of each Subcommittee and be available to the public following the field trip on Wednesday, April 4, and during the RAC meeting on Thursday, April 5, for that evening. That information will also be available at the desk of the Stevens Inn on those two days.

On Friday, April 6, the meeting starts at 8 a.m. and will end about 3 p.m. The ending time of 3 p.m. may be changed depending on the work remaining for the RAC. The meeting is open to the public, and starting at 2:45 p.m. on Thursday, April 5, 2001, there will be an additional 15 minute Public Comment Period for members of the public who are not able to be present for the regular Public Comment Period on Friday, April 6, to address the RAC.

The meeting on Friday, April 6, will start at 8 a.m. with a review of the agenda thus far. At 8:15 a.m. RAC Subcommittee Reports are scheduled from the Urban and Open Space Subcommittee, the Roads and Trails Subcommittee, and the Energy Subcommittee.

The regular Public comment Period for the Public to address the RAC is on Friday, April 6, 2001, from 10 a.m. to 12 noon. The RAC may reduce or extend the end time of 12 noon depending on the number of people wishing to address the RAC. Anyone wishing to address the RAC should be present at the 10 a.m. starting time. The length of

time available for each person to address the RAC will be established at the start of the public comment period and will depend on how many people wish to address the RAC, but usually not more than 15 minutes. At the completion of public comments, the RAC may continue discussion on its agenda items.

BLM State of the Field Office Reports, presented by the Field Office Managers, will be scheduled at various times during the 2 day meeting.

RAC discussions and any RAC recommendations are scheduled for 2:45 p.m. followed by a RAC assessment of the current meeting and development of draft agenda items and selection of a location for the next RAC meeting.

**FOR FURTHER INFORMATION CONTACT:** Mary White, New Mexico State Office, Office of External Affairs, Bureau of Land Management, 1474 Rodeo Road, P.O. Box 27115, Santa Fe, New Mexico 87502-0115, telephone (505) 438-7404.

**SUPPLEMENTARY INFORMATION:** The purpose of the Resource Advisory Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with the management of public lands. The Council's responsibilities include providing advice on long-range planning, establishing resource management priorities and assisting the BLM to identify State and regional standards for rangeland health and guidelines for grazing management.

Dated: February 9, 2001.

**Richard Whitley,**

*Associate State Director.*

[FR Doc. 01-4825 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-FB-M**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-952-01-1420-BJ]

#### Notice of Filing of Plats of Survey; New Mexico

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Santa Fe, New Mexico, thirty (30) calendar days from the date of this publication.

#### New Mexico Principal Meridian, New Mexico

T. 9 N., R. 14 W., approved December 4, 2000, for Group 941 NM;

T. 23 N., R. 10 E., approved November 30, 2000, for Group 951 NM;  
T. 21 S., R. 31 E., approved December 13, 2000, for Group 977 NM;  
T. 29 N., R. 12 W., approved January 24, 2001, for Group 978 NM;  
T. 29 N., R. 14 W., approved February 14, 2001, Supplemental Plat;

#### Indian Meridian, Oklahoma

T. 27 N., R. 10 W., approved January 24, 2001, for Group 86 OK;

If a protest against a survey, as shown on any of the above plats is received prior to the date of official filing, the filing will be stayed pending consideration of the protest. A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

A person or party who wishes to protest against any of these surveys must file a written protest with the NM State Director, Bureau of Land Management, stating that they wish to protest.

A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the protest is filed. The above-listed plats represent dependent resurveys, surveys, and subdivisions.

These plats will be available for inspection in the New Mexico State Office, Bureau of Land Management, P.O. Box 27115, Santa Fe, New Mexico, 87502-0115. Copies may be obtained from this office upon payment of \$1.10 per sheet.

Dated: February 15, 2001.

**John P. Bennett,**

*Chief Cadastral Surveyor for New Mexico.*

[FR Doc. 01-4826 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-FB-P**

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[AK-933-1430-ET; AA-82857]

#### Notice of Proposed Withdrawal and Opportunity for Public Meeting; Alaska

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Agriculture, Forest Service, has filed an application to withdraw approximately 2,998 acres of National Forest System land for the Russian River and Upper Russian Lake Recreation Corridor. The proposed withdrawal will aid in protecting the fisheries, recreational,

and archeological resources of the area. This notice closes the land for up to 2 years from location and entry under the United States mining laws. The land will remain open to all uses which can be made of National Forest lands, and all public uses consistent with the recreational utilization and protection of the Russian River watershed.

**DATES:** Comments and requests for a public meeting must be received by May 29, 2001.

**ADDRESSES:** Comments and meeting requests should be sent to the Alaska State Director, BLM Alaska State Office, 222 West 7th Avenue, No. 13, Anchorage, Alaska 99513-7599. You can access information about sending comments electronically at: [www.anchorage.ak.blm.gov/wdlcom01.html](http://www.anchorage.ak.blm.gov/wdlcom01.html).

**FOR FURTHER INFORMATION CONTACT:** Robbie J. Havens, BLM Alaska State Office, 907-271-5477.

**SUPPLEMENTARY INFORMATION:** On February 2, 2001, the U.S. Department of Agriculture, Forest Service, filed an application to withdraw the following described National Forest System land from the public land laws, including location and entry under the United States mining laws, subject to valid existing rights:

**Seward Meridian**

Chugach National Forest

T. 3 N., R. 4 W., unsurveyed,

- Sec. 4, N $\frac{1}{2}$  lying east of forest boundary, SE $\frac{1}{4}$  lying east of forest boundary;
- Sec. 9, NE $\frac{1}{4}$  lying east of forest boundary;
- Sec. 10, N $\frac{1}{2}$  lying north of forest boundary;
- Sec. 11, that portion lying north of forest boundary, excluding the N $\frac{1}{2}$ NE $\frac{1}{4}$ ;
- Sec. 12, S $\frac{1}{2}$  lying northeast of forest boundary;

Sec. 13, N $\frac{1}{2}$  lying north of the ordinary high water mark along the northeast shore of Upper Russian Lake.

T. 4 N., R. 4 W., unsurveyed,

- Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ ;
- Sec. 10, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;
- Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;
- Sec. 21, W $\frac{1}{2}$ E $\frac{1}{2}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$  lying east of forest boundary; SW $\frac{1}{4}$  lying east of forest boundary; sec. 28, W $\frac{1}{2}$ E $\frac{1}{2}$ , W $\frac{1}{2}$  lying east of forest boundary;
- Sec. 29, E $\frac{1}{2}$  lying east of forest boundary;
- Sec. 32, NE $\frac{1}{4}$  lying east of forest boundary;
- Sec. 33, W $\frac{1}{2}$  E $\frac{1}{2}$ , W $\frac{1}{2}$  lying east of forest boundary.

The area described contains approximately 2,998 acres.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Alaska State Director of the Bureau of

Land Management at the address indicated above.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Alaska State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date.

The land will be managed in accordance with the various acts that govern occupancy and use of National Forest System lands. Temporary uses which may be permitted during this segregative period would be for land use authorizations that are compatible with intended uses allowed under the discretion of the authorized officer.

Dated: February 15, 2001.

**C. Michael Brown,**

*Acting Chief, Lands Branch, Division of Lands, Minerals, and Resources.*

[FR Doc. 01-4823 Filed 2-27-01; 8:45 am]

**BILLING CODE 4310-JA-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Notice and Agenda for Meeting of the Royalty Policy Committee of the Minerals Management Advisory Board

**AGENCY:** Minerals Management Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The Secretary of the Department of the Interior has established a Royalty Policy Committee (Committee) on the Minerals Management Advisory Board to provide advice on our management of Federal and Indian minerals leases, revenues, and other minerals related policies. Committee membership includes representatives from States, Indian Tribes and allottee organizations, minerals industry associations, the

general public, and Federal departments.

At this twelfth meeting, the Committee will consider minority and majority reports on Sodium/Potassium draft valuation regulations and reports from the Coal and Accounting Relief for Marginal Properties subcommittees. The Minerals Management Service (MMS) will present reports on offshore Gulf of Mexico activities, program reengineering, and the Wyoming Royalty-In-Kind Pilot Evaluation. Guest presenters will discuss the new Administration's priorities and pending energy related legislation.

**DATES:** The meeting will be held on: Tuesday, March 27, 2001, 8:30 a.m. to 5:00 p.m., Central Standard Time.

**ADDRESSES:** The meeting will be held at the Sheraton New Orleans Hotel, 500 Canal Street, New Orleans, Louisiana 70130, telephone number, (504) 525-2500.

**FOR FURTHER INFORMATION CONTACT:** Gary L. Fields, Royalty Policy Committee Coordinator, Minerals Revenue Management, Minerals Management Service, P.O. Box 25165, MS 300B3, Denver, CO 80225-0165, telephone number (303) 231-3102, fax number (303) 231-3781, e-mail [gary.fields@mms.gov](mailto:gary.fields@mms.gov).

**SUPPLEMENTARY INFORMATION:** The location and dates of future meetings will be published in the **Federal Register** and posted on our Internet site at [http://www.mrm.mms.gov/Laws\\_R\\_D/RoyPC/RoyPC.htm](http://www.mrm.mms.gov/Laws_R_D/RoyPC/RoyPC.htm). The meetings will be open to the public without advanced registration on a space available basis. The public may make statements during the meetings, to the extent time permits, and file written statements with the Committee for its consideration.

Written statements should be submitted to Gary L. Fields at the e-mail or mailing address listed in the **FOR FURTHER INFORMATION CONTACT** section. Transcripts of Committee meetings will be available two weeks after each meeting for public inspection and copying at MMS's Minerals Revenue Management, Building No. 85, Denver Federal Center, Denver, Colorado. Meeting minutes will be posted on our Internet site at [http://www.mrm.mms.gov/Laws\\_R\\_D/RoyPC/RoyPC.htm](http://www.mrm.mms.gov/Laws_R_D/RoyPC/RoyPC.htm) about one month after the meeting.

These meetings are conducted under the authority of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C. appendix 1) and Office of Management and Budget (Circular No. A-63, revised).

Dated: February 16, 2001.

**Lucy Querques Denett,**

*Associate Director for Minerals Revenue Management.*

[FR Doc. 01-4831 Filed 2-27-01; 8:45 am]

BILLING CODE 4310-MR-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-652 (Review)]

### Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide From the Netherlands

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on aramid fiber formed of poly para-phenylene terephthalamide from the Netherlands would not be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>2</sup>

#### Background

The Commission instituted this review on December 1, 1999 (64 FR 67302) and determined on March 3, 2000 that it would conduct a full review (65 FR 13988, March 15, 2000). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 21, 2000 (65 FR 50720). The hearing was held in Washington, DC, on January 9, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this review to the Secretary of Commerce on February 22, 2001. The views of the Commission are contained in USITC Publication 3394 (February 2001), entitled Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands: Investigation No. 731-TA-652 (Review).

Issued: February 21, 2001.

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR § 207.2(f)).

<sup>2</sup> Commissioner Dennis M. Devaney did not participate in this investigation.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-4835 Filed 2-27-01; 8:45 am]

BILLING CODE 7020-02-P

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-683 (Review)]

### Fresh Garlic From China

#### Determination

On the basis of the record<sup>1</sup> developed in the subject five-year review, the United States International Trade Commission determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)) (the Act), that revocation of the antidumping duty order on fresh garlic from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

#### Background

The Commission instituted this review on December 1, 1999 (64 FR 67315) and determined on March 3, 2000, that it would conduct a full review (65 FR 13989, March 15, 2000). Notice of the scheduling of the Commission's review and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on August 30, 2000 (65 FR 52784). The hearing was held in Washington, DC, on December 19, 2000, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on February 21, 2001. The views of the Commission are contained in USITC Publication 3393 (February 2001), entitled Fresh Garlic from China: Investigation No. 731-TA-683 (Review).

Issued: February 22, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-4834 Filed 2-27-01; 8:45 am]

BILLING CODE 7020-02-P

<sup>1</sup> The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

<sup>2</sup> Commissioner Dennis M. Devaney not participating.

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731-TA-868-870 (Final)]

### Steel Wire Rope From China, India, and Malaysia; Notice of Commission Determination To Conduct a Portion of the Hearing In Camera

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Closure of a portion of a Commission hearing to the public.

**SUMMARY:** Upon request of respondents The Ad Hoc Coalition of America Steel Wire Rope Importers and the Coalition's individual members, as well as foreign producers Usha Martin Industries, Xinshan City Wire Rope Factory, Nantong Zhongde Steel Rope Co., Ltd., Henan Boai Wire Material Factory, and Nantong Wire Rope Group Co., Limited (collectively "Respondents"), the Commission has determined to conduct a portion of its hearing in the above-captioned investigations scheduled for February 21, 2001, *in camera*. See Commission rules 207.24(d), 201.13(m) and 201.36(b)(4) (19 CFR 207.24(d), 201.13(m) and 201.36(b)(4)). The remainder of the hearing will be open to the public. The Commission has determined that the seven-day advance notice of the change to a meeting was not possible. See Commission rule 201.35(a), (c)(1) (19 CFR 201.35(a), (c)(1)).

#### FOR FURTHER INFORMATION CONTACT:

Michael Diehl, Office of General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3095, e-mail [mdiehl@usitc.gov](mailto:mdiehl@usitc.gov). Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission believes that Respondents have justified the need for a closed session. Respondents seek a closed session to allow testimony on a producer-specific basis and on allegations of lost sales due to competition with subject imports. Because such discussions will necessitate disclosure of business proprietary information (BPI), they can only occur if a portion of the hearing is held *in camera*. In making this decision, the Commission nevertheless reaffirms its belief that whenever possible its business should be conducted in public.

The hearing will include the usual public presentations by petitioners and by Respondents, with questions from

the Commission. In addition, the hearing will include an *in camera* session for a confidential presentation by Respondents and for questions from the Commission relating to the BPI, followed by an *in camera* rebuttal presentation by petitioners. For any *in camera* session the room will be cleared of all persons except those who have been granted access to BPI under a Commission administrative protective order (APO) and are included on the Commission's APO service list in this investigation. See 19 CFR 201.35(b)(1), (2). The time for the parties' presentations and rebuttals in the *in camera* session will be taken from their respective overall allotments for the hearing. All persons planning to attend the *in camera* portions of the hearing should be prepared to present proper identification.

**Authority:** The General Counsel has certified, pursuant to Commission Rule 201.39 (19 CFR § 201.39) that, in her opinion, a portion of the Commission's hearing in Steel Wire Rope from China, India, and Malaysia, Inv. Nos. 731-TA-868-870 (Final), may be closed to the public to prevent the disclosure of BPI.

Issued: February 20, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-4836 Filed 2-27-01; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### National Institute of Corrections

#### Solicitation for a Cooperative Agreement—Documentation of the Impact of NIC Executive Leadership Training for Women

**AGENCY:** National Institute of Corrections, DOJ.

**ACTION:** Solicitation for a cooperative agreement.

**SUMMARY:** The National Institute of Corrections (NIC) invites applications for a cooperative agreement to assess and document the impact of the NIC Executive Leadership Training for Women. In order to assess its effectiveness and impact, the award recipient will develop an assessment methodology which employs primarily qualitative data, including self-reported outcomes; and secondarily, findings from quantitative analysis of participant assessment instruments. An overview of available data is highlighted later in this announcement.

The award recipient will become familiar with the work currently being

done at NIC that provides for an understanding of the history and future development goals of the NIC Executive Leadership Training Program for Women. Through an NIC briefing and review of written materials the recipient will have access to the original design methodology and all aspects of curriculum development and delivery.

This project will be a collaborative venture with the NIC Prisons Division. The results of the project will give guidance to future refinement as NIC seeks to continue to offer the most current and effective offerings for leadership development. A total of \$50,000 is reserved for the project which will support one cooperative agreement not to exceed 10 months in duration. The recipient of the award will be selected through this competitive solicitation process. Andie Moss, Correctional Program Specialist is the designated NIC project manager.

#### Background: History

In the early 1990's the Prisons Division of the National Institute of Corrections made a commitment to a leadership development curriculum that would enhance the ability of women for executive level positions in Corrections. Although some women were in mid-level management and executive positions, the gains realized during the previous 20 years seemed to be slowing. Noting the under-representation of women in executive positions NIC awarded a Cooperative Agreement to develop a curriculum to address this concern. The development of the program was divided into two phases: needs assessment and curriculum design; and a pilot presentation. The program was originally designed for senior level women working in state departments of corrections. It quickly expanded to include professional women from jails and community corrections. Since the development of the core program, additional "phases" or training events have been added to further enhance the long-term development of the graduate and her contribution to her agency.

#### Background: Curriculum Design

The curriculum design of NIC Executive Leadership for Women was developed as a competency model based on research done with correctional visionaries and women in senior positions in correctional leadership. The administration of several assessment instruments created findings that formed the development of the competencies. Through one such instrument, Strategic Directions Questionnaire, correctional leaders

identified ten competencies as essential to a commissioner's future leadership effectiveness. From this, a Correctional Leadership Competency Model was developed. In this original research for the program 48 directors of corrections participated.

In addition, twenty women in correctional leadership positions (directors, deputy directors and regional directors of corrections) completed the Leadership 360™ questionnaire, a competency assessment instrument, which was used in conjunction with the Correctional Leadership Competency Model to identify the area in which women most needed leadership development.

The three largest gap areas—strategic, communication and consensual skills were given particular emphasis in the design of the training. All ten competencies were used in the development of the curriculum. Participants attending the program receive Leadership 360™ feedback, which includes a profile of the individual gap scores against the Correctional Leadership Competency Model.

A brief description of the phases offers an overview of the goals throughout the process. Classes are small, ranging from 20–22 participants. Participants return a year after the first five day program for the Phase II program, a three day event.

#### Phase I: Executive Leadership

This five-day program focuses on leadership development. A number of assessments, including the Leadership 360™ feedback, are combined with experiential activities and simulations to help participants gain understanding of their own behavior and leadership effectiveness. The program is highly individualized.

#### Phase II: Strategic Leadership

At the recommendation of Phase I participants, NIC funded a three-day follow-up training. Phase II emphasizes strategic thinking, the leader's role in challenging and encouraging change within the organization, and the use of persuasion and consensual skills for managing change. Phase I and II program participants overlap, thereby creating opportunities for the two classes to network and further build leadership capacity on a national level.

#### Phase III: Organizational Leadership

With Phase III, NIC extended its leadership program to directors of corrections. Partnerships between Phase I and II participants and their directors are the cornerstone in building

organizational competency. Phase III is focused on the dynamics of the organization, especially the use of innovative problem-solving, and the role of the executive team in creating effective vehicles for systemic change.

### Scope of the Project

The work of this project will result in:

A. A summary of the impact of the program for a representation of graduates based on the original goals of the program and the competencies that defined the learning objectives.

B. Within the written summary, a section that identifies those aspects of the program which had the most impact on the participants and aspects of the program that need further development or improvement.

C. A recommendation for a training evaluation design for prospective use which will be developed in consultation with NIC and the future program provider.

### Project Activities

The National Institute of Corrections is interested in ideas that the applicant may present that will maximize the use of information available through graduate interviews, interviews with key staff working with the graduate, surveys and a review of the program design. The availability of seven years of data from assessment instrumentation allows for a quantitative review of overall trends from participant classes in identifying gap areas and subsequent goal setting based on program goals. This body of information may offer insight into the success of the program based on the original research that identified the competency based curriculum.

A. To support the outcome of the documentation of the program's impact, some of the following possible activities are highlighted to provide guidance to the applicant:

- Conduct interviews with a representation of graduates of the program using the goals of the program as guidance for the development of the interview. At least some portion of these are recommended as face to face interviews. Interviews should also be guided by the questions below listed under required activity.

- Develop a survey to send to all graduates with questions directed at the short and long term impact from participating in the training program.

- Consider both of the above activities for key stakeholders working with the women graduates, i.e. chief executive officer.

- Document the key "learnings" or observations and trends of women who participated.

B. To support the desired outcome of enhancing curriculum development for future offerings of the program some suggested activities may be:

- Review existing curriculum guides, and participants notebooks for potential update of original research.

- Document recommendations from interviews that address program delivery or program design.

- Document recommendations from survey.

- Provide NIC with recommended materials that may inform the Institute on women's leadership development.

- Review available data from class profiles of instrumentation to identify trends in gap areas based on the Correctional Leadership Competency Model.

C. To support the desired outcome of recommending a training evaluation for future programs suggested activities may include:

- A review of effective training evaluation models resulting in a written recommendation.

- Joint discussions with the NIC program manager and the awardee of the NIC Executive Leadership Training for Women cooperative agreement resulting in a written recommendation.

### Specific Requirements

- Attending an initial meeting with NIC for overview of program's history and development.

- Collaborating with NIC and the awardee of the cooperative agreement entitled Executive Leadership Training for Women, announced within the next two months in the **Federal Register**. This collaboration will be for the purpose of sharing information for future program development.

- Designing a project model that would include but would not be limited to collecting information with the following guiding questions:

Does the design of a program just for women matter? Why or why not?

Is the current program design meeting the needs of women in leadership?

What aspects of the program were most helpful to you? Least helpful?

Do you feel your participation in this program increased, decreased or neutrally impacted your leadership effectiveness. Why?

Do you have specific recommendations for improvement of the design of the program?

**Authority:** Public Law 93-415.

### Funds Available

The award will be limited to \$50,000 (direct and indirect costs) and project

activity must be completed within ten months of the date of award. This project will be a collaborative venture with the NIC Prisons Division.

### Application Requirements

The successful applicant will propose a project approach that will ensure accomplishment of each of the stated desired outcomes under the section Scope of Project within this announcement. The applicant will assure that the project team offers technical expertise in the areas of program evaluation and leadership education specific to the development of women in leadership. The project staff identified must indicate a willingness to the commitment of time necessary to complete the project plan.

The success of the work under this project is critical to the further development of NIC's leadership series for executive women. This announcement is running concurrently with the NIC cooperative agreement entitled Executive Leadership Training for Women. Successful applicants for each of these related projects must be willing to work in collaboration to provide for coordinated information sharing in the curriculum refinement goals of NIC. The NIC Program Manager will be responsible for assuring adequate opportunities for coordination.

### Deadline for Receipt of Applications

Applications must be received by 4:00 pm on Friday, 3/23/01. They should be addressed to: Director, National Institute of Corrections, 320 First Street, NW., Room 5007, Washington, DC 20534. Hand delivered applications should be brought to 500 First Street, NW., Washington, DC 20534. The front desk will call Bobbi Tinsley at (202) 307-3106, extension 0 for pickup.

### Addresses and Further Information

A copy of this announcement, application and forms may also be obtained through the NIC web site: <http://www.nicic.org> (click on "Cooperative Agreements"). If a written copy is needed contact Judy Evens, Cooperative Agreement Control Office (1-800-995-6423 x 44222 or (202) 307-3106 ext. 44222, email at [jevens@bop.gov](mailto:jevens@bop.gov).) All technical and/or programmatic questions concerning this announcement should be directed to Andie Moss, Project Manager, at 320 First Street, NW, Room 5007, Washington, DC 20534 or by calling 800-995-6423, ext. 30485, 202-307-3106, ext. 30485, or e-mail: [amos@bop.gov](mailto:amos@bop.gov).

*Review Considerations:* Applications received under this announcement will

be subject to an NIC three to five member Peer Review Process.

*Number of Awards:* One (1).

*NIC Application Number:* 01P05 This number should appear as a reference line in your cover letter and also in box 11 of Standard Form 424.

*Executive Order 12372:* This program is subject to the provisions of Executive Order 12372. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. Applicants (other than Federally-recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC), a list of which is included in the application kit, along with further instructions on proposed projects serving more than one State.

*Catalog of Federal Domestic Assistance Number:* 16.603.

Dated: February 8, 2001.

**Morris L. Thigpen,**

*Director, National Institute of Corrections.*

[FR Doc. 01-4822 Filed 2-27-01; 8:45 am]

BILLING CODE 4410-36-M

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR-1218-0236(2001)]

#### Procedures for the Handling of Discrimination Complaints Under Federal Employee-Protection Statutes; Extension of the Office of Management of Budget's Approval of Information-Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements contained in section 24.3 ("Complaint") of 29 CFR part 24 ("Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes"). Section 24.3 specifies the procedures employees must use to file a complaint with OSHA alleging that their employer violated a Federal statute that prohibits retaliation against employees who report unsafe or unlawful practices used by the employer that may damage the environment.

**DATES:** Submit written comments on or before April 30, 2001.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR 1218-0236(2001), OSHA, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:** Renee Carter, Office of General Industry Compliance Assistance, Directorate of Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC, 20210; telephone: (202) 693-1850; e-mail: [Renee.carter@osha.gov](mailto:Renee.carter@osha.gov); or facsimile: (847) 297-4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Federal employee-protection statutes addressed in this notice is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693-2444. For electronic copies of this ICR, contact OSHA on the Internet at <http://www.osha.gov/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (e.g., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct.

The Agency is responsible for investigating alleged violations of "whistle blower" provisions contained in a number of Federal statutes. These provisions prohibit retaliation by employers against employees who report unsafe or unlawful practices used by the employers that may damage the environment. Accordingly, these provisions prohibit an employer from discharging or taking any other retaliatory action against an employee with respect to compensation, or the terms, conditions, or privileges of employment because the employee engages in any of the protected activities specified by the "whistle blower" provisions of the Federal statutes. These provisions include the: Safe Water Drinking Act, 42 U.S.C. 300j-9(i); Water Pollution Control Act, 33 U.S.C. 1367;

Toxic Substances Control Act, 15 U.S.C. 2622; Solid Waste Disposal Act, 42 U.S.C. 6971; Clean Air Act, 42 U.S.C. 7622; Energy Reorganization Act of 1974, 42 U.S.C. 5851; and Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9610.

Under 29 CFR part 24 ("Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes"), section 24.3 ("Complaint") specifies the procedures that an employee must use to file a complaint with OSHA alleging that their employer violated a "whistle blower" provision for which the Agency has investigative responsibility. Any employee who believes that such a violation occurred may file a complaint, or have the complaint filed on their behalf. While OSHA specifies no particular form for filing a complaint, paragraph (c) of 29 CFR 24.3 ("Form of complaint") requires that "a complaint must be in writing and should include a full statement of the acts and omissions, with pertinent dates, which are believed to constitute the violation."

##### II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

##### III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements contained in the paragraph (c) of 29 CFR 24.3 ("Complaints"). The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

*Type of Review:* Extension of currently approved information-collection requirements.

*Title:* Procedures for the Handling of Discrimination Complaints.

*OMB Number:* 1218-0236.

*Affected Public:* Individuals.  
*Number of Respondents:* 1,700.  
*Frequency:* On occasion.  
*Total Responses:* 1,700.  
*Average Time Per Response:* 1 hour.  
*Estimated Total Burden Hours:* 1,700

hours.

*Estimated Cost (Operation and Maintenance):* \$0.

#### IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3-2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 01-4900 Filed 2-27-01; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR-1218-0172(2001)]

#### Student Data Form; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements specified in its Student Data Form.

**DATES:** Submit written comments on or before April 30, 2001.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR 1218-0020(2001), OSHA, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:**

Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297-4810; e-mail: [cindy.bencheck@oti.osha.gov](mailto:cindy.bencheck@oti.osha.gov); or facsimile: (847) 297-4874. A copy of the

Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Student Data Form is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693-2444. For electronic copies of this ICR, contact OSHA on the Internet at <http://www.osha.gov/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (e.g., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration ("OSHA" or the "Agency") to conduct education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions, occupational education and training courses.

Under Section 21 of the Act, the OSHA Training Institute (the "Institute") provides basic, intermediate, and advanced training and education in occupational safety and health for Federal and State compliance officers, Agency professionals and technical-support personnel, employers, employees, organizations representing employees and employers, educators who develop curricula and teach occupational safety and health courses, and representatives of professional safety and health groups. The Institute provides courses on occupational safety and health at its national training facility in Des Plaines, Illinois.

Students attending Institute courses complete a one-page Student Data Form (OSHA Form 182, 5/98 edition) on the first day of class. The form provides information under five major categories titled "Course Information," "Personal

Data," "Employer Data," "Emergency Contacts," and "Student Groups." The OSHA Office of Training and Education (the "Office") compiles, for each fiscal year, the following information from the "Course Information" and "Student Groups" categories: Total student attendance at the Institute; the number of students attending each training course offered by the Institute; and the types of students attending these courses (for example, students from Federal or State occupational safety and health agencies). The Office uses this information to demonstrate, in an accurate and timely manner, that the Agency is providing the training and employee education mandated by Section 21 of the Act. OSHA also uses this information to evaluate training, and to make decisions regarding program/course revisions, budget support, and tuition costs.

The Agency uses the information collected under the "Course Information," "Personal Data," and "Employer Data" to identify private-sector students so that it can collect tuition costs from them or their employers as authorized by 31 U.S.C. 9701 ("Fees and Charges for Government Services and Things of Value"); Office of Management and Budget Circular A-25 ("User Charges"); and 29 CFR part 1949 ("Office of Training and Education, Occupational Safety and Health Administration"). The information in the "Personal Data" and "Emergency Contacts" categories permits OSHA to contact students who are residing in local hotels/motels if an emergency arises at their home or place of employment, and to alert supervisors/alternate contacts of a trainee's injury or illness.

##### II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

### III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the Student Data Form. The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

*Type of Review:* Extension of currently approved information-collection requirements.

*Title:* Student Data Form.

*OMB Number:* 1218-0172.

*Affected Public:* Individuals; business or other for-profit organizations; Federal government; State, Local, or Tribal governments.

*Number of Respondents:* 5,000.

*Frequency:* On occasion.

*Total Responses:* 5,000.

*Average Time Per Response:* 5 minutes.

*Estimated Total Burden Hours:* 417 hours.

*Estimated Cost (Operation and Maintenance):* \$8,092.

### IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3-2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 01-4901 Filed 2-27-01; 8:45 am]

BILLING CODE 4510-26-U

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR 1218-0020(2001)]

#### Training Grant Application; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork Requirements)

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements

specified in its training grant application.

**DATES:** Submit written comments on or before April 30, 2001.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR 1218-0020(2001), OSHA, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693-1648.

**FOR FURTHER INFORMATION CONTACT:** Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297-4810; e-mail: [cindy.bencheck@oti.osha.gov](mailto:cindy.bencheck@oti.osha.gov); or facsimile: (847) 297-4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the training grant application is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693-2444. For electronic copies of the ICR, contact OSHA on the Internet at <http://www.osha.gov/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (*i.e.*, employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration ("OSHA" or the "Agency") to conduct directly, or through grants and contracts, education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under Section 21, the Agency awards grants to nonprofit organizations to provide part of the required training. To obtain such a grant, an organization must complete the training grant application. OSHA uses the information in this application to evaluate: The organization's competence to provide the proposed training (including the qualifications of the personnel who manage and implement the training); the goals and objectives of the proposed training program; a workplan that describes in detail the tasks that the organization will implement to meet these goals and objectives; the appropriateness of the proposed costs; and compliance with Federal regulations governing nonprocurement debarment and suspension, maintaining a drug-free workplace, and lobbying activities. Also required is a program summary that Agency officials use to review and evaluate the highlights of the overall proposal.

After awarding a training grant, OSHA uses the workplan and budget information provided in the application to monitor the organization's progress in meeting training goals and objectives, as well as planned expenditures. The initial grant award is for one year, with possible renewals at one-year intervals. An organization must submit separate applications for the initial award and for each renewal award.

##### II. Special Issues for Comment

The Agency has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

##### III. Proposed Actions

OSHA proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the training grant application. The Agency will summarize the comments submitted in response to this notice, and will include this summary, along with the comments, in its request to OMB to

extend the approval of these information-collection requirements.

*Type of Review:* Extension of currently approved information-collection requirements.

*Title:* Training grant application.

*OMB Number:* 1218-0020.

*Affected Public:* Not-for-profit institutions.

*Number of Respondents:* 200.

*Frequency:* Annually.

*Total Responses:* 200.

*Average Time per Response:* 59 hours.

*Estimated Total Burden Hours:* 11,800.

*Estimated Cost (Operation and Maintenance):* \$377,000.

#### IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and the Secretary of Labor's Order No. 3-2000 (65 FR 50017).

Signed at Washington, DC on February 23, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 01-4902 Filed 2-27-01; 8:45 am]

BILLING CODE 4510-26-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. ICR-1218-0100(2001)]

#### Grantee Quarterly Progress Report; Extension of the Office of Management and Budget's Approval of Information-Collection (Paperwork) Requirements

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice of an opportunity for public comment.

**SUMMARY:** OSHA solicits public comment concerning its request to the Office of Management and Budget (OMB) for an extension of the information-collection requirements specified in its Grantee Quarterly Progress Report.

**DATES:** Submit written comments on or before April 30, 2001.

**ADDRESSES:** Submit written comments to the Docket Office, Docket No. ICR-1218-0100(2001), OSHA, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less by facsimile to: (202) 693-1948.

#### FOR FURTHER INFORMATION CONTACT:

Cindy Bencheck, Division of Training and Educational Programs, OSHA Office of Training and Education, 1555 Times Drive, Des Plaines, Illinois 60018; telephone: (847) 297-4810; e-mail: [cindy.bencheck@oti.osha.gov](mailto:cindy.bencheck@oti.osha.gov); or facsimile: (847) 297-4874. A copy of the Agency's Information-Collection Request (ICR) supporting the need for the information collections specified in the Grantee Quarterly Progress Report is available for inspection and copying in the Docket Office, or by requesting a copy from Todd Owen at (202) 693-2444. For electronic copies of this ICR, contact OSHA on the Internet at <http://www.osha.gov/>.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent (i.e., employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information-collection requirements in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and the Agency's estimate of information burden is correct.

Section 21 of the Occupational Safety and Health Act of 1970 (the "OSH Act") (29 U.S.C. 670) authorizes OSHA to conduct directly, or through grants and contracts, education and training courses. These courses must ensure an adequate number of qualified personnel to fulfill the purposes of the Act, provide them with short-term training, inform them of the importance and proper use of safety and health equipment, and train employers and employees to recognize, avoid, and prevent unsafe and unhealthful working conditions.

Under Section 21, the Agency awards training grants to nonprofit organizations to provide part of the required training. Organizations that receive these grants must submit quarterly progress reports as required by the Department of Labor under 29 CFR 95.51. This regulation states that grant recipients must submit progress reports to the awarding agency at least annually, but no more than quarterly. The reports must contain a comparison of actual accomplishments with goals and objectives established for the reporting period and, if appropriate, the output of the program and specified cost information. Therefore, quarterly

progress reports allow OSHA to determine if a recipient is using funds as specified in its grant application.

After receiving a quarterly progress report, the Agency compares the information provided in the report to the quarterly milestones proposed by the grant recipient in the workplan and budget that accompanied its grant application. This information includes: Identifier data (organization name and grant number); the location where the training occurred; the length of training (hours); the number of employees and employers attending training sessions provided by the organization during the quarter; a description of the training provided; and a compilation of program expenditures. Using this information, OSHA can determine if the grant recipient is providing the appropriate training (in terms of course length and content) to a specific number of employees and employers as described in the grant proposal, and is spending funds consistent with the proposed budget.

Requiring these reports on a quarterly bases enables the Agency to identify training and expenditure discrepancies in a timely fashion so that it can implement appropriate action. In addition, this information permits OSHA to assess a grant recipient's ability to meet projected milestones and expenditures; this ability serves as one of the criteria used by the Agency in determining whether or not to renew the recipient's training grant for subsequent years.

##### II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and -transmission techniques.

##### III. Proposed Actions

The Agency proposes to extend OMB's approval of the collection-of-information (paperwork) requirements specified in the Grantee Quarterly Progress Report. OSHA will summarize the comments submitted in response to

this notice, and will include this summary, along with the comments, in its request to OMB to extend the approval of these information-collection requirements.

*Type of Review:* Extension of currently approved information-collection requirements.

*Title:* Grantee Quarterly Progress Report.

*OMB Number:* 1218-0100.

*Affected Public:* Not-for-profit institutions.

*Number of Respondents:* 61.

*Frequency:* Quarterly.

*Total Responses:* 61.

*Average Time Per Response:* 12 hours.

*Estimated Total Burden Hours:* 2,928.

*Estimated Cost (Operation and Maintenance):* \$68,808.

#### IV. Authority and Signature

R. Davis Layne, Acting Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No 3-2000 (65 FR 50017).

Signed at Washington, DC, on February 23, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary of Labor.*

[FR Doc. 01-4903 Filed 2-27-01; 8:45 am]

**BILLING CODE 4510-26-P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

### Information Security Oversight Office

#### National Industrial Security Program Policy Advisory Committee; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. app. 2) and implementing regulation 41 CFR 101.6, announcement is made for a meeting of the National Industrial Security Program Policy Advisory Committee (NISPPAC).

**DATES:** April 5, 2001, from 10:00 a.m. to 12:00 p.m.

**ADDRESSES:** National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Room 105, Washington, DC 20408.

*Purpose:* To discuss National Industrial Security Program policy matters.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security

Oversight Office (ISOO) no later than March 28, 2001. ISOO will provide additional instructions for gaining access to the location of the meeting.

**FOR FURTHER INFORMATION CONTACT:** Steven Garfinkel, Director, Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW., Room 100, Washington, DC 20408, telephone (202) 219-5250.

Dated: February 14, 2001.

**Mary Ann Hadyka,**

*Committee Management Officer.*

[FR Doc. 01-4837 Filed 2-27-01; 8:45 am]

**BILLING CODE 7515-01-U**

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

**SUMMARY:** The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* NRC Form 136, "Security Termination Statement", NRC Form 237, "Request for Access Authorization", NRC Form 277, "Request for Visit or Access Approval".

2. *Current OMB approval number:* 3150-0049, NRC Form 136, 3150-0050, NRC Form 237, 3150-0051, NRC Form 277.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC Form 136, licensee and contractor employees, who have been granted an NRC access authorization; NRC Form 237, any employee of approximately 20 licensees and 2 contractors who will require an NRC access authorization; NRC Form 277, any employee of 2 current NRC contractors who (1) holds an NRC access authorization, and (2) needs to make a visit to NRC, other contractors/licensees or government agencies in which access to classified information will be involved or unescorted area access is desired.

5. *The number of annual respondents:* NRC Form 136: 22, NRC Form 237: 22, NRC Form 277: 2.

6. *The number of hours needed annually to complete the requirement or request:* NRC Form 136: 40, NRC Form 237: 16, NRC Form 277: 1.

7. *Abstract:* The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization. When access authorization is no longer needed, the completion of the form apprises the respondents of their continuing security responsibilities. The NRC Form 237 is completed by licensees, NRC contractors or individuals who require an NRC access authorization. The NRC Form 277 affects the employees of contractors who have been granted an NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC or another facility.

Submit, by April 30, 2001, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O-1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T-6E6, Washington, DC 20555-0001, by telephone at (301) 415-7233, or by Internet electronic mail at [BJS1@NRC.GOV](mailto:BJS1@NRC.GOV).

Dated at Rockville, Maryland, this 20th day of February, 2001.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-4861 Filed 2-27-01; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

1. *Type of submission, new, revision, or extension:* Revision.
2. *The title of the information collection:* State Agreements Program, as authorized by Section 274(b) of the Atomic Energy Act.
3. *The form number if applicable:* Not applicable.
4. *How often the collection is required:* One time or as-needed.
5. *Who will be required or asked to report:* 32 Agreement States who have signed Section 274(b) Agreements with NRC.
6. *An estimate of the number of responses:* 134.
7. *The estimated number of annual respondents:* 32 Agreement States.
8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 1005 (7.5 hours per response).
9. *An indication of whether Section 3507(d), Public Law 104-13 applies:* Not applicable.

10. *Abstract:* Agreement States are asked on a one-time or as-needed basis, e.g., to respond to a specific incident, to gather information on licensing and inspection practices and other technical statistical information. The results of such information requests, which are authorized under Section 274(b) of the Atomic Energy Act, are utilized in part by NRC in preparing responses to Congressional inquiries. Agreement State comments are also solicited in the areas of proposed procedure and policy development.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville

Pike, Room O-1 F23, Rockville, Maryland 20852. OMB clearance requests are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by March 30, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date. Amy Farrell, Office of Information and Regulatory Affairs (3150-0029), NEOB-10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-7318.

The NRC Clearance Officer is Brenda Jo Shelton, 301-415-7233.

Dated at Rockville, Maryland, this 20th day of February, 2001.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-4859 Filed 2-27-01; 8:45 am]

**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-260]

### Tennessee Valley Authority; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. DPR-52, issued to the Tennessee Valley Authority (the licensee), for operation of the Browns Ferry Nuclear Plant Unit 2, located in Limestone County, Alabama.

The proposed amendment would approve a change to the licensee's schedule for withdrawal of the reactor pressure vessel material surveillance capsules. The change would permit the second capsule to remain in the vessel for an operating additional cycle.

The licensee's request cites exigent circumstances for this request. BWRVIP-86, BWR Integrated Surveillance Program Implementation Plan, Final Report was submitted to NRC on December 22, 2000. The December 2000 issuance of BWRVIP-86 revised the Integrated Surveillance

Program test program to designate the second Browns Ferry Unit 2 RPV surveillance capsule as a representative capsule. The revised test schedule proposed withdrawal in 2007 to allow for increased fluence which is expected to provide better shift data. Approval of this request prior to March 18, 2001, the beginning of the Unit 2, Cycle 11 refueling outage, is needed to prevent the withdrawal and analysis of the second capsule at an accumulated fluence which is not expected to yield useful results.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

A. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Pressure-temperature (P/T) limits are imposed on the reactor coolant system to ensure that adequate safety margins against nonductile or rapidly propagating failure exist during normal operation, anticipated operational occurrences, and system hydrostatic tests. The P/T limits are related to the nil-ductility reference temperature, RT<sub>ndt</sub>. Changes in the fracture toughness properties of Reactor Pressure Vessel (RPV) beltline materials, resulting from the neutron irradiation and the thermal environment, are monitored by a surveillance program in compliance with the requirements of 10 CFR Part 50, Appendix H. The effect of neutron fluence on the shift in the nil-ductility reference temperature of pressure vessel steel is predicted by methods given in Regulatory Guide (RG) 1.99, Revision 2. The Browns Ferry Unit 2 current P/T limits were established based on adjusted reference temperatures developed in accordance with the procedures prescribed in RG 1.99, Revision 2. Calculation of adjusted reference temperature by these procedures includes a margin term to ensure upper-bound values

are used for the calculation of the P/T limits. Revision of the second capsule withdrawal schedule will not affect the P/T limits, because they will continue to be established in accordance with RG 1.99, Revision 2. This change is not related to any accidents previously evaluated. The proposed change will not affect reactor pressure vessel performance because no physical changes are involved and the RPV vessel P/T limits will remain in accordance with RG 1.99, Revision 2 requirements. The proposed change will not cause the reactor pressure vessel or interfacing safety systems to be operated outside of their design or testing limits. Also, the proposed change will not alter any assumptions previously made in evaluating the radiological consequences of accidents. Therefore, the probability or consequences of accidents previously evaluated will not be increased by the proposed change.

B. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change defers the second RPV material surveillance capsule withdrawal for one fuel cycle. This proposed change does not involve a modification of the design of plant structures, systems, or components. The proposed change will not impact the manner in which the plant is operated as plant operating and testing procedures will not be affected by the change. The proposed change will not degrade the reliability of structures, systems, or components important-to-safety because equipment protection features will not be deleted or modified, equipment redundancy or independence will not be reduced, supporting system performance will not be downgraded, the frequency of operation of equipment important-to-safety will not be increased, and more severe testing of equipment important-to-safety will not be imposed. No new accident types or failure modes will be introduced as a result of the proposed change. Therefore, the proposed change does not create the possibility of a new or different kind of accident from that previously evaluated.

C. The proposed amendment does not involve a significant reduction in a margin of safety.

Appendices G to 10 CFR 50 describes the conditions that require P/T limits and provide the general bases for these limits. Until the results from the reactor vessel surveillance program become available, RG 1.99, Revision 2 is used to predict the amount of neutron irradiation damage. The use of operating limits based on these criteria, as defined by applicable regulations, codes, and standards, provide reasonable assurance that nonductile or rapidly propagating failure will not occur. The P/T limits are not derived from Design Basis Accident (DBA) analyses. They are prescribed during normal operation to avoid encountering pressure, temperature, and temperature rate of change conditions that might cause undetected flaws to propagate and cause nonductile failure of the reactor coolant pressure boundary (RCPB). Since the P/T limits are not derived from any DBA, there are no acceptance limits related to the

P/T limits. Rather, the P/T limits are acceptance limits themselves since they preclude operation in an unanalyzed condition. The proposed change will not affect any safety limits, limiting safety system settings, or limiting conditions of operation. The proposed change does not represent a change in initial conditions, or in a system response time, or in any other parameter affecting the course of an accident analysis supporting the Bases of any Technical Specification. The proposed change does not involve revision of the P/T limits, but rather a revision of the withdrawal time for the second surveillance capsule. The current P/T limits were established based on adjusted reference temperatures for vessel beltline materials calculated in accordance with RG 1.99, Revision 2. P/T limits will continue to be revised, as necessary, for changes in adjusted reference temperature due to changes in fluence when two or more credible surveillance data sets become available. When two or more credible surveillance data sets become available, P/T limits will be revised as prescribed by RG 1.99, Revision 2, or other NRC-approved guidance. Therefore, the proposed changes do not involve a significant reduction in any margins of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory

Commission, Washington, DC 20555-0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 30, 2001, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the

subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a

hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, ET IOH, Knoxville, Tennessee 3790, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 5, 2001, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (<http://www.nrc.gov>).

Dated at Rockville, Maryland, this 22nd day of February 2001.

For the Nuclear Regulatory Commission.

**William O. Long,**

*Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-4858 Filed 2-27-01; 8:45 am]

**BILLING CODE 7590-01-P**

## **NUCLEAR REGULATORY COMMISSION**

### **Draft Regulatory Guide; Issuance, Availability**

The Nuclear Regulatory Commission has issued for public comment a proposed revision of a guide in its

Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1101 (which should be mentioned in all correspondence concerning this draft guide), is titled "Site Investigations for Foundations of Nuclear Power Plants." This draft guide is a proposed Revision 2 of Regulatory Guide 1.132, and it is being revised to describe methods acceptable to the NRC staff for conducting field investigations to acquire the data on geological and engineering characteristics of a site proposed for a nuclear power plant. The guide also includes recommendations for developing site-specific investigation programs and guidance for conducting subsurface investigations.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by May 10, 2001.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the availability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For information about the draft guide and the related documents, contact Mr. E. Zurflueh at (301) 415-6002; e-mail [EGZ@NRC.GOV](mailto:EGZ@NRC.GOV).

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or

(800) 397-4205; fax (301) 415-3548; email PDR@NRC>GOV. Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to <DISTRIBUTION@NRC.GOV>; or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 15th day of February 2001.

For the Nuclear Regulatory Commission.  
**Michael E. Mayfield,**  
*Director, Division of Engineering Technology,*  
*Office of Nuclear Regulatory Research.*  
 [FR Doc. 01-4860 Filed 2-27-01; 8:45 am]  
**BILLING CODE 7590-01-P**

**OFFICE OF MANAGEMENT AND BUDGET**

**Cumulative Report on Rescissions and Deferrals**

February 1, 2001.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93-344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of February 1, 2001, of two deferrals contained in one special message for FY 2001. The message was transmitted to Congress on January 18, 2001.

**Deferrals (Attachments A and B)**

As of February 1, 2001, \$1.8 billion in budget authority was being deferred from obligation. Attachment B shows the status of each deferral reported during FY 2001.

**Information from Special Message**

The special message containing information on the deferrals that are covered by this cumulative report is printed in the edition of the **Federal Register** cited below:

66 FR 8985, Monday, February 5, 2001.

**Mitchell E. Daniels, Jr.,**  
*Director.*

Attachments.

**Attachment A**

**STATUS OF FY 2001 DEFERRALS**  
 [In millions of dollars]

	Budgetary resources
Deferrals proposed by the President .....	1,946.7
Routine Executive releases through February 1, 2001 .....	- 116.5
Overtured by the Congress ....	
Currently before the Congress	1,830.2

**ATTACHMENT B**  
**Status of FY 2001 Deferrals - As of February 1, 2001**  
 (In thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted		Date of Message	Releases (-)		Congressional Action	Cumulative Adjustments	Amount Deferred as of 2/1/01
		Original Request	Subsequent Change (+)		Cumulative OMB/Agency	Congressionally Required			
<b>DEPARTMENT OF STATE</b>									
Other									
United States Emergency Refugee and Migration Assistance Fund.....	D00-1	145,310		1/18/01	18,033				127,277
<b>INTERNATIONAL ASSISTANCE PROGRAMS</b>									
International Security Assistance Economic Support Fund.....	D00-2	1,801,382		1/18/01	98,419				1,702,963
<b>TOTAL, DEFERRALS.....</b>		<b>1,946,692</b>			<b>116,452</b>				<b>1,830,240</b>

[FR Doc. 01-4862 Filed 2-27-01; 8:45 am]

BILLING CODE 3110-01-P

**OVERSEAS PRIVATE INVESTMENT CORPORATION****Sunshine Act Meeting****AGENCY:** Overseas Private Investment Corporation.**PURPOSE:** Public Hearing in conjunction with quarterly meeting of OPIC's Board of Directors, to afford an opportunity for any person to present views regarding the activities of the Corporation.**FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT:** 66 FR 11188, February 22, 2001.**CHANGES IN THE MEETING:** Public Hearing originally scheduled for 2:00 p.m., Thursday, March 8, 2001 postponed.

The Public Hearing previously scheduled for 2 p.m. on Thursday, March 8, 2001 has been postponed until further notice.

**Connie M. Downs,***Corporate Secretary, Overseas Private Investment Corporation.*

[FR Doc. 01-4935 Filed 2-23-01; 4:40 pm]

BILLING CODE 3210-10-M

**PENSION BENEFIT GUARANTY CORPORATION****Agency Information Collection Activities: Submission of Information Collection for OMB Review—Termination of Single Employer Plans; Missing Participants; PBGC Forms 500-501, 600-602****AGENCY:** Pension Benefit Guaranty Corporation.**ACTION:** Notice of request for extension of OMB approval.**SUMMARY:** The Pension Benefit Guaranty Corporation ("PBGC") is requesting that the Office of Management and Budget ("OMB") extend approval, under the Paperwork Reduction Act, of a collection of information in its regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212-0036, expires March 31, 2001.) This notice informs the public of the PBGC's request and solicits public comment on the collection of information.**DATES:** Comments should be submitted by March 30, 2001.**ADDRESSES:** Comments should be mailed to the Office of Information and

Regulatory Affairs of the Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, Washington, DC 20503. Copies of the request for extension (including the collection of information) are available from the Communications and Public Affairs Department of the Pension Benefit Guaranty Corporation, suite 240, 1200 K Street, NW., Washington, DC, 20005-4026, between 9 a.m. and 4 p.m. on business days.

**FOR FURTHER INFORMATION CONTACT:** Catherine B. Klion, Attorney, Office of the General Counsel, PBGC, 1200 K Street, NW., Washington, DC 20005-4026; 202-326-4024. (For TTY/TDD users, call the Federal relay service toll-free at 1-800-877-8339 and ask to be connected to 202-326-4024.)**SUPPLEMENTARY INFORMATION:** Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended, a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and the PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to the PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and the PBGC's missing participants regulation (29 CFR part 4050). (These regulations may be accessed on the PBGC's web site at <http://www.pbgc.gov>.)

The collection of information under these regulations and implementing forms and instructions has been approved by OMB under control number 1212-0036 (expires March 31, 2001). The PBGC is requesting that OMB extend its approval for three years.

The PBGC estimates that 1,564 plan administrators will be subject to the collection of information requirements in the PBGC's termination and missing participants regulations and implementing forms and instructions each year, and that the total annual burden of complying with these requirements is 2,246 hours and \$1,864,600. (Much of the work

associated with terminating a plan is performed for purposes other than meeting these requirements.)

Issued in Washington, DC, this 23rd day of February, 2001.

**Stuart A. Sirkin,***Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation.*

[FR Doc. 01-4898 Filed 2-27-01; 8:45 am]

BILLING CODE 7708-01-P

**SECURITIES AND EXCHANGE COMMISSION****[Release No. 34-43994; File No. SR-PHLX-01-13]****Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Fees for Transactions Executed Through the eVWAP Trading System**

February 22, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 29, 2001, the Philadelphia Stock Exchange, Inc. ("Exchange" or "Phlx") 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 Phlx. Phlx filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act,<sup>3</sup> and Rule 19b-4(f)(2) thereunder.<sup>4</sup> Pursuant to Rule 19b-4(f)(2), Phlx has designated this proposal as one changing a due, fee or charge imposed by the Exchange. As such, the proposed rule change is immediately effective upon the Commission's receipt of this filing. 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**Pursuant to Rule 19b-4 of the Act, Phlx is revising its fee schedule governing transactions executed through the Volume Weighted Average Price ("VWAP"),<sup>5</sup> Trading System ("eVWAP").<sup>6</sup><sup>1</sup> 15 U.S.C. 78s(b)(1).<sup>2</sup> 17 CFR 240.19b-4.<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).<sup>4</sup> 17 CFR 240.19b-4(f)(2).<sup>5</sup> VWAP is registered trademark of the Universal Trading Technologies Corporation ("UTTC").<sup>6</sup> eVWAP™ was developed by UTTC, and was approved by the Commission to operate as a facility

Continued

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Phlx 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. Phlx 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

The purpose of the proposed rule change is to amend the Exchange's current fee schedule for eVWAP transactions. The eVWAP is a pre-opening order matching session for the electronic execution of large-sized stock orders at a standardized VWAP price ("eVWAP Price").<sup>7</sup> The Exchange established the initial eVWAP fee schedule in July, 1999.<sup>8</sup> The revised fee schedule, like the current schedule, will apply to Phlx member firms who will be billed and held responsible for paying such fees. The revised fee schedule was effective on February 1, 2001. The Phlx endeavored to issue a notice to its members of the revised fee schedule before its effectiveness on February 1, 2001.

The Phlx has been advised by UTTC that the demand that exists for eVWAP is price sensitive to transaction costs. Therefore, the Phlx believes that the revised fee schedule should encourage greater use of the eVWAP system.

Fees will continue to vary depending upon the ultimate user (e.g., institutional, broker-dealer, Committer), type of trade (e.g., cross versus non-cross), and volume of user activity. The fee schedule amendments are as follows:

1. Institutional user and retail customer (non-cross trades and direct access):

- 0 to 10 million shares per year changed to 0 to 750,000 shares per month: \$0.02 per share changed to \$0.015 per share.

of the Exchange. See Securities Exchange Act Release No. 41210 (March 24, 1999), 64 FR 15857 (April 1, 1999) (SR-Phlx-96-14). The Commission approved the facility to operate as a pilot program until November 30, 2001. See Securities Exchange Act Release No. 43477 (October 23, 2000), 65 FR 64734 (October 30, 2000) SR-Phlx-00-84).

<sup>7</sup> See Phlx Rule 237.

<sup>8</sup> See Securities Exchange Act Release No. 41646 (July 23, 1999), 64 FR 41480 (July 30, 1999) (SR-Phlx-99-21).

- Greater than 10 million shares to 20 million shares per year changed to greater than 750,000 shares to 1.5 million shares per month: \$0.015 per share changed to \$0.01 per share.

- Greater than 20 million shares per year changed to greater than 1.5 million shares per month: \$0.01 per share changed to \$0.005 per share.<sup>9</sup>

2. Institutional user and retail customer (cross trades):

- Intra-firm: changed from \$0.005 to \$0.00125 per share.<sup>10</sup>

- Inter-firm: changed from \$0.01 to \$0.00125 per share.<sup>11</sup>

3. Non-member/non-institutional user category, along with its \$0.015 per share fee, is eliminated.

4. Enrolled<sup>12</sup> specialist or alternate specialist Committer: No charge.

5. Enrolled member off-floor liquidity provider: changed from \$0.01 per share to no charge.

6. Ad hoc<sup>13</sup> Committer or liquidity provider: \$0.005 per share.

7. Member user category, along with its \$0.01 per share fee, is eliminated.

8. Broker-dealer user (not enrolled as Committer) category added:

- Principal trades: \$0.005 per share
- Agency trades (entered by broker) 0 to 1.5 million shares per month: \$0.01 per share

- Greater than 1.5 million shares per month: \$0.005 per share.<sup>14</sup>

The proposed rule change is consistent with Section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable fees and other charges among members using eVWAP. The Exchange further believes that the proposed fee schedule amendments should help attract increased participation and order flow to the system.

<sup>9</sup> The proposed monthly volume discounts are not graduated and if a user reaches a discount threshold, the user's entire eVWAP trades for the month in the category receive the benefit of the fee discount.

<sup>10</sup> Intra-firm cross trades refer to cross trades where the identified contra-sides are from the same firm. Because the same firm is on both sides of an intra-firm cross trade, the proposed \$0.00125 per share fee applies to each side, thus totaling \$0.0025 per share.

<sup>11</sup> Intra-firm cross trades refer to cross trades where the identified contra-sides are from different firms.

<sup>12</sup> Enrolled committers enter liquidity commitments on a good-till cancelled basis.

<sup>13</sup> Ad hoc Committers or liquidity providers enter liquidity commitments on a day-only basis.

<sup>14</sup> The broker-dealer category applies to both member and non-member broker-dealers. A broker-dealer's principal trade volume will be included with its agency trade volume in calculating such broker-dealer's monthly agency trade volume discount. These volume discounts likewise are not graduated.

### (B) Self-Regulatory Organization's Statement on Burden on Competition

Phlx does not believe that the proposed rule change will result in any burden on completion 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 rule changes a due, fee or charge imposed upon by the Exchange, it has become effective pursuant to Section 19(b)(3)(A)<sup>15</sup> of the Act and Rule 19b-4(f)(2)<sup>16</sup> thereunder. At any time within 60 days of the filing of such proposed rule change; the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule 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 Phlx. All submissions should refer to SR-Phlx-01-13 and should be submitted by March 21, 2001.

<sup>15</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>16</sup> 17 CFR 240.19b-4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>17</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-4843 Filed 2-27-01; 8:45 am]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Privacy Act System of Records Notice

**AGENCY:** Small Business Administration.

**ACTION:** Notice of new system of records.

**SUMMARY:** The Small Business Administration is adding a new system of records to the Agency's Privacy Act System of Records. The new system is called "Cost Allocation Data System" (CADS). The purpose of CADS is to collect uniform information on employee time and Agency costs for the Office of the Chief Financial Officer. It collects the percentage (%) of time that each SBA employee spent on administering the various SBA programs and activities via a web-based survey. Later, the survey result is matched against the Agency payroll file based on the employee's Social Security Number, first and last name. Data collected is to be used to develop accurate cost data for Agency's various programs and activities. It supports the Agency's budget, financial reporting and the Government Performance & Results Act (GPRA) requirements. Generally, designated Program Managers in Headquarters and the District Directors will have access to individual survey results for quality assurance purpose. They will also have access to loan program data for management analysis. **DATES:** The new system will be effective without further notice, unless comments are received that result in a need for modification.

**ADDRESSES:** Address comments to Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

**FOR FURTHER INFORMATION CONTACT:** Joseph Lodo, Chief Financial Officer, Office of the Chief Financial Officer, (202) 205-6449.

### SBA 175

#### SYSTEM NAME:

Cost Allocation Data System (CADS), U.S. Small Business Administration (SBA).

#### SYSTEM LOCATION:

Office of the Chief Financial Officer, SBA Headquarters.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual information on all SBA employees, i.e., name, social security number, office code, employee's pay data, employee's survey result on the percentage (%) of time spent on administration of the various SBA programs and activities. Also, the Agency-wide costs, i.e., rent, postage, telecommunications, centralized printing, centralized training, employees' relocation costs, credit report costs, performance management appraisal system (PMAS) awards, contractors costs, Agency loan count and SBA employment full time equivalent (FTE) count.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 3101 (Records Management by Federal Agencies), Pub. L. 101-576 (CFO Act) and Pub. L. 103-62 (Results Act).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records may be used, disclosed, or referred:

(a) To the Agency cost contractor for use in the Agency's cost accounting activity.

(b) To a Congressional office from an individual's record when the office is inquiring on the individual's behalf. The Member's access rights are no greater than the individual's.

(c) To the Federal, state, local or foreign agency or organization which investigates, prosecutes, or enforces violations, statues, rules, regulations, or orders issued when an Agency identifies a violation or potential violation of law, arising by general or program statute, or by regulation, rule, or order.

(d) To Agency volunteers and interns for use in their official duties.

(e) To the Department of Justice (DOJ) when:

(1) The agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her official capacity where the DOJ has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by

the DOJ is deemed by the Agency to be relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to the DOJ is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

(f) To disclose them in a proceeding before a court or adjudicative body before which the Agency is authorized to appear, when:

(1) The Agency, or any component thereof; or

(2) Any employee of the Agency in his or her official capacity; or

(3) Any employee of the Agency in his or her individual capacity where the Agency has agreed to represent the employee; or

(4) The United States Government, where the Agency determines that litigation is likely to affect the Agency, or any of its components, is a party to litigation or has an interest in such litigation, and the Agency determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, the Agency determines that disclosure of the records to a court or other adjudicative body is a use of the information contained in the records that is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS:

##### STORAGE:

The electronic form is maintained in a database which is behind the Agency's firewall.

##### RETRIEVABILITY:

The employee's Social Security Number, and first and last name retrieve survey result.

##### SAFEGUARDS:

Access and use of the CADS are accomplished via the use of a restricted password. Access and use are limited to Project Lead and Group members and only those other Agency employees whose official duties require such access.

##### RETENTION AND DISPOSAL:

In accordance with SBA SOP 00 41 2, Item #65:06, these records are retained a minimum of 3 years and generally destroyed 3 years after last update.

##### SYSTEM MANAGER(S) AND ADDRESS:

Chief Financial Officer, Office of the Chief Financial Officer, Small Business Administration, 409 3rd Street, SW., Suite 6000, Washington, DC 20416.

<sup>17</sup> 17 CFR 200.30-3(a)(12).

**NOTIFICATION PROCEDURE:**

An individual may submit a record inquiry either in person or in writing to the System Manager or Privacy Act Officer. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

**RECORDS ACCESS PROCEDURES:**

Systems Manager or Privacy Act Officer will determine procedures. Individuals inquiring about this system must follow the SBA Privacy Act Regulations at 13 CFR 102 Subpart B.

**CONTESTING RECORD PROCEDURES:**

Notify the official listed about and state reason(s) for contesting and the proposed amendment sought, as indicated in 13 CFR 102 Subpart B.

**RECORD SOURCE CATEGORIES:**

SBA employees to whom the records belong.

Dated: February 22, 2001.

**Christopher Holleman,**

*Acting Senior Privacy Act Official.*

[FR Doc. 01-4904 Filed 2-27-01; 8:45 am]

**BILLING CODE 8025-01-P**

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**OFFICE OF THE UNITED STATES  
TRADE REPRESENTATIVE**
**Identification of Priority Foreign  
Country Practices and Foreign  
Countries Engaging in Discriminatory  
Procurement Practices; Request for  
Public Comment**

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Executive Order 13116 of March 31, 1999 requires the United States Trade Representative ("USTR"), by April 30, 2001, to conduct a review of U.S. trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports. This Executive Order also requires the USTR to identify foreign countries engaging in discriminatory government procurement practices. Pursuant to this Executive Order, the USTR must submit to the congressional committees of jurisdiction a report on priority foreign country practices (the "Super 301" report) and a report on countries engaging in discriminatory government procurement practices (the "Title VII" report) and publish these reports in the **Federal Register**. USTR is requesting written submissions from the public concerning practices that should

be considered by the USTR for these purposes.

**DATES:** Submissions must be received by 12:00 noon on March 26, 2001.

**ADDRESSES:** Office of the U.S. Trade Representative, 600 17th Street, NW, Washington, D.C. 20508.

**FOR FURTHER INFORMATION CONTACT:**

Questions concerning the filing of submissions should be directed to Sybia Harrison, Staff Assistant to Section 301 Committee, (202) 395-3432; legal questions regarding Executive Order 13116 and Super 301 should be addressed to Demetrios Marantis, Associate General Counsel, (202) 395-3150; and legal questions regarding Title VII should be addressed to Mélida Hodgson, Associate General Counsel, (202) 395-3582.

**SUPPLEMENTARY INFORMATION:** Pursuant to Part I of Executive Order 13116 of March 31, 1999 (64 F.R. 1633), the USTR is required, no later than April 30, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. Part II of Executive Order 13116 requires the USTR, no later than April 30, to review and identify other countries' compliance with the Agreement on Government Procurement ("GPA") and other government procurement agreement obligations, or otherwise maintain, in government procurement, a significant and persistent practice of discrimination against U.S. products or services which results in identifiable harm to United States businesses and whose products or services are acquired in significant amounts by the United States Government.

The USTR must submit to the congressional committees of jurisdiction a report on the priority foreign country practices identified under Part I of the Executive Order (the "Super 301" report). The USTR also may describe in this report foreign country practices that may warrant identification in the future or that were not identified because they are being addressed by provisions under U.S. trade law, existing bilateral trade agreements, or in trade negotiations, and progress is being made toward their elimination. The USTR must also submit to the congressional committees of jurisdiction a report on countries engaging in discriminatory government procurement practices, identified under Part II of the Executive Order (the "Title VII" report) and publish the reports in the **Federal Register**.

Executive Order 13116 also requires the USTR to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412 (b)(1)), no later than 90 days after submission of the reports, with respect to any of the identified practices that have not been satisfactorily resolved in the interim.

**Requirements for Submissions**

The USTR invites submissions concerning priority foreign country practices that should be considered for identification in the Super 301 report in accordance with the criteria established under Executive Order 13116. The USTR also invites submissions concerning countries engaging in discriminatory government procurement practices that should be considered for identification in the Title VII report in accordance with the criteria established under Executive Order 13116. If the practice is also the subject of comments submitted in connection with the 2001 National Trade Estimate Report on Foreign Trade Barriers ("2001 NTE Report"), the present submission should identify the related comments in the NTE public docket and include any additional pertinent information, including information explaining why the practice rises to the level of a "priority foreign country practice" within the meaning of Executive Order 13116. If the practice was not the subject of comments submitted in connection with the 2001 NTE Report, the submission should: (1) include information on the nature and significance of the practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the practice; and (3) provide any other information considered relevant. Such information may include information on the relevant trade and government procurement agreements to which a foreign country is a party, its compliance with those agreements, and any other information related to the factors set forth in Parts I and II of Executive Order 13116 for identification of priority foreign country practices and countries that engage in discriminatory government procurement practices.

Interested persons must provide twenty copies of any submission, in English, to Sybia Harrison, Staff Assistant to Section 301 Committee, Office of the United States Trade Representative, by noon on March 26, 2001. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted. Inspection is only by

appointment with the staff of the USTR Public Reading Room and can be arranged by calling Brenda Webb at (202) 395-6186. The Reading Room is open to the public from 9:30 a.m. to 12 noon, and from 1 p.m. to 4 p.m., Monday through Friday.

**A. Jane Bradley,**

*Assistant U.S. Trade Representative for Monitoring and Enforcement.*

[FR Doc. 01-4809 Filed 2-27-01; 8:45 am]

**BILLING CODE 3190-01-P**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

[USCG 2000-8252]

#### Information Collections Under Review by the Office of Management and Budget (OMB): 2115-0012 and 2115-0518

**AGENCY:** Coast Guard, DOT.

**ACTION:** Request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the two Information Collection Requests (ICRs) abstracted below to OMB for review and comment. These ICRs describe the information we seek to collect from the public. Review and comment by OMB ensures that we impose only paperwork burdens commensurate with our performance of duties.

**DATES:** Please submit comments on or before March 30, 2001.

**ADDRESSES:** Please send comments to (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL-401, 400 Seventh Street SW., Washington, DC 20590-0001; and (2) the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 725 17th Street NW., Washington, DC 20503, to the attention of the Desk Officer for the USCG.

Copies of the complete ICRs are available for inspection and copying in public docket USCG 2000-8252 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at <http://dms.dot.gov>; and for inspection from the Commandant (G-CIM-2), U.S. Coast Guard, room 6106, 2100 Second Street SW., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Barbara Davis, Office of Information

Management, 202-267-2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202-366-9330, for questions on the docket.

**SUPPLEMENTARY INFORMATION:**

#### Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [65 FR 69600 (November 17, 2000)] the 60-day notice required by OMB. That request elicited no comments.

#### Request for Comments

The Coast Guard invites comments on the proposed collections of information to determine whether the collections are necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Numbers of all ICRs addressed. Comments to DMS must contain the docket number of this request, USCG 2000-8252. Comments to OIRA are best assured of having their full effect if OIRA receives them within 30 days or less after the publication of this request.

#### Information Collection Requests

1. *Title:* U.S. Coast Guard Academy—Preliminary Application and Supplemental Forms.

*OMB Control Number:* 2115-0012.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Men and women between the ages of 17 and 22.

*Forms:* Coast Guard Academy (1) Preliminary Application, (2) High School Transcript, (3) Candidate Activities, (4) Evaluation by English Instructor, (5) Evaluation by Math Instructor, (6) Evaluation by Instructor of PE or by Coach, (7) Background Information, and (8) Essay Questions.

*Abstract:* Any person who wishes to compete for an appointment as a Coast Guard Cadet must fill out a Preliminary Application and must fill out or have others fill out the seven Supplemental Forms.

*Annual Estimated Burden Hours:* The estimated burden is 6,640 hours a year.

2. *Title:* International Oil Pollution Prevention Certificate.

*OMB Control Number:* 2115-0518.

*Type of Request:* Extension of a currently approved collection.

*Affected Public:* Owners and operators of vessels.

*Forms:* CG-5352, CG-5352A, and CG-5352B.

*Abstract:* The information collected aids in the prevention of pollution from ships. An International Oil Pollution Prevention Certificate and other records serve to verify vessels' compliance with certain international and domestic rules on shipping.

*Annual Estimated Burden Hours:* The estimated burden is 6,858 hours a year.

Dated: February 20, 2001.

**V.S. Crea,**

*Director of Information and Technology.*

[FR Doc. 01-4883 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-15-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Agency Information Collection Activities: Submission for OMB Review

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and comment. We published a **Federal Register** Notice with a 60-day public comment period on this new information collection on October 30, 2000 (65 FR 64739). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by March 30, 2001.

**ADDRESSES:** You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including the use of electronic technology, without reducing the quality of the collected information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Ed Kashuba, 202-366-0160, Office of Highway Policy Information, Policy Service Business Unit, Federal Highway Administration, 400 7th Street, SW., Washington, DC 20590-0001. Office hours are from 6:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Heavy Vehicle Travel Information System (HVTIS).

*Abstract:* The FHWA is developing the HVTIS to analyze the amount and nature of truck travel at the national and

regional levels. The information would be used by the FHWA and other DOT administrations to evaluate changes in truck travel in order to assess impacts on highway safety; the role of travel in economic productivity; impacts of changes in truck travel on infrastructure condition; and maintaining our mobility while protecting the human and natural environment. In conducting the data collection, the FHWA will be requesting that State Departments of Transportation provide periodic reporting of vehicle classification and weight data which they collect as part

of their existing traffic data collection programs. The majority of States collect this vehicle weight data periodically throughout the year using weigh-in-motion devices and also collect vehicle classification data continuously. The data will allow transportation professionals at the Federal, State and metropolitan levels to make informed decisions about policies and plans.

*Respondents:* 51 State Transportation Departments, including the District of Columbia.

*Estimated Annual Burden Hours:*

Data type	Reportings per year per site	Number of sites per State	Minutes per site per reporting	Hours per year per State
Site Description .....	1	60	1	1
Vehicle Classification .....	12	40	5	40
Truck Weight .....	1	10	6	1
Total Volume .....	12	10	4	8
<b>Total Hours per State per Year .....</b>				<b>50</b>

FHWA estimates that the average State DOT operates 40 continuous vehicle classification installations, an additional 10 sites that provide continuous traffic volume data, and 10 weigh-in-motion sites. It is estimated that processing 48 hours of weigh-in-motion data would take 6 minutes per site, processing one month of vehicle classification data would take 5 minutes per site and processing one month of continuous traffic volume data would take 4 minutes per site. The file describing each of the data collection sites is to be submitted annually, and it is estimated that processing will take 1 minute per site. It will take approximately 50 hours per State per year to supply the requested information. Reporting is expected from each of the State DOTs, as well as the District of Columbia, which will result in a total estimate of 2,550 annual burden hours nationally (51 respondents x 50 hours).

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: February 21, 2001.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. 01-4838 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-2-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**Agency Information Collection Activities: Submission for OMB Review**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) for review and comment. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on November 6, 2000 (65 FR 66578). We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by March 30, 2001.

**ADDRESSES:** You may send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burdens could be minimized, including the use of electronic technology,

without reducing the quality of the collected information.

**FOR FURTHER INFORMATION CONTACT:** Mr. Raymond McCormick, (202) 366-4675, Infrastructure Core Business Unit, Federal Highway Administration, Department of Transportation, 400 7th Street, SW., Washington, DC 20590-0001. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2125-0501 (Expiration Date: April 30, 2001).

*Title:* Structure Inventory and Appraisal Sheet.

*Abstract:* The National Bridge Inspection Standards (NBIS) require bridge inspection and reporting at regular intervals for all bridges located on public roads. The bridge inspection information is provided to the FHWA on Structure Inventory and Appraisal (SI&A) Sheets. The NBIS information is used for multiple purposes, including: (1) The determination of the condition of the Nation's bridges; (2) as a basis for setting priorities for the replacement or rehabilitation of bridges under the Highway Bridge Replacement and Rehabilitation Program (HBRRP); and (3) for apportioning HBRRP funds to the States for bridge replacement or rehabilitation. In addition, the information is used for strategic national defense needs and for preparing the report to Congress on the status of the Nation's highway bridges and funding under the HBRRP.

*Respondents:* 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

*Frequency:* Biannual inspections and annual reporting.

*Estimated Total Annual Burden:* 540,000 hours. The average burden is two hours to complete each SI&A sheet on the approximate 270,000 bridges that are inspected annually. The total bridge inventory (rounded to 600,000) requires biannual inspections; approximately 10 percent, or 30,000 of the 300,000 bridges that are inspected each year receive an extended inspection. Some States voluntarily inspect bridges more frequently; however, these estimates do not include this information.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Dated: February 21, 2001.

**James R. Kabel,**

Chief, Management Programs and Analysis Division.

[FR Doc. 01-4839 Filed 2-27-01; 8:45 am]

BILLING CODE 4910-22-P

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[U.S. DOT Docket Number NHTSA-2001-8907]

#### Reports, Forms, and Record Keeping Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Request for public comment on proposed collection of information.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Comments must be received on or before April 30, 2001.

**ADDRESSES:** Comments must refer to the docket notice numbers cited at the beginning of this notice and be submitted to Docket Management, Room PL-401, 400 Seventh Street, S.W., Washington, DC 20590. Please identify

the proposed collection of information for which a comment is provided, by referencing its OMB clearance number. It is requested, but not required, that 2 copies of the comment be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m.

**FOR FURTHER INFORMATION CONTACT:**

Complete copies of each request for collection of information may be obtained at no charge from Walter Culbreath, NHTSA, 400 Seventh Street, S.W., Room 5208, NAD-40, Washington, D.C. 20590. Mr. Culbreath's telephone number is (202) 366-1566. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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;

(ii) 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;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collections of information:

(1) *Title:* Fatal Accident Reporting System (FARS).

*OMB Control Number:* 2127-0006.

*Affected Public:* State, Local, or Tribal Government.

*Abstract:* Under both the Highway Safety Act of 1966 and the National Traffic and Motor Vehicle Safety Act of 1966, the National Highway Traffic

Safety Administration (NHTSA) has the responsibility to collect accident data that support the establishment and enforcement of motor vehicle regulations and highway safety programs. These regulations and programs are developed to reduce the severity of injury and the property damage associated with motor vehicle accidents. The Fatal Accident Reporting System (FARS) is a major system that acquires national fatality information directly from existing State files and documents. Since FARS is an on-going data acquisition system, reviews are conducted yearly to determine whether the data acquired are responsive to the total user population needs. The total user population includes Federal and State agencies and the private sector. Annual changes in the forms are minor in terms of operation and method of data acquisition, and do not affect the reporting burden of the respondent (State employees utilize existing State accident files). The changes usually involve clarification adjustments to aid statisticians in conducting more precise analyses and to remove potential ambiguity for the respondents.

*Estimated Annual Burden:* 77,400 hours.

*Number of Respondents:* 52.

(2) *Title:* Consumer Compliant/Recall Audit Information.

*OMB Control Number:* 2127-0008.

*Affected Public:* Individuals and households.

*Abstract:* Chapter 301 of Title 49 of the United States Code, the Secretary of Transportation is authorized to require manufacturers of motor vehicles and items of motor vehicle equipment to conduct owner notification and remedy, i.e., a recall campaign, when it has been determined that a safety defect exists in the performance, construction, components, or materials in motor vehicles and motor vehicle equipment. To make this determination, the National Highway Traffic Safety Administration (NHTSA) solicits information from vehicle owners which is used to identify and evaluate possible safety-related defects and provide the necessary evidence of the existence of such a defect. Under the Authority of Chapter 301 of Title 49 of the United States Code, the Secretary of Transportation is authorized to require manufacturers of motor vehicle and motor vehicle equipment which do not comply with the applicable motor vehicle safety standards or contains a defect that relates to motor vehicle safety to notify each owner that their vehicle contains a safety defect or noncompliance. Also, the manufacturer of each such motor vehicle item of

replacement equipment presented for remedy pursuant to such notification shall cause such defect or noncompliance to be remedied without charge. In the case of a motor vehicle presented for remedy pursuant to such notification, the manufacturer shall cause the vehicle remedied by whichever of the following means he elects: (1) By repairing such vehicle; (2) by replacing such motor vehicle without charge; or (3) by refunding the purchase price less depreciation. To ensure these objectives are being met, NHTSA audits recalls conducted by manufacturers. These audits are performed on a randomly selected number of vehicle owners for verification and validation purposes.

*Estimated Annual Burden:* 36,380 hours.

*Number of Respondents:* 239,000.

(3) *Title:* 49 CFR Part 566,

Manufacturers Identification.

*OMB Control Number:* 2127-0043.

*Affected Public:* Business or other for profit.

*Abstract:* The National Highway Traffic Safety Administration's statute at 49 U.S.C. 30118: Notification of defects and noncompliance, requires manufacturers to determine if the motor vehicle or item or replacement equipment contains a defect related to motor vehicle safety or fails to comply with an applicable Federal Motor Vehicle Safety Standard. Following such determination, the manufacturer is required to notify the Secretary of Transportation, owners, purchasers and dealers of motor vehicles or replacement equipment, of the defect or noncompliance and to remedy the defect or noncompliance without charge to the owner. With this determination, NHTSA issued 49 CFR Part 566, Manufacturer Identification. Part 566 requires every manufacturer of motor vehicles and/or replacement equipment to file with the agency on a one time basis, the required information specified in Part 566.

*Estimated Annual Burden:* 25 hours.

*Number of Respondents:* 100.

(4) *Title:* Names and Addresses of First Purchasers of Motor Vehicles.

*OMB Control Number:* 2127-0044.

*Affected Public:* Business or other for profit.

*Abstract:* 49 U.S.C. 30117: Providing information to, and maintaining records on, purchasers at subparagraph (b) Maintaining purchaser records and procedures, states in part: A manufacturer of motor vehicle or tire (except a retreaded tire) shall maintain a record of the name and address of the first purchasers of each vehicle or tire it produces and, to the extent prescribed

by regulations of the Secretary, shall maintain a record of the name and address of the first purchaser of replacement equipment (except a tire) that the manufacturer produces. This agency has no regulation specifying how the information is to be collected or maintained. When NHTSA's authorizing statute was enacted in 1966, Congress determined that an efficient recall of defective or noncomplying motor vehicles required the vehicle manufacturers retain an accurate record of vehicle purchasers, by virtue of quick and easy access to this information, the manufacturer is able to quickly notify vehicle owners in the event of a recall. Experience with this statutory provision has shown that manufacturers have retained this information in a manner sufficient to enable them to expeditiously notify vehicle purchasers in case of a recall. Based on this experience, NHTSA has determined that no obligation is needed. Without this type of information readily available, manufacturers would either need to spend more time or money to notify purchasers of a recall.

*Estimated Annual Burden:* 950,000 hours.

*Number of Respondents:* 19,000.

(5) *Title:* 49 CFR 556, Petitions for Inconsequentiality.

*OMB Control Number:* 2127-0045.

*Affected Public:* Business or other for profit.

*Abstract:* The National Highway Traffic Safety Administration's statute at 49 U.S.C. 30113: General exemptions at subsection (b) Authority to exempt and procedures, authorizes the Secretary of Transportation upon application of a manufacturer, to exempt the applicant from the notice and remedy requirements of 49 U.S.C. Chapter 301, if the Secretary determines that the defect or noncompliance is inconsequential as it relates to motor vehicle safety. The notice and remedy requirements of Chapter 301 are set forth in 49 U.S.C. 30120, remedies for defects and noncompliance. Those sections require a manufacturer of motor vehicles or motor vehicle equipment to notify distributors, dealers, and purchasers if any of the manufacturer's products are determined either to contain a safety-related defect or to fail to comply with an applicable Federal motor vehicle safety standard. The manufacturer is under a concomitant obligation to remedy such defects or noncompliance. NHTSA exercised this statutory authority to excuse inconsequential defects or noncompliance when it promulgated 49 CFR Part 556, Petitions for Inconsequentiality—this regulation

establishes the procedures for manufacturers to submit such petitions to the agency will use an evaluating those petitions. Part 556 allows the agency to ensure that petitions filed under 15 U.S.C. 30113(b) are both properly substantiated and efficiently processed.

*Estimated Annual Burden:* 30 hours.

*Number of Respondents:* 15.

(6) *Title:* Voluntary Child Safety Seat Registration Form.

*OMB Control Number:* 2127-0576.

*Affected Public:* Individuals and households.

*Abstract:* Chapter 301 of Title 49 of the United States provides that if either NHTSA or a manufacturer determines the motor vehicles or items of motor vehicle equipment contains a defect that relates to motor vehicle safety or fail to comply with an applicable Federal Motor Vehicle Safety Standard, the manufacturer must notify owners and purchasers of the defect of noncompliance and must provide a remedy without charge. Pursuant to 49 CFR Part 577, Defects and noncompliance notification for equipment items, including child safety seats, must be sent by first class mail to the most recent purchaser known to the manufacturer. In the absence of a registration system, many owners of child safety seats are not notified of safety defects and noncompliance, since the manufacturer is not aware of their identities.

*Estimated Annual Burden:* 26 hours.

*Number of Respondents:* 1,200.

(7) *Title:* Generic Clearance for Customer and External Stakeholder Surveys.

*OMB Control Number:* 2127-0579.

*Affected Public:* Individuals or households are primary survey respondents. Businesses or other-for profit, not-for-profit institutions, Federal agencies, and State, local or tribal governments are other possible survey respondents.

*Abstract:* Executive Order 12862 mandates that agencies survey their customers to identify the kind and quality of services they want and their level of satisfaction with existing services. Other requirements include the Governmental Performance and Results Act (GPRA) of 1993 which promotes a new focus on results, service quality, and customer satisfaction. NHTSA will use surveys of the public and other external stakeholders to gather data as one input to decision making on how to better meet the goal of improving safety on the nation's highways. The data gathered on public expectations, NHTSA's products and services, along with specific information on motor

vehicle crash related issues, will be used by the agency to better structure its processes and products, forecast safety trends and achieve the agency's goals.

*Estimated Annual Burden:* 20,396 hours.

*Number of Respondents:* 134,334.

**Herman L. Simms,**

*Associate Administrator for Administration.*

[FR Doc. 01-4840 Filed 2-27-01; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-31 (Sub-No. 37X)]

#### Grand Trunk Western Railroad Incorporated—Abandonment Exemption—in Oakland County, MI

On February 8, 2001, Grand Trunk Western Railroad Incorporated (GTW) filed with the Surface Transportation Board (Board), a petition under 49 U.S.C. 10502 from the provisions of 49 U.S.C. 10903 for GTW to abandon a line of railroad, referred to as the North Pontiac Spur, extending from milepost 2.39 to milepost 2.49/38.46, at Belt Junction on the Pontiac Belt Line; from milepost 2.49/38.46, at Belt Junction, to the end of track at milepost 37.7, near Joslyn Avenue on the Romeo Subdivision; and from milepost 2.75, at Belt Junction, to the end of track at milepost 1.25, near Montcalm Street on the Cass City Subdivision, a total distance of approximately 2.36 miles entirely within Pontiac, Oakland County, MI. The line traverses U.S. Postal Service Zip Code 48340 and includes no stations.

The line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions specified 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 29, 2001. GTW has requested expedited consideration of its petition and has requested that any decision granting its petition be effective, if possible, not later than 15 days after its service date.

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested parties 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 20, 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-31 (Sub-No. 37X) 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) Thomas J. Litwiler, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601-6721. Replies to the petition are due on or before March 20, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance at (202) 565-1592 or refer to the full abandonment 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.] Any 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](http://WWW.STB.DOT.GOV).

Decided: February 14, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-4391 Filed 2-27-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 20, 2001.

The Department of the Treasury has submitted the following public

information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 30, 2001 to be assured of consideration.

#### Bureau of Alcohol, Tobacco and Firearms (BATF)

*OMB Number:* 1512-0116.

*Form Number:* ATF F 5200.11.

*Type of Review:* Extension.

*Title:* Notice of release of Tobacco Products, Cigarette Papers, or Cigarette Tubes.

*Description:* The form documents releases of tobacco products and cigarette papers and tubes from custody and returns of such articles to a manufacturer or export warehouse shipments for use in the United States. The form is also used to ensure compliance with laws and regulations at the time of transaction and for post audit examination.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 153.

*Estimated Burden Hours Per Respondent:* 15 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 306 hours.

*OMB Number:* 1512-0333.

*Recordkeeping Requirement ID Number:* ATF REC 5130/1.

*Type of Review:* Extension.

*Title:* Usual and Customary Business Records Maintained by Brewers.

*Description:* The Bureau of Alcohol, Tobacco and Firearms audits brewers' records to verify production of beer and cereal beverage and to verify the quantity of beer removed subject to tax and removed without payment of tax.

*Respondents:* Business or other for-profit.

*Estimated Number of Recordkeepers:* 1,400.

*Estimated Burden Hours Per Recordkeeper:* 1 hour.

*Frequency of Response:* On occasion.

*Estimated Total Recordkeeping Burden:* 1 hour.

*OMB Number:* 1512-0390.

*Form Number:* ATF F 5020.29.

*Type of Review:* Extension.

*Title:* Request for Disposition of Offense.

*Description:* The information provided on this form determines whether an applicant is eligible to receive a Federal license or permit. If an applicant applies for a license or permit and has an arrest record charged with a violation of Federal or State law and there is no record present of the disposition of the case(s), the form is sent to the custodian or records to ascertain the disposition of the case.

*Respondents:* Individuals or households, Business or other for-profit.

*Estimated Number of Respondents:* 3,000.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 1,500 hours.

*OMB Number:* 1512-0478.

*Recordkeeping Requirement ID Number:* ATF REC 5130/3 and ATF REC 5130/4.

*Type of Review:* Extension.

*Title:* Marks on Equipment and Structures (5130/3); and Marks and Labels on Containers of Beer (5130/4).

*Description:* Marks, signs and calibrations are necessary on equipment and structures for identifying major equipment for accurate determination of tank contents, and segregation of taxpaid and nontaxpaid beer. Marks and labels on containers of beer are necessary to inform consumers of container contents, and to identify the brewer and place of production.

*Respondents:* Business or other for-profit.

*Estimated Number of Recordkeepers:* 1,400.

*Frequency of Response:* On occasion.

*Estimated Burden Hours Per Recordkeeper:* 1 hour.

*Estimated Total Recordkeeping Burden:* 1 hour.

*Clearance Officer:* Frank Bowers (202) 927-8930, Bureau of Alcohol, Tobacco and Firearms, Room 3200, 650 Massachusetts Avenue, NW., Washington, DC 20226.

*OMB Reviewer:* Alexander T. Hunt (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*  
[FR Doc. 01-4817 Filed 2-27-01; 8:45 am]

**BILLING CODE 4810-31-U**

## DEPARTMENT OF THE TREASURY

### Submission for OMB Review; Comment Request

February 21, 2001.

The Department of the Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before March 30, 2001 to be assured of consideration.

#### Internal Revenue Service (IRS)

*OMB Number:* 1545-0044.

*Form Number:* IRS Form 973.

*Type of Review:* Extension.

*Title:* Corporation Claim for Deduction for Consent Dividends.

*Description:* Corporations file Form 973 to claim a deduction for dividends paid. If shareholders consent and IRS approves, the corporation may claim a deduction for dividends paid, which reduces the corporation's tax liability. IRS uses Form 973 to determine if shareholders have included the dividend in gross income.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 500.

*Estimated Burden Hours Per Respondent/Recordkeepers:*

Recordkeeping—4 hr., 4 min.  
Learning about the law and the form—30 min.

Preparing and sending the form to the IRS—35 min.

*Frequency of Response:* On occasion.  
*Estimated Total Reporting/Recordkeeping Burden:* 2,575 hours.

*OMB Number:* 1545-0117.

*Form Number:* IRS Form 1099-OID.

*Type of Review:* Extension.

*Title:* Original Issue Discount.

*Description:* This form is used for reporting original issue discount as required by section 6049 of the Internal Revenue Code. It is used to verify that income earned on discount obligations is properly reported by the recipient.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 9,185.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 12 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 1,142,323 hours.

*OMB Number:* 1545-0148.

*Form Number:* IRS Form 2758.

*Type of Review:* Extension.

*Title:* Application for Extension of Time To File Certain Excise, Income, Information, and Other Returns.

*Description:* Internal Revenue Code 6081 permits the Secretary to grant a reasonable extension of time for filing any return, declaration, statement, or other document. This form is used by fiduciaries and certain organizations to request an extension of time to file their returns. The information is used to determine whether the extension should be granted.

*Respondents:* Business or other for-profit, not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 70,371.

*Estimated Burden Hours Per*

*Respondent/Recordkeeper:*

Recordkeeping—5 hr.

Learning about the law or the form—12 min.

Preparing and sending the form to the IRS—16 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 375,923 hours.

*OMB Number:* 1545-0746.

*Regulation Project Number:* LR-100-78 Final.

*Type of Review:* Extension.

*Title:* Creditability of Foreign Taxes.

*Description:* The information needed is a statement by the taxpayer that it has elected to apply the safe harbor formula of section 1.901-2A(e) of the foreign tax credit regulations. This statement is necessary in order that the IRS may properly determine the taxpayer's tax liability.

*Respondents:* Individuals or households, business or other for-profit, farms.

*Estimated Number of Respondents:* 110.

*Estimated Burden Hours Per Respondent:* 20 minutes.

*Frequency of Response:* Other (nonrecurring).

*Estimated Total Reporting Burden:* 37 hours.

*OMB Number:* 1545-0755.

*Regulation Project Number:* LR-58-83 Final.

*Type of Review:* Extension.

*Title:* Related Group Election With Respect to Qualified Investments in Foreign Base Company Shipping.

*Description:* The election described in the attached justification converted an

annual election to an election effective until revoked. The computational information required is necessary to assure that the U.S. shareholder correctly reports any shipping income of its controlled foreign corporations which is taxable to that shareholder.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents:* 100.

*Estimated Burden Hours Per Respondent:* 2 hours, 3 minutes.

*Frequency of Response:* Other (nonrecurring).

*Estimated Total Reporting Burden:* 205 hours.

*OMB Number:* 1545-0768.

*Regulation Project Number:* EE-178-78 Final (TD 7898).

*Type of Review:* Extension.

*Title:* Employers' Qualified Educational Assistance Programs.

*Description:* Respondents include employers who maintain education assistance programs for their employees. Information verifies that programs are qualified and that employees may exclude educational assistance from their gross incomes.

*Respondents:* Individuals or households, business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 5,200.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 7 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 615 hours.

*OMB Number:* 1545-1316.

*Form Number:* IRS Form 9452.

*Type of Review:* Extension.

*Title:* Filing Assistance Program (Do you have to file a tax return?).

*Description:* The RUF (Reduce Unnecessary Filing) Program was initiated in 1992. Each year approximately 72% of the taxpayers contacted through the RUF Program stop filing unnecessary returns. This has reduced taxpayer burden and been cost

effective for the Service. This is in accord with the Service's compliance initiatives.

*Respondents:* Individuals or households.

*Estimated Number of Respondents:* 1,650,000.

*Estimated Burden Hours Per Respondent:* 30 minutes.

*Frequency of Response:* Annually.

*Estimated Total Reporting Burden:* 825,000 hours.

*OMB Number:* 1545-1379.

*Form Number:* IRS Form 8831.

*Type of Review:* Extension.

*Title:* Excise Taxes on Excess Inclusions of REMIC Residual Interests.

*Description:* Form 8831 is used by a real estate mortgage investment conduit (REMIC) to figure its excise tax liability under Code sections 860E(e)(1), 860E(e)(6), and 860E(e)(7). IRS uses the information to determine the correct tax liability of the REMIC.

*Respondents:* Business or other for-profit.

*Estimated Number of Respondents/Recordkeepers:* 31.

*Estimated Burden Hours Per Respondent/Recordkeepers:*

Recordkeeping—4 hr., 32 min.  
Learning about the law or the form—1 hr., 29 min.

Preparing and sending the form to the IRS—1 hr., 38 min.

*Frequency of Response:* On occasion.

*Estimated Total Reporting/Recordkeeping Burden:* 237 hours.

*OMB Number:* 1545-1555.

*Regulation Project Number:* REG-115795-97 Final.

*Type of Review:* Extension.

*Title:* General Rules for Making and Maintaining Qualified Electing Fund Elections.

*Description:* The regulations provide rules for making section 1295 elections and satisfying annual reporting requirements for such elections, revoking section 1295 elections, and making retroactive section 1295 elections.

*Respondents:* Business or other for-profit, individuals or households, not-for-profit institutions.

*Estimated Number of Respondents/Recordkeepers:* 1,290.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 29 minutes.

*Frequency of Response:* Other (one time only).

*Estimated Total Reporting/Recordkeeping Burden:* 623 hours.

*OMB Number:* 1545-1568.

*Announcement Number:* Announcement 97-122.

*Type of Review:* Extension.

*Title:* Interim Guidance for Roth IRAs.

*Description:* This announcement provides interim guidance concerning the establishment of Roth IRAs (described in section 408A of the Internal Revenue Code as added by section 302 of the Taxpayer Relief Act of 1997). The guidance is directed mainly at banks, etc., that will market prototype Roth IRAs to the public.

*Respondents:* Business or other for-profit, not-for-profit institutions.

*Estimated Number of Respondents:* 4,000.

*Estimated Burden Hours Per Respondent:* 2 hours.

*Frequency of Response:* On occasion.

*Estimated Total Reporting Burden:* 8,000 hours.

*Clearance Officer:* Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Alexander T. Hunt, (202) 395-7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Departmental Reports Management Officer.*

[FR Doc. 01-4818 Filed 2-27-01; 8:45 am]

BILLING CODE 4830-01-P

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

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

[Docket No. FAA-2000-8460; Notice No. 01-02]

RIN 2120-AH17

**Airworthiness Directives***Correction*

FR Doc. 01-3884 which was published in the issue of Thursday, February 15, 2001 at 66 FR 10360 appeared in the Rules and Regulations section. It should have appeared in the Proposed Rules section.

[FR Doc. C1-3884 Filed 2-27-01; 8:45 am]

BILLING CODE 1505-01-D

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 26**

[TD 8912]

RIN 1545-AX08

**Generation-Skipping Transfer Issues***Correction*

In rule document 00-31757 beginning on page 79735 in the issue of Wednesday, December 20, 2000, make the following correction:

On page 79740, in the first column, in the ninth line, after "B's" remove "0".

[FR Doc. C1-31757 Filed 2-27-01; 8:45 am]

BILLING CODE 1505-01-D



# Federal Register

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**Wednesday,  
February 28, 2001**

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**Part II**

## **National Skill Standards Board**

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**Solicitation of Comments; Notice**

## NATIONAL SKILL STANDARDS BOARD

### Solicitation of Comments

**AGENCY:** National Skill Standards Board.

**SUMMARY:** The National Skill Standards Board (NSSB) is building a voluntary national system of skill standards, assessments, and certification that will enhance the ability of the U.S. to compete effectively in a global economy. Industry-led, voluntary coalitions, called Voluntary Partnerships, are developing the skill standards, assessment, and certification systems within fifteen NSSB-defined industry sectors. The NSSB has developed a set of criteria for assessment, against which assessments developed by the Voluntary Partnerships will be evaluated for approval by the Board. The NSSB seeks public comment on these criteria to ensure clarity and comprehensiveness. Comments must be submitted in writing as described in the "Request for and Resolution of Comments" in the "Supplementary Information" section below in order to be considered, and details on submitting comments via e-mail, fax, or regular mail are provided in the "Addresses" section of this announcement.

**DATES:** The National Skill Standards Board will accept written comments on the criteria for assessment on or before April 30, 2001.

**ADDRESSES:** Please send comments via regular mail to: NSSB, Attention: Elizabeth Kolmstetter, Sr. Director for Standards, Assessment, and Certification, 1441 L Street, N.W., Suite 9000, Washington, DC 20005-3512. To submit comments via fax, transmit to Elizabeth Kolmstetter, Assessment Criteria, at 202-254-8646. To submit comments via the Internet, go to <http://www.nssb.org>. Click on the icon entitled "View and Comment on Assessment Criteria Here."

**FOR FURTHER INFORMATION CONTACT:** For further information on the Voluntary National System of Industry Skill Standards, Assessment, and Certification, contact National Skill Standards Board (NSSB): 1441 L Street, N.W., Suite 9000, Washington DC 20005, 202-254-8628, <http://www.nssb.org>.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Background
- II. Authorizing Legislation
- III. NSSB Criteria for Assessment
- IV. Request for and Resolution of Comments

### I. Background

The National Skill Standards Act of 1994 created "a National Skill Standards Board to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification of attainment of skill standards" (see Section II below). The Act defines a skill standard as one that specifies the level of knowledge and skills required to successfully perform work-related functions within an industry cluster. Industry clusters are broad groups of industries defined by the NSSB to delineate the scope of employment covered by skill standards. They are based on the federal government's official 1997 North American Industry Classification System. Industry coalitions called Voluntary Partnerships (VPs) are developing the skill standards, assessment and certification systems within fifteen industry clusters. The skill standards, and therefore assessments and certifications, are being developed to reflect the needs of high-performance organizations.

### II. Authorizing Legislation

Public Law 103-227, Title V, National Skill Standards Act of 1994.

### III. NSSB Criteria for Assessment

The National Skill Standards Board (NSSB) will use the following specific criteria to evaluate the degree to which skill standards systems include an appropriate assessment system plan, and the degree to which this plan adheres to statutory requirements and NSSB policy on assessment. Criteria are being developed for certification and will be available for public comment before the end of the year. Voluntary Partnerships must demonstrate adherence to the criteria in order to receive NSSB approval and ultimate endorsement of the entire system.

#### *Criteria Related to Methodology*

A1. Assessments are reliable, fair, and valid, accurately measuring the skills they are designed to measure, and are consistent with federal civil rights laws with respect to race, color, gender, age, religion, ethnicity, disability, and national origin. To achieve these goals of reliability, validity, and fairness, the assessments are developed in a manner consistent with relevant professional and technical standards and government guidelines. Professional standards include the APA/AERA/NCME Standards for Educational and Psychological Tests and the Society for Industrial and Organizational Psychology's Principles for the

Validation and Use of Employee Selection Procedures. Government guidelines are found in 29 Code of Federal Regulations 1607, Uniform Guidelines on Employee Selection Procedures.

A2. Assessments are neutral on their face with respect to the groups protected by civil rights law.

A3. Assessments are manifestly job-related and consistent with business necessity, reflecting only the knowledge and skills (including language and physical skills) actually required for competent performance.

A4. Assessments are as objective as possible. When subjective measures are necessary, techniques (for example, administrator and rater training, rating guides or scales, checklists, structured assessments, scripts, etc.) are applied to increase the consistency of judgments.

A5. The assessments are practical in terms of time, expense, and resource requirements involved in both their development (that is, creation and validation of the assessments) and delivery (that is, ongoing administration, scoring, and maintenance/updating of the assessments).

#### *Criteria Related to Components of the Assessment System*

B1. Assessments capture the full richness of the skill standards. This means knowledge and skills are measured in the context of the work described by the critical work functions, key activities, and performance indicators.

B2. Assessments incorporate measures of performance that reflect the characteristics of best-practice, high-performance workplaces. In addition, assessment content and format are designed to maximize the acceptability of the assessments to users and to maximize the value of the assessments as signals of the types of skills, knowledge, and performance required by high-performance workplaces.

B3. Assessments are modular, allowing individuals to demonstrate proficiency in and receive credit for attainment of a portion of a skill standard.

B4. Assessments are not limited to a single assessment tool or method and may include multiple measures of the same skill, as long as they are consistent with NSSB assessment criteria.

B5. Innovative methods of assessment (for example, new types of simulations or performance measures), as well as innovative methods of assessment delivery (for example, computer- or video-based assessment), are encouraged, as long as they are

consistent with the NSSB assessment criteria.

#### *Criteria Related to the Use of Assessment*

C1. Assessments are analyzed for their adverse impact on the groups protected by civil rights law and the Voluntary Partnership selects the assessments with the least adverse impact without sacrificing validity.

C2. Assessments are accessible to people who are able to demonstrate their competence by virtue of their experience, self-instruction, or formal programs of instruction.

C3. Alternative formats, assistance, or other provisions are made for assessments in order to reasonably accommodate persons with disabilities, consistent with the American with Disabilities Act of 1990 and the Rehabilitation Act of 1973, as amended in 1992.

C4. In order to assure the greatest possible access, pre-assessment information is provided to potential candidates and other users including information about the actual assessments and the assessment process (for example, topics covered, how much it costs, how long it takes, where it is available, and any preparation materials available). Information about the

assessments does not include disclosure of the assessments themselves.

C5. To the extent economically feasible, assessments are available in locations which do not necessitate undue travel time or costs for individuals.

C6. All individuals who are assessed are provided feedback on their performance. At a minimum, feedback includes whether the candidate passed or failed certification and whether the candidate passed or failed each assessment module. Mechanisms are established to offer feedback and scoring results as quickly as possible. This criterion does not require Voluntary Partnerships to divulge information about assessments, either through feedback or re-assessment, which is so specific as to endanger the security of the assessment.

C7. Individuals who do not successfully complete an assessment are afforded some opportunity to be assessed again.

C8. Assessment systems are administered in a manner consistent with NSSB criteria and as approved by the NSSB. Administration of the assessment system includes its development, oversight, quality control, and routine operation.

#### **V. Request for and Resolution of Comments**

The National Skill Standards Board (NSSB) requests that comments submitted address one or more of the following areas:

- The adequacy and completeness of this list of criteria;
- The clarity of the criteria;
- Examples or descriptions of how the VPs can meet the criteria; and,
- Examples of how to document compliance with the criteria.

The NSSB shall review and take into consideration all comments; will respond in writing to comments as appropriate; and, will make revisions as deemed appropriate. At the end of the comment period the NSSB will post a summary of comments on the NSSB Website [www.nssb.org](http://www.nssb.org). A summary of the response to comments and a notice of revision will be posted at a later date.

Signed at Washington DC this 23rd day of February 2001.

**Edie West,**

*Executive Director, National Skill Standards Board.*

[FR Doc. 01-4899 Filed 2-27-01; 8:45 am]

**BILLING CODE 4510-BF-P**



# Federal Register

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**Wednesday,  
February 28, 2001**

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## **Part III**

## **The President**

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**Notice of February 27, 2001—  
Continuation of the National Emergency  
Relating to Cuba and of the Emergency  
Authority Relating to the Regulation of  
the Anchorage and Movement of Vessels**



## Title 3—

Notice of February 27, 2001

## The President

**Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels**

On March 1, 1996, by Proclamation 6867, President Clinton declared a national emergency to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Government of Cuba of two unarmed U.S.-registered civilian aircraft in international air space north of Cuba. In July 1996 and on subsequent occasions, the Government of Cuba stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a memorial flotilla and peaceful protest. Since these events, the Government of Cuba has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,  
February 27, 2001.

# Reader Aids

## Federal Register

Vol. 66, No. 40

Wednesday, February 28, 2001

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Executive orders and proclamations	<b>523-5227</b>
<b>The United States Government Manual</b>	<b>523-5227</b>
<b>Other Services</b>	
Electronic and on-line services (voice)	<b>523-4534</b>
Privacy Act Compilation	<b>523-3187</b>
Public Laws Update Service (numbers, dates, etc.)	<b>523-6641</b>
TTY for the deaf-and-hard-of-hearing	<b>523-5229</b>

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### FEDERAL REGISTER PAGES AND DATE, FEBRUARY

8501-8742.....	1
8743-8884.....	2
8885-9026.....	5
9027-9186.....	6
9187-9508.....	7
9509-9640.....	8
9641-9762.....	9
9763-9906.....	12
9907-10182.....	13
10183-10352.....	14
10353-10568.....	15
10569-10810.....	16
10811-10950.....	20
10951-11100.....	21
11101-11228.....	22
11229-11526.....	23
11527-12434.....	26
12435-12722.....	27
12723-12842.....	28

### CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>	278.....	8885	
	770.....	8886	
<b>Proclamations:</b>	1446.....	10353	
6867 (See Notice of February 27, 2000 .....	12841	1823.....	8886
7404.....	9025	1902.....	8886
7405.....	9639	1951.....	8886
7406.....	9759	1956.....	8886
7407.....	9761		
<b>Executive Orders:</b>			
12800 (See EO 13201).....	11221		
12818 (See EO 13202).....	11225		
12836 (Revoked by EO 13202).....	11225		
12871 (Revoked by EO 13203).....	11227		
12933 (Revoked by EO 13204).....	11228		
12983 (See EO 13203).....	11227		
13035 (Amended by EO 13200).....	10183		
13092 (See EO 13200).....	10183		
13113 (See EO 13200).....	10183		
13156 (See EO 13203).....	11227		
13182.....	10057		
13200.....	10183		
13201.....	11221		
13202.....	11225		
13203.....	11227		
13204.....	11228		
<b>Administrative Orders:</b>			
Memorandums:			
Memorandum of June 5, 1997 (Revoked by EO 13202).....	11225		
Memorandum of October 5, 1999 (Revoked by EO 13203).....	11227		
Notices:			
February 27, 2001 .....	12841		
Presidential Determinations:			
No. 2001-10 of January 17, 2001 .....	8501		
No. 2001-11 of January 19, 2001 .....	8502		
<b>5 CFR</b>			
537.....	9187		
731.....	11100		
3101.....	8505		
<b>7 CFR</b>			
246.....	8885		
271.....	8885		
272.....	8886		
273.....	8886		
	278.....	8885	
	770.....	8886	
	1446.....	10353	
	1823.....	8886	
	1902.....	8886	
	1951.....	8886	
	1956.....	8886	
<b>8 CFR</b>			
212.....	8743		
<b>9 CFR</b>			
2.....	8743		
3.....	8744		
93.....	8887, 11101		
94.....	9641		
<b>Proposed Rules:</b>			
301.....	12590		
303.....	12590		
317.....	12590		
318.....	12590		
319.....	12590		
320.....	12590		
325.....	12590		
331.....	12590		
381.....	12590		
417.....	12590		
430.....	12590		
<b>10 CFR</b>			
72.....	10569, 11527, 12435		
430.....	8744, 8745, 11635		
431.....	8745		
490.....	8746		
719.....	8746		
830.....	8746		
1040.....	8747		
1042.....	8747		
1044.....	8747		
<b>Proposed Rules:</b>			
51.....	10834		
72.....	9055, 12439		
73.....	10839		
76.....	10839		
95.....	10839		
<b>12 CFR</b>			
30.....	8616		
201.....	9907		
208.....	8616, 8748		
211.....	8616		
220.....	11101		
225.....	8616		
263.....	8616		
308.....	8616, 9187		
364.....	8616		
568.....	8616		
570.....	8616		
709.....	11229		
1501.....	8748		
<b>Proposed Rules:</b>			
3.....	10212		
208.....	10212		

225.....10212, 12440  
 325.....10212  
 611.....10638  
 618.....10638  
 620.....10638  
 712.....11125  
 749.....11239  
 1501.....12440

**13 CFR**

108.....10811  
**Proposed Rule**  
 121.....10842

**14 CFR**

25.....11527  
 39.....8507, 8750, 8752, 8754,  
           8756, 8759, 9027, 9029,  
           9031, 9635, 9908, 10185,  
           10187, 10353, 10355, 10356,  
           10359, 10360, 10361, 10570,  
           10571, 10951, 10953, 10955,  
           10957, 10960, 10962, 10963,  
           11103, 11105, 12723, 12724,  
           12726, 12729, 12834  
 71.....9903, 9909, 9911, 9912,  
           9913, 10190, 10811, 10812,  
           11230, 11529, 11530, 11531,  
                   12731  
 95.....9914  
 97.....9915, 9917, 9919, 9921,  
           9923, 11532, 11534  
 405.....9509  
 406.....9509

**Proposed Rules:**

39.....9779, 10226, 10230,  
           10232, 10234, 10236, 10238,  
           10241, 10243, 10378, 10380,  
           10382, 10384, 10387, 10390,  
           10393, 10842, 10844, 10846,  
           10849, 10851, 10853, 10855,  
           10857, 10858, 10970, 10972,  
           10974, 10976, 11126, 12440,  
                   12443  
 71.....8772, 8773, 9986, 9987,  
           9989, 9990, 10860, 10861  
 413.....9635, 10979  
 415.....9635, 10979  
 417.....9635, 10979

**15 CFR**

101.....11231

**16 CFR**

2.....8721  
 801.....8680  
 802.....8680  
 803.....8680  
**Proposed Rules:**  
 801.....8723  
 802.....8723  
 1500.....10863

**17 CFR**

200.....11536  
 201.....8761  
 230.....8887, 9002  
 232.....8764  
 239.....9002  
 270.....8509, 9002  
 274.....9002  
**Proposed Rules:**  
 228.....8732  
 229.....8732  
 240.....8732, 8912

249.....8732, 8912  
 250.....9247  
 259.....9247  
 450.....11548

**18 CFR**

33.....11536  
 352.....10573, 11537  
 357.....10573, 11537  
 385.....10573, 11537  
**Proposed Rules:**  
 284.....10980

**19 CFR**

10.....8765, 9643  
 12.....8765  
 19.....8765  
 103.....8765  
 111.....8765  
 112.....8765  
 143.....8765  
 146.....8765  
 163.....9643  
 178.....8765, 9643  
 191.....8765, 9647  
**Proposed Rules:**  
 24.....8554, 9681  
 101.....8554

**20 CFR**

401.....9763  
 402.....9763  
 403.....9763  
 404.....8768  
 645.....9763  
 655.....10813, 10814  
 656.....10814  
**Proposed Rules:**  
 655.....10865  
 656.....10865

**21 CFR**

179.....10574  
 314.....10815  
 520.....9650  
 601.....10815  
 862.....12733  
 888.....12734

**22 CFR**

41.....10363, 12737  
 42.....10363  
 126.....10575, 12738

**23 CFR**

655.....9196  
 940.....9196

**24 CFR**

903.....8897  
**Proposed Rules:**  
 320.....12428  
 330.....12428

**25 CFR**

103.....8898  
 115.....8768  
 151.....8899, 10815

**26 CFR**

1.....9034, 9651, 9925, 10190,  
                   10191  
 26.....11108, 12834  
 31.....10191  
 301.....9957, 10191, 10364

602.....9925, 10191

**Proposed Rules:**

1.....8614, 9535, 10247, 10396,  
           10642, 10981, 12445, 12448  
 20.....10396  
 25.....10396  
 26.....10396  
 31.....8614, 10247  
 35.....8614  
 36.....8614  
 40.....8614, 10649  
 54.....10981  
 301...8614, 9535, 9991, 10247,  
           10249  
 601.....8614  
 602.....9535

**27 CFR**

9.....11537, 11540  
 170.....8768  
**Proposed Rules:**  
 9.....8925

**29 CFR**

4022.....10365  
 4044.....10365

**30 CFR**

218.....11512  
 256.....11512  
 260.....11512  
 936.....10403  
 938.....10405  
 944.....10866  
**Proposed Rules:**  
 Ch. II.....11241

**31 CFR**

1.....9959  
 210.....10578

**32 CFR**

199.....9199, 9651, 10367

**33 CFR**

95.....9658  
 100.....9658, 9659, 10581  
 110.....12742  
 117.....9199, 9201, 9659, 9660,  
           10581, 10816, 10817, 10965,  
           11108, 11233, 12745  
 165.....10581  
 177.....9658  
 323.....10367

**Proposed Rules:**

117.....9779, 11127  
 164.....11241  
 401.....9752  
 402.....9752

**34 CFR**

300.....8770  
 361.....8770  
 606.....8519

**36 CFR**

242.....10142, 10582  
 294.....8899  
**Proposed Rules:**  
 242.....10162

**38 CFR**

**Proposed Rules:**  
 3.....11549

**39 CFR**

111.....9509

**Proposed Rules:**

111.....10868  
 551.....10408  
 3000.....11242

**40 CFR**

31.....9661  
 35.....9202, 9661  
 52.....9203, 9206, 9209, 9522,  
           9661, 9764, 9766, 9769  
 60.....9034  
 63.....11233, 11543  
 81.....9663  
 131.....9960  
 141.....9903  
 180.....9770, 10196, 10817,  
           10826, 11110  
 232.....10367  
 300.....10367, 10371  
 372.....10585  
 721.....92110  
 735.....9202

**Proposed Rules:**

51.....12746  
 52.....9263, 9264, 9278, 9285,  
           9535, 9781  
 60.....12746  
 63.....11550, 12746  
 70.....12746  
 123.....12746  
 142.....12746  
 145.....12746  
 148.....10060  
 162.....12746  
 233.....12746  
 257.....12746  
 258.....12746  
 261.....9781, 9992, 10060  
 268.....10060  
 271.....10060, 12746  
 281.....12746  
 300.....10411, 10412  
 302.....10060  
 403.....12746  
 420.....10253  
 438.....9058  
 501.....12746  
 721.....11243  
 745.....12746  
 763.....12746  
 1610.....8926

**42 CFR**

400.....11546  
 411.....8771  
 424.....8771  
 430.....11546  
 431.....11546, 11547  
 433.....11547  
 434.....11546  
 435.....11546, 11547  
 436.....11547  
 438.....11546  
 440.....11546  
 447.....11546  
 457.....11547

**Proposed Rules:**

36.....10182, 11100, 12747

**43 CFR**

3100.....9527  
 3106.....9527  
 3108.....9527  
 3130.....9527  
 3160.....9527

**Proposed Rules:**

3000.....10000

3100.....10000	1.....10601, 11113	10657, 10658, 10982, 11130,	1002.....10830
3200.....10000	2.....9212, 10601, 11113	12449, 12450, 12747, 12748,	
3400.....10000	20.....10967	12749, 12750, 12751, 12752,	
3500.....10000	21.....9962	12753	
3600.....10000	24.....9773, 10967	90.....10659	<b>50 CFR</b>
3800.....10000	25.....9973, 10601	100.....8774	17.....8530, 8650, 8850, 9146,
<b>44 CFR</b>	27.....9035, 10374		9219, 9233, 9414
64.....10586	51.....8519, 9035	<b>48 CFR</b>	86.....9533
65.....10588, 10590, 10592	52.....9528, 9674, 11236	931.....8746	100.....10142
67.....10596	64.....9674	970.....8746	600.....10208
<b>Proposed Rules:</b>	73.....8520, 9036, 9037, 9038,	<b>Proposed Rules:</b>	622.....11237
67.....10652	9039, 9675, 9676, 9962,	904.....8560	635.....8903
	9973, 10204, 10631, 10968,	952.....8560	648.....8904, 9678, 9778, 12438
	11117, 11118, 11119, 11237	970.....8560	660.....10208, 11119, 11120
<b>45 CFR</b>	76.....9962		679.....9679, 9680, 10636,
160.....12738	79.....8521	<b>49 CFR</b>	10637, 10969, 11123, 12739
164.....12738	87.....11113	37.....9048, 10968	697.....89806
2525.....9773	90.....8899, 10632, 12437	40.....9673	<b>Proposed Rules:</b>
	95.....9212	171.....8644	17.....9476, 9540, 9683, 9806,
	101.....11113	172.....8644	10419, 10441, 10471, 11131,
<b>46 CFR</b>	<b>Proposed Rules:</b>	173.....8644	11132, 11133, 11134, 11244,
10.....9673	1.....10413	176.....8644	12450, 12754
15.....9673	20.....9798, 10413, 10570	195.....9532	100.....10162
67.....9673	22.....9798, 10570	213.....9676	223.....9808
160.....12434	32.....9681	229.....9906	224.....10983
164.....12434	43.....9681, 10413	231.....9906	600.....12451, 12452
<b>Proposed Rules:</b>	51.....8556, 9058	232.....9906	622.....8567, 9813, 10267
25.....11241	52.....9535	390.....9677	648.....8560, 9814, 10983,
27.....11241	73.....8557, 8558, 8559, 8560,	571.....9533, 9673	12755
	9061, 9062, 9682, 9683,	595.....12638	
<b>47 CFR</b>	10001, 10265, 10266, 10267,	611.....9677	660.....9285
Ch. I.....10965			

**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT FEBRUARY 28, 2001****HEALTH AND HUMAN SERVICES DEPARTMENT****Food and Drug Administration**

Medical devices:

Clinical chemistry and clinical toxicology devices—

B-type natriuretic peptide test system; classification; published 2-28-01

**STATE DEPARTMENT**

Visas; nonimmigrant documentation:

Reissuance of O and P Nonimmigrant Visas; published 2-28-01

**TRANSPORTATION DEPARTMENT****Federal Aviation Administration**

Airworthiness directives:

Bell; published 2-13-01  
Boeing; published 1-24-01  
Cessna; published 2-6-01  
Construcciones Aeronauticas, S.A. (CASA); published 1-24-01

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Cherries (tart) grown in—

Michigan et al.; comments due by 3-5-01; published 1-3-01

**CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD**

Attorney misconduct, witness sequestration, and exclusion of counsel; comments due by 3-7-01; published 2-5-01

**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**

Endangered and threatened species:

Steelhead; one evolutionarily significant unit in

California and Oregon; comments due by 3-5-01; published 2-12-01

Fishery conservation and management:

Northeastern United States fisheries—

Northeast multispecies and Atlantic sea scallop; comments due by 3-5-01; published 2-1-01

Marine mammals:

Commercial fishing authorizations—

Fisheries categorized according to frequency of incidental takes; 2001 list; comments due by 3-8-01; published 1-22-01

**DEFENSE DEPARTMENT**

Privacy Act; implementation

National Reconnaissance Office; comments due by 3-9-01; published 1-8-01

**DEFENSE DEPARTMENT Engineers Corps**

Navigation regulations:

St. Marys Falls Canal and Soo Locks, MI; administration and navigation; comments due by 3-9-01; published 1-23-01

**ENERGY DEPARTMENT**

Acquisition regulations:

Conditional payment of fee, profit, and other incentives; comments due by 3-5-01; published 2-1-01

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:

Delaware; comments due by 3-9-01; published 2-7-01

Illinois; comments due by 3-9-01; published 2-7-01

Michigan; comments due by 3-9-01; published 2-7-01

New Hampshire; comments due by 3-9-01; published 2-7-01

Texas; comments due by 3-9-01; published 2-7-01

Hazardous waste:

Project XL program; site-specific projects—  
Autoliv ASP Inc. facility, Promontory, UT; comments due by 3-6-01; published 2-13-01

Water pollution control:

National Pollution Discharge Elimination System—  
South Dakota; sludge management (biosolids)

program modification application; comments due by 3-5-01; published 1-18-01

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Agency competitive bidding authority; comments due by 3-5-01; published 1-2-01

Interconnection—

Unbundled network elements use to provide exchange access service; comments due by 3-5-01; published 2-1-01

Satellite communications—  
Direct broadcast satellite service; non-conforming use of spectrum; comments due by 3-5-01; published 2-2-01

Radio stations; table of assignments:

California; comments due by 3-5-01; published 1-24-01

Georgia; comments due by 3-5-01; published 1-24-01

Ohio and Pennsylvania; comments due by 3-5-01; published 1-26-01

**FEDERAL RESERVE SYSTEM**

Home mortgage disclosure (Regulation C):

Miscellaneous amendments; staff interpretation; comments due by 3-9-01; published 12-15-00

Truth in lending (Regulation Z):

Home-equity lending market abusive lending practices; additional disclosure requirements and substantive limitations for certain loans; comments due by 3-9-01; published 12-26-00

**HEALTH AND HUMAN SERVICES DEPARTMENT****Health Care Financing Administration**

Medicare and Medicaid:

Physicians' referrals to health care entities with which they have financial relationships; comments due by 3-5-01; published 1-4-01

**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

Public and Indian housing:

Public housing total development cost; comments due by 3-5-01; published 1-4-01

**INTERIOR DEPARTMENT****Minerals Management Service**

Outer Continental Shelf; oil, gas, and sulphur operations: Surety bonds for leases; requirements; comments due by 3-9-01; published 1-8-01

**INTERIOR DEPARTMENT****National Park Service**

Special regulations:

Rocky Mountain National Park; snowmobile routes elimination; comments due by 3-6-01; published 1-5-01

**INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office**

Permanent program and abandoned mine land reclamation plan submissions:

Utah; comments due by 3-7-01; published 2-20-01

**JUSTICE DEPARTMENT****Immigration and Naturalization Service**

Immigration:

Aliens—

Transit Without Visa Program; countries whose citizens or nationals are ineligible to participate; list; comments due by 3-6-01; published 1-5-01

Transit Without Visa Program; countries whose citizens or nationals are ineligible to participate; determination criteria; comments due by 3-6-01; published 1-5-01

**RAILROAD RETIREMENT BOARD**

Organization, functions, and authority delegations:

Use of agency's seal; comments due by 3-5-01; published 1-3-01

**SMALL BUSINESS ADMINISTRATION**

Small business size standards:

Nonmanufacturer rule; waivers—  
Aerospace ball and roller bearings; comments due by 3-5-01; published 2-20-01

**SOCIAL SECURITY ADMINISTRATION**

Social security benefits and supplemental security income:

Federal old age, survivors, and disability insurance, and aged, blind, and disabled—

Administrative law judges; scheduling video teleconference hearings; comments due by 3-6-01; published 1-5-01

#### STATE DEPARTMENT

Visas; nonimmigrant documentation:

Aliens ineligible to transit without visas; new list of countries; comments due by 3-6-01; published 1-5-01

#### TRANSPORTATION DEPARTMENT

##### Coast Guard

Drawbridge operations:

Connecticut; comments due by 3-9-01; published 1-8-01

Electrical engineering:

Marine shipboard electrical cable standards; incorporation by reference; comments due by 3-9-01; published 1-8-01

Uninspected vessels:

Towing vessels; fire suppression systems and voyage planning; comments due by 3-8-01; published 11-8-00

#### TRANSPORTATION DEPARTMENT

Americans with Disabilities Act; implementation:

Accessibility guidelines—  
Over-the-road buses; comments due by 3-8-01; published 2-6-01

#### TRANSPORTATION DEPARTMENT

##### Federal Aviation Administration

Airworthiness directives:

Boeing; comments due by 3-9-01; published 1-23-01

Empresa Brasileira de Aeronautica S.A. (EMBRAER); comments due by 3-5-01; published 2-2-01

Israel Aircraft Industries, Ltd.; comments due by 3-5-01; published 2-2-01

McDonnell Douglas; comments due by 3-5-01; published 1-2-01

Class E airspace; comments due by 3-5-01; published 2-2-01

#### TRANSPORTATION DEPARTMENT

##### Federal Railroad Administration

Railroad locomotive safety standards; locomotive cab sanitation standards; comments due by 3-5-01; published 1-2-01

#### TRANSPORTATION DEPARTMENT

##### National Highway Traffic Safety Administration

Motor vehicle safety standards:  
Head restraints for passenger cars and light multipurpose vehicles, trucks, and buses; comments due by 3-5-01; published 1-4-01

#### TREASURY DEPARTMENT

##### Internal Revenue Service

Employment taxes and collection of income taxes at source:

Federal employment tax deposits; de minimis rule; comments due by 3-6-01; published 12-6-00

Income taxes:

Defined benefit pension plan; excess assets transfer to retiree health account; minimum cost requirement; hearing; comments due by 3-6-01; published 1-5-01

Space and ocean activities and communication; sources of income; hearing; comments due by 3-7-01; published 1-17-01

#### LIST OF PUBLIC LAWS

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#### 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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