



# Federal Register

---

3-12-01

Vol. 66 No. 48

Pages 14299-14478

Monday

Mar. 12, 2001



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

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

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

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

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

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

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

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

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

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

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

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

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

Paper or fiche 202-512-1800  
Assistance with public subscriptions 512-1806

**General online information** 202-512-1530; 1-888-293-6498

#### Single copies/back copies:

Paper or fiche 512-1800  
Assistance with public single copies 512-1803

### FEDERAL AGENCIES

#### Subscriptions:

Paper or fiche 523-5243  
Assistance with Federal agency subscriptions 523-5243

### FEDERAL REGISTER WORKSHOP

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

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** Sponsored by the Office of the Federal Register.
- WHAT:** Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### WASHINGTON, DC

- WHEN:** Tuesday, April 17, 2001 at 9:00 a.m.
- WHERE:** Office of the Federal Register  
Conference Room  
800 North Capitol Street, NW.  
Washington, DC  
(3 blocks north of Union Station Metro)
- RESERVATIONS:** 202-523-4538



# Contents

## Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

### Agriculture Department

See National Agricultural Statistics Service

See Rural Utilities Service

### Army Department

#### NOTICES

Military traffic management:  
Capacity load, 14359–14361

### Children and Families Administration

#### NOTICES

Agency information collection activities:  
Submission for OMB review; comment request, 14389–14390

### Commerce Department

See National Oceanic and Atmospheric Administration

### Committee for the Implementation of Textile Agreements

#### NOTICES

Textile and apparel categories:  
Caribbean Basin Trade Partnership Act—  
Short supply request; comment request, 14357–14358  
North American Free Trade Agreement—  
Short supply petition; comment request, 14358–14359

### Defense Department

See Army Department

See Navy Department

#### NOTICES

Meetings:  
Science Board task forces, 14359

### Energy Department

See Federal Energy Regulatory Commission

#### NOTICES

Powerplant and industrial fuel use; new electric  
powerplant coal capability:  
Self-certification filings—  
GenPower McIntosh, LLC, et al., 14366–14367

### Environmental Protection Agency

#### RULES

Air pollutants, hazardous; national emission standards:  
Washington; perchloroethylene dry cleaning facilities,  
14320–14326

Air quality implementation plans; approval and  
promulgation; various States:  
Massachusetts, 14318–14320

Pesticides; tolerances in food, animal feeds, and raw  
agricultural commodities:  
Butene, homopolymer, 14326–14330  
Chlorothalonil, 14330–14342

#### PROPOSED RULES

Air pollutants, hazardous; national emission standards:  
Washington; perchloroethylene dry cleaning facilities,  
14352

#### NOTICES

Meetings:  
Science Advisory Board, 14382–14383  
Pesticides; emergency exemptions, etc.:  
Acetamiprid, 14383–14385

Pesticides; experimental use permits, etc.:  
Pacific Island Ecosystems Research Center et al., 14385

### Executive Office of the President

See Presidential Documents

See Trade Representative, Office of United States

### Farm Credit Administration

#### RULES

Farm credit system:  
Disclosure to shareholders—  
Annual reporting requirements, 14299–14301

### Federal Aviation Administration

#### RULES

Airworthiness directives:  
DG Flugzeugbau GmbH, 14304–14306  
Eurocopter France, 14301–14304  
Piaggio Aero Industries S.p.A., 14310–14312  
Pilatus Aircraft Ltd., 14306–14308  
SOCATA-Groupe AEROSPATIALE, 14308–14309  
Standard instrument approach procedures, 14312–14315

#### PROPOSED RULES

Airworthiness directives:  
General Electric Co., 14348–14350  
Honeywell International, Inc., 14345–14348

#### NOTICES

Aeronautical land-use assurance; waivers:  
Manchester Airport, NH, 14426  
Agency information collection activities:  
Submission for OMB review; comment request, 14426  
Aviation Rulemaking Advisory Committee; task  
assignments, 14427–14428  
Committees; establishment, renewal, termination, etc.:  
National Parks Overflights Advisory Group, 14428–14430  
Environmental statements; notice of intent:  
Phoenix Sky Harbor International Airport, AZ, 14430  
Exemption petitions; summary and disposition, 14430–14431  
Meetings:  
Air Traffic Procedures Advisory Committee, 14431  
RTCA, Inc., 14431  
Reports and guidance documents; availability, etc.:  
Automatic pilot (control wheel steering); applications for  
Part 23/CAR 3 airplanes, 14432

### Federal Energy Regulatory Commission

#### NOTICES

Electric rate and corporate regulation filings:  
Consolidated Edison Co. of New York, Inc., et al., 14377–14379  
Magic Valley Pipeline, L.P., 14379  
Universal Studios, Inc., et al., 14379–14382  
*Applications, hearings, determinations, etc.:*  
Allegheny Energy Global Markets, LLC, 14367  
ANR Pipeline Co., 14367–14368  
Cove Point LNG L.P., 14368  
Dearborne Industrial Generation, L.L.C., 14368–14369  
Harquahala Generating Co., LLC, 14369  
Head County Power, L.L.C., 14369  
MEP Pleasant Hill Operating, LLC, 14369–14370  
Mississippi River Transmission Corp., 14370

National Fuel Gas Supply Corp., 14370–14371  
 Natural Gas Pipeline Co. of America, 14371  
 Northwest Alaskan Pipeline Co., 14371  
 Northwest Pipeline Corp., 14371–14372  
 Panhandle Eastern Pipe Line Co., 14372  
 Pine Needle LNG Co., LLC, 14372–14373  
 Southern Natural Gas Co., 14373  
 Southwest Gas Storage Co., 14373  
 Tennessee Gas Pipeline Co., 14373–14374  
 TransColorado Gas Transmission Co., 14374  
 Transcontinental Gas Pipe Line Corp., 14374–14375  
 Trunkline Gas Co., 14375–14376  
 Twelvepole Creek, LLC, 14376  
 Viking Gas Transmission Co., 14376–14377  
 Williston Basin Interstate Pipeline Co., 14377

### Federal Railroad Administration

#### NOTICES

Safety advisories, bulletins, and directives:  
 Cast steel draft sills constructed by American Steel  
 Foundries and installed in covered hopper cars;  
 structural integrity, 14432–14433

### Federal Reserve System

#### NOTICES

Banks and bank holding companies:  
 Formations, acquisitions, and mergers, 14385–14386

### Federal Retirement Thrift Investment Board

#### RULES

Thrift savings plan:  
 Administrative errors correction, 14445–14449

### Fish and Wildlife Service

#### PROPOSED RULES

Marine mammals:  
 Incidental take during specified activities—  
 Florida manatees, 14352–14354

#### NOTICES

Environmental statements; availability, etc.:  
 United Heckathorn Superfund Site, CA; Tubbs Island  
 Restoration Project, 14413–14414

### Food and Drug Administration

#### RULES

Animal drugs, feeds, and related products:  
 Phenylbutazone tablets and boluses, 14316

#### NOTICES

Medical devices:  
 Premarket application approvals, list; safety and  
 effectiveness summaries availability, 14390–14391  
 Reports and guidance documents; availability, etc.:  
 Human drug and biological products including vaccines;  
 postmarketing safety reporting, 14391–14392

### Health and Human Services Department

*See* Children and Families Administration  
*See* Food and Drug Administration  
*See* Health Care Financing Administration  
*See* Health Resources and Services Administration  
*See* National Institutes of Health  
*See* Substance Abuse and Mental Health Services  
 Administration

#### NOTICES

Grants and cooperative agreements; availability, etc.:  
 Adolescent Family Life Demonstration Projects, 14386–  
 14389

#### Meetings:

Vital and Health Statistics National Committee, 14389

### Health Care Financing Administration

#### RULES

##### Medicaid:

Federal financial participation limits  
 Effective date delay, 14343

##### Medicare:

Nursing and allied health education programs; payment  
 policy  
 Effective date delay, 14342–14343

#### NOTICES

Agency information collection activities:  
 Proposed collection; comment request, 14392

### Health Resources and Services Administration

#### NOTICES

##### Meetings:

Children's Hospitals Graduate Medical Education  
 Payment Program criteria; conference, 14393  
 Migrant Health National Advisory Council, 14393

### Housing and Urban Development Department

#### NOTICES

Agency information collection activities:  
 Proposed collection; comment request, 14411–14412

### Interior Department

*See* Fish and Wildlife Service

*See* Land Management Bureau

*See* Minerals Management Service

*See* National Park Service

*See* Reclamation Bureau

*See* Surface Mining Reclamation and Enforcement Office

#### NOTICES

Reports and guidance documents; availability, etc.:  
 National Invasive Species Management Plan (Meeting the  
 Challenge), 14412–14413

### Internal Revenue Service

#### PROPOSED RULES

##### Income taxes:

Domestic reverse hybrid entities; treaty guidance  
 regarding payments  
 Correction, 14352  
 Space and ocean activities and communication; source of  
 income  
 Hearing date change, 14351  
 Stock transfer rules—  
 Earnings and taxes carryover; correction, 14443, 14350–  
 14351

#### NOTICES

Agency information collection activities:  
 Proposed collection; comment request, 14435–14442

### International Trade Commission

#### NOTICES

##### Import investigations:

CMOS active pixel image sensors and products  
 containing same, 14421–14422

### Land Management Bureau

#### NOTICES

##### Closure of public lands:

Nevada, 14414

##### Environmental statements; availability, etc.:

California Desert Conservation Area, CA, 14414–14415

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

Vernal Resource Area, UT, 14415–14417

## Meetings:

Resource Advisory Councils—  
Northeast California and Sierra Front/Northwestern  
Great Basin, 14417

## Survey plat filings:

Oregon/Washington, 14417–14418

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

## Agency information collection activities:

Submission for OMB review; comment request, 14418–  
14419

**National Agricultural Statistics Service****NOTICES**

## Meetings:

Agriculture Statistics Advisory Committee, 14355

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

## Meetings:

United Nations Economic Commission for Europe; World  
Forum for Harmonization of Vehicle Regulations;  
meeting schedule, 14433–14434

**National Institutes of Health****NOTICES**

## Agency information collection activities:

Submission for OMB review; comment request, 14393–  
14395

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

National Cancer Institute—  
Selective T cell depletion to improve bone marrow  
transplantation procedures; methods development,  
14395–14397

National Institute on Child Health and Human  
Development—

Maternal effect gene specific to remodeling of  
chromosomal architecture, etc.; identification  
strategies development, 14397–14398

## Meetings:

National Cancer Institute, 14398–14399

National Center for Complementary and Alternative  
Medicine, 14399

National Center for Research Resources, 14399–14400

National Heart, Lung, and Blood Institute, 14400

National Institute of Allergy and Infectious Diseases,  
14404–14405

National Institute of Arthritis and Musculoskeletal and  
Skin Diseases, 14402

National Institute of Child Health and Human  
Development, 14401, 14405–14406

National Institute of Dental and Craniofacial Research,  
14402–14403

National Institute of Diabetes and Digestive and Kidney  
Diseases, 14403–14404

National Institute of Mental Health, 14401, 14403

National Institute of Neurological Disorders and Stroke,  
14401

National Institute on Alcohol Abuse and Alcoholism,  
14400

National Institute on Deafness and Other Communication  
Disorders, 14404–14405

Scientific Review Center, 14406–14407

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

## Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—  
Atka mackerel, 14343–14344

**PROPOSED RULES**

## Fishery conservation and management:

West Coast States and Western Pacific fisheries—  
Western Pacific Fishery Management Council;  
biological opinion, 14354

**NOTICES**

## Meetings:

Gulf of Mexico Fishery Management Council, 14356–  
14357

National Sea Grant Review Panel, 14357

## Permits:

Foreign fishing, 14357

**National Park Service****NOTICES**

## Meetings:

Cape Cod National Seashore Advisory Commission,  
14419

**National Science Foundation****NOTICES**

## Meetings:

Computing-Communications Research Special Emphasis  
Panel, 14422

**Navy Department****NOTICES**

## Environmental statements; availability, etc.:

Base realignment and closure—  
Guam Land Use Plan Update, 14361–14366

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

## Meetings:

Reactor Safeguards Advisory Committee, 14422

**Office of United States Trade Representative**

See Trade Representative, Office of United States

**Presidential Documents****PROCLAMATIONS***Special observances:*

National Colorectal Cancer Awareness Month (Proc.  
7415), 14475–14477

**ADMINISTRATIVE ORDERS**

Energy plant construction funding for Russia; delegation of  
reporting authority (Memorandum of March 5, 2001),  
14451–14453

## Narcotics and drugs:

Certification for major illicit drug producing and drug  
transit countries (Presidential Determination No.  
2001-12), 14454–14474

**Public Health Service**

See Food and Drug Administration

See Health Resources and Services Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services  
Administration

**Railroad Retirement Board****NOTICES**

## Agency information collection activities:

Proposed collection; comment request, 14422–14423

Submission for OMB review; comment request, 14423

### Reclamation Bureau

#### NOTICES

Meetings:

Bay-Delta Advisory Council, 14419–14420

### Rural Utilities Service

#### NOTICES

Environmental statements; availability, etc.:

Associated Electric Cooperative, 14355

East Kentucky Power Cooperative, 14355–14356

### Securities and Exchange Commission

#### NOTICES

Meetings; Sunshine Act, 14423

### Small Business Administration

#### NOTICES

Agency information collection activities:

Proposed collection; comment request, 14423–14424

Disaster loan areas:

Alabama, 14424

### Social Security Administration

#### RULES

Testimony by agency employees and records production in legal proceedings

Correction, 14315–14316

#### NOTICES

Agency information collection activities:

Proposed collection; comment request, 14424–14425

### State Department

#### NOTICES

Art objects; importation for exhibition:

Marc Chagall: Early Works from Russian Collections, 14425

### Statistical Reporting Service

See National Agricultural Statistics Service

### Substance Abuse and Mental Health Services Administration

#### NOTICES

Grants and cooperative agreements; availability, etc.:

Mental Health Services Center—

Statewide Family Networks, 14407–14409

Statewide Networks Technical Assistance Center, 14409–14410

Reports and guidance documents; availability, etc.:

Program announcements; revised applications

resubmission procedures, 14410–14411

### Surface Mining Reclamation and Enforcement Office

#### RULES

Surface and underground mining activities:

Permanent and temporary impoundments; technical amendment, 14316–14318

#### NOTICES

Agency information collection activities:

Proposed collection; comment request, 14420–14421

### Surface Transportation Board

#### NOTICES

Railroad services abandonment:

Charles City Railway, 14434–14435

Stand-alone cost rate cases; procedures for presenting evidence, 14435

### Textile Agreements Implementation Committee

See Committee for the Implementation of Textile Agreements

### Trade Representative, Office of United States

#### NOTICES

African Growth and Opportunity Act; implementation:

South Africa; benefits eligibility criteria, 14425

### Transportation Department

See Federal Aviation Administration

See Federal Railroad Administration

See National Highway Traffic Safety Administration

See Surface Transportation Board

### Treasury Department

See Internal Revenue Service

#### NOTICES

Reports and guidance documents; availability, etc.:

National origin discrimination as it affects limited

English proficient persons; prohibition; policy

guidance to Federal financial assistance recipients

Correction, 14443

### Separate Parts In This Issue

#### Part II

Federal Retirement Thrift Investment Board, 14445–14449

#### Part III

The President, 14451–14474

#### Part IV

The President, 14475–14477

### 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:**

7415.....14477

**Administrative Orders:**

## Memorandum:

## Memorandum of of

March 5, 2001.....14453

## Presidential Determinations:

2001-12 of March 1,

2001.....14454

**5 CFR**

1605.....14446

**12 CFR**

620.....14299

**14 CFR**

39 (5 documents).....14301,

14304, 14306, 14308, 14310

97 (2 documents).....14312,

14314

**Proposed Rules:**

39 (3 documents).....14345,

14346, 14348

**20 CFR**

403.....14315

**21 CFR**

520.....14316

**26 CFR****Proposed Rules:**

1 (4 documents).....14350,

14351, 14443

**30 CFR**

816.....14316

817.....14316

**40 CFR**

52.....14318

63.....14320

180 (2 documents).....14326,

14330

**Proposed Rules:**

63.....14352

**42 CFR**

413.....14342

422.....14342

435.....14343

**50 CFR**

679.....14343

**Proposed Rules:**

18.....14352

660.....14353

# Rules and Regulations

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

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

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

## FARM CREDIT ADMINISTRATION

### 12 CFR Part 620

RIN 3052-AB94

#### Disclosure to Shareholders; Annual Report

**AGENCY:** Farm Credit Administration.

**ACTION:** Final rule.

**SUMMARY:** The Farm Credit Administration (FCA) issues a final rule amending the disclosure requirements in part 620 of its regulations. The final rule provides that a bank need not distribute its annual report to the shareholders of its related associations unless it experiences a "significant event." The final rule also requires all associations to disclose, in a separate section of their annual report, specified information about their financial and supervisory relationship with their funding bank. This final rule benefits banks, associations, and their shareholders because it allows the banks and associations to share necessary information with shareholders at a reduced cost.

**EFFECTIVE DATE:** This regulation will become effective 30 days after publication in the **Federal Register** during which either or both houses of Congress are in session. Notice of the effective date will be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Tong-Ching Chang, Policy Analyst, Office of Policy and Analysis, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4461, TDD (703) 883-4444; or Alison C. Samarias, Attorney Advisor, Office of General Counsel, Farm Credit Administration, McLean, VA 22102-5090, (703) 883-4020, TDD (703) 883-4444.

#### SUPPLEMENTARY INFORMATION:

##### I. Objectives

The objectives of our final rule are to:

- Ensure that association shareholders continue to receive the information they need about how their associations' relationships with related banks affect their own investments in the associations; and
- Allow banks (and indirectly their related associations and their shareholders) to save significant printing and mailing costs by relaxing the requirement that they must routinely distribute their annual reports to the shareholders of their related associations.

##### II. Background

This final rule is part of the FCA's continuing efforts to reduce unnecessary regulatory burden on the Farm Credit System (FCS or System). On August 18, 1998, we published a notice in the **Federal Register** that invited the public to identify existing regulations that impose unnecessary burden on the System.<sup>1</sup> Two FCS institutions asked us to repeal § 620.4(b)(1), which requires any Farm Credit bank that presents its financial statements on a combined basis with its related associations to distribute its annual report separately to the associations' shareholders.

On March 17, 2000, the FCA proposed amendments to the disclosure requirements in part 620 of its regulations (65 FR 14494). The proposed rule provided, in general, that a bank need not distribute its annual report to the shareholders of any related association that disclosed, in a separate section of its annual report, specified information about its financial and supervisory relationship with the bank. The proposed rule, however, required any System bank that experienced a "significant event" to distribute its annual report to the shareholders of its related associations.

The rule that we proposed had two objectives. First, the proposed rule ensured association shareholders would continue to receive information about the associations' relationship with its funding bank and how that relationship may affect the shareholders' investments in the association. Second, the proposed rule relaxed the requirement that System banks must routinely distribute their annual reports to the shareholders of their related associations. Relaxing this requirement allows banks to save significant printing

and mailing costs. The banks, in turn, can pass these cost savings on to their related associations, which can pass the savings on to their shareholders.

The FCA received four comment letters on the proposed rule; one each from: the Accounting Standards Work Group (ASWG), the Farm Credit Council (FCC), a Farm Credit bank, and a System association. All commenters supported the proposed rule. However, the commenters asked us to clarify certain provisions of the proposed rule and offered suggestions to improve the regulations. We have responded to the commenters' requests in the final rule.

##### A. Disclosure of FCS Banks' Annual Reports

Existing § 620.4(b) requires FCS banks that present their financial statements on a combined basis with their related associations to distribute their annual reports to association shareholders. However, the regulation permits FCS banks that present their financial statements on a bank-only basis to distribute their annual reports to the shareholders of their related associations only when the bank experiences a significant event that has a material effect on its associations.

The proposed rule would no longer have required an FCS bank to routinely distribute its annual report to the shareholders of a related association that disclosed, in a separate section of its annual report, specified information about its financial and supervisory relationship with the bank. Distribution of the report by the bank would have been required, however, whenever an FCS bank experienced a "significant event," as defined in existing § 620.1(r).<sup>2</sup>

The "separate section" would not have required any "new" disclosure. Currently, §§ 620.5 and 620.2(h)(2) specify the information that associations must include in this separate section.

<sup>2</sup> Section 620.1(r) provides that "Significant event means any event that is likely to have a material impact on the reporting institution's financial condition, results of operations, cost of funds, or reliability of sources of funds. The term 'significant event' includes, but is not limited to, actual or probable noncompliance with the regulatory minimum permanent capital standards or capital adequacy requirements, stock impairment, the imposition of or entering into enforcement actions, execution of financial assistance agreements with other institutions, collateral deficiencies that impact a bank's ability to obtain loan funds, or defaults on debt obligations."

<sup>1</sup> See 63 FR 44176.



The proposed rule, however, would have provided banks with relief from the distribution requirement only if each related association presented this information in a separate section of its annual report. The separate section about the association's financial and supervisory relationship with the bank could have incorporated "by reference" information from other sections of the annual report. This separate section of the association's annual report would have included the following information, which is already required by § 620.5, when applicable:

- The association's obligation to borrow only from the bank (unless the bank gives the association approval to borrow elsewhere);
- The major terms of any capital preservation, loss sharing, or financial assistance agreements between the association and the bank;
- Any statutory or bank bylaw provisions authorizing bank access to the capital of the association;
- The extent the bank assumed the association's exposure to interest rate risk; and
- Any other material operational and financial conditions contributing to an interdependent relationship between the association and the bank.

The commenters supported the FCA's proposal to apply the same regulatory standards to all FCS banks, regardless of whether they prepare their financial statements on a bank-only basis or a combined basis with their affiliated associations. In addition, the commenters were not opposed to association disclosure of information about the financial and supervisory relationship with their funding banks in a separate section of their annual reports.

Three commenters, however, expressed concern that a bank's obligation to distribute its annual report to association shareholders hinged on a related association's decision to disclose relevant information about its relationship with its funding bank in a separate section of its annual reports. The FCS bank commented that it does not control the annual financial statements of its associations, which are audited by independent certified public accountants and, therefore, "the bank is fundamentally dependent on the actions of the associations to determine whether a distribution of annual reports is required." In addition, the commenter stated that the proposed rule places "the onus on the bank for distributing bank annual reports for failure of its related association(s) to comply with FCA regulations."

As an alternative, the ASWG, which is made up of staff from both banks and associations, suggested that the final rule require each association to disclose in a separate section of its annual report adequate information about its relationship with its funding bank. The ASWG also stated that a bank should be responsible for distribution of its annual report to its associations' shareholders only when the requirement to distribute is triggered by a "significant event."

The FCA responds to the commenters' concerns by adopting a final rule that requires all FCS associations to disclose in a separate section of their annual reports specified information about their financial and supervisory relationship with their funding bank. The final rule, like the proposed rule, does not create any new disclosure requirements for banks or associations. In fact, the final rule only requires that associations reorganize information in their annual reports they have always disclosed. Final § 620.5(a)(10) now requires associations to address their relationship with their funding bank in a separate section of their annual report. As a result, the final rule does not impose any additional burdens on FCS associations.

The new separate section requirement replaces the existing provision on FCS banks' annual report distribution. Final § 620.4(b) no longer requires any FCS bank to distribute its annual report to association shareholders unless it "experiences a significant event that has a material effect on the associations." Under the final rule, the same shareholder disclosure standards apply to all FCS banks. FCS banks that prepare their financial statements on a combined basis with their related associations are subject to the same requirement for distributing annual reports to association shareholders as FCS banks that prepare their financial statements on a bank-only basis.

The final rule addresses the commenters' concerns about the disclosure obligations of both FCS banks and associations. The final rule clarifies that System banks are not responsible for ensuring that each related association disclose in a separate section of its annual report information about its relationship with the funding bank. Under the final rule, a System bank must distribute its annual report directly to association shareholders only when it experiences a significant event that has a material effect on its related associations. As a result, the final rule saves banks the significant costs of routinely distributing its annual report to association shareholders. Additionally, FCS banks will not need

to oversee the preparation of annual reports by their related associations because final § 620.5 specifies the information that associations must disclose in their annual reports.

Two commenters expressed concern that FCS banks could not distribute their annual report within the 90-day time frame established by proposed § 620.4(b)(2) if an association's annual report failed to disclose information about its financial and supervisory relationship with the bank. The final rule addresses the concerns by removing the proposed bank disclosure requirement that was based on an association's failure to disclose.

Our approach in the final rule also simplifies disclosure by FCS associations without sacrificing safety and soundness. By requiring a separate section of each association's annual report to disclose information already contained in the annual report about its relationship with the bank, the association's shareholders will have easy access to information that could affect their own investments in the FCS. In addition, we made two clarifying changes in § 620.5(a)(10)(iii) and (v) to explain the existing requirements. These changes are not substantive and they impose no new or additional burden on associations.

#### *B. Obtaining Copies of Financial Reports*

Existing § 620.2(h) requires System institutions to provide telephone numbers and addresses where shareholders may obtain copies of certain financial reports. The proposed amendments would have expanded this requirement by providing that annual reports must contain the telephone numbers and addresses (including, if available, electronic mail and Web site addresses) where shareholders may obtain copies of the reports.

The FCC construed the proposed regulation as requiring all institutions to make their financial reports available on their Web sites. Further, the ASWG stated the regulations should not "attempt to address all possible means for obtaining reports." Accordingly, final § 620.2(h) permits, but does not require, System institutions to offer their shareholders additional means to request copies of financial reports, beyond the traditional telephone numbers and mailing addresses. If an institution has no other available means besides traditional telephone numbers and mailing addresses, the rule does not require the institution to take action to make other options available to its shareholders.

Existing § 620.4(a) requires a System institution to prepare and distribute to its shareholders an annual report. While the proposed rule did not include any suggested changes to this section, the FCC noted the FCA does not specify the medium to be used by System institutions for providing information to their shareholders. The FCC stated that "delivery of information through an electronic medium generally could satisfy delivery or transmission obligations under the Farm Credit Act and Regulations." While the FCC did not specifically recommend that FCA amend § 620.4(a) to allow both paper and electronic distribution of shareholder reports, the FCC suggested that we should address this issue.

In this regard, the FCA has an internal task force that is reviewing electronic commerce issues. This task force will present its findings and make recommendations to the FCA Board that may address this issue. Meanwhile, existing § 620.4(a) requires System institutions to "distribute" their annual reports on paper until the issuance of additional guidance in this area. However, our regulations do not prevent System institutions, if they so choose, from making their annual reports available on their Web sites.

**List of Subjects in 12 CFR Part 620**

Accounting, Agriculture, Banks, banking, Reporting and recordkeeping requirements, Rural areas.

For the reasons stated in the preamble, we amend part 620 of chapter VI, title 12 of the Code of Federal Regulations to read as follows:

**PART 620—DISCLOSURE TO SHAREHOLDERS**

1. The authority citation for part 620 continues to read as follows:

**Authority:** Secs. 5.17, 5.19, 8.11 of the Farm Credit Act (12 U.S.C. 2252, 2254, 2279aa-11); secs. 424 of Pub. L. 100-233, 101 Stat. 1568, 1656.

**Subpart A—General**

2. Revise § 620.2(h)(1) and (2) to read as follows:

**§ 620.2 Preparing and filing the reports.**

- (h)(1) Each institution's annual report or notice must state, in a prominent location within the report or notice:
  - (i) That the institution's quarterly reports are available free of charge on request;
  - (ii) The approximate dates the quarterly reports will be available; and
  - (iii) The telephone numbers and addresses (including information on any

- other distribution method the institution makes available) where shareholders can request or obtain copies of the quarterly reports.
- (2) Each association must state, in a prominent location within each report:
  - (i) That the shareholders' investment in the association may be materially affected by the financial condition and results of operations of the related bank;
  - (ii) That (if not otherwise provided) a copy of the bank's financial reports to shareholders will be made available free of charge on request; and
  - (iii) The telephone numbers and addresses (including information on any other distribution method the association makes available) where shareholders can request or obtain copies of the related bank's financial reports.

\* \* \* \* \*

**Subpart B—Annual Report to Shareholders**

3. Revise § 620.4(b) to read as follows:

**§ 620.4 Preparing and distributing the annual report.**

(b)(1) A bank must distribute its annual report to the shareholders of all related associations if the bank experiences a significant event that has a material effect on those associations.

(2) Any bank that is required by paragraph (b)(1) of this section to distribute its annual report must coordinate its distribution with its related associations.

\* \* \* \* \*

4. Add new § 620.5(a)(10) to read as follows:

**§ 620.5 Contents of the annual report to shareholders.**

(a) *Description of business.* \* \* \*

\* \* \* \* \*

(10) For associations, in a separate section of the annual report, discuss the institution's financial and supervisory relationship with its funding bank. This separate section may incorporate by reference information from other sections of the annual report. At a minimum, the separate section must include the statement required by § 620.2(h)(2)(i) and the following information required elsewhere in this section, if applicable:

- (i) The association's obligation to borrow only from the bank unless the bank gives the association approval to borrow elsewhere;
- (ii) The major terms of any capital preservation, loss sharing, or financial assistance agreements between the association and the bank;

(iii) Any statutory or bank bylaw provisions authorizing bank access to the capital of the association;

(iv) The extent the bank assumed the association's exposure to interest rate risk; and

(v) Any other material operational and financial conditions that may affect the interdependent relationship between the association and the bank.

\* \* \* \* \*

Dated: March 6, 2001.

**Kelly Mikel Williams,**  
Secretary, Farm Credit Administration Board.  
[FR Doc. 01-5976 Filed 3-9-01; 8:45 am]

BILLING CODE 6705-01-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-SW-13-AD; Amendment 39-12132; AD 2001-04-13]

RIN 2120-AA64

**Airworthiness Directives; Eurocopter France Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B Helicopters**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD) for Eurocopter France (ECF) Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters. That AD requires initial and recurring inspections of the main rotor blade (blade) spar for cracks. This amendment requires initial and recurring dye penetrant or eddy current inspections for a cracked blade spar at 100-hour time-in-service (TIS) intervals or 600 cycles, whichever occurs first, rather than the 25-hour TIS intervals currently required. This amendment is prompted by an accident in which an ECF Model SA.315B helicopter blade failed due to fatigue cracking. The actions specified by this AD are intended to prevent separation of a blade and subsequent loss of control of the helicopter.

**DATES:** Effective April 16, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 16, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas

75053-4005, telephone (972) 641-3460, fax (972) 641-3527. This information may be examined at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Jim Grigg, Aviation Safety Engineer, FAA, Rotorcraft Directorate, Regulations Group, Fort Worth, Texas 76193-0111, telephone (817) 222-5490, fax (817) 222-5961.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-10-09, Amendment 39-10725 (63 FR 46160, August 31, 1998), which applies to ECF Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters, was published in the **Federal Register** on December 1, 2000 (65 FR 75198). That action proposed to require, within 25 hours TIS and thereafter at intervals not to exceed 100 hours TIS or 600 cycles, whichever occurs first, inspecting each blade spar for a crack, using dye penetrant or eddy current, and inspecting each blade cuff to ensure an adequate sealant bead. A "cycle" is any landing, regardless of whether the main rotor rotation is continued or stopped, or any completion of an external load operation; e.g. load release. If a crack is found, the proposed AD would require replacing the blade with an airworthy blade before further flight.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed but with one minor editorial change. Notes 4 and 5 in the proposal should have been Notes 3 and 4 respectively, and this AD corrects that error. The FAA has determined that this change will neither increase the economic burden on an operator nor increase the scope of the AD.

The FAA estimates that 93 helicopters of U.S. registry will be affected by this AD, that it would take approximately 4 hours to inspect and 4 hours to replace a blade, if necessary, and that the average labor rate is \$60 per work hour.

Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be \$66,960, assuming three inspections per year and no blade replacement.

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.

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 final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it 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 removing Amendment 39-10725 (63 FR 46160), and by adding a new airworthiness directive (AD), Amendment 39-12132, to read as follows:

##### 2001-04-13 Eurocopter France:

Amendment 39-12132. Docket No.

2000-SW-13-AD. Supersedes AD 98-10-09, Amendment 39-10725, Docket No. 98-SW-23-AD.

**Applicability:** Model SA.315B, SA.316B, SA.316C, SE.3160, and SA.319B helicopters with a main rotor blade (blade), with any of the following part numbers (P/N): 3160S11-10000 all dash numbers, 3160S11-30000 all dash numbers, 3160S11-35000 all dash numbers, 3160S11-40000 all dash numbers, 3160S11-45000 all dash numbers, 3160S11-50000 all dash numbers, or 3160S11-55000 all dash numbers, installed, certificated in any category.

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

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

To prevent a blade separation and subsequent loss of control of the helicopter, accomplish the following:

(a) Within 25 hours time-in-service (TIS) or before the next flight following the onset of any one-per-rev vibration, whichever occurs first, and thereafter at intervals not to exceed 100 hours TIS or 600 "cycles" (a "cycle" is any landing, regardless of whether the main rotor rotation is continued or stopped, or any completion of an external load operation; e.g., load release), whichever occurs first,

(1) Inspect each blade spar for a crack.

(i) Without removing the blade from the helicopter, clean each blade root area using "Teepol" or an equivalent product.

(ii) Support the blade tip to eliminate blade droop while inspecting the lower blade surface.

(iii) By either a dye penetrant or eddy current method, inspect each blade along the hatched area indicated in Figure 1, beginning on the blade lower surface, then on the flat section of the trailing edge (B), on the blade upper surface, and then on the flat section of the leading edge (A).

**Note 2:** Eurocopter France Service Bulletins (SB) SA 315 No. 05.39 and SA 316/319 No. 05.98, dated November 12, 1999, pertain to the subject of this AD.

(iv) If a crack is found, replace the blade with an airworthy blade before further flight.

**BILLING CODE 4910-13-P**

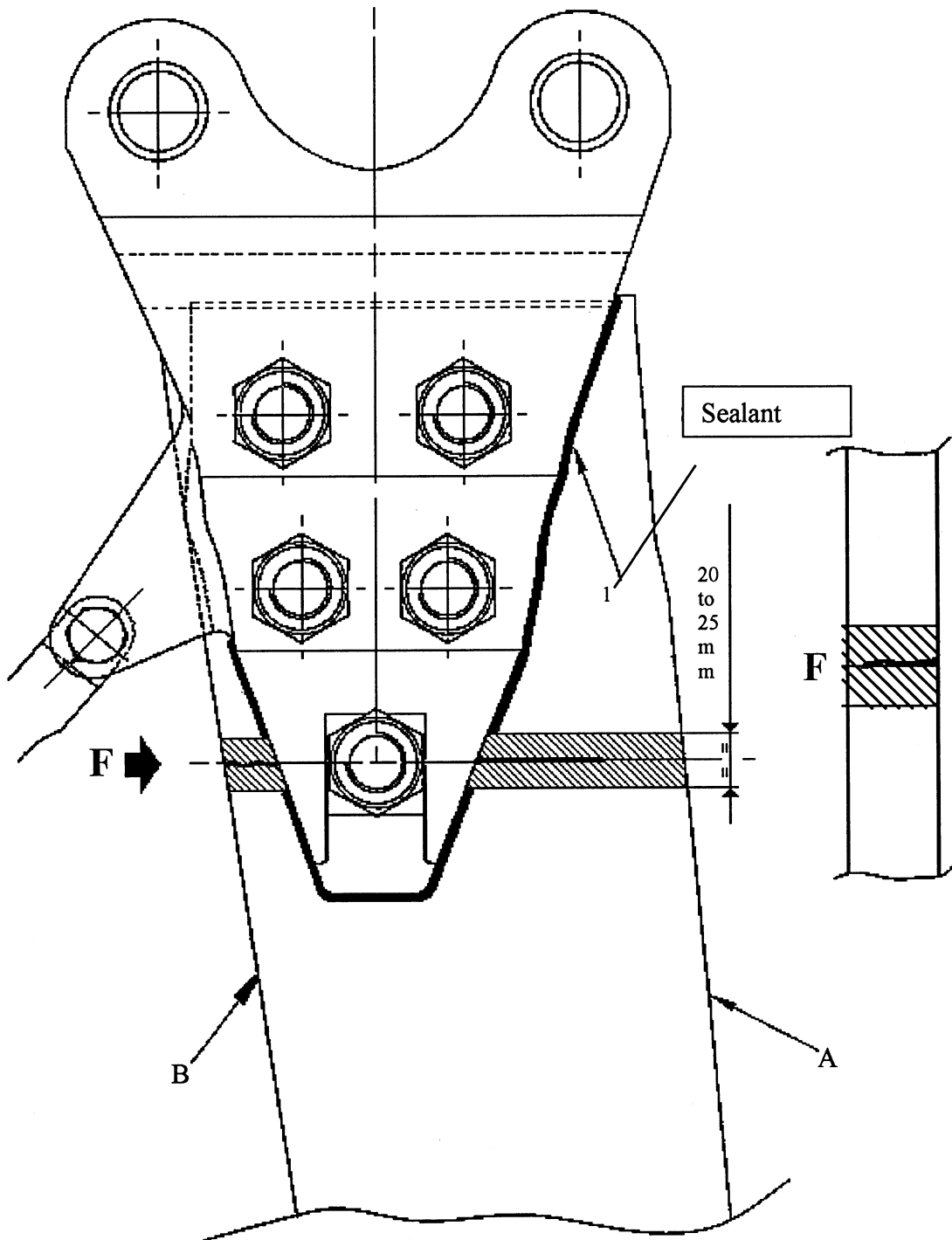


Figure 1

(2) Ensure that there is a sealant bead (1) around the edge of each blade cuff. If no sealant bead exists or if a sealant bead shows excessive wear, before further flight, apply a sealant bead in accordance with paragraph 2.2 of the Accomplishment Instructions of Eurocopter France SB 65.137 R1, dated November 17, 1993.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Regulations Group, Rotorcraft Directorate, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Regulations Group.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Regulations Group.

(c) Special flight permits will not be issued.

(d) The modification shall be done in accordance with paragraph 2.2 of the Accomplishment Instructions of Eurocopter France SB 65.137 R1, dated November 17, 1993. 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053-4005, telephone (972) 641-3460, fax (972) 641-3527. Copies may be inspected at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on April 16, 2001.

**Note 4:** The subject of this AD is addressed in Direction Generale De L'Aviation Civile (France) AD 1998-171-039(A)R2 and 1998-170-056(A)R2, both dated January 12, 2000.

Issued in Fort Worth, Texas, on February 20, 2001.

**Eric Bries,**

*Acting Manager, Rotorcraft Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-5164 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-CE-89-AD; Amendment 39-12137; AD 2001-05-01]

RIN 2120-AA64

#### Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Sailplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to certain DG Flugzeugbau GmbH (DG Flugzeugbau) Model DG-500MB sailplanes equipped with a SOLO 2625 02 engine. This AD requires you to install additional access holes in the propeller mount and modify the engine. This AD also requires you to do a ground test run and replace the digital engine indicator circuit breaker. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the Federal Republic of Germany. The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

**DATES:** This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from DG Flugzeugbau GmbH, Postbox 41 20, D-76646 Bruchsal, Federal Republic of Germany; telephone: +49 7257-890; facsimile: +49 7257-8922. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-89-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:** Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4144; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*What events have caused this AD?* The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, notified FAA that an unsafe condition may exist on all DG Flugzeugbau Model DG-500MB sailplanes equipped with a SOLO 2625 02 engine. The LBA reports that the service history for the SOLO 2625 02 engine shows a need to modify the front crank shaft bearing.

Additionally, the digital engine indicator circuit breaker amperage is too low for use and needs replacement.

*What are the consequences if the condition is not corrected?* The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

*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 DG Flugzeugbau Model DG-500MB sailplanes equipped with a SOLO 2625 02 engine. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on December 27, 2000 (65 FR 81782). The NPRM proposed to require you install additional access holes in the propeller mount and modify the engine. The NPRM also proposed to require you to do a ground test run and replace the digital engine indicator circuit breaker.

*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 sailplanes does this AD impact?* We estimate that this AD affects 1 sailplane in the U.S. registry.

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

Labor cost	Parts cost	Total cost per sailplane	Total cost on U.S. operators
12 workhours × \$60 per hour = \$720.	The manufacturer will do the engine modification and provide the new circuit breaker under warranty.	\$720	\$720 × 1 = \$720

**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:

**2001-05-01 DG Flugzeugbau GMBH:**

Amendment 39-12137; Docket No. 99-CE-89-AD.

(a) *What sailplanes are affected by this AD?* This AD affects Model DG-500MB sailplanes, all serial numbers equipped with a SOLO 2625 02 engine, that are certificated in any category.

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

(c) *What problem does this AD address?* The actions specified by this AD are intended to correct an inadequate circuit breaker and unsatisfactory drive belt tension that could cause damage to the engine crankshaft. Such damage could lead to engine failure and loss of control of the sailplane.

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

Actions	Compliance	Procedures
(1) Remove the engine from the propeller mount.	Within the next 25 hours time-in-service (TIS) after April 27, 2001 (the effective date of this AD).	In accordance with the maintenance manual. Ship engine to the engine manufacturer, SOLO, or a licensed repair station, for modification according to the SOLO Technical Note (TN) 4600-1.
(2) Install additional access holes in the propeller mount.	Before further flight after removing the engine and before installing the modified engine to the propeller mount.	In accordance with drawing 5M102 of DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(3) Install the modified engine to the propeller mount.	Before further flight after removing the engine and after the engine modification.	In accordance with the maintenance manual.
(4) Do a ground test run .....	Before further flight after the previous action ..	In accordance with DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(5) Replace the digital engine indicator (DEI) circuit breaker with a new 5 ampere Klixon 7277-2-5A circuit breaker (or FAA-approved equivalent part number).	Before further flight after the previous actions	In accordance with DG Flugzeugbau Technical Note 843/13, dated November 3, 1999.
(6) Do not install any engine that has not been modified following SOLO TN 4600-1.	As of April 27, 2001 (the effective date of this AD).	Not Applicable.
(7) Do not install any DEI circuit breaker that is not a 5 ampere Klixon 7277-2-5A circuit breaker (or FAA-approved equivalent part number).	As of April 27, 2001 (the effective date of this AD).	Not applicable.

(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 sailplane 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 sailplanes 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 Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4144; facsimile: (816) 329-4090.

(g) *What if I need to fly the sailplane 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 sailplane 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 DG Flugzeugbau GmbH Technical Note No. 843/13, dated November 3, 1999. 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 DG Flugzeugbau GmbH, Postbox 41 20, D-76646 Bruchsal, Federal Republic of Germany. 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 27, 2001.

**Note 2:** The subject of this AD is addressed in German AD Number 1999-383, dated December 1, 1999.

Issued in Kansas City, Missouri, on February 26, 2001.

**Michael Gallagher,**

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01-5276 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2000-CE-46-AD; Amendment 39-12138; AD 2001-05-02]

RIN 2120-AA64

#### Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes

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

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes Airworthiness Directive (AD) 98-08-22,

which currently requires inspecting the elevator and rudder attachment brackets for cracks and corrosion on certain Pilatus Aircraft Ltd. (Pilatus) Model PC-7 airplanes and replacing any cracked or corrosion-damaged parts. Since the issuance of AD 98-08-22, Pilatus has redesigned the brackets. Installation of these brackets should inhibit corrosion, which resulted in cracks or corrosion damage. This AD requires you to replace the elevator and rudder attachment brackets with parts of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by this AD are intended to prevent failure of the elevator and rudder attachment brackets because of cracks or corrosion damage. Such failure could result in the elevator or rudder separating from the airplane with consequent loss of airplane control.

**DATES:** This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 6509; facsimile: +41 41 610 3351. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-46-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:

Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; facsimile: (816) 329-4090.

#### SUPPLEMENTARY INFORMATION:

##### Discussion

*Has FAA taken any action to this point?* Reports received from the Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, revealed instances of corrosion and cracking in the elevator and rudder attachment brackets on Pilatus Model PC-7 airplanes that have been operated in areas of high humidity or salt content. This caused FAA to issue AD 98-08-22, Amendment 39-10471 (63 FR 19175, April 17, 1998). That AD requires you to inspect the elevator and rudder

attachment brackets for cracks and/or corrosion, and replace any cracked or corrosion-damaged parts, as applicable.

*What has happened since AD 98-08-22 to initiate this action?* The FOCA recently notified FAA of the need to change AD 98-08-22. The FOCA reports that Pilatus has redesigned the elevator and rudder attachment brackets. Installation of these brackets should inhibit the cause of corrosion, which resulted in cracks or corrosion damage.

*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 Pilatus Model PC-7 airplanes. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 2, 2001 (66 FR 57). The NPRM proposed to supersede AD 98-08-22. AD 98-08-22 currently requires inspecting the elevator and rudder attachment brackets for cracks and corrosion, and replacing any cracked or corrosion-damaged parts. Since the issuance of AD 98-08-22, Pilatus has redesigned the brackets. Installation of these brackets should inhibit corrosion, which resulted in cracks or corrosion damage. The NPRM also proposed to require you to replace the elevator and rudder attachment brackets with parts of improved design.

*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 8 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
8 workhours × \$60 per hour = \$480.	Parts will be provided by the manufacturer free of charge .....	\$480	\$480 × 8 = \$3,840

Why is the compliance in hours time-in-service (TIS) and calendar time? The affected airplanes are used in general aviation operations. Some operators may accumulate 100 hours TIS on the airplane in less than 6 months. 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.

**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 removing Airworthiness Directive (AD) 98–08–22, Amendment 39–10471 (63 FR 19175, April 17, 1998), and by adding a new AD to read as follows:

**2001–05–02 Pilatus Aircraft LTD:**

Amendment 39–12138; Docket No. 2000–CE–46–AD; Supersedes AD 98–08–22, Amendment 39–10471.

(a) What airplanes are affected by this AD? This AD affects Model PC–7 airplanes, serial numbers MSN 001 through MSN 612, 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 failure of the elevator and rudder attachment brackets because of cracks or corrosion damage, which could result in the elevator or rudder separating from the airplane with consequent 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
(1) Replace the horizontal stabilizer brackets with new parts using replacement kit No. 500.50.07.132 and replace the vertical stabilizer bracket with new parts using replacement kit No. 500.50.07.133.	Within the next 100 hours time-in-service (TIS) or 6 months after April 27, 2001 (the effective date of this AD), whichever occurs first, unless already accomplished.	In accordance with the Accomplishment Instructions of Pilatus Service Bulletin No. 55–005, dated March 23, 2000, the aircraft maintenance manuals, and illustrated parts catalogs.
(2) Do not install any parts identified as old parts in replacement kit No. 500.50.07.132 (or FAA-approved equivalent part numbers) or 500.50.07.133 (or FAA-approved equivalent part number).	As of April 27, 2001 (the effective date of this AD).	Not Applicable.

(e) Can I comply with this AD in any other way?

- (1) You may use an alternative method of compliance or adjust the compliance time if:
  - (i) Your alternative method of compliance provides an equivalent level of safety; and
  - (ii) 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.
- (2) Alternative methods of compliance approved under AD 98–08–22, which is superseded by this AD, are not approved as

alternative methods of compliance with this AD.

**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 Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4141; 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 Pilatus Service Bulletin No. 55-005, dated March 23, 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 Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland. 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) *Does this AD action affect any existing AD actions?* This amendment supersedes AD 98-08-22, Amendment 39-10471.

(j) *When does this amendment become effective?* This amendment becomes effective on April 27, 2001.

**Note 2:** The subject of this AD is addressed in Swiss AD HB 2000-411, dated September 27, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

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

[FR Doc. 01-5275 Filed 3-9-01; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-CE-61-AD; Amendment 39-12139; AD 2001-05-03]

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 apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardware; and replace central carriage attaching bolts. 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 loose, or the loss of, flap attaching bolts/screws, which could cause rough or irregular control. Such rough or irregular control could lead to the loss of control of the airplane.

**DATES:** This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the regulations as of April 27, 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-61-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 two occurrences on Socata model TBM 700 airplanes where, following a flight, a screw of a flap attachment fitting was found partly unscrewed and another was missing. These occurrences are the result of flap vibration.

*What are the consequences if the condition is not corrected?* Loose or the

loss of flap attaching bolts/screws could result in rough or irregular control. Such rough or irregular control could lead to loss of control of the airplane.

*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 January 2, 2001 (66 FR 64). The NPRM proposed to require you to apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardware; and replace central carriage attaching bolts.

*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.

Socata has revised Service Bulletin No. SB 70-087 57, dated September 2000 (Amendment 1, dated November 2000), to incorporate minor procedural changes. This AD requires no further action if the original service bulletin is accomplished.

**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 the addition of the revised service information and minor editorial corrections. We determined that this addition and 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 75 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
6 workhours × \$60 per hour = \$360 .....	\$10	\$360 + \$10 = \$370	\$370 × 75 = \$27,750

**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:  
**2001-05-03 Socata—Groupe Aerospatiale:**  
 Amendment 39-12139; Docket No. 2000-CE-61-AD.

(a) *What airplanes are affected by this AD?* This AD affects Model TBM 700 airplanes, serial numbers 1 through 164, and 166 through 173, 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 loose, or the loss of, flap attaching bolts/screws, which could cause rough or irregular control. Such rough or irregular control could lead to the loss of control of the airplane.

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

Actions	Compliance	Procedures
(1) Apply Loctite on attaching bolt/screw threads of inboard, central, and outboard carriages; increase tightening torques of associated hardware; and replace central carriage attaching bolts with new bolts, part number Z00.N5109337315.	Within the next 25 hours time-in-service (TIS) after April 27, 2001 (the effective date of this AD), if not already done.	In accordance with the ACCOMPLISHMENT INSTRUCTIONS in Socata Service Bulletin SB 70-087, Amendment 1, dated November 2000, and applicable maintenance manual. No further action is required if accomplished in accordance with Socata Service Bulletin SB 70-087, dated September 2000, and the applicable maintenance manual.
(2) Do not install any central carriage attaching bolts that are not part number Z00.N5109337315 (or FAA-approved equivalent part number).	As of April 27, 2001 (the effective date of this AD).	Not Applicable.

(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 64106; 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 No. SB 70-087 57, Amendment 1, dated November 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 27, 2001.

**Note 2:** The subject of this AD is addressed in French AD 2000-375(A), dated September 20, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

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

[FR Doc. 01-5274 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2000-CE-67-AD; Amendment 39-12140; AD 2001-05-04]

RIN 2120-AA64

**Airworthiness Directives; Piaggio Aero Industries S.p.A Model P-180 Airplanes**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD) that applies to all Piaggio Aero Industries S.p.A (PIAGGIO) Model P-180 airplanes. This AD requires you to inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators). If you find a problem actuator, this AD requires you to immediately replace the flap actuators with improved design actuators or repair the existing actuators to the improved design level. If you do not find a problem actuator, this AD requires you to repeat the inspection until the installed actuators are of improved design. This AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Italy. The actions specified by this AD are intended to detect and remove problem flap actuators from service. Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

**DATES:** This AD becomes effective on April 27, 2001.

The Director of the Federal Register approved the incorporation by reference

of certain publications listed in the regulations as of April 27, 2001.

**ADDRESSES:** You may get the service information referenced in this AD from Piaggio Aero Industries S.p.A, Via Cibrario 4, 16154 Genoa, Italy. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 2000-CE-67-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:** Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; facsimile: (816) 329-4090.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

*What events have caused this AD?* The Ente Nazionale per l'Aviazione Civile (ENAC), which is the airworthiness authority for Italy, recently notified FAA that an unsafe condition may exist on all PIAGGIO Model P-180 airplanes. The ENAC reports incidents of malfunctions of the flap actuators. Investigation of these incidents reveals problems inside the gearbox of the outboard flap actuators. Investigation results indicate incorrect maneuvering of the flap system and evidence of grease and oxidation around the gear box.

*What are the consequences if the condition is not corrected?* Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

*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 all PIAGGIO Model P-180 airplanes. This proposal

was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on January 2, 2001 (66 FR 61). The NPRM proposed to require you to:

- Inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators);
- If you find a problem actuator, immediately replace the flap actuators with improved design actuators or repair the existing actuators to the improved design level; and
- If you do not find a problem actuator, repeat the inspection until you install improved design flap actuators.

*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 11 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 inspection:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. operators
1 workhour × \$60 per hour = \$60 .....	No parts required for the inspection .....	\$60	\$60 × 11 = \$660

We estimate the following costs to accomplish any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that may need such repair/replacement:

Labor cost	Parts cost	Total cost per airplane
32 workhours × \$60 per hour = \$1,920 .....	\$8,000 per airplane .....	\$1,920 + \$8,000 = \$9,920

**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:

**2001-05-04 Piaggio Aero Industries S.p.A.:**  
Amendment 39-12140; Docket No. 2000-CE-67-AD.

(a) *What airplanes are affected by this AD?*  
This AD affects Model P-180 airplanes, all serial numbers, 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 detect and remove problem flap actuators from service. Continued operation with problem actuators could result in flap system failure, with consequent reduction in, or loss of, control of the airplane.

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

Actions	Compliance	Procedures
(1) Inspect the flap actuators for incorrect maneuvering and evidence of grease and oxidation around the gear box (actuators with any of these conditions are referred to as problem actuators)	Upon accumulating 600 hours time-in-service (TIS) on the flap actuators or within the next 100 hours TIS after April 27, 2001 (the effective date of this AD), whichever occurs later	In accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Mandatory Service Bulletin No. SB-80-0120, Original Issue: July 20, 2000.
(2) If you do not find any problem actuators, repeat the inspection until you have either: (i) replaced all flap actuators with part number (P/N) C154183-1 and C154184-1 (or FAA-approved equivalent part numbers) actuators; or (ii) repaired or modified the P/N C132277-3 and C132277-4 (or FAA-approved equivalent part numbers) to the P/N C154183-1 and C154184-1 design level	Within 100 hours TIS after the inspection required in paragraph (d)(1) of this AD and thereafter at intervals not to exceed 100 hours TIS	Inspect in accordance with the ACCOMPLISHMENT INSTRUCTIONS section of Piaggio Mandatory Service Bulletin No. SB-80-0120, Original Issue: July 20, 2000. Accomplish the replacement in accordance with the instructions in the maintenance manual. Accomplish the repair or modification in accordance with instructions received from Piaggio at the address given in paragraph (h) of this AD.
(3) If you find problem actuators during any inspection required by this AD, immediately replace the flap actuators with P/N C154183-1 and C154184-1 (or FAA-approved equivalent part numbers); or repair to the P/N C154183-1 and C154184-1 design level	Prior to further flight after the inspection where you find a problem actuator	Accomplish the replacement in accordance with the instructions in the maintenance manual. Accomplish the repair or modification in accordance with instructions received from Piaggio at the address given in paragraph (h) of this AD.

Actions	Compliance	Procedures
<p>(4) Only install flap actuators that are one of the following:</p> <p>(i) P/N C154183-1 and C154184-1 (or FAA-approved equivalent part numbers); or</p> <p>(ii) P/N C132277-3 and C132277-4 (or FAA-approved equivalent part numbers) that have been repaired or modified to the P/N C154183-1 and C154184-1 design level.</p>	<p>As of April 27, 2001 (the effective date of this AD)</p>	<p>Not applicable.</p>

**Note 1:** Inspecting the flap actuators for incorrect maneuvering involves running a complete cycle of flap extension and retraction and monitoring the time of movement and observing for abnormal noise coming from the actuator gear box. The service information describes this procedure.

(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 2:** 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 Roman Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329-4141; 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 Piaggio Mandatory Service Bulletin No. SB-80-0120, Original Issue: July 20, 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 Piaggio Aero Industries S.p.A, Via Cibrario 4, 16154 Genoa, Italy. 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 27, 2001.

**Note 3:** The subject of this AD is addressed in Italian AD N2000-392, dated August 7, 2000.

Issued in Kansas City, Missouri, on February 26, 2001.

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

[FR Doc. 01-5495 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 97**

[Docket No. 30235; Amdt. No. 2040]

**Standard Instrument Approach Procedures; Miscellaneous Amendments**

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

*For Examination*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

*For Purchase*

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

**FOR FURTHER INFORMATION CONTACT:** Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal

Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

**The Rule**

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary

(FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

**Conclusion**

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated

impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR part 97**

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 2, 2001.

**L. Nicholas Lacey,**  
*Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

**PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES**

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

**§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	Subject
02/05/2001 ....	IN	Gary .....	Gary/Chicago .....	1/1175	NDB or GPS Rwy 30, Amdt 7A (corrected)...
02/14/2001 ....	MO	Columbia .....	Columbia Regional .....	1/2116	ILS Rwy 2, Amdt 13A...
02/15/2001 ....	AR	Batesville .....	Batesville Regional .....	1/1632	NDB or GPS Rwy 7, Amdt 5B...
02/15/2001 ....	NM	Socorro .....	Socorro Muni .....	1/1642	VOR/DME-A, Orig-A...
02/15/2001 ....	AR	Batesville .....	Batesville Regional .....	1/1665	SDF Rwy 7, Amdt 8...
02/16/2001 ....	MO	Kansas City .....	Kansas City Downtown .....	1/1651	ILS Rwy #3, Amdt 1E...
02/16/2001 ....	MO	West Plains .....	West Plains Muni .....	1/1652	GPS Rwy 18, Amdt 1...
02/16/2001 ....	IA	Fairfield .....	Fairfield Muni .....	1/1653	RNAV (GPS) Rwy 18, Orig...
02/16/2001 ....	SD	Brookings .....	Brookings Muni .....	1/1662	VOR Rwy 30, Amdt 11...
02/16/2001 ....	AL	Tuscaloosa .....	Tuscaloosa Muni .....	1/1672	VOR or TACAN Rwy 22 Amdt 14B...
02/16/2001 ....	AL	Tuscaloosa .....	Tuscaloosa Muni .....	1/1673	VOR or TACAN Rwy 4 Amdt 11B...
02/16/2001 ....	AL	Tuscaloosa .....	Tuscaloosa MUNI .....	1/1674	ILS Rwy 4 Amdt 14C...
02/16/2001 ....	AL	Tuscaloosa .....	Tuscaloosa MUNI .....	1/1675	NDB Rwy 4 Amdt 10B...
2/16/2001 .....	AL	Tuscaloosa .....	Tuscaloosa MUNI .....	1/1676	GPS Rwy 22 Orig-B...
02/16/2001 ....	AL	Tuscaloosa .....	Tuscaloosa Muni .....	1/1678	GPS Rwy 4 Orig-B...

FDC date	State	City	Airport	FDC No.	Subject
02/16/2001 ....	PA	Scranton .....	Wilkes-Barre/Scranton Intl .....	1/1683	ILS Rwy 22 Amdt 4...
02/16/2001 ....	MO	Mosby .....	Clay County Regional .....	1/1706	GPS Rwy 18, Orig-C...
02/20/2001 ....	MD	Baltimore .....	Baltimore-Washington Intl .....	1/1582	ILS Rwy 28 Amdt 15A...
02/20/2001 ....	CA	Stockton .....	Stockton Metropolitan .....	1/1657	ILS Rwy 29R Amdt 18B...
02/20/2001 ....	CA	Stockton .....	Stockton Metropolitan .....	1/1658	GPS Rwy 29R Orig...
02/20/2001 ....	CA	Stockton .....	Stockton Metropolitan .....	1/1659	NDB Rwy 29R Amdt 14B...
02/20/2001 ....	MD	Baltimore .....	Baltimore-Washington Intl .....	1/1764	ILS Rwy 33L Amdt 9A...
02/20/2001 ....	TN	Bristol-Johnson-Kingsport	Bristol/Tri Cities Regional .....	1/1797	ILS Rwy 5 Amdt 2...
02/20/2001 ....	GA	Gainesville .....	Gilmer Memorial .....	1/1803	NDB or GPS Rwy 4 Amdt 4B...
02/20/2001 ....	GA	Gainesville .....	Gilmer Memorial .....	1/1807	LOC Rwy 4 Amdt 5C...
02/22/2001 ....	NE	Kearney .....	Kearney Muni .....	1/1836	ILS Rwy 36, Orig...
02/22/2001 ....	ND	Bismarck .....	Bismarck Muni .....	1/1838	RNAV (GPS) Rwy 21, Orig-A...
02/22/2001 ....	IA	Sioux City .....	Sioux Gateway .....	1/1863	NDB Rwy 35, Orig-A...
02/22/2001 ....	NJ	Atlantic City .....	Atlantic City Muni/Bader Field .....	1/1875	VOR or GPS-A Amdt 4...
02/22/2001 ....	TN	Pulaski .....	Pulaski/Abernathy .....	1/1894	VOR/DME Rwy 33, Amdt 1...
02/22/2001 ....	FL	Tampa .....	Vandenberg .....	1/1958	GPS Rwy 23, Orig-C...
02/22/2001 ....	GA	Douglas .....	Douglas Muni .....	1/1966	LOC Rwy 4, Amdt 2B...
02/22/2001 ....	MS	Bay St. Louis .....	Stennis Intl .....	1/1972	NDB Rwy 18, Orig-B...
02/26/2001 ....	VT	Springfield .....	Hartness State (Springfield) .....	1/2071	LOC/DME Rwy 5 Amdt 3B...
02/27/2001 ....	IL	Mattoon-Charleston .....	Coles County Memorial .....	1/2123	VOR or GPS Rwy 24, Amdt 10A...

[FR Doc. 01-6092 Filed 3-9-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30234; Amdt. No. 2039]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

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

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

#### For Examination

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

#### For Purchase

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

#### By Subscription

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal

Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (an FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an

emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Conclusion

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

#### List of Subjects in 14 CFR part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on March 2, 2001.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

#### § 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

\* \* \* *Effective March 22, 2001*

Holland, MI, Tulip City, RNAV (GPS) RWY 26, Orig  
 Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 16R, Orig  
 Reno, NV, Reno/Tahoe International, GPS RWY 16R, Orig-A, CANCELLED  
 Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 16L, Orig  
 Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 34L, Orig  
 Reno, NV, Reno/Tahoe International, RNAV (GPS) RWY 34R, Orig  
 Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 13R, Orig  
 Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 13L, Orig  
 Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 31R, Orig  
 Dallas, TX, Dallas-Love Field, RNAV (GPS) RWY 31L, Orig  
 Spokane, WA, Spokane Intl, RNAV (GPS) RWY 3, Orig  
 Spokane, WA, Spokane Intl, RNAV (GPS) RWY 21, Orig  
 Spokane, WA, Spokane Intl, RNAV (GPS) RWY 25, Orig  
 Spokane, WA, Spokane Intl, GPS RWY 3, Orig (CANCELLED)  
 Spokane, WA, Spokane Intl, GPS RWY 25, Orig (CANCELLED)

\* \* \* *Effective April 19, 2001*

Washington, DC, Ronald Reagan Washington National, NDB RWY 15, Amdt 4A, CANCELLED  
 Perry, OK, Perry Muni, VOR/DME RWY 17, AMDT 3

\* \* \* *Effective May 17, 2001*

Wainwright, AK, Wainwright, NDB RWY 5, Orig  
 Wainwright, AK, Wainwright, NDB RWY 23, Orig  
 Wainwright, AK, Wainwright, GPS RWY 4, Orig (CANCELLED)  
 Wainwright, AK, Wainwright, GPS RWY 22, Orig (CANCELLED)  
 Wainwright, AK, Wainwright, RNAV (GPS) RWY 5, Orig  
 Wainwright, AK, Wainwright, RNAV (GPS) RWY 23, Orig

Keokuk, IA, Keokuk Muni, LOC/DME RWY 26, Amdt 1  
 West Plains, MO, West Plains Muni, NDB RWY 36, Amdt 1 (CANCELLED)  
 Red Wing, MN, Red Wing Muni, NDB RWY 9, Amdt 3 (CANCELLED)  
 Red Wing, MN, Red Wing Muni, GPS RWY 9, Orig (CANCELLED)  
 Red Wing, MN, Red Wing Muni, RNAV (GPS) RWY 9, Orig  
 Red Wing, MN, Red Wing Muni, RNAV (GPS) RWY 27, Orig  
 Fulton, NY, Oswego County, VOR RWY 33, Amdt 5  
 Fulton, NY, Oswego County, GPS RWY 24, Orig, CANCELLED  
 Martinsburg, WV, Eastern West Virginia Regional/Shepherd Field, LOC/DME BC RWY 8, Amdt 6

**Note:** The FAA published the following procedures in Docket No. 30232, Amdt. No. 2037 to Part 97 of the Federal Aviation Regulations (**Federal Register** Vol. 66, No. 38, Page 11535 dated February 26, 2001) under Sections 97.25 and 97.27 effective April 19, 2001 which are hereby amended as follows:

*Change effective date to 22 March 2001 for the following procedures:*

Del Rio, TX, Del Rio Intl, LOC RWY 13, Amdt 4 (CANCELLED)  
 Del Rio, TX, Del Rio Intl, LOC RWY 13, Orig  
 Del Rio, TX, Del Rio Intl, NDB RWY 13, Amdt 3 (CANCELLED)  
 Del Rio, TX, Del Rio Intl, NDB RWY 13, Orig

[FR Doc. 01-6091 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

#### SOCIAL SECURITY ADMINISTRATION

#### 20 CFR Part 403

#### RIN 0960-AE95

#### Testimony by Employees and the Production of Records and Information in Legal Proceedings; Correction

**AGENCY:** Social Security Administration.  
**ACTION:** Correction to final regulations.

**SUMMARY:** This document contains corrections to the final regulations which were published on January 12, 2001 (66 FR 2805). The regulations implement procedures governing testimony by SSA employees and the production of official records and information in legal proceedings to which SSA is not a party.

**EFFECTIVE DATE:** April 13, 2001.

**FOR FURTHER INFORMATION CONTACT:** Suzanne DiMarino, 410-965-1769.

#### SUPPLEMENTARY INFORMATION:

#### Need for Correction

As published, the final regulations contain an error in the mailing address where an individual or entity shall submit a request for records, information or testimony.



**List of Subjects in 20 CFR Part 403**

Courts, Government employees.

20 CFR part 403 is corrected by making the following correcting amendments:

**PART 403—TESTIMONY BY EMPLOYEES AND THE PRODUCTION OF RECORDS AND INFORMATION IN LEGAL PROCEEDINGS**

1. The authority citation for part 403 continues to read as follows:

**Authority:** Secs. 702(a)(5) and 1106 of the Act, (42 U.S.C. 902(a)(5) and 1306); 5 U.S.C. 301; 31 U.S.C. 9701.

2. Section 403.120 is amended by revising the first sentence of paragraph (c) to read as follows:

**§ 403.120 How do you request testimony?**

\* \* \* \* \*

(c) You must send your application for testimony to: Social Security Administration, Office of the General Counsel, Office of General Law, P.O. Box 17779, Baltimore, MD 21235-7779, Attn: Touhy Officer. \* \* \*

\* \* \* \* \*

Georgia E. Myers,

SSA Regulations Officer.

[FR Doc. 01-5823 Filed 3-9-01; 8:45 am]

BILLING CODE 4191-02-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Food and Drug Administration****21 CFR Part 520****Oral Dosage Form New Animal Drugs; Phenylbutazone Tablets and Boluses**

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

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Phoenix Scientific, Inc. The supplemental NADA provides for oral use of a 200-milligram (mg) strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses.

**DATES:** This rule is effective March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Melanie R. Berson, Center for Veterinary Medicine (HFV-110), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-827-7540.

**SUPPLEMENTARY INFORMATION:** Phoenix Scientific, Inc., 3915 South 48th Street Terrace, P.O. Box 6457, St. Joseph, MO 64506-0457, filed a supplement to approved NADA 094-170 for Phenylbutazone Tablets, USP. The supplemental NADA provides for use of a 200-mg strength phenylbutazone tablet for relief of inflammatory conditions associated with the musculoskeletal system in dogs and horses. The supplemental NADA is approved as of January 12, 2001, and the regulations are amended in 21 CFR 520.1720a to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) 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.

This rule does not meet the definition of "rule" in 5 U.S.C. 804(3)(A) because it is a rule of "particular applicability." Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801-808.

**List of Subjects in 21 CFR Part 520**

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 520 is amended as follows:

**PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS**

1. The authority citation for 21 CFR part 520 continues to read as follows:

**Authority:** 21 U.S.C. 360b.

**§ 520.1720a [Amended]**

2. Section 520.1720a *Phenylbutazone tablets and boluses* is amended in paragraph (b)(2) by removing "No. 000010" and by adding in its place "Nos. 000010 and 059130"; and in paragraph (b)(3) by removing "015579, 059130" and by adding in its place "015579".

Dated: February 26, 2001.

**Claire M. Lathers,**

Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.

[FR Doc. 01-5681 Filed 3-9-01; 8:45 am]

BILLING CODE 4160-01-S

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 816 and 817****RIN 1029-AB40****Surface Coal Mining and Reclamation Operations; Technical Amendment; Permanent and Temporary Impoundments**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** We, the Office of Surface Mining Reclamation and Enforcement (OSM), are making technical revisions to our regulations to correct errors in cross references and to change an address.

**EFFECTIVE DATE:** March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andy DeVito, Office of Surface Mining Reclamation and Enforcement, Room 117, South Interior Building, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone (202) 208-2701. E-Mail: adevito@osmre.gov.

**SUPPLEMENTARY INFORMATION:**

I. Background and Discussion of Final Rule  
II. Procedural Matters

**I. Background and Discussion of Final Rule**

We published a final rule (RIN 1029-AB40) on October 20, 1994 at 59 FR 53022. The rule revised regulations in 30 CFR parts 816 and 817. In both 30 CFR 816.49 and 817.49, OSM redesignated paragraphs (a)(8), (a)(9), and (a)(10) as (a)(9), (a)(10), and (a)(11) respectively. Redesignated paragraph (a)(9) still contains cross references to paragraphs (a)(8), (a)(8)(i) and (a)(8)(ii). Those cross references should have been revised to read (a)(9), (a)(9)(i) and (a)(9)(ii) when paragraph (a)(8) was redesignated as paragraph (a)(9). Similarly, redesignated paragraph (a)(11) contains cross references to paragraphs (a)(10)(i) and (a)(10)(iv). Those cross references should have been revised to read (a)(11)(i) and (a)(11)(iv) when paragraph (a)(10) was redesignated as paragraph (a)(11). In addition, both 30 CFR 816.49(c)(2) and

817.49(c)(2) contains a cross reference to (a)(8)(i) which, under the redesignation, should have been revised to (a)(9)(i). This rule corrects those errors. Finally, 30 CFR 816.49(a)(1) and 817.49(a)(1) contains references to OSM's Administrative Record Room which was located at 800 North Capitol Street, NW., Washington, DC when the rule was published. Since publication of the rule, we have moved the Administrative Record Room to 1951 Constitution Avenue, NW., Washington, DC. This rule revise paragraphs 816.49(a)(1) and 817.49(a)(1) to indicate the new address.

## II. Procedural Matters

### *Administrative Procedure Act*

This final rule has been issued without prior public notice or opportunity for public comment. The Administrative Procedure Act (APA) (5 U.S.C. 553) provides an exception to the notice and comment procedures when an agency finds that there is good cause for dispensing with such procedures on the basis that they are impracticable, unnecessary or contrary to the public interest. OSM has determined that under 5 U.S.C. 553(b)(3)(B) good cause exists for dispensing with the notice of proposed rulemaking and public comment procedures for this rule. Specifically, this rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements. These same reasons also provide OSM with good cause under 5 U.S.C. 553(d)(3) of the APA to have the regulation become effective on a date that is less than 30 days after the date of publication in the **Federal Register**.

### *Executive Order 12866*

This rule is not a significant rule and is not subject to review by the Office of Management and Budget under Executive Order 12866.

(1) This rule will not have an effect of \$100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. As previously stated, this rule corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

(2) This rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency for the reasons stated above.

(3) This rule does not alter the budgetary effects of entitlements, grants,

user fees, or loan programs or the rights or obligations of their recipients.

(4) This rule does not raise novel legal or policy issues for the reasons stated above.

### *Regulatory Flexibility Act*

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). As previously stated, the rule merely corrects references contained in the regulations and does not impose any new OSM regulatory requirements.

### *Unfunded Mandates Reform Act*

For purposes of compliance with the Unfunded Mandates Reform Act of 1995, this rule does not impose any obligations that individually or cumulatively would require an aggregate expenditure of \$100 million or more by State, local, and Tribal governments and the private sector in any given year.

### *Federal Paperwork Reduction Act*

This rule does not contain collections of information which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

### *National Environmental Policy Act*

This rule has been reviewed by OSM and it has been determined to be categorically excluded from the requirement to prepare an environmental document under the National Environmental Policy Act of 1969. This determination was made in accordance with the Departmental Manual (516 DM 2, Appendix 1.10).

### *Executive Order 12988 on Civil Justice Reform*

The Department of the Interior has determined that this rule meets the requirements of sections (3)(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform (61 FR 4729).

### *Effect in Federal Program States and on Indian Lands*

The rule will apply through cross-referencing to the following Federal program states: California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee and Washington. The Federal programs for these States appear at 30 CFR Parts 905, 910, 912, 921, 922, 933, 937, 939, 941, 942 and 947, respectively. The rule also applies through cross-referencing to Indian lands under the Federal program for

Indian lands as provided in 30 CFR part 750.

### *Effect on State Programs*

Following promulgation of the final rule, OSM will evaluate State programs approved under section 503 of SMCRA to determine any changes in those programs that will be necessary. When OSM determines that a particular State program provision should be amended in order to be made no less stringent than the revised Federal regulations, the particular States will be notified in accordance with the provisions of 30 CFR 732.17.

### **List of Subjects**

#### *30 CFR Part 816*

Environmental protection, Reporting and recordkeeping requirements, Surface mining.

#### *30 CFR Part 817*

Environmental protection, Reporting and recordkeeping requirements, Underground mining.

Dated: February 23, 2001.

#### **Piet deWitt,**

*Acting Assistant Secretary, Land and Minerals Management.*

For the reasons given in the preamble, 30 CFR Parts 816 and 817 are amended as set forth below.

### **PART 816—PERMANENT PROGRAM PERFORMANCE STANDARDS—SURFACE MINING ACTIVITIES**

1. The authority citation for Part 816 is revised to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*; and sec. 115 of Pub. L. 98–146.

#### **§ 816.49 [Amended]**

2. Amend § 816.49 as follows:

a. In paragraph (a)(1), the words “Room 660, 800 North Capitol Street” are revised to read “1951 Constitution Avenue, NW.”

b. In paragraph (a)(9), the references to “(a)(8)(i)” and “(a)(8)(ii)” are revised to read “(a)(9)(i)” and “(a)(9)(ii),” respectively.

c. In paragraph (a)(9)(ii), the reference to “(a)(8)” is revised to read “(a)(9).”

d. In paragraph (a)(11), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

e. In paragraph (a)(11)(ii), the references to “(a)(10)(i)” and “(a)(10)(iv)” are revised to read “(a)(11)(i)” and “(a)(11)(iv),” respectively.

f. In paragraph (c)(2), the reference to “(a)(8)(i)” is revised to read “(a)(9)(i).”

**PART 817—PERMANENT PROGRAM PERFORMANCE STANDARDS—UNDERGROUND MINING ACTIVITIES**

4. The authority citation for Part 817 is revised to read as follows:

**Authority:** 30 U.S.C. 1201 *et seq.*

**§ 817.49 [Amended]**

5. Amend § 817.49 as follows:

a. In paragraph (a)(1), the words "Room 660, 800 North Capitol Street" are revised to read "1951 Constitution Avenue, NW."

b. In paragraph (a)(9), the references to "(a)(8)(i)" and "(a)(8)(ii)" are revised to read "(a)(9)(i)" and "(a)(9)(ii)," respectively.

c. In paragraph (a)(9)(ii), the reference to "(a)(8)" is revised to read "(a)(9)."

d. In paragraph (a)(11), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

e. In paragraph (a)(11)(ii), the references to "(a)(10)(i)" and "(a)(10)(iv)" are revised to read "(a)(11)(i)" and "(a)(11)(iv)," respectively.

f. In paragraph (c)(2), the reference to "(a)(8)(i)" is revised to read "(a)(9)(i)."

[FR Doc. 01-6105 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-05-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[MA-01-082-7212a; A-1-FRL-6931-3]

**Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Amendment to the Massachusetts Port Authority/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze**

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

**ACTION:** Final rule.

**SUMMARY:** EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes a state process to allow the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total Logan Parking Freeze inventory number remains at or below 21,790 parking spaces. This action is being taken under the Clean Air Act.

**EFFECTIVE DATE:** This rule will become effective on April 11, 2001.

**ADDRESSES:** Copies of the documents relevant to this action are available for

public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, EPA-New England, One Congress Street, 11th floor, Boston, MA; Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, Room M-1500, 401 M Street, (Mail Code 6102), SW., Washington, DC; and Planning and Evaluation Division, Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, One Winter Street, 9th Floor, Boston, MA 02108.

**FOR FURTHER INFORMATION CONTACT:** Donald O. Cooke, (617) 918-1668 or e-mail Cooke.donald@epa.gov.

**SUPPLEMENTARY INFORMATION:** On November 27, 2000 (65 FR 70676-70678), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. The NPR proposed approval of amendments to the Massachusetts Port Authority (Massport)/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze. The revisions allows the Commonwealth to automatically approve the transfer of parking spaces from the East Boston Parking Freeze to the Logan Parking Freeze provided the total parking space inventory number for the Logan Parking Freeze remains at or below 21,790 parking spaces. Future modifications in the parking freeze inventories for the Logan Airport and East Boston Parking Freezes will be regulated by the Commonwealth's revisions to Massachusetts State Regulations 310 CMR 7.30 and 310 CMR 7.31. The formal SIP revision was submitted by Massachusetts on December 8, 2000 and December 26, 2000.

Originally, Massachusetts requested that EPA parallel process this SIP revision. In accordance with this process, EPA held a thirty day comment period which overlapped the Commonwealth's public participation period. During the Commonwealth's comment period, two comments were submitted to the Massachusetts Department of Environmental Protection (MA DEP) from Massport and from EPA-New England. Massport's comment provided substitution of the language in 310 CMR 7.30(5)(b) which enables MA DEP to keep an up-to-date administrative record of the Logan and East Boston Parking Freeze inventories. EPA-New England's comment addressed public access to information on the number of MA DEP-certified parking spaces in the Logan Airport and East Boston Parking Freeze areas. MA DEP has made a commitment to make these

parking freeze inventory numbers available on its web site (<http://www.magnet.state.ma.us/dep/dephome.htm>) and will also encourage Massport and the City of Boston to do the same.

Other specific requirements of Massport/Logan Airport Parking Freeze and City of Boston/East Boston Parking Freeze, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received by EPA on the NPR.

**Final Action**

EPA is approving the modifications to Massachusetts State Regulations 310 CMR 7.30 "Massport/Logan Airport Parking Freeze" and 310 CMR 7.31 "City of Boston/East Boston Parking Freeze" as revisions to the Massachusetts SIP.

**Administrative Requirements**

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



[FR Doc. 01-5854 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 63

[FRL-6882-2]

#### Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of Washington; Puget Sound Clean Air Agency

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

**ACTION:** Direct final rule.

**SUMMARY:** Pursuant to section 112(l) of the Clean Air Act (CAA), the State of Washington Department of Ecology (Ecology) submitted a request on behalf of the Puget Sound Clean Air Agency (Puget Sound Clean Air) for approval to implement and enforce Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners in place of federal National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities ("dry cleaning NESHAP"), as it applies to area sources. EPA has reviewed this request and found that it satisfies the requirements necessary to qualify for approval. Thus, EPA is hereby granting Puget Sound Clean Air the authority to implement and enforce its Perchloroethylene Dry Cleaners regulation in place of the federal dry cleaning NESHAP, for area sources under Puget Sound Clean Air's jurisdiction. This approval makes Puget Sound Clean Air's rules federally enforceable and reduces the burden on area sources within Puget Sound Clean Air's jurisdiction such that they will only have one rule with which they must comply. Major sources remain subject to the federal dry cleaning NESHAP, as adopted into Puget Sound Clean Air Regulation III, Section 2.02.

**DATES:** This action will be effective on May 11, 2001 without further notice, unless EPA receives relevant adverse comments by April 11, 2001. If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 11, 2001.

**ADDRESSES:** Written comments should be mailed concurrently to the addresses below:

Doug Hardesty, U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101.

Dennis McLerran, Director, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101.

Copies of the requests for approval are available for public inspection at EPA's Region X office during normal business hours.

#### FOR FURTHER INFORMATION CONTACT:

Doug Hardesty, US EPA, Region X (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101, (206) 553-6641.

#### SUPPLEMENTARY INFORMATION:

This Supplementary Information section is organized as follows:

- I. Background and Purpose
- II. EPA Evaluation and Action
  - A. Puget Sound Clean Air's Dry Cleaning Rule
    1. Classification of Sources
    2. Applicability of Major Sources
    3. New Facilities Constructed After 12/09/91
    4. Technical Reference for Definitions
    5. Washer Shall Not Share Refrigerated Condensers with Any Other Equipment
    6. Put Perc Into Solvent Tank or Container with "No Perceptible Leaks"
    7. Dry Cleaning System Inspection
    8. Conditions for Refrigerated Condensers and Carbon Absorbers That are Performing Out of Parameter Limits
    9. Use of Colorimetric Tubes
    10. Maintain Records for at Least 5 Years
    11. On-site Design Specs and Operating Manuals for Each System
    12. Authority to Determine Equivalent Emission Control Technology for Dry Cleaning Facilities
  - B. EPA's Action
  - C. Puget Sound Clean Air's Authorities to Implement and Enforce Section 112 Standards
    1. Penalty Authorities
    2. Variances
  - D. Effect of EPA's Action on Tribal Lands
- III. Opportunity for Public Comment
- IV. Summary of EPA's Action
- V. Administrative Requirements

#### I. Background and Purpose

Under CAA section 112(l), EPA may approve state or local rules or programs to be implemented and enforced in place of certain otherwise applicable CAA section 112 federal rules, emission standards, or requirements. The federal regulations governing EPA's approval of state and local rules or programs under section 112(l) are located at 40 CFR part 63, subpart E (*see* 59 FR 62262, November 26, 1993). Under these regulations, a local air pollution control agency has the option to request EPA's approval to substitute a local rule for the applicable federal rule (i.e., the federal National Emission Standards for Hazardous Air Pollutants (NESHAP)).

Upon approval, the local agency is given the authority to implement and enforce its rule in place of the NESHAP. To receive EPA approval using this "rule substitution" option, the requirements of 40 CFR 63.91 and 63.93 must be met.

On December 1, 1998, (*see* 63 FR 66054), EPA promulgated direct final approval of the State of Washington Department of Ecology's (Ecology) request, on behalf of the Puget Sound Clean Air Agency<sup>1</sup> (Puget Sound Clean Air), for delegation of authority to implement and enforce certain 40 CFR parts 61 and 63 NESHAP rules, as they apply to both part 70 and non-part 70 sources (i.e., "area sources"). Ecology had submitted a request on behalf of Puget Sound Clean Air for approval of a rule adjustment for 40 CFR part 63, subpart M (dry cleaning NESHAP). The original request was dated January 16, 1997, with a correction letter dated September 4, 1997. EPA did not address this request in the December 1, 1998, rulemaking because EPA anticipated that approval of the requested rule adjustments would require a more detailed review under 40 CFR 63.92, and decided to address Puget Sound Clean Air's request for rule adjustments in a separate notice. After completing its review of Puget Sound Clean Air's request, EPA has determined that Puget Sound Clean Air's request does not qualify as a rule adjustment under 40 CFR 63.92. Instead, the request shall be treated as a request for a rule substitution as defined in 40 CFR 63.93. Therefore, EPA is acting on this request as a rule substitution according to 40 CFR 63.93.

#### II. EPA Evaluation and Action

##### A. Puget Sound Clean Air's Dry Cleaning Rule

Puget Sound Clean Air's dry cleaning rule differs in several ways from the federal dry cleaning NESHAP. Many of these differences make Puget Sound Clean Air's regulations more stringent than the federal NESHAP. However, some of the provisions of Puget Sound Clean Air's dry cleaning regulations require further clarification to explain how they are at least equivalent to the federal dry cleaning NESHAP. In a letter dated June 9, 2000, Puget Sound Clean Air committed to interpreting and implementing its dry cleaning rule consistent with the explanations provided in this section so that its rule

<sup>1</sup> Puget Sound Clean Air was formerly known as the Puget Sound Air Pollution Control Agency (PSAPCA). Federal Register rules that were published prior to January 2000 regarding this agency have used the PSAPCA name.

is more stringent or as stringent as the federal dry cleaning NESHAP.

#### 1. Classification of Sources

In 40 CFR 63.320(g), the federal NESHAP classifies dry cleaning sources based on either annual perchloroethylene ("perc") emissions or annual perc consumption. Major sources are those sources with either 10 tpy perc emissions or perc consumption greater than 8000 Liters (2100 gallons) for dry to dry machines or greater than 6800 liters (1800 gallons) for transfer or transfer & dry to dry machines. Puget Sound Clean Air's regulation use only perc emissions to identify major sources. Puget Sound Clean Air Regulation I, section 1.07(aa) defines Major Source of Hazardous Air Pollutant (HAP) as one that emits 10 tpy of a single HAP (such as perc). EPA believes that this definition adequately captures all major source dry cleaning facilities within Puget Sound Clean Air's jurisdiction. For both the federal and the Puget Sound Clean Air regulations, area sources are those sources which do not meet the criteria listed above. Puget Sound Clean Air's regulation applies to all dry cleaning systems using perc (Puget Sound Clean Air Regulation III, section 3.03(a)). Therefore, EPA believes that this requirement captures all area source dry cleaning facilities within Puget Sound Clean Air's jurisdiction.

#### 2. Applicability of Major Sources

Puget Sound Clean Air's request for approval included only those provisions of the dry cleaning NESHAP that apply to area sources. Thus, percholoroethylene dry cleaning facilities that qualify as major sources, will remain subject to the federal NESHAP (40 CFR part 63, subpart M), as adopted by reference into Puget Sound Clean Air Regulation III, section 2.02. Additionally, major sources are required to obtain a Title V permit (Puget Sound Clean Air Regulation III, section 3.03(h)).

#### 3. New Facilities Constructed After 12/09/91

In 40 CFR 63.320(b), the federal dry cleaning NESHAP states that new facilities constructed after 12/09/91 must comply upon startup. Puget Sound Clean Air's regulations do not specifically address this because Puget Sound Clean Air has been regulating its dry cleaning facilities since before 12/09/91, and all sources constructed after this date would be required to install Best Available Control Technology (BACT) upon startup. BACT is more stringent than MACT (in this case, BACT would be a nonventing, closed

loop machine, while MACT would not be closed loop and would allow venting), so Puget Sound Clean Air's regulation would be more stringent for new sources. Also, for existing sources that are modified or upgraded, they would be required by Puget Sound Clean Air's regulations to vent to a refrigerated condenser which EPA considers to be equivalent to the MACT.

#### 4. Technical Reference for Definitions

Puget Sound Clean Air's dry cleaning regulation does not include all of the same definitions as the federal dry cleaning NESHAP. Puget Sound Clean Air determined that some of the terms are defined elsewhere in its regulations, and that some definitions are not necessary for its dry cleaning regulation. In its equivalency determination, Puget Sound Clean Air stated that if a conflict arises in defining terms, it will defer to the definitions in the federal dry cleaning NESHAP.

#### 5. Washer Shall Not Share Refrigerated Condensers With Any Other Equipment

The federal dry cleaning NESHAP states in 40 CFR 63.322(f)(3), that washers shall not share refrigerated condensers (RC) with any other equipment. Puget Sound Clean Air's regulations do not address this section because no current facilities share the RC and no new transfer machines are permitted. This is acceptable to EPA based on the understanding that no new transfer machines will be permitted and that there are no new (or existing) facilities that couple their RC with any other equipment.

#### 6. Put Perc Into Solvent Tank or Container With "No Perceptible Leaks"

In 40 CFR 63.322(j), the federal dry cleaning NESHAP requires that perc must be put into a solvent tank or solvent container with "no perceptible leaks." Puget Sound Clean Air Regulation I, section 3.03(c)(4) requires that perc be put into a "closed container." Puget Sound Clean Air has clarified that a "closed container" will be interpreted as a container that has "no perceptible leaks."

#### 7. Dry Cleaning System Inspection

In 40 CFR 63.322(k), the federal dry cleaning NESHAP requires weekly perceptible leak inspections and identifies the specific components which must be inspected. Puget Sound Clean Air's rule at Regulation III, section 3.03(c)(1) requires a visual inspection of the "dry cleaning system." EPA has confirmed that Puget Sound Clean Air's interpretation of the requirement in section 3.03(c)(1) to conduct a visual

inspection is that this inspection must include a weekly inspection of all the parts listed in 40 CFR 63.322(k) and must be conducted when the dry cleaning system is operating.

#### 8. Conditions for Refrigerated Condensers and Carbon Absorbers That Are Performing Out of Parameter Limits

In 40 CFR 63.322(n), the federal dry cleaning NESHAP states that if a RC or carbon absorber (CA) does not meet the monitoring parameter limits, then adjustments or repairs shall be made to the dry cleaning system or control device to meet those values. It also states that if repair parts must be ordered, then a written or verbal order for these parts shall be initiated within 2 working days of detecting such parameter value. Additionally, these repair parts shall be installed within 5 working days after receipt. Puget Sound Clean Air Regulation III, section 3.03(f)(1), does not specify the time period in which to repair the dry cleaning system. Instead, it refers to Puget Sound Clean Air Regulation I, section 5.05(e), which states that a dry cleaner's operation and maintenance plan shall include "prompt" repair of any defective equipment or control equipment. EPA and Puget Sound Clean Air interpret this regulation as requiring repair within the time frames required by the federal dry cleaning NESHAP.

#### 9. Use of Colorimetric Tubes

Puget Sound Clean Air's Regulation III, section 3.03(e)(2) does not provide a specific requirement regarding the use of a colorimetric tube. In 40 CFR 63.323(b)(2) and (3), the federal dry cleaning NESHAP describes where to place a sampling port and states that the colorimetric tube should be used according to the manufacturer's instructions. Puget Sound Clean Air has agreed to implement Puget Sound Clean Air Regulation III, section 3.03(e)(2) consistent with the requirements of section 63.323(b) of the federal dry cleaning NESHAP regarding the use of the colorimetric tubes, including the correct placement of the sampling port.

#### 10. Maintain Records for at Least 5 Years

In 40 CFR 63.324(d), the federal dry cleaning NESHAP requires a facility to maintain records on site for a minimum of 5 years. Puget Sound Clean Air's Regulation I, section 5.05(e) does not specify a time frame that a facility must maintain records on site. Both EPA and Puget Sound Clean Air interpret section 5.05(e) to require that records must be maintained indefinitely.

### 11. On-site Design Specs and Operating Manuals for Each System

In 40 CFR 63.324(e), the federal dry cleaning NESHAP requires a facility to maintain on-site design specs and operating manuals for each system and control device. Puget Sound Clean Air's Regulation III, section 3.03(c)(5) states that facilities shall operate and maintain the dry cleaning system according to manufacturer's specifications and recommendations. EPA agrees with Puget Sound Clean Air's interpretation of section 3.03(c)(5) that, in order to follow a manufacturer's specifications, a dry cleaner must maintain an operating manual.

### 12. Authority To Determine Equivalent Emission Control Technology for Dry Cleaning Facilities

Under the federal dry cleaning NESHAP, any person may petition the EPA Administrator for a determination that the use of certain equipment or procedures is equivalent to the standards contained in the dry cleaning NESHAP (see 40 CFR 63.325). In its request, Puget Sound Clean Air requested approval for the provisions in Puget Sound Clean Air Regulation I, section 3.23, that would allow for the use of alternative emission control technology without previous approval from EPA. However, CAA section 112(h)(3) limits EPA's authority to approve alternative standards solely to the EPA Administrator. A source seeking permission to use an alternative means of emission limitation under CAA section 112(h)(3) must receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112. Therefore, EPA cannot approve Puget Sound Clean Air's request for authority to approve alternative emission control technologies.

#### B. EPA's Action

After reviewing the request for approval of Puget Sound Clean Air's dry cleaning rules, EPA has determined that this request meets all of the requirements necessary to qualify for approval under CAA section 112(l) and 40 CFR 63.91 and 63.93. EPA has determined that Puget Sound Clean Air's dry cleaning rule is equivalent or more stringent than the federal dry cleaning NESHAP. Therefore, EPA hereby approves Puget Sound Clean Air's dry cleaning rule to be used in place of the federal dry cleaning NESHAP, as it applies to area sources in Puget Sound Clean Air's jurisdiction. As

of the effective date of this action, Puget Sound Clean Air's dry cleaning rule is enforceable by the EPA and citizens under the CAA. Although Puget Sound Clean Air has primary implementation and enforcement responsibility, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112.

#### C. Puget Sound Clean Air's Authorities To Implement and Enforce Section 112 Standards

##### 1. Penalty Authorities

In response to Puget Sound Clean Air's original request for NESHAP program approval and delegation of authority, EPA had only granted interim approval to Puget Sound Clean Air (see 61 FR 43675) because Ecology's statute addressing criminal authorities, RCW 70.94.430, which Puget Sound Clean Air implements, did not meet the stringency requirements of 40 CFR 70.11 and 40 CFR 63.91. Ecology addressed these issues in a letter dated October 7, 1996. This letter included a legal memorandum from the Washington State Attorney General's Office dated May 23, 1996, explaining how the statutory authority in RCW 70.94.430(1) may be interpreted to provide the required authority for criminal penalties. Ecology also amended the State regulation at Washington Administrative Code (WAC) 173-400-105(7) and (8) to include prohibitions against knowingly making false statements and knowingly rendering inaccurate any monitoring device. In a letter dated February 28, 1997, Ecology provided supporting documentation from Puget Sound Clean Air. In this documentation, Puget Sound Clean Air committed to enforcing WAC 173-400-105(7) and (8) until such time as it might adopt its own equivalent regulations. Based on this information, EPA determined that Puget Sound Clean Air has adequate criminal authorities to meet the requirements of 40 CFR 70.11 and 40 CFR 63.91 (see 63 FR 66054 for Puget Sound Clean Air's final NESHAPs approval and delegation of authority).

As stated in section II.B. above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112, including the authority to seek civil and criminal penalties up to the maximum amounts specified in CAA section 113.

##### 2. Variances

Puget Sound Clean Air Regulation I, section 3.23, "Alternate Means of Compliance," provides for the granting

of variances under certain circumstances. EPA regards these provisions as wholly external to Puget Sound Clean Air's request for approval to implement and enforce a CAA section 112 program or rule and, consequently, does not approve this provision as part of this action. EPA does not recognize the ability of a State or local agency who has received delegation of a CAA section 112 program or rule to grant relief from the duty to comply with such Federally-enforceable program or rule, except where such relief is granted in accordance with procedures allowed under CAA section 112. As stated above, EPA retains the right, pursuant to CAA section 112(l)(7), to enforce any applicable emission standard or requirement under CAA section 112. As mentioned in section II.A.12 above, a source seeking permission to use an alternative means of emission limitation under CAA section 112 must also receive approval, after notice and opportunity for comment, from EPA before using such alternative means of emission limitation for the purpose of complying with CAA section 112.

#### D. Effect of EPA's Action on Tribal Lands

Under the Puyallup Tribe of Indians Settlement Act of 1989, Congress provided state and local agencies, such as Puget Sound Clean Air, authority over activities on non-trust lands within the 1873 Survey Area. As of the effective date of this action, Puget Sound Clean Air will be implementing and enforcing its dry cleaning rule, as it applies to area sources on the non-trust lands within the 1873 Survey Area, in place of the federal dry cleaning NESHAP. EPA consulted with the Puyallup Tribe by letter dated January 11, 2000 regarding this action, and received no adverse comments from the Tribe.

### III. Opportunity for Public Comment

EPA views the approval of Puget Sound Clean Air's request to use its Perchloroethylene Dr Cleaners regulation as a substitute for the federal dry cleaning NESHAP as a noncontroversial action and anticipates no adverse comments. Therefore, EPA is publishing this direct final rule without prior proposal. However, in the Proposed Rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal for this action should relevant adverse comments be filed. This action will be effective on May 11, 2001 without further notice, unless EPA receives relevant adverse comments by April 11, 2001.



If EPA receives such comments, then it will publish a timely withdrawal in the **Federal Register** informing the public that this direct final rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this rule. Any parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on May 11, 2001 and no further action will be taken on the proposed rule.

#### IV. Summary of EPA's Action

Pursuant to section 112(l) of the CAA and 40 CFR 63.91 and 63.93, EPA is approving Ecology's request for Puget Sound Clean Air to implement and enforce Puget Sound Clean Air's Regulation III, section 3.03, Perchloroethylene Dry Cleaners (section 3.03) in place of 40 CFR part 63, subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, as it applies to area sources. This approval makes Puget Sound Clean Air's rules federally enforceable and reduces the burden on area sources within Puget Sound Clean Air's jurisdiction such that they only have one rule with which they must comply. Major sources remain subject to 40 CFR part 63, subpart M, as adopted into Puget Sound Clean Air Regulation III, section 2.02.

#### V. Administrative Requirements

##### A. Executive Orders 12866 and 13045

The Office of Management and Budget (OMB) has exempted this regulatory action from review under Executive Order 12866, entitled "Regulatory Planning and Review."

This rule is not subject to Executive Order 13045, entitled, "Protection of Children from Environmental Health Risks and Safety Risks," because it is not an "economically significant" action under Executive Order 12866.

##### B. Executive Order 13132

Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612 (Federalism) and 12875 (Enhancing the Intergovernmental Partnership). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct

effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves a State program and rules implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. Thus, Executive Order 13132 does not apply to this rule.

Although section 6 of the Executive Order does not apply to this rule, EPA did consult with representatives of State and local governments in developing this rule, and this rule is in response to the State's and local's delegation request.

##### C. Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order

13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

This rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

##### D. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 600, *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small government entities with jurisdiction over populations of less than 50,000.

This final rule will not have a significant impact on a substantial number of small entities because approvals under 40 CFR 63.93 do not create any new requirements, but simply approve requirements that the state or local agency is already imposing. Therefore, because this action does not impose any new requirements, I certify that it does not have a significant economic impact on a substantial number of small entities.

##### E. Unfunded Mandates

Under section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a federal mandate that may result in estimated annual costs to state, local, or tribal governments in the aggregate, or to private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the delegation action promulgated does not include a federal mandate that may result in estimated annual costs of \$100



million or more to either state, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under state or local law, and imposes no new federal requirements. Accordingly, no additional costs to state, local, or tribal governments, or to the private sector, result from this action.

*F. Submission to Congress and the Comptroller General*

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

*G. Petitions for Judicial Review*

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 11, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (*see* section 307(b)(2)).

**List of Subjects in 40 CFR Part 63**

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: August 2, 2000.

**Charles E. Findley,**

*Acting Regional Administrator, Region X.*

Title 40, chapter I, part 63 of the Code of Federal Regulations is amended as follows:

**PART 63—[AMENDED]**

1. The authority citation for part 63 continues to read as follows:

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

2. Section 63.14 is amended by adding paragraph (d)(2) to read as follows:

**§ 63.14 Incorporations by reference.**

\* \* \* \* \*  
(d) \* \* \*  
(1) \* \* \*

(2) Revisions to Puget Sound Clean Air Regulation III, section 3.03, Perchloroethylene Dry Cleaners adopted on November 9, 1995, IBR approved for section 63.99 (a)(47)(ii) of subpart E of this part.

**Subpart E—Approval of State Programs and Delegation of Federal Authorities**

3. Section 63.99 is amended by revising the table in paragraph (a)(47)(i) and by adding paragraph (a)(47)(ii) to read as follows:

**§ 63.99 Delegated Federal authorities.**

(a) \* \* \*  
(47) \* \* \*  
(i) \* \* \*

DELEGATION STATUS FOR PART 63 STANDARDS—WASHINGTON

Subpart	Description	Ecology <sup>1</sup>	BCAA <sup>2</sup>	NWAPA <sup>3</sup>	OAPCA <sup>4</sup>	PSCAA <sup>5</sup>	SCAPCA <sup>6</sup>	SWAPCA <sup>7</sup>	YRCAA <sup>8</sup>
A	General Provisions <sup>9</sup>			X		X		X	
D	Early Reductions			X		X		X	
F	HON-SOCMI			X		X		X	
G	HON-Process Vents			X		X		X	
H	HON-Equipment Leaks			X		X		X	
I	HON-Negotiated Leaks			X		X		X	
L	Coke Oven Batteries			X		X		X	
M	Perc Dry Cleaning			X		X <sup>5</sup>		X	
N	Chromium Electroplating			X		X		X	
O	Ethylene Oxide Sterilizers			X		X		X	
Q	Industrial Process Cooling Towers.			X		X		X	
R	Gasoline Distribution			X		X		X	
S	Pulp and Paper <sup>10</sup>			X		X		X	
T	Halogenated Solvent Cleaning			X		X		X	
U	Polymers and Resins I			X		X		X	
W	Polymers and Resins II—Epoxy			X		X		X	
X	Secondary Lead Smelting			X		X		X	
Y	Marine Tank Vessel Loading			X		X		X	
AA	Phosphoric Acid Manufacturing Plants.			X		X			
BB	Phosphate Fertilizers Production Plants.			X		X			
CC	Petroleum Refineries			X		X		X	
DD	Off-Site Waste and Recovery			X		X		X	
EE	Magnetic Tape Manufacturing			X		X		X	
GG	Aerospace Manufacturing & Re-work.			X		X		X	
HH	Oil and Natural Gas Production Facilities.			X		X			
II	Shipbuilding and Ship Repair			X		X		X	
JJ	Wood Furniture Manufacturing Operations.			X		X		X	
KK	Printing and Publishing Industry.			X		X		X	

DELEGATION STATUS FOR PART 63 STANDARDS—WASHINGTON—Continued

Subpart	Description	Ecology <sup>1</sup>	BCAA <sup>2</sup>	NWAPA <sup>3</sup>	OAPCA <sup>4</sup>	PSCAA <sup>5</sup>	SCAPCA <sup>6</sup>	SWAPCA <sup>7</sup>	YRCAA <sup>8</sup>
LL	Primary Aluminum <sup>11</sup> .								
OO	Tanks—Level 1			X		X			
PP	Containers			X		X			
QQ	Surface Impoundments			X		X			
RR	Individual Drain Systems			X		X			
SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or Process.			X		X			
TT	Equipment Leaks—Control Level 1.			X		X			
UU	Equipment Leaks—Control Level 2.			X		X			
VV	Oil-Water Separators and Organic-Water Separators.			X		X		X	
WW	Storage Vessels (Tanks)—Control Level 2.			X		X			
YY	Source Categories: Generic MACT.			X		X			
CCC	Steel Pickling—HCl Process Facilities and Hydrochloric Acid Regeneration Plants.			X		X			
DDD	Mineral Wool Production			X		X			
EEE	Hazardous Waste Combustors			X		X			
GGG	Pharmaceuticals Production			X		X			
HHH	Natural Gas Transmission and Storage Facilities.			X		X			
III	Flexible Polyurethane Foam Production.			X		X			
JJJ	Polymers and Resins IV			X		X		X	
LLL	Portland Cement Manufacturing			X		X			
MMM	Pesticide Active Ingredient Production.			X		X			
NNN	Wool Fiberglass Manufacturing			X		X			
PPP	Polyether Polyols Production			X		X			
TTT	Primary Lead Smelting			X		X			
XXX	Ferroalloys Production: Ferromanganese & Silicomanganese.			X		X			

<sup>1</sup> Washington Department of Ecology.

<sup>2</sup> Benton Clean Air Authority.

<sup>3</sup> Northwest Air Pollution Authority (7/1/99).

<sup>4</sup> Olympic Air Pollution Control Authority.

<sup>5</sup> Puget Sound Clean Air Agency (7/1/99).

**Note:** For area source drycleaners within Puget Sound Clean Air's jurisdiction, see 40 CFR 63.99(a)(47)(ii).

<sup>6</sup> Spokane County Air Pollution Control Authority.

<sup>7</sup> Southwest Air Pollution Control Authority (8/1/98).

<sup>8</sup> Yakima Regional Clean Air Authority.

<sup>9</sup> Authorities which may not be delegated include: 40 CFR 63.6(g); 63.6(h)(9); 63.7(e)(2)(ii) and (f) for approval of major alternatives to test methods; 63.8(f) for approval of major alternatives to monitoring; 63.10(f); and all authorities identified in the subparts (i.e., under "Delegation of Authority") that cannot be delegated. For definitions of *minor*, *intermediate*, and *major* alternatives to test methods and monitoring, see memorandum from John Seitz, Office of Air Quality Planning and Standards, dated July, 10, 1998, entitled, "Delegation of 40 CFR part 63 General Provisions Authorities to State and Local Air Pollution Control Agencies."

<sup>10</sup> Subpart S of this part is delegated to these agencies as applies to all applicable facilities and processes as defined in 40 CFR 63.440, except kraft and sulfite pulping mills. The Washington Department of Ecology (Ecology) retains the authority to regulate kraft and sulfite pulping mills in the State of Washington, pursuant to Washington Administrative Code (WAC) 173-405-012 and 173-410-012.

<sup>11</sup> Subpart LL of this part cannot be delegated to any local agencies in Washington because Ecology retains the authority to regulate primary aluminum plants, pursuant to WAC 173-415-012.

**Note to paragraph (a)(47):** Dates in parenthesis indicate the effective date of the federal rules that have been adopted by and delegated to the state or local air pollution control agency. Therefore, any amendments made to these delegated rules after this effective date are not delegated to the agency.

(ii) Affected area sources within Puget Sound Clean Air's jurisdiction must comply with Puget Sound Clean Air's Regulation III, sections 3.03, Perchloroethylene Dry Cleaners, (incorporated by reference as specified in 40 CFR 63.14) as follows:

(A) The material incorporated in Puget Sound Clean Air's Regulation III,

section 3.03, Perchloroethylene Dry Cleaners, pertains to the perchloroethylene dry cleaning source category in the Puget Sound Clean Air jurisdiction, and has been approved under the procedures in 40 CFR 63.93 to be implemented and enforced in place of the federal NESHAPs for Perchloroethylene Dry Cleaning

Facilities (40 CFR part 63, subpart M), for area sources, as defined in 40 CFR 63.320(h).

(1) Authorities not delegated.

(i) Puget Sound Clean Air is not delegated the authority to implement and enforce Puget Sound Clean Air Regulation III, sections 3.03 in lieu of those provisions of Subpart M which

applies to major sources, as defined in 40 CFR 63.320(g). Dry cleaning facilities which are major sources remain subject to subpart M.

(ii) Puget Sound Clean Air is not delegated the authority of 40 CFR 63.325 to determine equivalency of emissions control technologies. Any source seeking permission to use an alternative means of emission limitation under Puget Sound Clean Air Regulation I, section 3.23 must also receive approval from the Administrator before using such alternative means of emission limitation for the purpose of complying with section 112.

(B) [reserved].

[FR Doc. 01-1343 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-U

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 180

[OPP-301104; FRL-6769-8]

RIN 2070-AB78

### Butene, Homopolymer; Tolerance Exemption

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

**ACTION:** Final rule.

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

**DATES:** This regulation is effective March 12, 2001. Objections and requests for hearings, identified by docket control number OPP-301104 must be received by EPA on or before May 11, 2001.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VIII. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301104 in

the subject line on the first page of your response.

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

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

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

Categories	NAICS codes	Examples of potentially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufacturing

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

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

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at <http://www.access.gpo.gov/nara/cfr/>

[cfrhtml\\_00/Title\\_40/40cfr180\\_00.html](http://cfrhtml_00/Title_40/40cfr180_00.html), a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301104. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

##### II. Background and Statutory Findings

In the **Federal Register** of December 20, 2000 (65 FR 79839) (FRL-6760-6), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, as amended by the Food Quality Protection Act (FQPA) (Public Law 104-170) announcing the filing of a pesticide petition (PP 1E6239) by Miller Chemical and Fertilizer Corporation, P.O. Box 333, Radio Road, Hanover, PA 17331. This notice included a summary of the petition prepared by the petitioner. There were no comments received in response to the notice of filing.

The petition requested that 40 CFR 180.1001 (c) and (e) be amended by establishing an exemption from the requirement of a tolerance for residues of butene, homopolymer; (CAS Reg. No. 9003-29-6).

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

408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing an exemption from the requirement of a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue..." and specifies factors EPA is to consider in establishing an exemption.

### III. Inert Ingredient Definition

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

### IV. Risk Assessment and Statutory Findings

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

Consistent with section 408(b)(2)(D) of FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity,

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

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

2. The polymer does not contain as an integral part of its composition the atomic elements carbon, hydrogen, and oxygen.

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

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

5. The polymer is manufactured or imported from monomers and/or reactants that are already included on the TSCA Chemical Substance Inventory or manufactured under an applicable TSCA section 5 exemption.

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

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

7. The polymer's number average molecular weight (MW) of 1,330 is greater than 1,000 and less than 10,000 daltons. The polymer contains less than 10% oligomeric material below MW 500 and less than 25% oligomeric material below MW 1,000, and the polymer does not contain any reactive functional groups.

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

### V. Aggregate Exposures

For the purposes of assessing potential exposure under this

exemption, EPA considered that butene, homopolymer could be present in all raw and processed agricultural commodities and drinking water, and that non-occupational non-dietary exposure was possible. The number average MW of butene, homopolymer is 1330 daltons. Generally, a polymer of this size would be poorly absorbed through the intact gastrointestinal tract or through intact human skin. Since butene, homopolymer conforms to the criteria that identify a low risk polymer, there are no concerns for risks associated with any potential exposure scenarios that are reasonably foreseeable. The Agency has determined that a tolerance is not necessary to protect the public health.

### VI. Cumulative Effects

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

### VII. Determination of Safety for U.S. Population

Based on the conformance to the criteria used to identify a low risk polymer, EPA concludes that there is a reasonable certainty of no harm to the U.S. population from aggregate exposure to residues of butene, homopolymer.

### VIII. Determination of Safety for Infants and Children

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

## IX. Other Considerations

### A. Endocrine Disruptors

There is no available evidence that butene, homopolymer is an endocrine disruptor.

### B. Existing Exemptions from a Tolerance

Currently there is an existing tolerance exemption under (40 CFR 180.1037) for polybutylene, which is also known as butene, homopolymer.

### C. Analytical Enforcement Methodology

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

### D. International Tolerances

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

## X. Conclusion

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

## XI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control

number OPP-301104 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before May 11, 2001.

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

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

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

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must

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

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VIII.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-301104 to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

## XII. Regulatory Assessment Requirements

This final rule establishes an exemption from the tolerance requirement under FFDCa section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork

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

have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

**XIII. Submission to Congress and the Comptroller General**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small

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

**List of Subjects in 40 CFR Part 180**

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

Dated: February 23, 2001.

**Peter Caulkins,**

*Acting Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

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

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

2. In § 180.1001 the tables in paragraphs (c) and (e) are amended by adding alphabetically the following inert ingredient to read as follows:

**§ 180.1001 Exemptions from the requirement of a tolerance.**

\* \* \* \* \*

(c) \* \* \*

Inert ingredients	Limits	Uses
* * * * *	* * *	
Butene, homopolymer minimum number average molecular weight (in amu) 1,330 (CAS Reg. No. 9003-29-6)	* * *	Sticker, surfactant and related adjuvant.
* * * * *	* * *	

(e) \* \* \*

Inert ingredients	Limits	Uses
* * * * *	* * *	
Butene, homopolymer minimum number average molecular weight (in amu) 1,330 (CAS Reg. No. 9003-29-6)	* * *	Sticker, surfactant and related adjuvant.
* * * * *	* * *	

[FR Doc. 01-6086 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-S

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[OPP-301088; FRL-6759-4]

RIN 2070-AB78

**Chlorothalonil; Pesticide Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for combined residues of chlorothalonil and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile (SDS-3701) in or on almonds (nutmeats), almond hulls, asparagus, mangoes, non-bell peppers, and pistachios. In addition, tolerances for the metabolite SDS-3701 are established for milk and meat commodities. ISK Biosciences Corporation and the Interregional Research Project Number 4 (IR-4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996.

**DATES:** This regulation is effective March 12, 2001. Objections and requests for hearings, identified by docket control number OPP-301088, must be received by EPA on or before May 11, 2001.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI. of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301088 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 703-305-7740; and e-mail address: giles-parker.cynthia@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this Action Apply to Me?*

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

Cat-egories	NAICS	Examples of poten-tially affected entities
Industry	111 112 311 32532	Crop production Animal production Food manufacturing Pesticide manufac-turing

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

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

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

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301088. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday,

excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

**II. Background and Statutory Findings**

In the **Federal Register** of February 13, 1997 (PP 5F4558) (62 FR 6780) (FRL-5587-3), April 2, 1997 (PP 6F4676) (62 FR 15700) (FRL-5594-9), July 11, 1997 (PP 6F4611) (62 FR 37246) (FRL-5723-1), and September 17, 1997 (PP 2E4042, 2E4018 and 6E4672) (62 FR 48849) (FRL-5735-8), EPA issued notices pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of pesticide petitions (PP) for tolerances by ISK Biosciences Corporation, 15966 Heisley Road, P.O. Box 8000, Mentor, OH 44061-8000 and Interregional Research Project Number 4 (IR-4), New Jersey Agricultural Experimental Station, P.O. box 231, Rutgers University, New Brunswick, NJ 08903. These notices included a summary of the petition prepared by ISK Biosciences Corporation and IR-4, the registrants. The active ingredient has since been transferred to GB Biosciences Corporation, 1800 Concord Pike, P.O. Box 15458, Wilmington, DE 19850-5458. There were no comments received in response to the notices of filing.

The petitions requested that 40 CFR 180.275 be amended by establishing tolerances for combined residues of the fungicide chlorothalonil, tetrachloroisophthalonitrile and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile (SDS-3701), in or on almonds (nutmeats) at 0.05 part per million (ppm), almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite SDS-3701 in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; meat byproducts (mby) (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm and meat of cattle, goats, hogs, horses, and sheep at 0.03 ppm and milk at 0.1 ppm.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is

reliable information.” This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to “ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....”

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

### III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for combined residues of chlorothalonil and its metabolite SDS-3701 in or on almonds (nutmeats) at 0.05 ppm, almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite SDS-3701 in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; meat byproducts (mbyp) (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm and meat of cattle, goats, hogs,

horses, and sheep at 0.03 ppm and milk at 0.1 ppm. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

#### A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by chlorothalonil, SDS-3701, the major metabolite of chlorothalonil, and hexachlorobenzene (HCB), an impurity in chlorothalonil and other pesticide products, are discussed in the following Table 1 as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY; CHLOROTHALONIL AND SDS-3701

Study Type	Results
21-Day dermal toxicity in rats-chlorothalonil	Dermal NOAEL = <60 mg/kg/day based on dermal irritation and lesions; Systemic LOAEL = 600 mg/kg/day.
Prenatal developmental in rodents -chlorothalonil	Maternal NOAEL = 100 mg/kg/day; LOAEL = 400 mg/kg/day based on increased mortality and reduced body weight gain. Developmental LOAEL = 400 mg/kg/day based on an increase total resorptions and resorptions per dam with a related increase in post-implantation loss. No decrease in litter size was reported.
Prenatal developmental in nonrodents - SDS-3701	Maternal NOAEL = 1 mg/kg/day; LOAEL = 2.5 mg/kg/day based on increase in maternal death and abortion. Developmental NOAEL = 5 mg/kg/day, the highest dose tested. No developmental toxicity observed.
Reproduction and fertility effects - chlorothalonil	Parental/Systemic NOAEL = <38 mg/kg/day; LOAEL = 38 mg/kg/day based on hyperplasia of renal and forestomach tissues. Offspring toxicity NOAEL = 115 mg/kg/day; LOAEL = 234 mg/kg/day based on lower neonatal body weights by day 21.
Carcinogenicity rats - chlorothalonil	NOAEL = 2 mg/kg/day; LOAEL = 4 mg/kg/day based on increased kidney weights as well as ulcers and forestomach hyperplasia. Renal tubular adenomas and carcinomas were seen in male Fisher 344 rats at 15 and 175 mg/kg/day and in females at 175 mg/kg/day. The incidence of forestomach papillomas and carcinomas was increased at 175 mg/kg/day in males and at both 15 and 175 mg/kg/day in females.
Carcinogenicity rats - chlorothalonil	NOAEL = <40 mg/kg/day; Chronic hyperplasia of cortical tubules and pelvic/papillary epithelium, tubular cysts were found at all dose levels. Renal adenomas and carcinomas as well as stomach papillomas were also present at all dose levels. Female rat renal (adenomas and/or carcinomas) tumor rates were 0/60 in the control, 2/60 at 40 mg/kg/day, 7/61 at 80 mg/kg/day, and 19/59 at 175 mg/kg/day.
Carcinogenicity mice - chlorothalonil	NOAEL = <112.5 mg/kg/day; Bone marrow and spleen red pulp hyperplasia, increased kidney weights with surface irregularities, pelvic dilation, cysts and nodules, and stomach /esophageal hyperplasia were found at all dose levels (equivalent to 112.5, 225, or 450 mg/kg/day) in CD-1 mice.
Carcinogenicity rats - SDS-3701	NOAEL = 3.0 mg/kg/day; LOAEL = 10 mg/kg/day based on reduced body weight. There was no evidence of carcinogenicity in either sex of Sprague-Dawley rats.
Carcinogenicity mice - SDS-3701	LOAEL = <54 mg/kg/day based on increased liver-to-body weight ratios in males. There was no evidence of carcinogenicity in either sex of CD-1 mice.



TABLE 1.—SUBCHRONIC, CHRONIC AND OTHER TOXICITY; CHLOROTHALONIL AND SDS-3701—Continued

Study Type	Results
Gene Mutation	In light of considerable body of evidence from acceptable whole animal testing, it is concluded that chlorothalonil is also not calstogenic or aneugenic in rats, mice or Chinese hamsters.
Cytogenetics	A weak positive response was seen under non-activated conditions in an <i>in vivo</i> cytogenetic CHO assay and in the subchronic phase of an <i>in vivo</i> bone marrow Chinese hamster cytogenetic assay.
Metabolism and pharmacokinetics	Oral absorption was low (approximately 33% of the administered dose). Peak blood levels were considered low (less than 1% of the dose present in blood). Elimination was primarily by the gastrointestinal tract, with 80 – 90% in feces and approximately 15 – 20% was observed in bile.
Dermal penetration	An upper limit of 0.15% of chlorothalonil that contacts the skin during a workday is estimated to be absorbed. The dermal absorption rate is calculated using the lowest LOAEL from the subchronic oral dosing studies in rats, the oral absorption rate obtained from the rat metabolism study and the LOAEL from the 21-day dermal toxicity study.
Cell proliferation study in male Fisher 344 rats - chlorothalonil	LOAEL = 175 mg/kg/day based on increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia.

**B. Toxicological Endpoints**

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences. In the case of acute dietary risk, effects were seen at the only dose tested in the subchronic dietary toxicity study in rats; therefore, no NOAEL was identified. Since the LOAEL was used for acute dietary risk assessment, an additional UF of 3X was

added to the conventional UF of 100X for a total UF of 300X.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

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

The linear default risk methodology (Q\*) is the primary method currently used by the Agency to quantify carcinogenic risk. The (Q\*) approach assumes that any amount of exposure will lead to some degree of cancer risk. A (Q\*) is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as 1 × 10<sup>-6</sup> or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a “point of departure” is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE<sub>cancer</sub> = point of departure/exposures) is calculated. A summary of the toxicological endpoints for chlorothalonil used for human risk assessment is shown in the following Table 2:

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary general population including infants and children	LOAEL = 175 mg/kg/day UF = 300 Acute RfD = 0.58 mg/kg/day	FQPA SF = 1 aPAD = acute RfD/FQPA SF = 0.58 mg/kg/day	Subchronic dietary toxicity study in rats LOAEL = 175 mg/kg/day based on increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia.

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

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Chronic Dietary general population including infants and children	NOAEL= 2 mg/kg/day; UF = 100; Chronic RfD = 0.02 mg/kg/day	FQPA SF = 1 cPAD = chronic RfD/FQPA SF = 0.02 mg/kg/day	Chronic toxicity/ carcinogenicity study in rats LOAEL = 4 mg/kg/day based on increased kidney weights and hyperplasia of the proximal convoluted tubules in the kidneys as well as ulcers and forestomach hyperplasia.
Short-Term Dermal (1 to 7 days) (Residential)	dermal NOAEL = 600 mg/kg/day (dermal absorption rate = 0.15%)	LOC for MOE = 100 (Residential)	21-day dermal toxicity study in rats; LOAEL = 600 mg/kg/day based on No treatment-related systemic toxicity in the highest dose tested.
Intermediate-Term Dermal (1 week to several months) (Residential)	dermal NOAEL = 600 mg/kg/day (dermal absorption rate = 0.15%)	LOC for MOE = 100 (Residential)	21-day dermal toxicity study in rats; LOAEL = 600 mg/kg/day based on no treatment-related systemic toxicity in the highest dose tested.
Short-, Intermediate, Long-Term Inhalation (Residential)	Oral NOAEL = 2 mg/kg/day (inhalation absorption rate = 100%)	LOC for MOE = 100 (Residential)	Chronic toxicity/ carcinogenicity study in rats; LOAEL = 4 mg/kg/day based on increased kidney weights and hyperplasia of the proximal convoluted tubules in the kidneys as well as ulcers and forestomach hyperplasia.
Cancer (oral, dermal, inhalation)	$Q^* = 7.66 \times 10^{-3}$ (mg/kg/day) <sup>-1</sup>		Chronic toxicity/ carcinogenicity study in rats Based on evidence of increased incidence of renal adenomas, carcinomas, and adenomas/carcinomas combined in rats and mice following chronic dosing at 15 and 175 mg/kg/day, as well as increased incidence of forestomach carcinomas in CD-1 mice and papillomas and/or carcinomas combined in Fisher 344 rats. A 3/4 scaling factor was applied to the $Q^*$ .
Cancer (oral, dermal, inhalation)	NOAEL = 1.5 mg/kg/day	LOC for MOE = 9,500	Cell proliferation study in rats LOAEL = 15 mg/kg/day based on toxic response of the kidney and forestomach

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

1. *Mechanistic data.* In a cell proliferation study, 28 male Fischer 344 rats received technical chlorothalonil (97.9%) in the diet at 175 mg/kg/day for up to 91 days. Mean labeling index was statistically increased in the kidneys of male rats treated with 175 mg/kg/day chlorothalonil at all scheduled sacrifice times. From Day 7 to Day 28, the increase in labeling index was relatively stable (approximately 10-fold over control), with a decrease to approximately 3.5-fold over control on Day 91. Increased cell proliferation correlated with histopathological lesions of degeneration of the proximal convoluted tubules and epithelial hyperplasia. The results of this study demonstrate a sustained cell proliferative response as a result of dietary administration of technical chlorothalonil at a dose of 175 mg/kg/day.

In another study, 96 male SPF rats were divided into test groups of 6 animals per group. Rats received technical chlorothalonil (98.98% a.i.) in the diet at dose levels of 0, 1.5, 15, or

175 mg/kg/day for either 7, 14, 21, or 28 days (total of 24 rats per time point). Histological examination of kidney and stomach tissue was performed for each group after the appropriate exposure. In addition, kidneys were subjected to PCNA staining and stomachs to BrdU staining, and the labeling index and labeling count of cell nuclei were performed. Duodenum was used as a negative control for PCNA and BrdU staining. Increased absolute and relative weight of the kidneys was observed at 175 mg/kg/day at all time points, and, in one animal, at 15 mg/kg/day on Day 28. Increased incidence of vacuolization of the epithelium of the proximal convoluted tubules was observed at all time points at 175 mg/kg/day on Days 7, 14, and 21 at 15 mg/kg/day. PCNA immunostaining of the proximal convoluted tubule epithelial cells showed increased labeling of cells at the 175 mg/kg/day dose level at all time points, and increased labeling at 15 mg/kg/day on Days 7, 14, and 21. BrdU labeling of the rat forestomach showed marked labeling at 175 mg/kg/day at all

time points, and increased labeling on Day 28 at 15 mg/kg/day. The results of this study demonstrate a toxic response of the kidney and forestomach to repeated dietary administration of chlorothalonil at doses of 15 and 175 mg/kg/day.

2. *Summary of toxicological dose and levels of concern for SDS-3701 for use in human risk assessment.* There is no evidence of carcinogenicity for the SDS-3701 metabolite in either rats or mice. For the acute and chronic non-cancer exposure assessments, residues of SDS-3701 were combined with residues of chlorothalonil and the sum compared to chlorothalonil levels of concern (the LOAEL for acute dietary risk and the RfD for chronic non-dietary risk).

3. *Summary of toxicological dose and levels of concern for HCB for use in human risk assessment.* A summary of the toxicological endpoints for HCB used for human risk assessment is shown in the following Table 3:

TABLE 3.—SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR HCB FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Endpoint for Risk Assessment	Study and Toxicological Effects
Chronic Dietary all populations	NOAEL= 0.08 mg/kg/day UF = 100	Chronic RfD = 0.0008 mg/ kg/day	130-week feeding study in rats. Effects observed were hepatic centrilobular basophilic chromogenesis.
Cancer (oral, dermal, inhalation)	Q* = 1.02 (mg/kg/day) <sup>-1</sup>		Carcinogenicity study in rodents. Based on increased tumor incidences in hamsters and rats. A 3/4 scaling factor was applied to the Q*.

### C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances have been established (40 CFR 180.275) for the combined residues of chlorothalonil and its metabolite SDS-3701, in or on a variety of raw agricultural commodities. At levels ranging from 0.05 ppm in cocoa beans and bananas, edible pulp to 15 ppm in celery and papayas. Risk assessments were conducted by EPA to assess dietary exposures from chlorothalonil and its metabolite SDS-3701 in food as follows:

Food uses evaluated in the dietary (food) risk assessments were the published uses of chlorothalonil in 40 CFR 180.275 and pending uses. U.S. Food and Drug Administration monitoring data (1988–1993), USDA Pesticide Data Program (PDP) (1992–1994 partial), and field trial data are types of anticipated residue data provided for chlorothalonil and HCB. Anticipated residues were used for pending tolerances for pistachios (0.068 ppm), mangoes (0.3 ppm), asparagus (0.03 ppm) and non-bell peppers (5 ppm). Percent of crop treated information was used for most crops with established tolerances. Residues of HCB in plant commodities were estimated to be present at 0.05% of the residues of chlorothalonil. This level is equivalent to the maximum level of HCB that is allowed in formulations of chlorothalonil. In meat products, anticipated residues were estimated based on HCB feeding studies.

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. The following assumptions were made for the acute exposure assessments: The computerized modeling system (Dietary Risk Evaluation System (DRES) was used to estimate acute dietary exposure. The analysis evaluates individual food consumption as reported by respondents in the USDA 1977–1978 Nationwide Food Consumption Survey

(NFCS) and accumulates exposure to chlorothalonil for each commodity. Each analysis assumes uniform distribution of chlorothalonil in the commodity supply. Acute dietary exposure was estimated based on the theoretical maximum residue contribution (TMRC) or anticipated residues for combined residues of chlorothalonil and SDS-3701.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the computerized modeling system (Dietary Risk Evaluation System (DRES) was used. The following assumptions were made for the chronic exposure assessments: Tolerance level residues and percent of crop treated information were used in the analysis for chlorothalonil and SDS-3701. Anticipated residues were used in the chronic dietary exposure analysis from food for HCB.

iii. *Cancer.* In this analysis, dietary exposure from chlorothalonil was estimated based on anticipated residues (excluding meat and milk, eggs and poultry). Meat and milk, eggs and poultry were not included in this analysis since chlorothalonil residues are not expected in these commodities. SDS-3701 was not included in this analysis since it is not carcinogenic. The dietary exposure from food from HCB was estimated based on anticipated residues (includes meat and milk, eggs and poultry). Since HCB is a contaminant in several other pesticides, an aggregate exposure assessment for HCB was conducted with food uses of chlorothalonil, pentachlorobenzene, picloram, and dacthal. HCB is present in five other food-use pesticides but at low levels which do not significantly add to the aggregate dietary exposure. Pentachlorobenzene (PCB) is also present in PCNB, and the Agency has concluded that the carcinogenic potential of PCB is comparable to HCB. In estimating dietary carcinogenic risk from HCB in these four pesticides, the Q\* for PCB is assumed to be equal to that for HCB. The assumption was made that the impurities would occur on food

commodities at the same ratio to the active ingredient as was present in the formulation applied to these crops. It is also assumed that the impurity would dissipate from the food commodity at an equal or greater rate than the active ingredient. The Agency believes these are reasonable assumptions because there are data from studies with chlorothalonil, picloram and dacthal which support this approach.

iv. *Anticipated residue and percent crop treated information.* Section 408(b)(2)(E) authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide chemicals that have been measured in food. If EPA relies on such information, EPA must require that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. Following the initial data submission, EPA is authorized to require similar data on a time frame it deems appropriate. As required by section 408(b)(2)(E), EPA will issue a data call-in for information relating to anticipated residues to be submitted no later than 5 years from the date of issuance of this tolerance.

Section 408(b)(2)(F) states that the Agency may use data on the actual percent of food treated for assessing chronic dietary risk only if the Agency can make the following findings: Condition 1, that the data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain such pesticide residue; Condition 2, that the exposure estimate does not underestimate exposure for any significant subpopulation group; and Condition 3, if data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area. In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of

the estimate of percent crop treated (PCT) as required by section

408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency used percent crop treated (PCT) information as described in the following Table 4:

TABLE 4.—ESTIMATION OF PERCENTAGE OF CROPS TREATED WITH CHLOROTHALONIL

Commodity	Processing factors	Anticipated Residues (ppm)		% crop treated
		Chlorothalonil	HCB	
Apricots	None	0.0078	$3.9 \times 10^{-6}$	35
Banana pulp	None	0.0005	$0.3 \times 10^{-6}$	10
Beans, dry	None	0.0087	$4.4 \times 10^{-6}$	2
Beans, snap	0.05 for all cooked, canned or frozen beans	0.0133	$6.7 \times 10^{-6}$	40
Broccoli	None	0.0015	$0.8 \times 10^{-6}$	15
Brussels sprouts	None	0.0135	$6.8 \times 10^{-6}$	42
Cabbage	0.2 for all food forms	0.0137	$6.9 \times 10^{-6}$	50
Cabbage, Chinese	0.2 for all food forms	0.0116	$5.8 \times 10^{-6}$	100
Cattle fat	None	0	$1.65 \times 10^{-4}$	None
Cattle meat	None	0	$1.24 \times 10^{-5}$	None
Cattle liver	None	0	$8 \times 10^{-6}$	None
Cattle kidney	None	0	$8 \times 10^{-6}$	None
Cocoa	0.1 for all food forms	0.05	$2.5 \times 10^{-6}$	100
Cantaloupe	None	0.0191	$9.6 \times 10^{-6}$	30
Carrots	0.005 for all cooked or processed food forms	0.0036	$1.8 \times 10^{-6}$	35
Cauliflower	None	0.0115	$5.8 \times 10^{-6}$	20
Celery	None	0.0874	$43.7 \times 10^{-6}$	85
Cherries	0.05 for all processed food forms	0.002	$1 \times 10^{-6}$	40
Cranberries	None	0.4125	$206 \times 10^{-6}$	60
Coffee	0.1 for all food forms	0.20	$1 \times 10^{-4}$	100
Corn, sweet	None	0.0002	$0.1 \times 10^{-6}$	5
Cucumbers	0.2 for cold-canned pickles; 0.04 for hot-canned pickles	0.0062	$3.1 \times 10^{-6}$	35
Garlic	None	0.0005	$0.3 \times 10^{-6}$	10
Honeydew	None	0.0033	$1.7 \times 10^{-6}$	20
Nectarines	None	0.00175	$0.9 \times 10^{-6}$	35
Onions, bulb	None	0.0033	$1.7 \times 10^{-6}$	65
Onions, green and leeks	None	0.0262	$13.1 \times 10^{-6}$	65
Papayas	None	0.005	$2.5 \times 10^{-6}$	100
Parsnips	None	0.0052	$2.6 \times 10^{-6}$	10
Passion fruit	None	3	$1.5 \times 10^{-3}$	100
Peaches	0.02 for all cooked or canned food forms	0.0018	$0.9 \times 10^{-6}$	35
Peanuts	0.5 for peanut oil	0.0045	$2.3 \times 10^{-6}$	90

TABLE 4.—ESTIMATION OF PERCENTAGE OF CROPS TREATED WITH CHLOROTHALONIL—Continued

Commodity	Processing factors	Anticipated Residues (ppm)		% crop treated
		Chlorothalonil	HCB	
Plums	0.33 for dried prunes	0.0005	$0.3 \times 10^{-6}$	10
Potatoes	None	0.0030	$1.5 \times 10^{-6}$	30
Poultry fat	None	0	$2.2 \times 10^{-6}$	None
Pumpkins	0.002 for raw pumpkin	0.0065	$3.3 \times 10^{-6}$	30
Soybeans	0.5 for soybean oil	0.00005	$2.5 \times 10^{-8}$	1
Squash	None for summer squash; 0.002 for raw winter squash; 0.001 for cooked winter squash	0.0058	$2.9 \times 10^{-6}$	15
Tomatoes	0.25 for juice; 0.02 for paste, puree and catsup	0.0716	$35.8 \times 10^{-6}$	70
Watermelon	None	0.0228	$11.4 \times 10^{-6}$	55

The Agency believes that the three conditions listed above have been met. With respect to Condition 1, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. EPA uses a weighted average PCT for chronic dietary exposure estimates. This weighted average PCT figure is derived by averaging State-level data for a period of up to 10 years, and weighting for the more robust and recent data. A weighted average of the PCT reasonably represents a person's dietary exposure over a lifetime, and is unlikely to underestimate exposure to an individual because of the fact that pesticide use patterns (both regionally and nationally) tend to change continuously over time, such that an individual is unlikely to be exposed to more than the average PCT over a lifetime. For acute dietary exposure estimates, EPA uses an estimated maximum PCT. The exposure estimates resulting from this approach reasonably represent the highest levels to which an individual could be exposed, and are unlikely to underestimate an individual's acute dietary exposure. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions 2 and 3, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the

Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available information on the regional consumption of food to which chlorothalonil may be applied in a particular area.

2. *Dietary exposure from drinking water*—i. *Ground water exposure -chlorothalonil and SDS-3701*. Exposure to chlorothalonil in drinking water is derived from the monitoring data. The metabolites of chlorothalonil have been found in ground water in Long Island, New York, and have been attributed to potato use. These metabolites (SDS-46851, SDS-47525, SDS-3701, and SDS-19221) were measured at a combined concentration of approximately 16 parts per billion (ppb) in Suffolk County, Long Island in 1981. Chlorothalonil itself has been detected in the States of California, Florida, Massachusetts, and Maine at levels typically below 1 ppb. These observations are predictable based on laboratory mobility studies and evidence of metabolite persistence. It is expected that the levels of chlorothalonil metabolites detected in the ground water in New York are relatively high compared to the country as a whole, because (a) they were the highest values reported in the database, (b) potatoes are a major crop on Long Island, and (c) Long Island ground water is generally shallow and vulnerable. The Long Island values were used to represent a high-end potential exposure. In the absence of data demonstrating otherwise, this assessment is based on the conservative assumption that the

detected metabolites of chlorothalonil have the same toxicity as the parent. As indicated above, this assessment relies on other conservative factors.

ii. *Surface water exposure—chlorothalonil and SDS-3701*.

Chlorothalonil can contaminate surface water at application via spray drift or after application through runoff and erosion. The intermediate soil/water partitioning of chlorothalonil indicates that its concentration is suspended and bottom sediment will be substantially greater than its concentration in water. The major degradate of chlorothalonil in the soil under aerobic conditions is SDS-3701. SDS-3701 appears to be more persistent and mobile than chlorothalonil, based on ground water detections. Substantial amounts of SDS-3701 could be available for runoff for longer periods than chlorothalonil, and SDS-3701 may be more persistent in water/sediment systems than chlorothalonil. The apparent greater mobility of SDS-3701 suggests that it exhibits lower soil/water partitioning than chlorothalonil. Therefore, the ratio of SDS-3701 runoff loss via dissolution in runoff to runoff loss via adsorption to eroding soil for SDS-3701 may be greater than for chlorothalonil. In addition, the ratios of concentrations dissolved in the water column to concentrations adsorbed to suspended and bottom sediment may be higher for SDS-3701 than for chlorothalonil. The Agency was unable to calculate drinking water risk for SDS-3701 in surface water because no monitoring data were available.

The South Florida Water Management District (SFWMD) summarized chlorothalonil detections in samples collected every 2 to 3 months from 27

surface water sites within the SFWMD from November 1988 through November 1993. Approximately 810 samples (30 sampling intervals  $\times$  27 sites sampled/interval) were collected during that time. Chlorothalonil was detected in 25 samples at concentrations ranging from 0.003 ppb to 0.35 ppb. Six of the samples had concentrations  $\geq$ 0.01 ppb.

iii. *Ground and surface water exposure - HCB and PCB.* HCB and pentachlorobenzene are present in ground water and surface water from sources other than current usage of contaminated pesticides, including manufacturer of solvents and tires, incineration of wastes, and coal combustion. HCB and PCB are persistent and relatively immobile in the environment; the major route of dissipation is through sorption to soil, sediment, and suspended particulates in water. HCB and PCB contamination of ground water sources is relatively unlikely due to the high binding potential of both compounds. Detections of HCB in ground water generally have ranged between 0.0002 to 0.100 ppb. Based on monitoring data and fate properties, it seems unlikely that long-term HCB and PCB concentrations in surface water would exceed 10 parts per trillion (ppt) (0.01 ppb).

Surface water detections show much more variability than concentrations in ground water and have been measured at up to 750 ppb. These high values appear to include sorbed HCB. The HCB concentrations which actually appear to be dissolved in the water are generally less than 0.001 ppb. Great Lakes region concentrations generally ranged from 0.00002 to 0.0001 ppb. When concentrations exceeded this range, they appeared to be related to industrial areas or areas of historic contamination (more than 20 years ago). Concentrations of PCB in surface water have ranged between 0.00002 and 0.0001 ppb. Concentrations of HCB and PCB in drinking water can be greatly reduced through treatment with activated granular charcoal.

Higher concentrations of HCB and PCB have been reported in surface and ground water, but tend to be related to hazardous waste, landfill sites, and suspended sediment. The U.S. Department of Health and Human Services in 1996 estimated that the average exposure in the United States from drinking HCB contaminated water is 0.00085  $\mu\text{g}/\text{kg}/\text{year}$  ( $-0.000082$  ppb).

Since potential exposures are generally so low, and because pesticides are just one source of HCB and PCB in drinking water, the Agency concluded that there are insufficient data to quantify risk and that drinking water risk estimates from HCB in pesticides do not exceed the Agency's level of concern.

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

Chlorothalonil is currently registered for use on the following residential non-dietary sites: home vegetable gardens, ornamentals, paint, stain, and wood preservatives. The risk assessment was conducted using the following residential exposure assumptions: The Agency completed an exposure assessment for uses of chlorothalonil as an additive containing 40.4% active ingredient for use in caulks, sealants, polymer lattices, grouts, joint compounds, and paper coatings. All relevant occupational and residential exposures were considered. Data were not available to estimate application and post application exposure and risk for primary and secondary homeowner exposure. Primary homeowner exposure occurs in individuals who use or install chlorothalonil-containing material; secondary residential exposure occur when other individuals live and work in places where chlorothalonil-containing materials have been used. For these exposures, no risk assessment could be conducted, but the Agency believes that secondary and homeowner exposures to these products by themselves are generally lower than primary occupational application exposures.

Since other residential risks could not be quantified, risk concerns and uncertainties about exposure resulted in the following agreements with the registrants. To mitigate potential residential exposure concerns and uncertainties about the packaging and concentration of chlorothalonil additives for paint, the registrants have agreed that chlorothalonil mildewicidal additives must be labeled to prohibit sale over-the-counter in retail outlets. The registrants have committed to working with the Agency to develop measures for the protection of employees of paint sales outlets who mix mildewicidal additives into paint

for sale. To mitigate potential residential exposure concerns and uncertainties about the in-container preservative use of chlorothalonil, particularly because the chlorothalonil content of products in which the preservative is used may not be known to the purchaser, and because such preservatives may be used in paints intended for use by children, the registrants have agreed that the in-container preservative use of chlorothalonil is prohibited.

The contact rate for activities with ornamentals (5,800  $\text{cm}^2/\text{hr}$ ) is based on a study by Brouwer et al., in which chlorothalonil was applied to carnation sprays and carnations grown for cut flowers. Rates for dermal contact with treated turf by adults (1,000  $\text{cm}^2/\text{hr}$ ) and toddlers (8,700  $\text{cm}^2/\text{hr}$ ) are based on EPA estimates for low exposure activities. Contact rates for hand-to-mouth transfer by toddlers (1.56 events/hour), ingestion of treated grass by toddlers (25  $\text{cm}^2/\text{day}$ ), and ingestion of soil from treated areas by children (100  $\text{mg}/\text{day}$ ) are default values which originate with high-end exposure scenarios. For the cancer risk estimates, the Agency assumed that activities with ornamentals occur 4 days per year for 50 years, and that an application is made once a year, for adults in dermal contact with treated turf, that contact occurred 40 days per year for 50 years, and that three applications were made each year. The Agency also assumed that reentry occurred on the day of treatment.

For residential post-application exposures related to the use of chlorothalonil on turf and ornamentals, short- and intermediate-term MOEs ranged from 14 to 26,000. Only the MOEs for toddlers exposed to treated turf were at a risk level of concern at which the EPA typically takes regulatory action. To address this risk, the registrants have agreed to delete the home lawn use from their manufacturing-use and end-use product labels and have requested voluntary cancellation of their end-use products registered solely for this use. When considering the elimination of the home lawn use of chlorothalonil, EPA had determined that residential post-application exposures to toddlers exposed to treated turf do not exceed EPA's level of concern.

A summary of the residential post-application scenarios and cancer risks from chlorothalonil is shown in the following Table 5:

TABLE 5.—SURROGATE RESIDENTIAL POST-APPLICATION SCENARIOS AND CANCER RISKS FROM CHLOROTHALONIL

Exposure Activity/Crop or Target	Application Rate (lb ai/acre)	DFR ( $\mu\text{g}/\text{cm}^2$ )	LADD* (mg/kg/day)	Cancer Risk (based on Q*)
Ornamentals (Transplanting/Pruning/Bundling Flowers)	0.183	0.41	2.6E-7	2.0E-9
	8.7	20	1.3E-5	9.6E-8
	15.7	35	2.3E-5	1.8E-7
Vegetables (Harvesting)	0.183	0.41	4.6E-7	3.5E-9
	0.74	1.7	1.9E-6	1.4E-8
	8.7	20	2.2E-5	1.7E-7
Adult Dermal Contact with Turf	8.7	20	3.3E-5	2.5E-7
	11.8	26	4.4E-5	3.4E-7
	15.7	35	5.5E-5	4.2E-7

\*Lifetime average daily dose

#### 4. Cumulative exposure to substances with a common mechanism of toxicity.

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

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

#### D. Safety Factor for Infants and Children

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

ii. *Prenatal and postnatal sensitivity.* The developmental and reproductive data for chlorothalonil indicate that there is no evidence of increased sensitivity to chlorothalonil from pre- or post-natal exposures. In the rat developmental toxicity study, the developmental NOAEL and LOAEL were based on an increase in total resorptions per dam with a related increase in post-implantation loss. These observations occurred at a dose (400 mg/kg/day) which produced increased mortality and reduced body weight gain in maternal animals. No developmental toxicity was observed in the rabbit developmental toxicity study, and no maternal toxicity was observed

at the highest dose tested (20 mg/kg/day).

iii. *Conclusion.* There is a complete toxicity database for chlorothalonil and exposure data are complete or are estimated based on data that reasonably accounts for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed. The FQPA factor is removed because no reproductive effects were observed in any study and developmental effects occurred only in the presence of significant maternal toxicity. HCB was not considered in this evaluation of the special sensitivity of infants and children. HCB will be considered at a future date when the Agency is better equipped to understand the implications of FQPA for HCB, which is a common contaminant of at least nine other pesticides and which also enters the environment from non-pesticidal sources.

#### E. Aggregate Risks and Determination of Safety

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the estimated MOEs from exposure to chlorothalonil and SDS-3701 residues from food and water do not exceed the Agency’s LOC. A summary of the aggregate risk assessment for acute exposure to chlorothalonil is shown in the following Table 6:

TABLE 6.—AGGREGATE RISK ASSESSMENT FOR ACUTE EXPOSURE TO CHLOROTHALONIL AND SDS-3701

Population Subgroup	LOC for MOE	MOE
Food - U.S. Population	300	1166
Food - Infants <1 year old	300	875
Food - Children (1-6 years)	300	875
Food - Females (13+ years)	300	1,750
Food - Males (13+ years)	300	1750
Drinking water (ground water) - Children	300	110,000
Drinking water (ground water) - Adults	300	380,000
Drinking water (surface water) - Children	300	50,000,000
Drinking water (surface water) - Adults	300	175,000,000

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to combined residues of chlorothalonil and SDS-3701 from food and water will utilize 34% of the cPAD for the U.S. population, and 68% of the cPAD for children. Based on the use pattern, chronic residential exposure to residues of chlorothalonil is not expected. EPA does not have chronic non-cancer concerns for HCB in chlorothalonil. EPA does not expect the aggregate exposure to exceed 100% of the cPAD.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account residential exposure plus chronic exposure to food and water (considered to be a background exposure level). The estimated MOEs from residential uses ranged from 310 for adults transplanting, pruning or bundling flowers to 110,000 for infants ingesting paint chips. Though residential exposure could occur with the use of chlorothalonil, the potential short- and intermediate-term exposure were not aggregated with chronic food and water exposures because the toxic effects are different. Therefore, based on the best available data and current policies, potential risks do not exceed the Agency's level of concern.

4. *Aggregate cancer risk for U.S. population.* HCB and pentachlorobenzene are present in ground water and surface water from sources other than current usage of contaminated pesticides, including manufacturing of solvents and tires, incineration of wastes, and coal combustion. Both are persistent and relatively immobile in the environment; the major route of dissipation is through

sorption to soil, sediment, and suspended particulates in water.

HCB and PCB contamination of ground water sources is relatively unlikely due to the high binding potential of both compounds. Detections of HCB in ground water generally have ranged between 0.0002 to 0.100 µg/L. PCB levels in ground water at a hazardous waste site ranged from 0.001 to 62.1 µg/L.

Based on monitoring data and fate properties, it seems unlikely that long-term HCB and PCB concentrations in surface water would exceed 10 ppt (0.01 µg/L). As discussed previously, surface water detections show much more variability than concentrations in ground water but concentrations which actually appear to be dissolved in the water are generally less than 0.001 µg/L.

The upper bound carcinogenic risk from food uses of HCB for the general U.S. population was calculated using the following equation:

$$\text{HCB Upper Bound Cancer Risk} = \text{Dietary Exposure (ARC)} \times Q^*$$

Based on  $Q^*$  of  $1.02 \text{ (mg/kg/day)}^{-1}$ , the upper bound cancer risk was calculated to be  $2.4 \times 10^{-7}$ , contributed through all the published, pending and new uses for chlorothalonil.

The upper bound risk for HCB in chlorothalonil is in the range the Agency generally considers negligible for excess lifetime cancer risk. The exposure assessment for carcinogenic risk from HCB in chlorothalonil includes many assumptions and uncertainties which impact the Agency's confidence in the calculated risk.

HCB is also a contaminant in several other pesticides, and an aggregate risk assessment for HCB from chlorothalonil

and these other sources has been conducted. The exposure assessment for aggregate risk is subject to the same kinds of uncertainties and assumptions as the risk assessment for HCB in chlorothalonil. For some of the individual pesticide contributors, these limitations impact the assessment to an even greater extent.

Four pesticides that are used on food/feed crops have been assessed for cancer risk due to contamination with HCB—chlorothalonil, dacthal, picloram, and pentachloronitrobenzene (PCNB). Pentachlorobenzene (PCB) is also present in PCNB, and the Agency has concluded that the carcinogenic potential of PCB is comparable to HCB, based on the similarities of the chemical structures and toxicities of HCB and PCB. In estimating dietary risk from HCB in these four pesticides, the  $Q^*$  for PCB is assumed to be equal to that for HCB.

HCB is also present in pentachlorophenol, but pentachlorophenol is not a food-use pesticide and so the contaminant in pentachlorophenol does not contribute to aggregate dietary risk (the contribution to drinking water risk is discussed below). HCB and/or PCB is present in five other food-use pesticides, but at low levels which do not significantly add to the aggregate dietary exposure.

The estimated aggregate dietary cancer risk from HCB from all known pesticidal sources is  $1.34 \times 10^{-6}$ . An additional  $0.46 \times 10^{-6}$  may be attributed to PCB for a total of  $1.8 \times 10^{-6}$ .

A summary of the cancer risks for chlorothalonil, HCB, and PCB are shown in the following Table 7:



TABLE 7.—CANCER RISKS FOR CHLOROTHALONIL, HCB, AND PCB

Chemical	Q*	Upperbound cancer risk (food)	Cancer MOE for Food	Upperbound Cancer Risk (Water)	Cancer MOE for Water
Chlorothalonil	0.00766	$1.2 \times 10^{-6}$	9,500	$8 \times 10^{-9}$	<1.5 million
HCB from Chlorothalonil		$2.4 \times 10^{-7}$	Not applicable	$5 \times 10^{-9}$	Not applicable
HCB and PCB - all pesticide sources		$1.8 \times 10^{-6}$	Not applicable	Does not exceed Agency's level of concern	Not applicable

EPA has estimated cancer risk using both the Q\* and MOE approaches. Under the MOE approach, cancer risk is estimated at MOE = 9,500. At this point in time, EPA is not able to conclusively determine that chlorothalonil is a non-linear carcinogen nor to apply approved policy determinations on non-linear carcinogens to chlorothalonil, and so cannot determine whether the MOE of 9,500 represents an excess lifetime risk. Under the Q\* approach, cancer risk is estimated at  $1.2 \times 10^{-6}$ . This figure is at a level which the EPA considers negligible for excess lifetime cancer risk estimates.

Cancer risk for HCB is estimated at  $2.4 \times 10^{-7}$ , and EPA does not have cancer risk concerns for chlorothalonil alone. Although subject to considerable uncertainty, cancer risk from HCB from chlorothalonil and other pesticides, combined with cancer risk from the related contaminant PCB present in other pesticides, is estimated at  $1.8 \times 10^{-6}$ , a level at which the EPA typically takes regulatory action. To address this risk, the registrants of chlorothalonil have agreed that the level of HCB in all chlorothalonil products must be reduced to no greater than 0.004% (40 ppm). This is the lowest level that has been shown to be technologically feasible for chlorothalonil. All registrations are conditional on achieving this level, and failure to achieve this level will result in a suspension of manufacture or import of the subject products. In addition, registrants of chlorothalonil products will maintain approximately historic levels of production and import of chlorothalonil manufacturing-use product to assure that chlorothalonil with higher levels of HCB will not be stockpiled and formulated. When this decrease in the amount of HCB is considered, EPA has determined that the cancer risk estimates do not exceed the level for regulatory action.

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

from aggregate exposure to combined residues of chlorothalonil and SDS-3701 or from residues of the contaminant HCB.

#### IV. Other Considerations

##### A. Analytical Enforcement Methodology

Adequate enforcement methodology is available in PAM II for non-bell peppers and almonds. Residue analytical methods are available for purposes of reregistration. The Pesticide Analytical Manual (PAM) Vol. II lists Method I, a gas chromatography method with electron capture detection (ECD), for the enforcement of tolerances for plant commodities. Residue data for plant commodities were collected using methods based on the enforcement method. An acceptable enforcement method for residues of SDS-3701 tolerances for peanuts, potatoes, and tomatoes which is a modification of the current enforcement method is available. This method underwent successful validation and is suitable for enforcement of tolerances for SDS-3710 in meat and milk.

##### B. International Residue Limits

There are no Codex, Mexican or Canadian MRLs for almonds, almond hulls, asparagus, mango, and pistachio.

##### C. Conditions

All data pertaining to rotational crops have been evaluated and deemed adequate. In response to Agency evaluations of confined rotational crop data, there is a 12-month rotational crop restriction on all pertinent product labels. Available data indicate that only residue that was detected in rotated crops was the soil metabolite (SDS-46851). Because of the low toxicity of this metabolite, an exemption from the requirement of a tolerance for residues of the soil metabolite 2-carbamyl-2,4,5-trichlorobenzoic acid (SDS-46851) as inadvertent residues in rotated crops has been established (40 CFR 180.110).

#### V. Conclusion

Therefore, tolerances are established for combined residues of chlorothalonil,

chlorothalonil and its metabolite SDS-3701, in or on almonds (nutmeats) at 0.05 ppm, almond hulls at 1.0 ppm, asparagus at 0.1 ppm, mangoes at 1.0 ppm, non-bell peppers at 5 ppm, and pistachios at 0.2 ppm, and for residues of the metabolite, 4-hydroxy-2,5,6 trichloroisophthalonitrile (SDS-3701), in or on the following milk and meat commodities: fat of cattle, hogs, goats, horses, and sheep at 0.1 ppm.; kidney of cattle, hogs, goats, horses and sheep at 0.5 ppm; mby (except kidney) of cattle, goats, hogs, horses and sheep at 0.05 ppm, meat of cattle, goats, hogs, horses, and sheep at 0.03 ppm and milk at 0.1 ppm.

#### VI. Objections and Hearing Requests

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

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

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP-301088 in the subject line on the first page of your submission. All requests must be in writing, and must be

mailed or delivered to the Hearing Clerk on or before May 11, 2001.

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

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

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

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of

Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-301088, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov). Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

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

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

#### **VII. Regulatory Assessment Requirements**

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates

Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure

“meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

**VIII. Submission to Congress and the Comptroller General**

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

**List of Subjects in 40 CFR Part 180**

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

Dated: January 24, 2001.

**James Jones,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

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

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

2. Section 180.275 is amended by revising paragraph (a) introductory text and redesignating it as paragraph (a)(1); by adding in alphabetical order entries

for “almonds (nutmeat)”; “almond hulls”; “mango”; “peppers, non-bell”; and “pistachio” to the table in newly designated paragraph (a)(1), and by adding new paragraph (a) (2) to read as follows:

**§ 180.275 Chlorothalonil; tolerances for residues.**

(a) *General.* (1) Tolerances are established for the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Almonds (nutmeats) .....	0.05
Almond hulls .....	1.0
Asparagus .....	0.1
* * * * *	*
Mango .....	1.0
* * * * *	*
Peppers, (non-bell <sup>1</sup> ) .....	5
* * * * *	*
Pistachio .....	0.2
* * * * *	*

<sup>1</sup>There are no U.S. registrations as of January, 2001.

(2) Tolerances are established for the metabolite 4-hydroxy-2,5,6-trichloroisophthalonitrile in or on the following food commodities.

Commodity	Parts per million
Cattle, fat .....	0.1
Cattle, kidney .....	0.5
Cattle, mby (except kidney) ....	0.05
Cattle, meat .....	0.03
Goat, fat .....	0.1
Goat, kidney .....	0.5
Goat, mby (except kidney) ....	0.05
Goat, meat .....	0.03
Hog, fat .....	0.1
Hog, kidney .....	0.5
Hog, mby (except kidney) .....	0.05
Hog, meat .....	0.03
Horses, fat .....	0.1
Horses, kidney .....	0.5
Horses, mby (except kidney) ..	0.05
Horses, meat .....	0.03
Milk .....	0.1
Sheep, fat .....	0.1
Sheep, kidney .....	0.5
Sheep, mby (except kidney) ...	0.05
Sheep, meat .....	0.03

\* \* \* \* \*

[FR Doc. 01-6087 Filed 3-9-01; 8:45 am]

**BILLING CODE 6560-50-S**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

**42 CFR Parts 413 and 422**

[HCFA-1685-F2]

RIN 0938-AE79

**Medicare Program; Payment for Nursing and Allied Health Education: Delay of Effective Date**

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled “Regulatory Review Plan,” published in the January 24, 2001 **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled “Payment for Nursing and Allied Health Education” published in the January 12, 2001 **Federal Register** (66 FR 3358). That final rule sets forth in regulations Medicare policy for the payment of costs of approved nursing and allied health education programs and clarifies the payment methodology for certified registered nurse anesthetist education programs. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553 (b) (A). Alternatively, HCFA’s implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553 (b) (B) and 553 (d) (3), in that seeking public comment and delaying the effective date of this final rule is impracticable, and contrary to the public interest.

The temporary 60-day delay in the effective date is necessary to give Department officials the opportunity for further review and consideration of regulations that had been published in the **Federal Register** as of January 20, 2001 but had not yet taken effect as of that date, consistent with the Assistant to the President’s memorandum of January 20, 2001. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impracticable, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

**DATES:** The effective date of the final rule, Payment for Nursing and Allied

Health Education, published in the **Federal Register** on January 12, 2001 (66 FR 3358), is delayed for 60 days, from March 13, 2001 to a new effective date of May 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Hirshorn, (410) 786-3411.

(Catalog of Federal Domestic Assistance Program No. 93.773 Medicare—Hospital Insurance and Program; No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: February 27, 2001.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

Approved: March 8, 2001.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 01-6194 Filed 3-9-01; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

#### 42 CFR Part 435

[HCFA-2086-F2]

RIN 0938-AJ96

#### Medicaid Program; Change in Application of Federal Financial Participation Limits: Delay of Effective Date

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule; delay of effective date.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff entitled "Regulatory Review Plan," published on January 24, 2001 in the **Federal Register**, this action temporarily delays for 60 days the effective date of the rule entitled "Change in Application of Federal Financial Participation Limits" published in the January 11, 2001 **Federal Register** (66 FR 2316). That final rule changes the current requirement that limits Federal financial participation that must be applied before States use less restrictive income methodologies than those used by related cash assistance programs in determining eligibility for Medicaid. The effective date of that final rule, which would have been March 12, 2001, is now May 11, 2001.

The temporary 60-day delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new

regulations, consistent with the Assistant to the President's memorandum of January 20, 2001. To the extent that 5 U.S.C. section 553 applies to this action, it is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A). Alternatively, HCFA's implementation of this rule without opportunity for public comment, effective immediately upon publication today in the **Federal Register**, is based on the good cause exceptions in 5 U.S.C. section 553(b)(B) and 553(d)(3), in that seeking public comment is impracticable, unnecessary, and contrary to the public interest. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest, in the orderly promulgation and implementation of regulations.

**DATES:** The effective date of the rule amending 42 CFR part 435 published in the January 11, 2001 **Federal Register** (66 FR 2316) is delayed 60 days until May 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Roy Trudel, (410) 786-3417.

(Catalog of Federal Domestic Assistance Program No. 93.778 Medical Assistance Program)

Dated: February 27, 2001.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

Approved: March 8, 2001.

**Tommy G. Thompson,**

*Secretary.*

[FR Doc. 01-6193 Filed 3-9-01; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 010112013-1013-01; I.D. 030601B]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Western Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

**ACTION:** Closure, notice of opening.

**SUMMARY:** NMFS is prohibiting directed fishing for Atka mackerel in the Western

Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2001 A season harvest specification of Atka mackerel. NMFS announces also some Steller sea lion critical habitat areas in the Western Aleutian District, not otherwise subject to year-round closures or transiting prohibitions, are open to fishing with trawl gear for species for which directed fisheries are open.

**DATES:** Effective 1200 hrs, Alaska local time (A.l.t.), March 7, 2001, until 1200 hrs, A.l.t., September 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Andrew Smoker, 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 50 CFR part 679.

The 2001 A season Atka mackerel total allowable catch (TAC) in the Western Aleutian District of the BSAI is 12,904 metric tons (mt) as established by the Final 2001 Harvest Specifications and Associated Management Measures for the Groundfish Fisheries Off Alaska (66 FR 7276, January 22, 2001).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the 2001 A season Atka mackerel TAC in the Western Aleutian District will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 12,654 mt, and is setting aside the remaining 250 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Western Aleutian District of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

On February 13, 2001, NMFS prohibited trawling within Steller sea lion critical habitat in the Western Aleutian District because the allowable harvest of Atka mackerel in the Steller Sea lion protection areas in the Western Aleutian District had been reached (66 FR 10637, February 16, 2001).

Regulations at 679.22(a)(12)(iii)(C) authorize opening Steller sea lion critical habitat in the Western Aleutian District to fishing with trawl gear after NMFS closes Atka mackerel to directed fishing within that district. NMFS, therefore, announces that the above mentioned, previously closed areas of the Steller Sea lion critical habitat in the Western Aleutian District are open to fishing with trawl gear for species in areas open to directed fishing. This action does not open critical habitat areas that are closed to transiting or fishing with trawl gear year round.

#### **Classification**

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 to prevent exceeding the amount of the 2001 A season harvest specification of Atka mackerel in the Western Aleutian District of the BSAI constitutes good cause to waive the requirement to provide prior notice and 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 prevent exceeding the 2001 A season harvest specification of Atka

mackerel in the Western Aleutian District of the BSAI 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 §§ 679.20 and 679.22 and is exempt from review under Executive Order 12866.

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

Dated: March 7, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01-6060 Filed 3-7-01; 4:31 pm]

**BILLING CODE 3510-22-S**

# Proposed Rules

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NE-17-AD]

RIN 2120-AA64

#### Airworthiness Directives; Honeywell International Inc. Models LTS101-600A-2 and LTS101-600A-3 Turboshaft Engines; and LTP101-600A-1A and LTP101-700A-1A Turboprop Engines

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to Honeywell International Inc. (formerly AlliedSignal Inc. and Textron Lycoming) Models LTS101-600A-2 and LTS101-600A-3 turboshaft engines; and LTP101-600A-1A and LTP101-700A-1A turboprop engines. This proposal would require replacing certain fuel controls that have beryllium-copper bellows with improved fuel controls that incorporate Inconel 718 stainless steel welded bellows. This proposal is prompted by a report of an uncommanded power loss on a Textron Lycoming LTS101 engine due to a corrosion damaged fuel control bellows. The actions specified by the proposed AD are intended to prevent the engine from reducing the fuel flow to minimum flow resulting in an uncommanded power loss.

**DATES:** Comments must be received by May 11, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-17-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-

adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5245, fax (562) 627-5210.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NE-17-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-17-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

#### Discussion

The FAA has received a report of an uncommanded engine power loss on a Textron Lycoming LTS101 turboshaft engine. The current Type Certificate holder has determined that the power loss was due to corrosion damage to the beryllium-copper bellows of the fuel control. The same beryllium-copper bellows was used in fuel controls on Allison Engine Co. 250-B and 250-C turboshaft and turboprop engines. The FAA issued AD 98-24-28 that was published in the **Federal Register** on December 3, 1998 (63 FR 66735) to require replacement of those beryllium-copper bellows with Inconel 718 stainless steel welded bellows. This condition, if not corrected, could result in the engine reducing the fuel flow to minimum flow resulting in an uncommanded power loss.

#### Evaluation of the Unsafe Condition

Since an unsafe condition has been identified that is likely to exist or develop on other LTS101-600A-2 and LTS101-600A-3 turboshaft; and LTP101-600A-1A and LTP101-700A-1A turboprop engines of the same type design, the proposed AD would require replacement of fuel controls with the following part numbers with an improved design fuel control that incorporates an Inconel 718 stainless steel welded bellows.

4-301-098-01, 4-301-098-04, 4-301-098-10, 4-301-098-15, 4-301-288-01, 4-301-288-04, 4-303-023-01, 4-303-023-02, 4-303-023-03, 4-303-023-04, 4-303-033-01, 4-303-033-02, and 4-303-033-04

#### Economic Impact

The FAA estimates that 40 engines installed on aircraft of U.S. registry would be affected by this proposed AD and that it would take approximately 3 work hours per engine to accomplish the proposed actions. The average labor rate is \$60 per work hour. There are no required parts costs. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$7,200.

#### Regulatory Impact

This proposed rule 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 proposed rule.

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

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

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

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

TABLE 1.—FUEL CONTROL P/N'S

Engine model No.	Fuel Control P/N
1. LTS101-600A-2 .....	4-301-098-01, 4-301-098-04, 4-301-098-10, 4-301-098-15.
2. LTS101-600A-3 .....	4-301-288-01, 4-301-288-04.
3. LTP101-600A-1A .....	4-303-023-01, 4-303-023-02, 4-303-023-03, 4-303-023-04.
4. LTP101-700A-1A .....	4-303-033-01, 4-303-033-02, 4-303-033-04.

These engines are used on, but not limited to, Aerospatiale AS350 helicopters and Air Tractor AT-302, Page Thrush, Piaggio P.166-DL3, and Riley International R421 airplanes.

**Note 1:** This 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 (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Compliance with this AD is required at the next replacement of the fuel control or within 12 calendar months after the effective date of this AD, whichever occurs first.

To prevent a decrease in fuel flow to minimum flow that could result in an uncommanded power loss, do the following:

(a) Remove any fuel control that has one of the P/N's listed in Table 1 of this AD, and replace with a fuel control that does not have one of the part numbers listed in Table 1 of this AD.

**Alternative Methods of Compliance**

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be

used if approved by the Manager, Los Angeles Aircraft Certification Office (LAACO). Operators shall submit their request through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, LAACO.

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

**Special Flight Permits**

(c) Special flight permits may be issued in accordance §§ 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.

Issued in Burlington, Massachusetts, on March 1, 2001.

**David A. Downey,**

*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. 01-5738 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-U**

**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:

**Honeywell International, Inc.:** Docket No. 99-NE-17-AD.

**Applicability:** This airworthiness directive (AD) is applicable to Honeywell International, Inc. (formerly AlliedSignal Inc. and Textron Lycoming) Models LTS101-600A-2 and LTS101-600A-3 turboshaft and LTP101-600A-1A and LTP101-700A-1A turboprop engines with fuel controls with the following part numbers (P/N's) installed:

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 99-NE-16-AD]

RIN 2120-AA64

**Airworthiness Directives; Honeywell International, Inc. LTP 101 Series Turboprop and LTS101 Series Turboshaft Engines**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Honeywell International, Inc. (formerly AlliedSignal, Inc. and Textron Lycoming) LTP 101 series turboprop and LTS101 series turboshaft engines. This proposal would require a new life limitation and removal of rigid tube fuel manifold assemblies and replacement with serviceable assemblies. This proposal is prompted by reports of cracking and fuel leakage of rigid tube fuel manifolds. The actions specified by the proposed AD are intended to prevent engine fuel leakage due to low-cycle fatigue (LCF) cracking of the rigid

tube fuel manifold, which could result in an in-flight fire.

**DATES:** Comments must be received by May 11, 2001.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-16-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov." Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Robert Baitoo, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712-4137; telephone (562) 627-5245; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NE-16-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-16-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

**Events Leading to This Proposed AD**

The FAA has received reports of approximately 48 instances of fuel leakage from rigid tube fuel manifolds since 1990. None of the reported instances involved fires. The engine manufacturer has determined that the leaks were caused by cracking of the rigid tubes in fuel manifolds due to low-cycle fatigue (LCF). This condition, if not corrected, could result in engine fuel leakage due to LCF cracking of the rigid tube fuel manifold, which could result in an in-flight fire.

**FAA's Determination and Explanation of Proposed Rule**

The FAA has examined all available data, including relevant service information, and determined that an unsafe condition exists or is likely to develop on other products of this same type design.

Accordingly, this proposed AD would require the removal of certain rigid tube fuel manifolds with part numbers (P/N's) specified in this proposed rule, before exceeding the new cyclic life limits.

Since an unsafe condition has been identified that is likely to exist or develop on other Honeywell International, Inc. LPT 101 series turboprop and LTS101 series turboshaft engines of the same type design with the affected fuel manifolds installed, the proposed AD would establish life limits for the rigid tube fuel manifolds.

**Economic Analysis**

There are approximately 1600 engines of the affected design in the worldwide fleet. The FAA estimates that 670 engines installed on aircraft of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per engine to accomplish the proposed actions, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$6,000 per engine. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$4,100,400.

**Regulatory Impact**

This proposed rule does not have federalism implications, as defined in Executive Order 13132, because it does 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 proposed rule.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under 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 has been prepared for this action and is contained in the Rules Docket. A copy of it 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, Safety.

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Honeywell International, Inc.:** Docket No. 99-NE-16-AD.

*Applicability:* This proposed airworthiness directive (AD) is applicable to Honeywell International, Inc. (formerly AlliedSignal Inc. and Textron Lycoming) LPT 101 series turboprop and LTS101 series turboshaft engines with the following part numbers (P/N's) rigid tube fuel manifolds installed:



TABLE 1.—P/N'S OF AFFECTED RIGID TUBE FUEL MANIFOLDS

4-301-042-02	4-301-236-03
4-301-042-04	4-301-236-04
4-301-042-05	4-301-286-01
4-301-042-06	4-301-286-02
4-301-236-01	4-301-376-01
4-301-236-02	

These engines are installed on, but not limited to Aerospatiale AS350, Eurocopter MBB-BK117 and HH-65A, Bell 222, Page Thrush, Air Tractor AT-302, Piaggio P. 166-

DL3, Riley International R421, and Pacific Aero 08-600 aircraft.

**Note 1:** This 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 (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by

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

**Compliance:** Compliance with this AD is required as specified below, unless already done. To prevent engine fuel leakage due to low-cycle fatigue (LCF) cracking of the rigid tube fuel manifold, which could result in an in-flight fire, do the following:

(a) Replace fuel manifolds that have accumulated the following gas generator rotor (Ng) cycles-since-new (CSN) on the effective date of this AD or Ng cycles-in-service (CIS) on the effective date of this AD since all tubes were replaced:

TABLE 2.—FUEL TUBE REPLACEMENT SCHEDULE

Ng CSN, or Ng CIS Since Total Tube Replacement	Replacement schedule
(1) 2,750 or less .....	Before accumulating 3,000 total Ng cycles.
(2) More than 2,750 .....	Within 250 CIS after the effective date of this AD.
(3) Unknown .....	(i) Within 2,000 CIS after the effective date of this AD, or (ii) At the next engine removal, or (iii) At the removal of the fuel manifold for cause, whichever is first.

**New Life Limitation**

(b) Do not install fuel manifolds with P/N's that are listed in Table 1 of this AD after the effective date of this AD if they meet ANY of the following conditions:

- (1) The manifold has accumulated 3,000 or more total Ng cycles; OR
- (2) The manifold has had partial tube replacements; OR
- (3) The manifold has an unknown number of Ng cycles.

**Alternative Methods of Compliance**

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

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

**Special Flight Permits**

(d) 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.

Issued in Burlington, Massachusetts, on March 2, 2001.

**David A. Downey,**  
*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
[FR Doc. 01-5737 Filed 3-9-01; 8:45 am]  
**BILLING CODE 4910-13-U**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2001-NE-05-AD]

RIN 2120-AA64

**Airworthiness Directives; General Electric Co. CF6-80C2 Turbofan Engines**

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

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This document proposes the adoption of a new airworthiness directive (AD) that is applicable to General Electric Company (GE) CF6-80C2 turbofan engines with certain stage 1 high pressure turbine (HPT) rotor disks installed. This proposal would require initial and repetitive inspections of certain HPT rotor disks for cracks in

the bottom of the dovetail slot. This proposed AD is prompted by a report of an uncontained failure of an engine during a high-power ground run for maintenance. The actions specified by this proposed AD are intended to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure.

**DATES:** Comments must be received by April 11, 2001.

**ADDRESSES:** Submit comments to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-05-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from General Electric Company via Lockheed Martin Technology Services, 10525 Chester Road, Suite C, Cincinnati, Ohio 45215, telephone (513) 672-8400, fax (513) 672-8422. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel,

12 New England Executive Park,  
Burlington, MA.

**FOR FURTHER INFORMATION CONTACT:** Ann Mollica, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone: 781-238-7740, fax: 781-238-7199.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 2001-NE-05-AD." The postcard will be date stamped and returned to the commenter.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 2001-NE-05-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

**Discussion**

On September 22, 2000, a Boeing 767-2B7(ER), equipped with GE CF6-80C2B2 model engines, experienced an uncontained failure of the stage 1 HPT rotor disk during a high-power ground run for maintenance. The investigation of the failure has indicated that the stage 1 HPT rotor disk separation was the result of a crack that initiated in the aft corner radius of the bottom of a dovetail

slot. The FFA had received two additional reports of stage 1 HPT rotor disks that were found to have cracks in the aft corner radius of the bottom of the dovetail slots. The cracks were found during shop visits in 1996 and 1999. In both cases, the cracks initiated from handling type damage to the aft corner radius of the bottoms of the dovetail slots. The actions specified by this proposed AD are intended to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure.

**Manufacturer's Service Information**

The FAA has reviewed and approved the technical contents of GE alert service bulletin (ASB) CF6-80C2 72-A1026, dated January 17, 2001, that describes procedures for fluorescent penetrant, visual and eddy current inspections of the bottoms of the dovetail slots.

**Differences Between the Manufacturer's Service Information and This AD**

Although the GE ASB CF6-80C2 72-A1026, dated January 17, 2001, only requires a one-time inspection, the FAA has determined that repetitive inspections are required to achieve an acceptable level of safety.

**Determination of an Unsafe Condition**

Since an unsafe condition has been identified that is likely to exist or develop on other GE CF6-80C2 engines of the same type design, this AD is being proposed to detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure. For stage 1 HPT rotor disks with greater than 1,500 cycles-since-new (CSN), this proposed AD would require an initial inspection at the next shop visit before accumulating 3,500 cycles-in-service (CIS) after the effective date of this AD. For disks with 1,500 CSN or fewer on the effective date of this AD, this proposed AD would require an initial inspection at the next shop visit before accumulating 5,000 CSN. This proposed AD would also require repetitive inspections at piece-part opportunity, and if cracked, replacement with a serviceable disk. The actions would be done in accordance the service bulletin described previously.

**Economic Impact**

There are approximately 2,954 engines of the affected design in the worldwide fleet. The FAA estimates that 637 engines installed on aircraft of U.S. registry would be affected by this proposed AD. The FAA estimates that it

would take approximately 3 work hours per engine to accomplish the proposed actions, and the average labor rate is \$60 per work hour. Required parts would cost approximately \$283,480 per engine. The FAA also estimates that approximately 191 engines per year will have shop visits, and that of those 191 engines, approximately two disks per year will have to be replaced. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$601,340 per year.

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

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**General Electric Co.:** Docket 2001-NE-05-AD.  
*Applicability:* This airworthiness directive (AD) is applicable to General Electric Company (GE) CF6-80C2 series turbofan engines with stage 1 high pressure turbine (HPT) rotor disks, part numbers (P/N's) 1531M84G02, 1531M84G06, 1531M84G08, 1531M84G10, 9392M23G10, 9392M23G12, 9392M23G21, and 1862M23G01 installed. These engines are installed on, but not limited to Airbus Industrie A300 and A310 series, Boeing 747 and 767 series, and McDonnell Douglas MD-11 series airplanes.

**Note 1:** This 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 (f) of this AD. The request should include an assessment of the effect of the modification, alternation, 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:* Compliance with this AD is required as indicated below, unless already done.  
 To detect cracks in the bottoms of the dovetail slots that could propagate to failure of the disk and cause an uncontained engine failure, perform the following inspections:  
 (a) Inspect the stage 1 HPT rotor disk in accordance with 3.A(1) through 3.C.(10)(i) of the Accomplishment Instructions of GE alert service bulletin (ASB) CF6-80C2 72-A1026, dated January 17, 2001, and Table 1 of this AD, and replace if necessary, as follows:

TABLE 1.—COMPLIANCE TIMES FOR STAGE 1 HPT DISK INSPECTIONS

Stage 1 HPT rotor disk cycles-since-new (CSN) on the effective date of this AD	Initial inspection	Repetitive inspection
(1) 1,500 CSN or fewer .....	At the next engine shop visit (ESV) after the effective date of this AD, but not to exceed 5,000 CSN.	At each piece-part exposure.
(2) More than 1,500 CSN .....	At the next ESV after the effective date of this AD, but not to exceed 3,500 cycles-in-service (CIS) after the effective date of this AD.	At each piece-part exposure.
(3) Any number of CSN if the disk has been inspected using CF6-80C2 72-A1024, dated October 13, 2000, before the effective date of this AD.	At the next ESV after the effective date of this AD.	At each piece-part exposure.

(b) After the effective date of this AD, do not install any stage 1 HPT rotor disk with greater than zero CSN until it has been inspected in accordance with 3.A.(1) through 3.C.(10)(i) of the Accomplishment Instructions of GE ASB CF6-80C2 72-A1026, dated January 17, 2001.

(c) Thereafter, inspect the disk at each piece-part exposure, and replace if necessary.

**Definitions**

(d) The following definitions apply for this AD:

(1) Piece-part exposure means the stage 1 HPT rotor disk is considered completely disassembled as follows:

- (i) When done in accordance with the disassembly instructions in the engine manufacturer's Engine Manual, AND
- (ii) the disk has accumulated more than 100 CIS since the last piece-part opportunity inspection, if the disk was not damaged or related to the cause for its removal from the engine.

(2) An ESV is defined as the induction of an engine into a shop where the separation of a major engine flange will occur after the effective date of this AD. The following actions, either separately or in combination, are not considered ESV's for the purpose of this AD.

- (i) Induction of an engine into a shop solely for removal of the upper compressor stator case for airfoil maintenance.
- (ii) Induction of an engine into a shop solely for the module level inspection of the high pressure compressor rotor 3-9 spool.

**Reporting Requirements**

(e) Report the following information on all disks that equal or exceed the reject criteria

of GE ASB CF6-80C2 72-A1026, within 5 calendar days of the inspection, to the Manager, Engine Certification Office. Reporting requirements have been approved by the Office of Management and Budget and assigned OMB control number 2120-0056.

- (1) Engine model in which the stage 1 HPT rotor disk was installed, AND
- (2) Disk P/N, AND
- (3) Disk serial number, AND
- (4) CSN on the disk, AND
- (5) Cycles-since-last-inspection, AND
- (6) Date and location of the inspection

**Alternative Methods of Compliance**

(f) 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 requests 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.

**Special Flight Permits**

(g) 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.

Issued in Burlington, Massachusetts, on February 27, 2001.

**David A. Downey,**  
*Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.*  
 [FR Doc. 01-5496 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

[REG-116050-99]

RIN 1545-AX65

**Stock Transfer Rules: Carryover of Earnings and Taxes; Correction**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Correction to notice of proposed rulemaking and notice of public hearing.

**SUMMARY:** This document contains corrections to a notice of proposed rulemaking and notice of public hearing that was published in the **Federal Register** on Wednesday, November 15, 2000 (65 FR 69138), relating to the carryover of certain tax attributes, such as earnings and profits and foreign income tax accounts, when two

corporations combine in a section 367(b) transaction.

**FOR FURTHER INFORMATION CONTACT:**  
Anne O'Connell Devereaux (202) 622-3850 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

**Background**

The notice of proposed rulemaking and notice of public hearing (REG-116050-99) that is the subject of these corrections is under section 367 of the Internal Revenue Code.

**Need for Correction**

As published the notice of proposed rulemaking and notice of public hearing (REG-116050-99), contains errors that may prove to be misleading and are in need of clarification.

**Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking and notice of public hearing (REG-116050-99), which was the subject of FR Doc. 00-28950, is corrected as follows:

1. On page 69139, column 3, in the preamble under the paragraph heading *C. Specific Policies Related to Foreign 381 Transactions (Prop. Reg. § 1.367(b)-7)*, first full paragraph in the column, line 6, the language "corporation as defined in section 957" is corrected to read "corporation as defined in section 953 or 957".

2. On page 69140, column 3, in the preamble under the paragraph heading *C. Specific Policies Related to Foreign 381 Transactions (Prop. Reg. § 1.367(b)-7)*, the first full paragraph, the last 2 lines, the language "opportunities to traffic in foreign tax credits." is corrected to read "opportunities to traffic in foreign taxes."

**PART 1—INCOME TAXES**

**§ 1.367(b)-3 [Corrected]**

3. On page 69149, column 3, § 1.367(b)-3(f), last line in the column, the language "specifically provided (see, e.g., 89-79" is corrected to read "specifically provided (see, e.g., Notice 89-79".

**§ 1.367(b)-8 [Corrected]**

4. On page 69176, § 1.367(b)-8(d)(6), paragraph (ii)(D) of *Example 3*, the table is corrected to read as follows:

**§ 1.367(b)-8 Allocation of earnings and profits and foreign income taxes in certain foreign corporate separations.**

\* \* \* \* \*  
(d) \* \* \*

(6) \* \* \*  
*Example 3.* \* \* \*  
(ii) \* \* \*  
(D) \* \* \*

Separate category	E&P	Foreign taxes
General .....	150u	\$30
Shipping .....	100u	40
	250u	70

\* \* \* \* \*

5. On page 69176, column 1, § 1.367(b)-8(d)(6), paragraph (ii)(E) of *Example 3*, line 12, the language "stock to \$525. Because the fair market value" is corrected to read "stock to \$425. Because the fair market value".

6. On page 69176, column 1, § 1.367(b)-8(d)(6), paragraph (ii)(E) of *Example 3*, the last line in the column preceding the second table, the language "\$75. See also paragraph (d)(2)(iii)(C) of this" is corrected to read "\$175. See also paragraph (d)(2)(iii)(C) of this".

7. On page 69178, column 3, § 1.367(b)-8(e)(6), paragraph (ii)(B) of *Example 2*, lines 5 through 9 from the bottom of the paragraph, the language "shipping separate category (along with \$50 of foreign income taxes) and 166.67u (200u - (100u x (200u ÷ 600u))) of available earnings in the section 904(d)(1)(D) shipping separate category (along with \$80 of foreign income" is corrected to read "shipping separate category (along with \$80 of foreign income".

**Cynthia E. Grigsby,**  
*Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).*  
[FR Doc. 01-5284 Filed 3-9-01; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**26 CFR Part 1**

**[REG-106030-98]**

**RIN 1545-AW50**

**Source of Income From Certain Space and Ocean Activities; Also, Source of Communications Income; Hearing**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Change of date of public hearing; extension of time to submit outlines of oral comments.

**SUMMARY:** This document changes the date of the public hearing on the proposed regulations under sections 863(a)(d) and (e) governing the source of income from certain communications activities. It also extends the time to submit outlines of oral comments for the hearing.

**DATES:** The public hearing will be held May 23, 2001, beginning at 10 a.m. Additional outlines of oral comments must be received by May 2, 2001.

**ADDRESSES:** The public hearing will be held in Room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Send submissions to: Regulations Unit CC (REG-106030-98), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered between the hours of 8 a.m. and 5 p.m. to: Regulations Unit CC (REG-106030-98), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW., Washington DC. Alternatively, taxpayers may submit outlines of oral comments electronically directly to the IRS Internet site at <http://www.irs.gov/tax regs/reglist.html>.

**FOR FURTHER INFORMATION CONTACT:** Concerning the regulations, Anne Shelburne, (202) 874-1490; concerning submission, LaNita Van Dyke, (202) 622-7190 (not toll-free numbers).

**SUPPLEMENTARY INFORMATION:**

**Background**

A notice of proposed rulemaking and notice of public hearing, appearing in the **Federal Register** on Wednesday, January 17, 2001 (66 FR 3903), announced that a public hearing on the proposed regulations under sections 863(d) and 863(e), governing the source of income from certain space and ocean activities would be held on March 28, 2001, in the Auditorium, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Subsequently, the date of the public hearing has changed to May 23, 2001, at 10 a.m. in room 2615. Outlines of oral comments must be received by May 2, 2001.

**Cynthia Grigsby,**  
*Chief, Regulations Unit, Office of Special Counsel, (Modernization & Strategic Planning).*  
[FR Doc. 01-5908 Filed 3-6-01; 2:56 pm]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Part 1**

[REG-107101-00]

RIN 1545-AY13

**Treaty Guidance Regarding Payments With Respect to Domestic Reverse Hybrid Entities; Correction****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** This document contains a correction to a notice of proposed rulemaking that was published in the **Federal Register** on Tuesday, February 27, 2001 (66 FR 12445), relating to treaty guidance regarding payments with respect to domestic reverse hybrid entities.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth U. Karzon or Karen Rennie-Quarrie at (202) 622-3880 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:****Background**

The notice of proposed rulemaking (REG-107101-00) that is the subject of this correction is under section 894 of the Internal Revenue Code.

**Need for Correction**

As published the notice of proposed rulemaking contains an error that may prove to be misleading and is in need of clarification.

**Correction of Publication**

Accordingly, the publication of the notice of proposed rulemaking which was the subject of FR Doc. 01-1687, is corrected as follows:

**PART 1—INCOME TAXES**

On page 12447, column 2, following amendatory instruction Paragraph 1, correct the authority citation to read as follows:

**Authority:** 26 U.S.C. 7805 \* \* \*  
Section 1.894-1(d)(2) also issued under 26 U.S.C. 894 and 7701(l). \* \* \*

**Cynthia E. Grigsby,**

*Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).*

[FR Doc. 01-5958 Filed 3-9-01; 8:45 am]

BILLING CODE 4830-01-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 63**

[FRL-6882-3]

**Approval of the Clean Air Act, Section 112(l), Authority for Hazardous Air Pollutants; Perchloroethylene Air Emission Standards for Dry Cleaning Facilities; State of Washington; Puget Sound Clean Air Agency****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

**SUMMARY:** EPA proposes to approve Puget Sound Clean Air Agency's (Puget Sound Clean Air) request for approval to implement and enforce its Regulation III, section 3.03, Perchloroethylene Dry Cleaners in place of federal National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities ("Drycleaning NESHAP"), as it applies to area sources. Approval of this request would make Puget Sound Clean Air's rules federally enforceable and would reduce the burden on area sources within Puget Sound Clean Air's jurisdiction such that they would only have one rule with which they must comply. Major sources would remain subject to the federal drycleaning NESHAP, as adopted into Puget Sound Clean Air Regulation III, section 2.02.

In the final rules section of this **Federal Register**, EPA is approving Puget Sound Clean Air's request as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, EPA will not take action on this proposed rule. If the EPA receives relevant adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will then address all public comments received in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action.

**DATES:** Written comments must be received by April 11, 2001.**ADDRESSES:** Written comments should be mailed concurrently to the addresses below:

Doug Hardesty, U.S. Environmental Protection Agency, Region X, Office of Air Quality (OAQ-107), 1200 Sixth Avenue, Seattle, WA, 98101.  
Dennis McLerran, Director, Puget Sound Clean Air Agency, 110 Union Street, Suite 500, Seattle, WA 98101.

Copies of the requests for approval are available for public inspection at EPA's Region X office during normal business hours.

**FOR FURTHER INFORMATION CONTACT:**

Doug Hardesty, Office of Air Quality (OAQ-107), US EPA, Region X, 1200 Sixth Avenue, Seattle, WA 98101, (206) 553-6641.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final action which is published in the Rules section of this **Federal Register**.

Dated: August 2, 2000.

**Charles E. Findley,***Acting Regional Administrator, Region X.*

[FR Doc. 01-1344 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-U

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 18**

RIN 1018-AH86

**Marine Mammals: Incidental Take During Specified Activities****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Advance notice of proposed rulemaking and request for comments.

**SUMMARY:** Pursuant to the Marine Mammal Protection Act we, the U.S. Fish and Wildlife Service, intend to develop a rule that would allow authorization for the incidental, unintentional take of small numbers of Florida manatees (*Trichechus manatus latirostris*) that results from government activities related to watercraft and watercraft access facilities within the geographic area of the species' range in Florida for a period of not more than 5 years.

Under provisions of the MMPA, it is unlawful for any person to take a Florida manatee in waters or on lands under the jurisdiction of the United States. Nonetheless, incidental take shall be allowed if we find, based on the best available scientific information, that the total taking during the specified time period will have a negligible impact on the species and will not have an unmitigable adverse impact on the availability of the species for subsistence uses. In making these findings, we would establish specific regulations for the activities that set forth permissible methods of taking and means of effecting the least practicable adverse impact on the species and their habitat; and requirements for monitoring and reporting.

The rule-making process will determine if watercraft-related incidental, unintentional take by us and other entities that choose to seek coverage will have a negligible impact on manatees, and allow authorization of take caused by activities permitted, funded, or carried out by participants in the rule-making process that has no more than a negligible impact on manatees.

**DATES:** You must submit comments to us by April 11, 2001.

**ADDRESSES:** You should submit written comments by mail to Field Supervisor, Jacksonville Field Office, U. S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216. You may also submit written comments by FACSIMILE MAIL to (904) 232-2404 (Attn: Peter Benjamin), or INTERNET to [FW4esjacksonville@fws.gov](mailto:FW4esjacksonville@fws.gov).

**FOR FURTHER INFORMATION CONTACT:** Peter Benjamin, Jacksonville Field Office, U.S. Fish and Wildlife Service, 6620 Southpoint Drive, South, Suite 310, Jacksonville, Florida 32216, Telephone: (904) 232-2580 extension 106; Facsimile Mail to (904) 232-2404, or Internet to [FW4esjacksonville@fws.gov](mailto:FW4esjacksonville@fws.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

The Marine Mammal Protection Act (MMPA) of 1972, as amended (16 U.S.C. 1361-1421h), sets a general moratorium on the taking and importation of marine mammals. Section 102 of the MMPA makes it unlawful for any person to take, possess, transport, purchase, sell, export, or offer to purchase, sell, or export any marine mammal or marine mammal product unless otherwise allowed. "Take," as defined by section 3(13) of the MMPA "means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal." Our implementing regulations at 50 CFR 18.3 further define take as follows: To harass, hunt, capture, collect, or kill, or attempt to harass, hunt, capture, collect, or kill any marine mammal, including, without limitation, any of the following: The collection of dead animals or parts thereof; the restraint or detention of a marine mammal, no matter how temporary; tagging a marine mammal; or the negligent or intentional operation of an aircraft or vessel, or the doing of any other negligent or intentional act which results in the disturbing or molesting of a marine mammal.

"Harassment" is defined under the MMPA as any act of pursuit, torment, or

annoyance which—(i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to migration, breathing, nursing, breeding, feeding, or sheltering. You can find other definitions relevant to our proposed action at 50 CFR 18.27(c).

Nonetheless, the MMPA contains exceptions to the moratorium, including section 101(a)(5)(A) which allows us, on request, to authorize for a specified activity (other than commercial fishing) in a specified geographical region the incidental, but not intentional, take of small numbers of a species or stock of marine mammal if certain findings are made and regulations prescribed. We must find that the total of such taking during the specified time period (of up to five years) will have a negligible impact on the species or stock and will not have an unmitigable impact on the availability of such species or stock for subsistence uses.

If we make these findings, we must set forth permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat, and requirements pertaining to the monitoring and reporting of such taking. The subsistence provision requiring that the total taking not have an unmitigable impact on the availability of the species or stock for subsistence uses is not applicable to Florida manatees.

Following promulgation of incidental take regulations, a Letter of Authorization, which may be issued by us to U.S. Citizens (including government agencies), would authorize incidental take associated with an applicant's activities. Procedures for obtaining a Letter of Authorization are described at 50 CFR 18.27(f).

The manatee is protected under the MMPA and is also listed as an endangered species under the Endangered Species Act. The largest known human-related cause of manatee deaths is collisions with watercraft. Between 1976 and 1999, watercraft-related deaths increased at an average of 7.2 percent per year. From 1996 to 2000, watercraft-related deaths have been the highest on record, ranging from 54 to 82.

In the State of Florida, County, State, and Federal agencies engage in a variety of activities that may result in the incidental, unintentional take of manatees by watercraft. Many of these activities relate to the use and regulation of watercraft operated in Florida waters accessible to manatees, including: (1) Regulating boater behavior on the water

(e.g., speed zones and vessel registration); (2) permitting construction of watercraft access facilities (marinas, docks, boat ramps); (3) funding construction of watercraft access facilities; (4) operating watercraft access facilities; and (5) operating watercraft. To date, there is no authorization for the incidental, unintentional death, injury, or harassment of manatees caused by these otherwise legal activities.

We engage in, or have the authority to engage in, each of the above five categories of activities; therefore, Service activities could result in the incidental, unintentional take of manatees. As such, we will request development of incidental take regulations for our own activities and initiate promulgating such regulations to allow authorization of take associated with government activities related to watercraft in Florida. Through this rulemaking we will determine whether take associated with watercraft use and regulation in Florida will have a negligible impact on manatees, after taking into account mitigating measures that would render the impact negligible when it may not otherwise meet that standard.

Other Federal, State, and local agencies involved in these same types of activities are encouraged to join us in this rulemaking effort in order to gain authorization and liability coverage for take that is otherwise prohibited under the MMPA. Persons wishing to provide relevant information and comments regarding this activity should submit these to the above address. For information, please contact the individual identified above in the section entitled **FOR FURTHER INFORMATION CONTACT**.

**Public Comments Solicited**

Interested persons are invited to submit comments relating to our projected development of incidental take regulations for manatees in Florida. We request suggestions, materials, and recommendations to assist and guide us in this endeavor.

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

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

Dated: March 6, 2001.

**Joseph E. Doddridge,**

*Acting Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 01-6041 Filed 3-9-01; 8:45 am]

BILLING CODE 4310-55-P

---

---

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 030701C]

#### Western Pacific Fishery Management Council; Notice of Availability of Draft Biological Opinion

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of the draft biological opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region.

**SUMMARY:** NMFS announces the availability of a draft biological opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region.

**DATES:** The draft document is now available.

**ADDRESSES:** For copies of the document contact Dr. Charles Karnella, NMFS, Pacific Islands Area Office (PIAO), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

**FOR FURTHER INFORMATION CONTACT:** Charles Karnella, PIAO, at 808-973-2937.

**SUPPLEMENTARY INFORMATION:** The Endangered Species Act draft biological

opinion on authorization of the pelagic fisheries under the Fishery Management Plan for the Pelagics Fisheries of the Western Pacific Region is now available for review. The document is available from the NMFS Southwest Region at <http://swr.ucsd.edu/>; hard copies are available upon request (see **ADDRESSES**).

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

Dated: March 7, 2001.

**William T. Hogarth,**

*Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-6108 Filed 3-9-01; 8:45 am]

BILLING CODE 3510-22-S

# Notices

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### National Agricultural Statistics Service; Notice of the Advisory Committee on Agriculture Statistics Meeting

**AGENCY:** National Agricultural Statistics Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, 5 U.S.C. app. 2, the National Agricultural Statistics Service (NASS) announces a meeting of the Advisory Committee on Agriculture Statistics.

**FOR FURTHER INFORMATION CONTACT:** Rich Allen, Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, National Agricultural Statistics Service, 1400 Independence Avenue SW., Room 4117 South Building, Washington, D.C. 20250-2000. Telephone: 202-720-4333, Fax: 202-720-9013, or e-mail: rallen@nass.usda.gov.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Agriculture Statistics, which consists of 25 members appointed from 7 categories covering a broad range of agricultural disciplines and interests, has scheduled a meeting on April 3-4, 2001. The Committee meeting will be held 8:00 a.m.-4:30 p.m. on Tuesday, April 3, and 8:00 a.m.-11:30 a.m. on Wednesday, April 4. During this time the Advisory Committee will discuss: (1) 2002 Census of Agriculture data products, (2) NASS environmental survey program, (3) mandatory reporting on NASS business surveys and (4) 2002 Census of Agriculture content.

Dates and Locations: April 3-8:00 a.m. to 4:30 p.m., Advisory Committee Meeting, with an opportunity for public questions and comments at 3:45 p.m., Crowne Plaza Hotel, 1001 14th & K Streets, NW, Washington, DC.

April 4-8:00 a.m. to 11:30 a.m., Advisory Committee Meeting, with an

opportunity for public questions and comments at 10:00 a.m., Crowne Plaza Hotel, 1001 14th & K Streets, NW, Washington, DC.

*Type of Meeting:* Open to the public.

*Comments:* The public may file written comments to the USDA Advisory Committee contact person before or within a reasonable time after the meeting. All statements will become a part of the official records of the USDA Advisory Committee on Agriculture Statistics and will be kept on file for public review in the office of the Executive Director, Advisory Committee on Agriculture Statistics, U.S. Department of Agriculture, Washington, DC 20250.

Dated: March 6, 2001, at Washington, DC.

**R. Ronald Bosecker,**

*Administrator, National Agricultural Statistics Service.*

[FR Doc. 01-5981 Filed 3-9-01; 8:45 am]

**BILLING CODE 3410-20-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### Associated Electric Cooperative; Notice of Finding of No Significant Impact

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of finding of no significant impact.

**SUMMARY:** Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to a request from Associated Electric Cooperative for financing assistance from RUS to finance the construction of a natural gas fired combustion turbine electric generation plant in Johnson County, Missouri.

**FOR FURTHER INFORMATION CONTACT:** Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, D.C. 20250-1571, telephone (202) 720-0468, e-mail at bquigel@rus.usda.gov.

**SUPPLEMENTARY INFORMATION:** Associated Electric Cooperative proposes to construct and operate three, 100-megawatt, simple cycle combustion turbine generators on an 80 acre site. The entire plant would use about 11

acres of the site. The site is located approximately 2 miles north of Holden, Missouri. State Highway 131 borders the eastern edge of the site.

The primary fuel for the units would be natural gas with fuel oil backup. The generators are Siemens Westinghouse V84.2 dry low-nitrogen combustors. Each generating unit would be approximately 60 feet wide and 150 feet long. The exhaust stacks would be 90 feet high. An electric substation, a 100-foot by 60-foot maintenance building, water storage tanks, fuel oil storage tank and unloading area, a gas conditioning area and pump house would be located near the combustion turbines. A 150-foot microwave tower would be located on site to enable the control of the plant from a remote location. A 1,300-foot natural gas pipeline and approximately 2.6 miles of electric transmission lines will be needed at the site to supply natural gas to the units and connect them to the existing electric transmission grid. The electric transmission lines will be made up of two 161 kV circuits and two, 69 kV circuits. Single steel, self weathering, poles will be used to support the conductors. The circuits will be made up of two parallel lines on a 150-foot wide right-of-way. Each line will support one 161 kV circuit and one 69 kV underbuild.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Jerry Bindel of Associated Electric Cooperative, P.O. Box 754, Springfield, Missouri 65801-0754 telephone (417) 885-9272. Mr. Bindel's e-mail address is jbindel@aeci.org.

Dated: February 22, 2001.

**Blaine D. Stockton, Jr.,**

*Assistant Administrator, Electric Program, Rural Utilities Service.*

[FR Doc. 01-6074 Filed 3-9-01; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF AGRICULTURE

### Rural Utilities Service

#### East Kentucky Power Cooperative; Notice of Finding of No Significant Impact

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice of finding of no significant impact.



Notice is hereby given that the Rural Utilities Service (RUS) has made a finding of no significant impact with respect to a request from East Kentucky Power Cooperative for financing assistance from RUS to finance the construction of the J.K. Smith Unit 5 Combustion Turbine and a 12 mile, 138 kV electric transmission line.

**FOR FURTHER INFORMATION CONTACT:** Bob Quigel, Environmental Protection Specialist, Engineering and Environmental Staff, RUS, Stop 1571, 1400 Independence Avenue, SW., Washington, DC 20250-1571, telephone (202) 720-0468, e-mail at bquigel@rus.usda.gov.

**SUPPLEMENTARY INFORMATION:** The J.K. Smith Unit 5 Combustion Turbine will be installed adjacent to existing combustion turbines located at East Kentucky Power Cooperative's J.K. Smith Combustion Turbine Site located in Clark County, Kentucky, approximately 9 miles southeast of Winchester on Kentucky Highway 89. The combustion turbine will be fired by natural gas or #2 fuel oil. Natural gas will be supplied by an existing natural gas pipeline on site. Fuel oil will be trucked to the site and stored in a 4 million gallon storage tank located on the site. Twelve miles of 138 kV electric transmission line will need to be constructed to tie the power output of Unit 5 to East Kentucky Power Cooperative's electric transmission grid. The transmission line will begin at the J.K. Smith Combustion Turbine Site and traverse in a southerly direction into Madison County, Kentucky.

Copies of the Finding of No Significant Impact are available from RUS at the address provided herein or from Jeff Hohman, East Kentucky Power Cooperative, PO Box 707, Winchester, Kentucky 40391, telephone (606) 744-4812.

Dated: February 20, 2001.

**Blaine D. Stockton,**

*Assistant Administrator, Electric Program.*

[FR Doc. 01-6075 Filed 3-9-01; 8:45 am]

**BILLING CODE 3410-15-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 030701B]

#### Gulf of Mexico Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene public meetings.

**DATES:** The meetings will be held on March 26-30, 2001.

**ADDRESSES:** These meetings will be held at the Adam's Mark Hotel, 64 South Water Street, Mobile, AL 36602; telephone: 334-438-4000.

*Council address:* Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 228-2815.

**SUPPLEMENTARY INFORMATION:**

#### Council

##### March 28

8:30 a.m.—Convene.

8:45 a.m.—12 noon—Receive public testimony on the Charter Vessel/Headboat Permit Moratorium Amendment. Persons who will testify must turn in a registration card before the start of the testimony period on Wednesday.

1:30 p.m.—4 p.m.—Continue public testimony if needed.

4 p.m.—5:30 p.m. (CLOSED SESSION)—Receive a report of the Advisory Panel (AP) Selection Committee and the Scientific and Statistical Committee (SSC) Selection Committee.

##### March 29

8:30 a.m.—8:45 a.m.—Receive a report of the AP Selection Committee and the SSC Selection Committee.

8:45 a.m.—12:30 p.m.—Receive a report of the Joint Reef Fish/Mackerel Management Committees.

1:30 p.m.—2:30 p.m.—Receive a report of the Shrimp Management Committee.

2:30 p.m.—5:30 p.m.—Receive a report of the Reef Fish Management Committee.

##### March 30

8:30 a.m.—9 a.m.—Receive a report of the Mackerel Management Committee.

9 a.m.—9:15 a.m.—Receive the South Atlantic Fishery Management Council Liaison report.

9:15 a.m.—9:30 a.m.—Receive the Mid-Term Council Chairmen's Meeting report.

9:30 a.m.—9:45 a.m.—Receive the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee report.

9:45 a.m.—10 a.m.—Receive the Gulf & South Atlantic Fishery Foundation Bycatch Workshop report.

10:00 a.m.—10:15 a.m.—Receive enforcement reports.

10:15 a.m.—10:30 a.m.—Receive the NMFS Regional Administrator's Report.

10:30 a.m.—10:45 a.m.—Receive Director's Reports.

10:45 a.m.—11 a.m.—Other Business  
March 26

8 a.m.—10 a.m. (CLOSED SESSION)—Convene the the AP Selection Committee to develop its recommendations to the Council on appointment of AP members.

10 a.m.—12 noon (CLOSED SESSION)—Convene the SSC Selection Committee to develop its recommendations to the Council on appointment of SSC, stock assessment panel (SAP), and socioeconomic panel (SEP) members.

1 p.m.—5:30 p.m.—Convene the Reef Fish Management Committee to select preferred alternatives on Reef Fish Amendment 18 Options Paper and hear a legal opinion on individual fishing quota (IFQ) development.

##### March 27

8 a.m.—11:30 a.m.—Convene the Reef Fish Management Committee and the Mackerel Management Committee to develop recommendations to the Council for final action on the Charter Vessel/Headboat Permit Moratorium Amendment. The Council will hear their report and take final action on Thursday, March 29.

1 a.m.—2:30 p.m.—Continue the joint meeting of the Reef Fish Management Committee and the Mackerel Management Committee if necessary.

2:30 p.m.—4 p.m.—Convene the Shrimp Management Committee to discuss Shrimp Amendment 10 Options Paper.

4 p.m.—5:30 p.m.—Convene the Mackerel Management Committee to discuss control rule risk levels.

Although non-emergency issues not contained in the agenda may come before the Council for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA), those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the MSFCMA, provided the public has been notified of the Council's intent to take final action to address the emergency.

A copy of the Committee schedule and agenda can be obtained by calling (813) 228-2815.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by March 19, 2001.

Dated: March 7, 2001.

**Richard W. Surdi,**

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

[FR Doc. 01-6109 Filed 3-9-01; 8:45 am]

**BILLING CODE 3510-22-S**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****National Sea Grant Review Panel**

**AGENCY:** National Sea Grant College Program, Office of Oceanic and Atmospheric Research, NOAA, DOC.

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Sea Grant Review Panel. The meeting will have several purposes. Panel members will discuss and provide advice on the National Sea Grant College Program in the areas of program evaluation, education and extension, science and technology programs, and other matters as described below:

**DATES:** The announced meeting is scheduled during two days: Sunday, March 25 and Wednesday, March 28, 2001.

**ADDRESSES:** (To be held in conjunction with the national "Sea Grant Week" Meetings, March 25-28, 2001), Crowne Plaza Hotel, 130 Shipyard Drive, Hilton Head Island, South Carolina 29928, Telephone: (843) 842-2400.

**FOR FURTHER INFORMATION CONTACT:** Dr. Francis M. Schuler, Designated Federal Official, National Sea Grant College Program, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, Maryland 20910, (301) 713-2445.

**SUPPLEMENTARY INFORMATION:** The Panel, which consists of a balanced representation from academia, industry, state, government and citizens groups, was established in 1976 by section 209 of the Sea Grant Improvement Act (Pub. L. 94-461, 33 U.S.C. 1128). The Panel advises the Secretary of Commerce and the Director of the National Sea Grant College Program with respect to operations under the Act, and such other matters as the Secretary refers to

them for review and advice. The agenda for the meeting is as follows:

**Sunday, March 25, 2001**

9 a.m.-3:30 p.m.

Panel Committee Reports

Executive Committee

Review of the National Sea Grant Office, NOAA

Implementation Committee—Sea Grant Extension Report

Program Evaluation Committee

Allocation Committee

Technology Transfer Committee

Minority Serving Institutions

Report of the Director, National Sea Grant Office

**Wednesday, March 28, 2001**

8:30 a.m. to 10:30 a.m.

Committee Summary and Follow-up on Sea Grant Week Sessions:

Review of the National Sea Grant Office, NOAA

Implementation Committee—Sea Grant Extension Report

Program Evaluation Committee

Allocation Committee

This meeting will be open to the public.

Dated: March 7, 2001.

**Louisa Koch,**

*Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.*

[FR Doc. 01-6107 Filed 3-9-01; 8:45 am]

**BILLING CODE 3510-KA-M**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 030101G]

**Permits; Foreign Fishing**

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

**ACTION:** Notice of receipt of foreign fishing application.

**SUMMARY:** NMFS publishes for public review and comment a summary of an application submitted by the Government of the Russian Federation requesting authorization to conduct fishing operations in the U.S. Exclusive Economic Zone (EEZ) in 2001 under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

**ADDRESSES:** Comments may be submitted to NMFS, Office of Sustainable Fisheries, International Fisheries Division, 1315 East-West Highway, Silver Spring, MD 20910; and/or to the Regional Fishery Management Councils listed here:

Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01905, Phone (978) 465-0492, Fax (978) 465-3116;

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, Federal Building, Room 2115, 300 South New Street, Dover, DE 19904, Phone (302) 674-2331, Fax (302) 674-4136.

**FOR FURTHER INFORMATION CONTACT:**

Robert A. Dickinson, Office of Sustainable Fisheries, (301) 713-2276.

**SUPPLEMENTARY INFORMATION:** In accordance with a Memorandum of Understanding with the Secretary of State, NMFS publishes, for public review and comment, summaries of applications received by the Secretary of State requesting permits for foreign fishing vessels to fish in the U.S. EEZ under provisions of the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*).

This notice concerns the receipt of an application from the Government of the Russian Federation requesting authorization to conduct joint venture (JV) operations in 2001 in the Northwest Atlantic Ocean for Atlantic mackerel and Atlantic herring. The factory ship DAURIYA is identified as the Russian vessel that would receive Atlantic mackerel and Atlantic herring from U.S. vessels in JV operations.

Dated: March 6, 2001

**Bruce C. Morehead,**

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

[FR Doc. 01-6079 Filed 3-9-01; 8:45 am]

**BILLING CODE 3510-22-S**

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS****Request for Public Comment on Short Supply Request Under the United States—Caribbean Basin Trade Partnership Act (CBTPA)**

March 8, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Request for public comments concerning a request for a determination that crushed panne velour fabric cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA.

**FOR FURTHER INFORMATION CONTACT:** Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUMMARY:** On March 6, 2001 the Chairman of CITA received a petition on behalf of Granada Sales Corporation of New York City alleging that crushed panne velour fabric, classified in subheading 6001.92.00.30 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim that apparel articles of such fabric be eligible for preferential treatment under the CBTPA. CITA hereby solicits public comments on this request, in particular with regard to whether crushed panne velour fabric can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by March 27, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Section 6 of Executive Order No. 13191 of January 17, 2001.

**BACKGROUND:** The CBTPA provides for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The CBTPA also provides for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or a CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner and the President has proclaimed such treatment. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA and directed CITA to establish procedures to ensure appropriate public participation in any such determination. On March 6, 2001, CITA published procedures that it will follow in considering requests. 66 FR 13502.

On March 6, 2001 the Chairman of CITA received a petition on behalf of Granada Sales Corporation of New York City alleging crushed panne velour fabric, classified in HTSUS subheading 6001.92.00.30, cannot be supplied by

the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim quota- and duty-free treatment under the CBTPA for apparel articles that are cut and sewn in one or more CBTPA beneficiary countries from such fabric.

CITA is soliciting public comments regarding this request, particularly with respect to whether crushed panne velour fabric, classified in HTSUS subheading 6001.92.00.30, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant is whether other fabrics that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the fabric for purposes of the intended use. Comments must be received no later than March 27, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230.

If a comment alleges that crushed panne velour fabric can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the fabric stating that it produces the fabric that is the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, NW., Washington, DC 20230. Persons submitting comments on a request are encouraged to include a non-confidential version and a non-confidential summary.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-6178 Filed 3-8-01; 3:02 pm]

**BILLING CODE 3510-DR-F**

**COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**

**Request for Public Comment on Short Supply Petition Under the North American Free Trade Agreement (NAFTA)**

March 8, 2001.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Request for public comments concerning a petition for a modification of the NAFTA rules of origin for products made from yarn of camel hair and yarn of cashmere.

**FOR FURTHER INFORMATION CONTACT:** Lori E. Mennitt, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482-3400.

**SUMMARY:** On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in heading 5108.10.60 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Such a proclamation may be made only after reaching agreement with the other NAFTA countries on the modification. CITA hereby solicits public comments on this petition, in particular with regard to whether cashmere and camel hair yarn can be supplied by the domestic industry in commercial quantities in a timely manner. Comments must be submitted by April 11, 2001 to the Chairman, Committee for the Implementation of Textile Agreements, Room 3001, United States Department of Commerce, Washington, D.C. 20230.

**SUPPLEMENTARY INFORMATION:**

**Authority:** Section 204 of the Agricultural Act of 1956, as amended (7 USC 1854); Section 202(q) of the North American Free Trade Agreement Implementation Act (19 USC 3332(q)); Executive Order 11651 of March 3, 1972, as amended.

**BACKGROUND:** Under the North American Free Trade Agreement (NAFTA), NAFTA countries are required to eliminate customs duties on textile and apparel goods that qualify as originating goods under the NAFTA rules of origin, which are set out in Annex 401 to the NAFTA. The NAFTA provides that the rules of origin for textile and apparel products may be amended through a subsequent

agreement by the NAFTA countries. In consultations regarding such a change, the NAFTA countries are to consider issues of availability of supply of fibers, yarns, or fabrics in the free trade area and whether domestic producers are capable of supplying commercial quantities of the good in a timely manner. The Statement of Administrative Action (SAA) that accompanied the NAFTA Implementation Act stated that any interested person may submit to CITA a request for a modification to a particular rule of origin based on a change in the availability in North America of a particular fiber, yarn or fabric and that the requesting party would bear the burden of demonstrating that a change is warranted. The SAA provides that CITA may make a recommendation to the President regarding a change to a rule of origin for a textile or apparel good. The NAFTA Implementation Act provides the President with the authority to proclaim modifications to the NAFTA rules of origin as are necessary to implement an agreement with one or more NAFTA country on such a modification.

On February 28, 2001 the Chairman of CITA received a petition from Amicale Industries, Inc. alleging that yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, cannot be supplied by the domestic industry in commercial quantities in a timely manner and requesting that the President proclaim a modification of the NAFTA rules of origin. Amicale Industries requests that the NAFTA rules of origin for fabrics of HTSUS heading 5111 and for woven apparel of Chapter 62 be modified to permit the use of non-North American yarns of camel hair or yarns of cashmere classified in HTS heading 5108.10.60.

CITA is soliciting public comments regarding this request, particularly with respect to whether yarn of cashmere and yarn of camel hair, classified in HTSUS heading 5108.10.60, can be supplied by the domestic industry in commercial quantities in a timely manner. Also relevant are whether there has been a change in availability and whether other products that are supplied by the domestic industry in commercial quantities in a timely manner are substitutable for the yarn for purposes of the intended use. Comments must be received no later than April 11, 2001. Interested persons are invited to submit six copies of such comments or information to the Chairman, Committee for the Implementation of Textile Agreements, room 3100, U.S. Department of Commerce, 14th and

Constitution Avenue, N.W., Washington, DC 20230.

If a comment alleges that yarn of cashmere or yarn of camel hair can be supplied by the domestic industry in commercial quantities in a timely manner, CITA will closely review any supporting documentation, such as a signed statement by a manufacturer of the yarn stating that it produces the yarn that is in the subject of the request, including the quantities that can be supplied and the time necessary to fill an order, as well as any relevant information regarding past production.

CITA will protect any business confidential information that is marked business confidential from disclosure to the full extent permitted by law. CITA will make available to the public non-confidential versions of the request and non-confidential versions of any public comments received with respect to a request in room 3100 in the Herbert Hoover Building, 14th and Constitution Avenue, N.W., Washington, DC 20230. Persons submitting comments on a request are encouraged, to include a non-confidential version and a non-confidential summary.

**D. Michael Hutchinson,**

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 01-6177 Filed 3-8-01; 3:02 pm]

**BILLING CODE 3510-DR-F**

---

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Defense Science Board; Meeting

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board (DSB) Task Force on Intelligence Needs for Homeland Defense Bio Panel will meet in closed session on March 12, 2001; April 23-24, 2001; May 29-30, 2001; June 25-26, 2001; July 23-24, 2001; and August 27-28, 2001, at Strategic Analysis, Inc., 3601 Wilson Boulevard, Arlington, VA 22201. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. The Task Force's Bio Panel will: Consider the broad spectrum of intelligence

issues as they relate to biological warfare issues, from early threat detection to deterrence, through response including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors need to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally; and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board meetings, concern matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101-6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 106-6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: March 5, 2001.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 01-5839 Filed 3-9-01; 8:45 am]

**BILLING CODE 5001-10-M**

---

## DEPARTMENT OF DEFENSE

### Department of the Army

#### Proposed Revision to MTMC Freight Rules Publication No. 1B (MFTRP 1B), Item 70 ("Capacity Load")

**AGENCY:** Military Traffic Management Command, DOD.

**ACTION:** Notice (request for comments).

**SUMMARY:** The Military Traffic Management Command (MTMC) as the Department of Defense (DOD) Traffic Manager for surface and surface inter-modal traffic management services (DTR vol. 2, pgs 201-13 through 201-14) intends to replace the entire text of the existing MFTRP 1B item 70 ("Capacity Load") with the revised item outlined herein. The purpose of this change is to streamline and clarify the application of

capacity load by motor carriers doing business with DOD shippers.

**DATES:** Comments must be submitted on or before May 11, 2001.

**ADDRESSES:** Comments may be mailed to: MTMC Deployment Support Command, ATTN: MTDC-OPCF, Room 207, 661 Sheppard Place, Fort Eustis, VA 23604-1644.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Lord at (757) 878-8547 (e-mail at lords@mtmc.army.mil) or Mr. Tom Mutchek at (757) 878-8503 (e-mail mutchekt@mtmc.army.mil).

**SUPPLEMENTARY INFORMATION:** The proposed effective date for this change is 1 July 2001 and it will modify the way in which the Global Freight Management System (GFM) calculates line-haul charges for capacity load shipments. The intent of this proposed change is to simplify and clarify the existing item in order to facilitate accurate upfront costing by the GFM system and to reduce the potential for post-shipment cost disputes between shippers and carriers. The current MFTRP 1B item reads as follows: Capacity Load (Item 70):

1. A shipment is considered a *capacity* load (also known as “*loaded to full visible capacity*”, “*loaded to capacity*”) when it occupies the full visible capacity of a vehicle or requires additional vehicles and consists of that quantity of freight which:

a. Occupies at least 90 percent of the available loading space; or

b. Because of unusual shape or dimensions, or because of the necessity for segregation or separation from other freight, requires the entire vehicle; or

c. Fills a vehicle so that no additional article in the shipping form tendered can be loaded in or on the vehicle.

2. For the purposes of this ITEM, a “vehicle” or “trailer” means:

a. A van trailer of not less than forty (40) feet in length and not less than 2,700 cubic feet capacity; or

b. A double-type van trailer (equipment Code AY1) thirty (30) feet and less in length and not less than 1,800 cubic feet in capacity; or

c. An open top trailer of not less than forty (40) feet in length, propelled or drawn by a single power unit and used on the highways in the transportation of property.

3. This rule does not apply to: charges based on rate qualifiers DH, DL, DZ, PG, PJ, PV, PY, ST; charges based upon equipment code designators AD, AD6, A10, A16, or A20.

4. a. The charge for each vehicle loaded to full visible capacity will be

based on either the truckload charge, when Rate Qualifiers PL and PM are used; or the highest truckload minimum weight (or actual weight if in excess of the applicable minimum weight) and accompanying truckload rate applicable to the equipment ordered and loaded.

b. When line-haul charges are based upon Rate Qualifier PQ and the equipment offered in item 13, section A of the tender, is a double-type van trailer (equipment code AY1), the highest minimum weight for capacity load charges will be 30,000 pounds rated at the carrier’s PQ rate for 30,000 pounds, applicable to the shortest route mileage from point of origin to final destination, determined by use of the governing mileage guide. When line-haul charges are based upon Rate Qualifiers other than PL, PM, or PQ, and the equipment offered in item 13, section A of the tender is a double-type van trailer (equipment code AY1), the highest minimum weight for capacity load will also be 30,000 pounds. Carriers offering AY1 equipment will provide this minimum weight and applicable truckload rate in their appropriate tenders. This proposal will replace Item 70 with the text shown below: Capacity Load (Item 70):

1. A shipment is considered a *capacity* load (also known as “*loaded to full visible capacity*”, “*loaded to capacity*”) when it occupies the full visible capacity of a vehicle, as defined in paragraph 2 below. In order for a shipment to be classified as a capacity load, the BoL must be annotated as “Vehicle Fully Loaded” with an authorized person (e.g., Transportation Officer, Transportation Assistant, etc.), having full knowledge of the shipment, initialing the BoL at the time of pick-up. Shipments are to be considered as capacity loads if:

a. The shipment occupies 90% of the cargo carrying capacity of the vehicle; or

b. Because of unusual shape or dimensions the shipment requires the entire vehicle.

c. Fills a vehicle so that no additional article, equivalent in size to the largest piece tendered, can be loaded in or on the vehicle.

2. For the purposes of this ITEM, a “vehicle” is defined as:

a. A van trailer of not less than forty (40) feet in length and not less than 2,700 cubic feet capacity; or

b. An open top trailer of not less than forty (40) feet in length, or

c. A flatbed trailer of not less than forty (40) feet in length.

3. Under no circumstances shall a carrier bill a shipment as a capacity load

if the equipment requested by the shipper, or provided by the carrier, fails to meet the definitions shown in paragraph 2 above. Additionally, it is the carrier’s responsibility to efficiently load freight (e.g., stacking items when appropriate, etc.) on the vehicle provided.

4. a. The charge for each vehicle loaded to full visible capacity will be based on either the truckload charge, when Rate Qualifiers PL and PM are used; or the highest truckload minimum weight (or actual weight if in excess of the applicable minimum weight) and accompanying truckload rate applicable to the equipment ordered and loaded. Under no circumstances will a line-haul charge be calculated using a minimum weight greater than 45,000 lbs.

b. Shipments rated using line-haul charges based upon Rate Qualifier PQ (MTMC Class 100 Rates) will be calculated using the greater of the actual weight or 45,000 lbs.

**Note:** All over-dimensional or overweight shipments, as defined in ITEM 415 and ITEM 416, respectively, are subject to the Spot Bid provisions of ITEM 18, paragraph 7.

5. This policy does not apply to charges based on rate qualifiers: DH (Per CWT per Dromedary Shipment), DL (Per Dromedary Service Shipment), DZ (Per CWT Per Mile Per Dromedary Shipment), PG (Per Gallon), and ST (Per Short Ton). Additionally, this policy does not apply to equipment types: AD (Dromedary Box without mechanical restraining devices), AD6 (Dromedary Box with mechanical restraining devices), A10 (410 Dromedary Box without mechanical restraining devices), A16 (410 Dromedary Box with mechanical restraining devices), or A20 (Motor Vehicle Transport Trailer). In the event that additional dromedary rate qualifiers and/or dromedary equipment codes are developed, this change shall not apply to them as well.

6. The application of capacity load will in no way restrict the carrier from adding additional freight to the equipment and should not be interpreted as a request for Exclusive Use of the vehicle.

#### Regulatory Flexibility Act

This change is not considered rule making within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601-612.

#### Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. *et seq.*, does not apply because no information collection requirements or recordkeeping responsibilities are

imposed on offerors, contractors, or members of the public.

**Gregory D. Showalter,**

*Army Federal Register Liaison Officer.*

[FR Doc. 01-6056 Filed 3-9-01; 8:45 am]

BILLING CODE 3710-08-U

## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Record of Decision for the Disposal and Reuse of Surplus Navy Property Identified in the Guam Land Use Plan Update (GLUP '94)

**SUMMARY:** The Department of the Navy (Navy), pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C) (1994), and the regulations of the Council on Environmental Quality that implement NEPA procedures, 40 CFR parts 1500-1508, hereby announces its decision to dispose of surplus Navy property identified in the GLUP '94, Guam Land Use Plan Update (A Plan for Department of Defense Real Estate on Guam), dated April 1995 (GLUP '94). This surplus property is located in the United States Territory of Guam.

Navy analyzed the impacts of the disposal and reuse of GLUP '94 surplus Navy property in an Environmental Impact Statement (EIS) as required by NEPA. The EIS analyzed three reuse alternatives and identified the Reuse Plan for GLUP '94 Navy Properties, dated October 1996 (Reuse Plan), prepared by the GLUP '94 Reuse Planning Committee and the Guam Economic Development Authority (GEDA), as the GEDA Recommended Alternative. The Government of Guam is the Local Redevelopment Authority for these surplus properties, as defined in the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance, 32 CFR § 176.20(a).

The alternative chosen will use the GLUP '94 Navy properties for parks and recreation, historic and natural resource conservation, residential, commercial, resort, industrial, and agricultural land uses, and extensive regional roadway improvements. These land uses will meet the Navy goals of achieving local economic redevelopment, creating new jobs, and providing additional housing, while limiting adverse environmental impacts and ensuring land uses that are compatible with adjacent property. Selection of the specific means to achieve the proposed redevelopment is in the hands of the acquiring entities and the local zoning authorities.

#### Background

In 1993, the Commander in Chief, United States Pacific Command assigned Navy to lead a review of all military land requirements on the island of Guam and develop a master plan for future DoD land use. Navy and the Department of the Air Force (Air Force) established the Guam Land Use Working Group to do a comprehensive review of military mission related land requirements on Guam.

Navy prepared and distributed a resulting master plan, known as the GLUP '94. The GLUP '94 recommended consolidation of military activities in the northern and southern parts of the island and it identified more than 8,000 acres of releasable Air Force and Navy properties.

Under the authority of the Defense Base Closure and Realignment Act of 1990, Public Law 101-510, 10 U.S.C. 2687 note (1994), the 1995 Base Realignment and Closure (BRAC) Commission recommended that Navy dispose of the property declared releasable under the GLUP '94, with appropriate restrictions. These recommendations were approved by President Clinton and accepted by the One Hundred Fourth Congress in 1995.

#### Description of the Property

The EIS analyzed the disposal and reuse of 2,798 acres of the 8,081 acres identified in the GLUP '94. The analysis excluded the GLUP '94 property owned by Air Force, Naval Air Station (NAS) Agana property covered under separate environmental documentation, 50 acres at Barrigada that will be transferred to the National Guard Bureau, 24 acres consisting of the Agana, Piti and Tanguisson Power Plants that Navy plans to convey by special legislation and agreement, and 23 acres at New Apra Heights which was conveyed by the Secretary of Health and Human Services to the Government of Guam for the construction of the Agat-Santa Rita Wastewater Treatment Plant. In addition to the GLUP '94 properties, the EIS analyzed the 92-acre NAS Agana Officers Housing property that was recommended for closure by the 1995 BRAC Commission.

During the Federal screening process, the National Guard Bureau requested an interagency transfer of base closure property on Guam. Navy plans to transfer about 50 acres located in Barrigada to the National Guard Bureau for use in training activities and construction of additional facilities to support the Guam Army National Guard. This property consists of about 24 acres currently leased to the Guam

Army National Guard and an additional 26 acres contiguous to the 24-acre site.

The 20 GLUP '94 surplus Navy properties considered in the present NEPA study range in size from 2 acres to 698 acres and are found in the northern, Barrigada, central, and southern regions of Guam. Navy currently has no operations at any of the 20 properties slated for disposal. Combined, the 20 properties contain about 320 residential units and 17 structures that were formerly used for operations, training, printing, communications, storage, commercial, recreation, agriculture, infrastructure, and support activities. The open space and undeveloped areas contain vacant fields, closed landfills, a beach park, wetlands, ravine forests and forests with limestone soils, savanna grassland, and steeply sloped, heavily vegetated areas. There is a commercial quarry operation located on one property. There are also archaeological sites eligible for listing on the National Register of Historic Places on nine of the properties.

Navy designated, in GLUP '94, the names and location numbers for each property. The northern region contains five properties totaling 824 acres: The Federal Aviation Administration (FAA) Housing (N2) property; the Harmon Annex (N3) property; the Marine Drive Utility (N4b) property; the Tamuning Telephone Exchange (N4c) property; and the NAS Officers Housing property (a non-GLUP '94 property) located at former NAS Agana.

The Barrigada region contains four GLUP properties totaling 773 acres: The Barrigada Route 16 (N5a) property; the Barrigada Route 15 (N5b) property; the Barrigada Hawaiian Rock (N5c) property; and the Barrigada Antenna Site (N5d) property.

The central region contains five GLUP properties totaling 953 acres: The Nimitz Hill Enlisted Housing (N10a) property; Nimitz Hill Vacant Lands (N10b) property; the Sasa Valley (N12a) property; the Tenjo Vista (N12b) property; and the Polaris Point (N14) property.

The southern region contains six GLUP properties totaling 271 acres: The New Apra Heights (N15) property; the Route 2A (N16) property; the Afleje/Rizal Beach (N17) property; the Old Apra Heights (N18) property; the Navy Ordnance Annex North (West Parcel) (N19a) property; and the Navy Ordnance Annex North (East Parcel) (N19b) property.

#### The Environmental Analysis Process

Navy published a Notice Of Intent in the **Federal Register** on April 10, 1998, announcing that Navy would prepare an

EIS for the disposal and reuse of surplus Navy property on Guam. On May 7, 1998, Navy held a public scoping workshop at the Chamorro Village in Agana, Guam; The scoping period concluded on May 26, 1998.

Navy distributed the Draft EIS on May 14, 1999, and commenced a 45-day public review and comment period that was extended until September 15, 1999. Both oral and written comments were received. On August 26, 1999, Navy held a public hearing at the Guam Hilton hotel in Agana.

Navy's responses to the public comments concerning the Draft EIS were incorporated in the Final EIS (FEIS), which was distributed to the public on September 27, 2000, for a review period that concluded on October 23, 2000. Navy received one letter commenting on the FEIS.

### Alternatives

In the FEIS, Navy analyzed the environmental impacts of three reuse alternatives. Navy also evaluated a "No Action" alternative that considered leaving the property in caretaker status with Navy maintaining the physical condition of the property, providing a security force, and making repairs essential to safety.

In Guam Executive Order No. 96-19, dated July 9, 1996, the Governor of Guam, Carl T.C. Gutierrez, assigned the requirement to develop and implement a reuse plan for the GLUP '94 properties to Guam Economic Development Authority (GEDA). Also in this order, the Governor created the GLUP '94 Reuse Planning Committee to assist GEDA in this task. In October 1996, the Reuse Planning Committee and GEDA prepared the Reuse Plan for GLUP '94 Navy Properties. The Reuse Plan was approved by the Guam Legislature on December 23, 1996, and signed by the Governor of Guam on January 2, 1997.

The Reuse Plan provides general land use descriptions and estimated acreage. The Reuse Plan does not quantify development densities, such as number of and sizes of buildings and structures. The Reuse Plan also does not provide details of the infrastructure and roadway improvements required to support its proposed redevelopment of the properties.

In order to analyze potential impacts on the environment, such as infrastructure, traffic, population change, and socioeconomic conditions, Navy made projections of the future development to estimate the number and size of the buildings and structures at each property that would be consistent with the Reuse Plan. Navy considered roadway expansion,

easements, site constraints and used the then-applicable *I Tano-ta Land Use Plan* to estimate development densities.

The *I Tano-ta* provided a framework to manage growth and land development on Guam. The plan provided guidelines for development intensities and zoning code performance standards. The *I Tano-ta* was passed by the Guam Legislature on April 17, 1998, as Guam Public Law 24-171, and went into effect on May 1, 1999. However, the Guam Legislature repealed the law within a few days. Currently, the Governor of Guam has responsibility to act on the future of the *I Tano-ta*. GEDA has indicated that regardless of the status of the *I Tano-ta*, the proposed land uses under the Reuse Plan remain valid.

### The Alternative Selected

The selected alternative, identified in the FEIS as the GEDA Recommended Alternative, proposes a mix of land uses for the 20 properties including development of parks, recreational areas, historical and natural resource conservation projects, residential, commercial, resort, industrial, and agricultural land uses, as well as extensive regional roadway improvements.

The FAA Housing (N2) property covers about 698 acres along the coast of the Philippine Sea less than one mile south of Anderson Air Force Base. There were 89 residential units on this property that provided housing for FAA and Navy personnel, and these units were demolished due to irreparable damage from Typhoon Paka in 1997. The remainder of the land contains undeveloped forests with limestone soils. The selected alternative will develop a 128-room resort hotel, a 225-acre 18-hole golf course, and 390 single-family residential units. Conservation and recreational areas will be set aside to protect the natural and cultural resources located on the cliff line.

The Harmon Annex (N3) property, covering seven acres in an undeveloped area south of the FAA Housing property, contains a two-story building (Building 50) and a storage shed. The structures are surrounded by grass fields and paved areas. The selected alternative will develop Building 50 as a community center.

The Marine Drive Utility (N4b) property, covering 25 acres north of Marine Drive (Route 1) and west of Route 3, contains Building 169, a former Stars and Stripes facility. This grassy property is divided by an electric substation and is constrained by utility easements. The selected alternative will

develop 150,000 square-feet of space for commercial activities.

The two-acre Tamuning Telephone Exchange (N4c) property is found below the cliff line of Tiyan (NAS Agana) on the south side of Marine Drive. The exchange contains two buildings surrounded by paved areas. The selected alternative plans demolition of the two buildings and development of about 27,000 square feet of space of commercial activities.

The NAS Officers Housing property at Tiyan covers 92 acres on top of a steep bluff. The selected alternative plans demolition of the existing 136 residential units. This alternative will also develop the Navy Post Exchange building as a neighborhood commercial center. The Government of Guam plans to build the Laderan Tiyan Parkway along the property's perimeter, which will provide an alternate access across the Tiyan plateau for the A.B. Won Pat Guam International Airport.

The Barrigada Route 16 (N5a) property, covering 345 acres, is found about one half mile southwest of Tiyan, south of the Naval Communication Areas Master Station Western Pacific Barrigada, and east of the National Guard Armory and P.C. Lujon School. Most of the property is open area for agriculture, athletic fields, and closed landfills. The selected alternative will develop a 42-acre recreational park, a 20-acre sports complex, and 100,000 square feet of space for industrial activities and warehouses. The remainder of the property will support agriculture.

The Barrigada Route 15 (N5b) property, located east of the Barrigada Route 16 parcel and the Navy's Admiral Nimitz Golf Course, covers 358 acres. Most of the land is undeveloped except for a vacant FAA Communications Building used most recently for golf course maintenance equipment storage. This property also contains closed landfills. The selected alternative will build about 1,500 affordable single-family residential units here.

The Barrigada Hawaiian Rock (N5c) property, covering 15 acres, is found east of Route 15 and adjacent to the southeastern corner of the Barrigada Route 15 (N5b) property. Hawaiian Rock Products Corporation operates a quarry facility of 10 acres of the property. The selected alternative will allow the quarry operations to continue. This alternative will also permit development of about 3,000 square feet of space for industrial facilities and warehouses.

The Barrigada Antenna Site (N5d) parcel is found east of Route 15 and covers 55 acres that formerly supported



a Navy transmitter antenna. One building and four homes built by trespassers are located on the property's north end. The selected alternative will demolish these buildings; it will allow for construction of about 220 affordable single-family residential units and 10,000 square feet of space for commercial activities.

The Nimitz Hill Enlisted Housing (N10a) property covers 120 acres in the central region in the municipality of Asan. This property contains 78 residential units, recreational facilities, and a Quonset hut. The enlisted housing was part of the larger United States Naval Station, Nimitz Hill Annex that extended to the southeast. The Department of Defense Education Activity High School and Navy's Flag Circle housing are located to the southwest. The selected alternative will use the existing residential units for affordable and social service housing and it will allow for construction of an additional 80 single- and multi-family residential units here. This alternative will use the recreational facilities and it will preserve the property's steep slopes and dense vegetation.

The Nimitz Hill Vacant Lands (N10b) parcel covers 183 acres south of Route 6 and the Nimitz Hill Enlisted Housing (N10a) property. A Navy Public works Center sewage pumping station is located in the northern part of the property. The selected alternative will develop about 100,000 square feet of space in the northern part of the property for commercial and cultural facilities, such as hotels, shopping centers, theaters, museums and art galleries. In the southern part of the property, this alternative will build about 200 affordable residential townhouses along Mount Alutom Road. The remaining undeveloped forests will be set aside for hiking trails and conservation.

The nine-acre Sasa Valley (N12a) property, found in the central region municipality of Piti, was part of a former Navy tank farm. There are no structures on the property and it is steeply sloped and heavily vegetated. The selected alternative will allow for possible expansion of the Guam Veterans Cemetery located to the north and set aside the remainder of the property for conservation.

The Tenjo Vista (N12b) parcel, covering 559 acres, contains steeply sloped forests and wetlands. The property is located to the east of Route 1 (Marine Drive), the Polaris Point (N14) property, and both Inner and Outer Apra Harbor. There are active and inactive petroleum lines that lie beneath the property; the center of the property

was a tank farm. The selected alternative will develop about 3,000 square feet of space for commercial activities along Marine Drive and it will set aside about 480 acres for conservation.

The Polaris Point (N14) property covers 82 acres and is found west of Marine Drive across from the Tenjo Vista (N12b) property. Polaris Point Access Road crosses the property from east to west and provides access to the retained Polaris Point Navy facilities. Outer Apra Harbor lies northeast of the property and Inner Apra Harbor lies southwest. There are wetlands on the northern part of the property. The southern part of the property contains one building and concrete berms remaining from the former Naval Supply Depot drum storage and waste facility. The selected alternative will develop about 50,000 square feet of space for industrial activities and warehouses and it will also preserve the wetlands.

The New Apra Heights (N15) property, covering 102 acres of undeveloped land, is found in the southern region municipality of Santa Rita. Steep slopes and swamp forest wetlands characterize the site. The selected alternative will support the development of a Government of Guam wastewater treatment plant, the widening of Routes 2A and 5, and set aside the remainder of the property for conservation.

The Route 2A (N16) property, covering 15 acres, is found in the southern region in the municipality of Sanata Rita and west of the New Apra Heights (N15) property. The property contains foundations from a demolished building. The selected alternative plans development of about 32,000 square feet of space for commercial and office uses.

The Afleje/Rizal Beach (N17) property covers 16 acres and is found in the southern region in the municipality of Santa Rita. The property is bounded on the north by the Apra Harbor Naval Complex; on the east by Shoreline Drive (Route 2) and the Public Works Center Guam landfill; on the south by The War in the Pacific National Historical Park; and on the west by Agat Bay. The selected alternative will continue use of the property as a beach park and for conservation.

The Old Apra Heights (N18) property, a linear strip of undeveloped land located east of Cross Island Road (Route 17) in the municipality of Santa Rita, covers 13 acres. The property is traversed by access roads (driveways) that lead to private residence found further to the east. There is a Guam Power Authority electrical substation

adjacent to the southern part of the property. The selected alternative will develop industrial activities on about 4.5 acres to support the Guam Power Authority's activities. This alternative will also develop 5,000 square feet of space for small neighborhood businesses on the remaining 8.5 acres.

The Navy Ordnance Annex North (west) (N19a) property covers 50 acres and it consists of undeveloped land with steep slopes and dense vegetation. It is found in the municipality of Santa Rita along Route 5 and surrounds the Tupo Reservoir. The selected alternative uses the property for parks and recreational activities.

The Navy Ordnance Annex North (east) (N19b) property, covering 52 acres, is found directly east of the Navy Ordnance Annex North (west) property on the other side of Route 5. Seventeen vacant residential units are in the southern part of the property, while the northern part of the property is undeveloped. The selected alternative will use the existing residential units and allow for development of about 11,000 square feet of space to support development of a youth camp.

#### *Other Alternatives*

Navy analyzed a second "action" alternative, described in the FEIS as the Lower Intensity Alternative. This alternative considers development of the GLUP '94 properties with more open space and less construction. Under this scheme, some existing facilities will be renovated rather than expanded, and fewer new buildings will be built.

In general, the Lower Intensity Alternative reduces the build-out proposed by the selected alternative by one-half. It proposes a smaller resort at the FAA Housing parcel, and would not develop a golf course. Residential development is reduced, with most of the residential units to be located in the northern and Barrigada regions. There would be less commercial development in residential neighborhoods. The Lower Intensity Alternative develops about half of the square footage proposed by the selected alternative for commercial facilities and warehouses. This alternative develops no industrial facilities at the Polaris Point (N14) property. Finally, the Guam Veterans Cemetery, the barrigada Sports Complex, and agricultural activities in Barrigada are not expanded.

Navy analyzed a third "action" alternative, described in the FEIS as the Higher Intensity Alternative. Reuse would be similar to that proposed under the selected alternative, but with an increase in development densities approaching the maximum allowed



under Guam's then-applicable I Tano-ta land use and zoning guidelines. The Higher Intensity Alternative would allow for more new construction and development than that proposed under the selected alternative.

The Higher Intensity Alternative develops a larger resort in the northern region and it builds a 27-hole golf course at the FAA Housing (N2) property. This alternative builds a larger building at the Harmon Annex (N3) property for educational, office or community center activities. The Higher Intensity Alternative also develops larger residential subdivisions on all the properties where housing was proposed under the selected alternative. Compared to the selected alternative, the Higher Intensity Alternative would double the amount of proposed square footage of commercial and industrial facilities on several properties. This alternative also allows the Guam Power Authority to build a base load-generating power plant on the Rizal/Afleje Beach (N17) property.

#### **Environmental Impacts**

Navy analyzed the direct, indirect, and cumulative impacts of each alternative. Effects on soils, geology, topography, hydrology, air quality, land use compatibility, noise, cultural resources, terrestrial biota and habitat, marine environment, roads and traffic, infrastructure, socioeconomic conditions, public services, and public health and safety are discussed in detail in the Environmental Impact Statement.

#### *Significant Effects*

The selected alternative will have a significant impact on land use compatibility. The proposed residential development on the Barrigada Route 15 (N5b) property is incompatible with the existing Hawaiian Rock Products Corporation quarry operations located on the Barrigada Hawaiian Rock (N5c) property. These incompatibilities could be mitigated by the use of buffers, screening, setbacks, and noise attenuation measures. This alternative would not have a significant impact on visual resources.

The selected alternative will have significant noise impacts on the new housing to be built on the NAS Officers Housing property and in the Barrigada region. The proposed residential development at the NAS Officers Housing property would be subject to vehicular noise along the proposed Laderan Tiyan Parkway. The proposed residential development in Barrigada would be subject to noise generated by the Hawaiian Rock Products Corporations' quarry operations. The

impacts from noise could be mitigated by the use of buffers and noise attenuation measures.

The selected alternative could have a significant unmitigable impact on cultural resources. Pursuant to Section 106 of the National Historic Preservation Act of 1966, 16 U.S.C. 470f, (1994), and its implementing regulations, Protection of Historic Properties, 36 CFR part 800, Navy conducted a cultural resource assessment and determined that nine GLUP properties are known to contain historic sites, structures, or objects that are either listed or eligible for listing on the National Register of Historic Places. These nine properties are FAA Housing (N2), Barrigada Route 15 (N5A), Barrigada Route 16 (N5B), Nimitz Hill Enlisted Housing (N10A), Nimitz Hill Vacant Lands (N10B), Sasa Valley (N12A), Tenjo Vista (N12B), Polaris Point (N14), and Rizal/Afleje Beach (N17).

Navy has completed consultation with the Advisory Council on Historic Preservation and the Guam Historic Preservation Officer pursuant to Section 106 and its implementing regulations. These consultations identified actions that Navy must take before it conveys GLUP '94 property and actions that the acquiring entities must take to avoid or mitigate adverse impacts on the archaeological sites that are listed or eligible for listing on the National Register. These obligations were set forth in a Programmatic Agreement, dated July 13, 2000, among Navy, the Advisory Council on Historic Preservation, and the Guam Historic Preservation Officer.

Navy will include a protective deed covenant in the conveyance documents for all historic properties. The provisions in the deed covenant will require that the acquiring entities: Obtain the express written permission of the Guam Historic Preservation Officer prior to undertaking actions that would disturb the ground of a historic site, make reasonable efforts to prevent vandalism or other disturbances, and permit the Guam Historic Preservation Officer the right to inspect the archaeological site at all reasonable times.

Under terms of the Programmatic Agreement, all projects sponsored, funded or authorized by the Government of Guam or GEDA that have the potential to affect historic properties will undergo review in accordance with Title 21 Guam Code Annotated, Chapter 76, Historical Objects and Sites (1994). As the selected alternative will develop several properties containing historic sites, the Guam Historic Preservation

Officer's permission must be obtained and archaeological data recovery or other protective measures may be required.

The selected alternative will have significant impacts on traffic and circulation. By the year 2010, traffic volumes on affected roadway segments will increase from as little as one percent to as much as 40 percent on heavily affected routes. Implementation of this alternative will impact key intersections in the northern, Barrigada, and southern regions of Guam. With the exception of one northern region intersection at Routes 1 and 16, these impacts could be mitigated by the installation of traffic signals and turning lanes, realignment of intersection approaches, widening of roads, and increasing alternative transportation programs.

The selected alternative will have a significant cumulative impact on the demand for electricity. The demand for electricity by this alternative and other planned developments on Guam would require the Guam Power Authority to develop new electrical capacity earlier than previously projected. The selected alternative will upgrade or replace the electrical distribution systems at each property during redevelopment.

The selected alternative will have a significant impact on schools. This alternative's proposed residential development will substantially increase the number of students in the northern, Barrigada, and southern regions of the island. Local schools in Guam are already at capacity and in some cases the schools are over capacity. The Reuse Plan does not propose to build new schools on the GLUP properties.

The selected alternative will have significant cumulative impacts on Guam's health care, police, fire protection, and civil defense services. The new residential development in the northern and Barrigada regions proposed by the selected alternative and other planned developments on Guam will substantially increase the demand for these public services.

#### *Less Than Significant Impacts of Disposal and Reuse*

The selected alternatives will not have a significant impact on soils, geology, or topography. The Guam Environmental Protection Agency requires soil erosion control measures for new construction that will minimize soil erosion. Guam is located in a highly active seismic region. New construction activities will be required to meet current building codes governing seismic safety.

The selected alternative will not have a significant impact on storm water runoff and drainage patterns, surface and groundwater quality, or aquifer recharge potential. This alternative will alter drainage patterns and substantially increase the quantity of storm water runoff on eight properties (Harmon Annex, Marine Drive Utility, Tamuning Telephone Exchange, NAS Officer Housing, Barrigada Route 15, Antenna Site, Nimitz Hill Enlisted Housing, and Nimitz Hill Vacant Lands), with the largest increase (48 percent) at the proposed Barrigada Route 15 residential development. Runoff will be controlled by measures imposed by the Guam Environmental Protection Agency. Compliance with regulatory requirements, Best Management Practices, and spill prevention plans will minimize the potential for future groundwater contamination. The selected alternative will not have a significant impact on aquifer recharge potential.

Six GLUP '94 properties contain flood hazard zones: Tamuning Telephone Exchange, Barrigada Route 16, Tenjo Vista, Polaris Point, Route 2A, and Afleje/Rizal Beach. Development in flood zones must comply with Guam's floodplain management regulations. Additionally, in accordance with Executive Order 11988, Floodplain Management, 3 CFR 117 (1978), Navy will place a notice in the conveyance document that describes those uses that are restricted under Federal and local floodplain regulations.

Five properties contain wetlands: Barrigada Route 16, Barrigada Route 15, Tenjo Vista, Polaris Point, and New Apra Heights. Compliance with Federal and local regulations governing development in wetlands will prevent significant impacts. Additionally, in accordance with Executive Order 11990, Protection of Wetlands, 3 CFR 121 (1978), Navy will place a notice in the conveyance document that describes those uses that are restricted under Federal and local wetland regulations.

The selected alternative will not have a significant impact on air quality. Compliance with the regulatory requirements that control emissions, such as the Clean Air Act, 42 U.S.C. 7401-7671q (1994), and Guam's Air Pollution Control Standards and Regulations, Guam Public Law 24-322 (1998), will prevent significant impacts from stationary sources. Emissions from vehicular sources are not expected to exceed Federal regulations; therefore, no significant impacts on air quality are anticipated.

The selected alternative will not have a significant impact on terrestrial biota

and habitats. Navy consulted with the United States Fish and Wildlife Service under section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1536 (1994). In a letter dated January 18, 2000, the Fish and Wildlife Service concurred with Navy's determination that the proposed disposal and reuse, as outlined in the Reuse plan, of the surplus Navy properties is not likely to adversely affect the following Federally-listed endangered species on Guam: the fire tree (*Serianthes nelsonii*), Mariana crow (*Corvus kubayi*), Mariana fruit bat (*Pteropus mariannus mariannus*), Mariana common moorhen (*Gallinula chloropus guami*), and the Federally-listed threatened green sea turtle (*Chelonia mydas*).

The acquiring entities will be required to prepare Environmental Protection Plans (EPPs) pursuant to the Water Pollution Control Act, Title 10, Guam Annotated Code, Part 2, Ch. 47. EPPs are management plans that identify protective measures and constraints for individual projects that must be submitted to Guam environmental Protection Agency for review and approval. The Government of Guam and the Fish and Wildlife Service executed a Memorandum of Understanding (MOU) to establish and maintain a program for the conservation of Federally listed threatened and endangered species.

The selected alternative will not have significant impact on marine resources or Federally listed threatened or endangered marine species. Navy engaged in consultation with the National Marine Fisheries Service under section 7 of the Endangered Species Act. In a letter dated December 23, 1999, the National Marine Fisheries Service concurred that the proposed disposal and reuse of the surplus Navy properties would not likely adversely affect Federally listed threatened or endangered marine species.

The selected alternative will not have significant impacts on potable water, wastewater collection and treatment facilities, and the capacity for solid waste disposal. The Guam Waterworks Authority has projected that the island will have an excess capacity of 10 million gallons per day (mgd) of potable water in 2010. The projected demand for potable water under the selected alternative will be about 1.5 mgd, which is below the available excess capacity of 10 mgd.

There is adequate capacity available at the three wastewater treatment plants (the Northern District Wastewater Treatment Plant (WWTP), the Agana WWTP, and the Agat WWTP) that are planned to service the GLUP properties.

The selected alternative will upgrade or replace the wastewater and treatment distribution systems at each property during redevelopment.

The selected alternative assumed that new solid waste facilities would be developed because the Ordot Landfill, which has no excess capacity, will close. The amount of solid waste generated by this alternative is projected to be less than three percent of the total municipal solid waste generated on Guam in the year 2008. Guam's Integrated Solid Waste Management Plan recommends the reuse, recovery, and recycling of solid waste to lessen the impacts on solid waste facilities.

The selected alternative will not have significant adverse socioeconomic impacts. This alternative will create over 2,000 jobs that will generate a payroll of about \$32 million per year. It is expected that residents of Guam will fill the new commercial and industrial jobs.

The selected alternative will not have a significant impact on the environment as a result of the use of petroleum products or the use or generation of hazardous substances by the acquiring entity. Hazardous materials used and hazardous wastes generated by the Reuse Plan will be managed in accordance with Federal and local laws and regulations.

Implementation of the selected alternative will not have an impact on public health and safety at the GLUP '94 properties. Navy will inform future property owners about the environmental condition of the property and may, when appropriate, include restrictions, notifications, or covenants in deeds to ensure the protection of human health and the environment in light of the intended use of the property. After the property is conveyed, Navy will assist the acquiring entities in the removal and disposal of newly discovered unexploded ordnance to the extent required by then-applicable federal laws and regulations and then-applicable Navy and DoD policies, subject to Congressional authority and the availability of appropriated funds.

Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 3 CFR 859 (1995), requires that Navy determine whether any low income and minority populations will experience disproportionately high and adverse human health or environmental effects from the proposed action. Navy analyzed the impacts on low income and minority populations pursuant to Executive Order 12898. The FEIS addressed the potential human health,

socioeconomic, and environmental effects of the various proposed alternatives. Minority and low-income populations residing within the regions where the GLUP properties are located will not be disproportionately affected.

Navy also analyzed the impacts on children pursuant to Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks, 3 CFR 198 (1998). Under the selected alternative, the largest concentration of children would be present in the residential, educational, and recreational areas. The selected alternative would not pose any disproportionate environmental health or safety risks to children.

### Mitigation

Implementation of Navy's decision to dispose of the surplus property does not require Navy to implement any mitigation measures. Navy will take certain actions to implement existing agreements and regulations. These actions are treated as agreements or regulatory requirements rather than mitigation.

The FEIS identified and discussed those actions that will be necessary to minimize or avoid the impacts associated with the reuse and redevelopment of the GLUP '94 Navy surplus property. The acquiring entities, under direction of Federal and local agencies with regulatory authority over protected resources, will be responsible for implementing necessary mitigation measures following disposal of the property.

### Comments Received on the Final EIS

Navy received comments on the FEIS from the Earthjustice Legal Defense Fund, a private organization writing on behalf of the Center for Biological Diversity. All of the substantive comments concerned issues already discussed in the FEIS.

### Regulations Governing the Disposal Decision

Since the proposed action contemplates a disposal under the Defense Base Closure and Realignment Act of 1990 (DBCRA), Public Law 101-510, 10 U.S.C. 2687 note (1994), Navy's decision was based upon the environmental analysis in the FEIS and application of the standards set forth in the DBCRA, the Federal Property Management Regulations, 41 CFR part 101-47, and the Department of Defense Rule on Revitalizing Base Closure Communities and Community Assistance, 32 CFR parts 174 and 175.

### Conclusion

The Local Redevelopment Authority has determined in its Reuse Plan that the GLUP '94 surplus Navy properties should be used for various purposes including parks and recreational, historical and natural resource conservation, residential, commercial, resort, industrial, and agricultural activities. The property's location, physical characteristics, existing infrastructure, as well as current uses of adjacent property make it appropriate for the proposed uses.

Although the "No Action" Alternative has less potential for causing adverse environmental impacts, this alternative would not result in more efficient Navy operations or lower operational costs. Additionally, it would not foster local economic redevelopment and would not create new jobs.

The acquiring entities, under the direction of Federal and local agencies with regulatory authority over protected resources, will be responsible for adopting practicable means to avoid or minimize environmental harm that may result from implementing the Reuse Plan.

Accordingly, Navy will dispose of the GLUP '94 surplus Navy property in a manner that is consistent with the Government of Guam's Reuse Plan for the property.

Dated: March 2, 2001.

#### Duncan Holaday,

*Deputy Assistant Secretary, (Installations and Facilities).*

[FR Doc. 01-6047 Filed 3-9-01; 8:45 am]

BILLING CODE 3810-FF-M

## DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 01-48, C&E 01-49, C&E 01-50 and C&E 01-51, Certification Notice—197]

### Office of Fossil Energy; Notice of Filings of Coal Capability of GenPower McIntosh, LLC, FPLE Rhode Island State Energy, L.P., Freestone Power Generation, L.P., and Carville Energy, LLC, Powerplant and Industrial Fuel Use Act

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of filing.

**SUMMARY:** GenPower McIntosh, LLC, FPLE Rhode Island State Energy, L.P., Freestone Power Generation, L.P., and Carville Energy, LLC, submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

**ADDRESSES:** Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G-039, FE-27, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585.

#### FOR FURTHER INFORMATION CONTACT:

Ellen Russell at (202) 586-9624

**SUPPLEMENTARY INFORMATION:** Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in accordance with section 201(d).

*Owner:* GenPower McIntosh, LLC, (C&E 01-48).

*Operator:* General Electric International, Inc.

*Location:* Effingham County, Georgia.

*Plant Configuration:* Combined-cycle.

*Capacity:* 529 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* Wholesale power market.

*In-Service Date:* January 2004.

*Owner:* Rhode Island State Energy Partners, L.P., (C&E 01-49).

*Operator:* FPLE Rhode Island State Energy, L.P.

*Location:* Johnston, Rhode Island.

*Plant Configuration:* Combined-cycle.

*Capacity:* 535 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* The New England wholesale energy market..

*In-Service Date:* July 1, 2002.

*Owner:* Freestone Power Generation, L.P., (C&E 01-50).

*Operator:* Freestone Power Generation, L.P.

*Location:* Freestone County, Texas.

*Plant Configuration:* Combined-cycle.

*Capacity:* 1,050 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* Calpine Energy Services, L.P. and other wholesale purchasers.

*In-Service Date:* May 1, 2002.

*Owner:* Carville Energy LLC, (C&E 01-51).

*Operator:* Calpine Central, L.P.

*Location:* Carville, Louisiana.

*Plant Configuration:* Combined-cycle.

*Capacity:* 508 MW.

*Fuel:* Natural gas.

*Purchasing Entities:* Wholesale market.

*In-Service Date:* June 2002.

Issued in Washington, DC, February 28, 2001.

**Anthony J. Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 01-6054 Filed 3-9-01; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-959-000]

#### Allegheny Energy Global Markets, LLC; Notice of Issuance of Order

March 6, 2001.

Allegheny Energy Global Markets, LLC (AEGM) submitted for filing a rate schedule under which AEGM will engage in wholesale electric power and energy transactions at market-based rates. AEGM also requested waiver of various Commission regulations. In particular, AEGM requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by AEGM.

On March 1, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by AEGM 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).

Absent a request to be heard in opposition within this period, AEGM is authorized to issue securities and assume obligations or liabilities as a

guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of AEGM's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is April 2, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order 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. 01-6049 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-240-000]

#### ANR Pipeline Company, Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, ANR Pipeline Company (ANR) tendered for filing, as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to become effective March 1, 2001:

Forty-sixth Revised Sheet No. 8

Forty-sixth Revised Sheet No. 9

Forty-fifth Revised Sheet No. 13

Fifty-fifth Revised Sheet No. 18

ANR states that the above-referenced tariff sheets are being filed to implement recovery of approximately \$4.0 million of above-market costs that are associated with its obligations to Dakota Gasification Company (Dakota). ANR proposes a reservation surcharge applicable to its Part 284 firm transportation customers to collect ninety percent (90%) of the Dakota costs, and an adjustment to the maximum base tariff rates of Rate Schedule ITS and overrun rates applicable to Rate Schedule FTS-2, so as to recover the remaining ten percent (10%). ANR also advises that the

proposed changes would increase current quarterly Above-Market Dakota Cost recoveries from \$2,023,299 to \$4,003,607.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5991 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Regulatory Commission

[Docket No. RP01-257-000]

#### ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet, proposed to become effective March 1, 2001.

Fifty-sixth Revised Sheet No. 18

ANR states that the above-referenced tariff sheet is being filed to implement the annual reconciliation of the recovery of its Above-Market Dakota Costs, as required by its tariff recovery mechanism. ANR advises that the filing proposes a reservation surcharge adjustment of \$0.005 applicable to its currently effective, firm service Rate Schedules. Pursuant to this surcharge, ANR proposes to recover, over the twelve month period of March 1, 2001

to February 28, 2002, the \$308,585 of Above-Market Dakota Cost undercollections, inclusive of interest, which are reflected in the filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6007 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-259-000]

#### ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet proposed to be effective April 1, 2001.

Fifteenth Revised Sheet No. 19

ANR states that the purpose of this filing is to comply with the annual redetermination of the levels of ANR's Transporter's Use (%) as required by ANR's currently effective tariff, to become effective April 1, 2001. This redetermination reflects a decrease in the fuel use percentages for a majority of the transportation rate routes on ANR's system, as well as for storage.

ANR states that all of its Volume No. 1 and Volume No. 2 customers and

interested State Commissions have been mailed a copy of this filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6008 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-255-000]

#### Cove Point LNG Limited Partnership; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Cove Point LNG Limited Partnership (Cove Point) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet no. 7, with a proposed effective date of April 1, 2001.

Cove Point states that the tariff sheet sets forth the restatement and adjustment to its retainage percentages, pursuant to the section 1.37 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1.

Cove Point states that copies of the filing is being served to its affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6005 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-570-000, ER01-570-001]

#### Dearborn Industrial Generation, L.L.C.; Notice of Issuance of Order

March 6, 2001.

Dearborn Industrial Generation, L.L.C. (Dearborn) submitted for filing a rate schedule under which Dearborn will engage in wholesale electric power and energy transactions at market-based rates. Dearborn also requested waiver of various Commission regulations. In particular, Dearborn requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by Dearborn.

On February 27, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Dearborn 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).

Absent a request to be heard in opposition within this period, Dearborn is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Dearborn's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 29, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order 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. 01-6051 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-748-000; ER01-748-001]

#### Harquahala Generating Company, LLC; Notice of Issuance of Order

March 6, 2001.

Harquahala Generating Company, LLC (Harquahala) submitted for filing a rate schedule under which Harquahala will engage in wholesale electric power and energy transactions at market-based rates. Harquahala also requested waiver of various Commission regulations. In particular, Harquahala requested that the Commission grant blanket approval under 18 CFR Part 34 of all future of issuances of securities and assumptions of liability by Harquahala.

On February 28, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Harquahala 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).

Absent a request to be heard in opposition within this period, Harquahala is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Harquahala's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 30, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order 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. 01-6052 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-943-000]

#### Heard County Power, L.L.C.; Notice of Issuance of Order

March 6, 2001.

Heard County Power, L.L.C. (Heard County) submitted for filing a rate schedule under which Heard County will engage in wholesale electric power and energy transactions at market-based rates. Heard County also requested waiver of various Commission regulations. In particular, Heard County requested that the Commission grant blanket approval under 18 CFR Part 34

of all future issuances of securities and assumptions of liability by Heard County.

On February 27, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Heard County 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).

Absent a request to be heard in opposition within this period, Heard County is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Heard County's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 29, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order 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. 01-6050 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-905-000]

#### MEP Pleasant Hill Operating, LLC; Notice of Issuance of Order

March 6, 2001.

MEP Pleasant Hill Operating, LLC (MEP) submitted for filing a rate

schedule under which MEP will engage in wholesale electric power and energy transactions at market-based rates. MEP also requested waiver of various Commission regulations. In particular, MEP requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by MEP.

On February 20, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by MEP 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).

Absent a request to be heard in opposition within this period, MEP is authorized to issue securities and assume obligations or liabilities as a guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of MEP's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 22, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE, Washington, DC 20426. The Order 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. 01-5984 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-241-000]

#### Mississippi River Transmission Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Mississippi River Transmission Corporation (MRT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1.

MRT hereby files a true-up of MRT's Gas Supply Realignment Costs (GSRC) for the period of recovery from September 1, 2000 through November 30, 2000.

MRT states that a copy of this filing is being mailed to each of MRT's customers and to the state commissions of Arkansas, Missouri and Illinois.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5992 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-237-000]

#### National Fuel Gas Supply Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, First Rev Thirty-Second Rev Sheet No. 9, to become effective March 1, 2001.

National states that under Article II, section 2, of the settlement, it is required to recalculate the maximum Interruptible Gathering (IG) rate monthly and to charge that rate on the first day of the following month if the result is an IG rate more than 2 cents above or below the IG rate as calculated under section 1 of Article II. The recalculation produced an IG rate of \$1.11 per dth. In addition, Article III, section 1 states that any overruns of the Firm Gathering service provided by National shall be priced at the maximum IG rate.

National states that copies of the filing have been served upon all customers on the service list.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the



Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-5988 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-246-000]

#### Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets listed on Appendix A to the filing, to be effective April 1, 2001.

Natural states that the purpose of this filing is to implement new Rate Schedule LPS, under which Natural would provide an interruptible park and loan service based on system operating conditions and line pack, without reliance on storage. Natural is also proposing other conforming changes in the General Terms and Conditions of the Tariff, particularly in section 5.7 relating to the priority of service. This proposed new service will assist a Shipper in managing its imbalances, in avoiding penalties, imbalance charges and cashouts and in handling its overall portfolio of services.

Natural states that copies of the filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for

assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-5997 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-10-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-244-000]

#### Northwest Alaskan Pipeline Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Northwest Alaskan Pipeline Company (Northwest Alaskan) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 2, Fiftieth Revised Sheet No. 5, proposed to be effective January 1, 2001.

Northwest Alaskan states that the purpose of the instant filing is to remove its administrative charges from the demand charges stated in its tariff and to provide for payment by Pan-Alberta Gas (U.S.) Inc. (Pan-Alberta) of the net amount (i.e., the total amount Pan-Alberta has agreed to pay to Northwest Alaskan, less the litigation costs that it already has paid through Northwest Alaskan's administrative charges) owed by Northwest Alaskan under the parties' Settlement Agreement of November 28, 2000. Northwest Alaskan further states that the Commission approved the parties' settlement on February 7, 2001, by letter order in Northwest Alaskan's Docket Nos. RP99-308-003, et al., 94 FERC ¶ 61,098.

Northwest Alaskan states that it is serving copies of the instant filing on its affected customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(ii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-5995 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-252-000]

#### Northwest Pipeline Corporation; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to be effective April 1, 2001:

##### Third Revised Volume No. 1

Thirteenth Revised Sheet No. 14

##### Original Volume No. 2

Thirtieth Revised Sheet No. 2.1

Northwest states that the purpose of this filing is to propose new fuel reimbursement factors (Factors) for Northwest's transportation and storage rate schedules. The Factors allow Northwest to be reimbursed in-kind for the fuel used during the transmission and storage of gas and for the volumes of gas lost and unaccounted-for that occur as a normal part of operating the transmission system.

Northwest states that a copy of this filing has been served upon Northwest's customers and interested state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make



protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6002 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP98-40-000]

#### Panhandle Eastern Pipeline Company; Notice of Informal Settlement Conference

March 6, 2001.

An informal settlement conference will be held in the above docket regarding the Kansas ad valorem tax refund issues in the proceedings involving the Panhandle Eastern Pipeline Company system. The conference will be held on March 13, 2001, at the Hilton Kansas City Airport hotel, 8801 112th Street, NW., Kansas City, Missouri. The conference will begin at 8:00 a.m. For questions concerning the conference, please call Deborah Osborne, Dispute Resolution Service. Her telephone number is 202-208-0831 and her e-mail address is [deborah.osborne@ferc.fed.us](mailto:deborah.osborne@ferc.fed.us). All interested parties in the above-referenced docket are requested to attend.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5987 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-250-000]

#### Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective April 1, 2001.

Panhandle states that this filing is made in accordance with section 24 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Panhandle's FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets filed herewith reflect the following changes to Fuel Reimbursement Percentages:

- (1) No change in the Gathering Fuel Reimbursement Percentage;
- (2) No change in the Field Zone Fuel Reimbursement Percentage;
- (3) A 0.03% increase in the Market Fuel Reimbursement Percentage;
- (4) No change in the Injection and Withdrawal Field Area Storage Reimbursement Percentages; and
- (5) No change in the Injection and Withdrawal Market Area Storage Reimbursement Percentages.

Panhandle further states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and area available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of

paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6000 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-243-000]

#### Pine Needle LNG Company, LLC; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Pine Needle LNG Company, LLC (Pine Needle) tendered for filing to its FERC Gas Tariff, Original Volume No. 1, certain new and revised tariff sheets, which are enumerated in Appendix A to the filing, with an effective date of March 31, 2001.

Pine Needle proposes herein to revise its tariff to reflect new customer services and business practices that will be available on Pine Needle's Electronic Bulletin Board (EBB). As is described more fully herein, Pine Needle's proposed tariff modifications relate specifically to the following areas:

- Formalizing and establishing certain pipeline business practices including those relating to capacity release and scheduling equality;
- Revising certain billing and payment practices; and
- Modifying and formalizing certain pipeline business practices including establishing daily rates and adopting the GISB standard Trading Partner Agreement.

Pine Needle states that it is serving copies of the filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party

must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5994 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-242-000]

#### Southern Natural Gas Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on February 28, 2001, Southern Natural Gas Company (Southern), tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1, listed in Attachment A to the filing, with an effective date of April 1, 2001.

Southern states that the purpose of the filing is to permit Southern to implement a park and loan (PAL) service on its system. Southern states that the tariff sheets include a new Rate Schedule PAL, a new proforma service agreement for the PAL service, the applicable rate sheet and various changes to its General Terms and Conditions describing the priority of service and creditworthiness standards for the PAL service.

Southern states that copies of the filing will be served upon its shippers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5993 Filed 3-9-01; 8:45 am]

BILLING CODE 6917-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-248-000]

#### Southwest Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Southwest Gas Storage Company (Southwest) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Third Revised Sheet No. 5, proposed to become effective April 1, 2001.

Southwest states that this filing is made in accordance with Section 16 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Southwest's FERC Gas Tariff, First Revised Volume No. 1. The Fuel Reimbursement Adjustment filed herewith reflects the following Fuel Reimbursement Percentages: (1) West Area Storage Facilities Injection 1.36% and Withdrawal 0.63%; and (2) East Area Storage Facilities Injection 2.56% and Withdrawal 1.21%.

Southwest further states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5985 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-238-000]

#### Tennessee Gas Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, First Revised Sheet No. 240, with an effective date of April 1, 2001.

Tennessee states that this revised sheet is being filed to clarify certain imbalance provisions of its Park and Loan (PAL) service under Rate Schedule PAL.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on the file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in

lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5989 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-239-000]

#### Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on February 28, 2001, Tennessee Gas Pipeline Company (Tennessee), tendered for filing as part of its FERC Gas Tariff, Fifth Revised Sheet No. 159 and Fifth Revised Sheet No. 220. Tennessee requests that the tariff sheets be made effective April 1, 2001.

Tennessee is proposing to provide flexibility for customer's use of their Transportation Path under Extended Delivery Service and Extended Receipt Service (ED/ERS) and remove any requirement that receipt and delivery points used under EDS/ERS, be either upstream or downstream, respectively, of the customer's Transportation Path. Tennessee is also updating the language used for EDS/ERS in Rate Schedule FT-A.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR

385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5990 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-251-000]

#### TransColorado Gas Transmission Company; Notice of Reimbursement Report and Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing its annual Fuel Gas Reimbursement Percentage (FGRP) report and proposed a 0.1% variance adjustment to be effective April 1, 2001.

TransColorado also tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Sixth Revised Sheet No. 247 and Second Revised Sheet No. 247A, to be effective April 1, 2001.

TransColorado states that the filing it being made to revise its FGRP provision to allow for the recovery or return of lost, gained, or unaccounted-for gas in connection with transportation service for future Phase I shippers.

TransColorado states that it does not intend to apply the Lost and Unaccounted for provisions to existing Phase I contracts. The Phase I Lost and Unaccounted-for gas provision will only be applied to contracts entered into after March 1, 2001, because TransColorado's existing Phase I shippers contracted that they would not be subject to a fuel or lost and unaccounted-for gas reimbursement and TransColorado believe that it is bound to honor those agreements.

TransColorado stated that a copy of this filing has been served upon its customers, the New Mexico Public Utilities Commission and the Colorado Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before March 13, 2001. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6001 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-245-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in appendix A to that filing, to become effective April 1, 2001.

Transco states that the tariff sheets submitted in the filing reflect a general rate increase. Transco states that the cost of service proposed in the filing is \$876,958,109, compared to a cost of service of \$649,115,408 underlying Transco's rates found just and reasonable in Docket No. RP97-71, as more fully described in the filing. Transco states that the principal factors supporting the increase in cost of service are (1) an increase in rate base resulting from additional plant, (2) an increase in rate of return and related taxes, and (3) an increase in operation and maintenance expenses.

Transco further states that the filing reflects the following changes from its pre-filed methods: (1) A proposed decrease in the annual depreciation accrual rate for three of its plant categories, (2) the application of established cost allocation methods to the NIPPS/IEC transportation service, (3) the inclusion of the Commission approved Maiden Lateral Surcharge, (4) the roll-in of Transco's Mobile Bay expansion project approved in Docket No. CP97-92 which was placed into

service in August 1998, (5) a revision to Transco's revenue sharing provisions related to Rate Schedules ISS, ICTS, and PBS, (6) the allocation of 100% of the costs of the capacity formerly used to provide the Rate Schedule X-140 service to Mid-Louisiana Gas Company to non-incrementally priced transportation services, and (7) the elimination of the Mobile Bay "at risk" condition.

Transco states that the instant filing also proposes on a prospective only basis the following changes to pre-filed methods: (1) To roll-in the costs of its SunBelt, Pocono and Cherokee expansion transmission facilities, which are currently subject to incremental pricing, and (2) the amendment of its transmission electric power tracking mechanism in Section 41 of the General Terms and Conditions of Transco's FERC Gas Tariff to include costs associated with the operation of gas coolers at Transco's various compressor station locations, which amendment is reflected in a pro forma tariff sheet included with the filing.

Transco states that copies of the filing are being mailed to each of its affected customers, interested State Commissions, and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5996 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-253-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001 Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, certain revised tariff sheets which sheets are enumerated in Appendix A attached to the filing, with an effective date of April 1, 2001.

Transco states that the instant filing is submitted pursuant to section 38 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file, to be effective each April 1, a redetermination of its fuel retention percentages applicable to transportation and storage rate schedules. The derivations of the revised fuel retention percentages included therein are based on Transco's estimate of gas required for operations (GRO) for the forthcoming annual period April 2001 through March 2002 plus the balance accumulated in the Deferred GRO Account at January 31, 2001.

Transco states that included in the filing is an increase of 3.52 MMDt in the estimated GRO for the forthcoming annual period due to the results of an inventory verification study conducted in 2000 at Transco's Eminence Storage Facility, a salt-cavern storage facility located in Mississippi. Appendix B attached to the filing contains workpapers supporting the derivation of the revised fuel retention factors contained therein.

Transco states that copies of the filing are being mailed to its affected customers and interested State Commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Deputy Secretary.*

[FR Doc. 01-6003 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-249-000]

#### Trunkline Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 6, 2001.

Take notice that on March 1, 2001, Trunkline Gas Company (Trunkline) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed in Appendix A attached to the filing, to become effective April 1, 2001.

Trunkline states that this filing is being made in accordance with section 22 (Fuel Reimbursement Adjustment) of Trunkline's FERC Gas Tariff, First Revised Volume No. 1. The revised tariff sheets listed on Appendix A reflect: a 0.24% decrease (Field Zone to Zone 2), a 0.23% decrease (Zone 1A to Zone 2), a 0.18% decrease (Zone 1B to Zone 2), a 0.3% increase (Zone 2 only), a 0.40% decrease (Field Zone to Zone 1B), a 0.39% decrease (Zone 1A to Zone 1B), a 0.34% decrease (Zone 1B only), a 0.19% decrease (Field Zone to Zone 1A), a 0.18% decrease (Zone 1A only) and a 0.14% decrease (Field Zone only) to the currently effective fuel reimbursement percentages.

Trunkline states that copies of this filing are being served on all affected shippers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Rules Regulations.

Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5999 Filed 3-12-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER01-852-000]

#### Twelvepole Creek, LLC, Notice of Issuance of Order

March 6, 2001.

Twelvepole Creek, LLC (Twelvepole) submitted for filing a rate schedule under which Twelvepole will engage in wholesale electric power and energy transactions at market-based rates. Twelvepole also requested waiver of various Commission regulations. In particular, Twelvepole requested that the Commission grant blanket approval under 18 CFR part 34 of all future issuances of securities and assumptions of liability by Twelvepole.

On February 21, 2001, pursuant to delegated authority, the Director, Division of Corporate Applications, Office of Markets, Tariffs and Rates, granted requests for blanket approval under part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by Twelvepole 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).

Absent a request to be heard within this period, Twelvepole is authorized to issue securities and assume obligations

or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of Twelvepole's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is March 23, 2001.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426. The Order may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (202-208-2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6048 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-247-000]

#### Viking Gas Transmission Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Viking Gas Transportation Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 6B, to become effective April 1, 2001.

Viking states that the purpose of this filing is to make Viking's annual adjustment to its Fuel and Loss Retention Percentages in accordance with section 154.403 of the Commission's Rules and Regulations, 18 CFR 154.403 and section 26 of the General Terms and Conditions of Viking's FERC Gas Tariff. The new Fuel and Loss Retention Percentages for Rate Schedules FT-A, FT-B, FT-C, FT-D, It and AOT are respectively: 1.66 percent for Zone 1-1, 2.02 percent for Zone 1-2, and .37 percent for Zone 2-2.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion

to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-5998 Filed 3-9-01; 8:45 am]

**BILLING CODE 6917-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-254-000]

#### Viking Gas Transmission Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets to become effective April 1, 2001.

Eighth Revised Sheet No. 6B

Viking states that the purpose of this filing is to make Viking's annual adjustment to its Load Management Cost Reconciliation Adjustment in accordance with section 154.403 of the Commission's Rules and Regulations, 18 CFR 154.403 and section 27 of the General Terms and Conditions of Viking's FERC Gas Tariff.

Viking states that copies of the filing have been mailed to all of its jurisdictional customers and to affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission,

888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions and protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-6004 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-256-000]

#### Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

March 6, 2001.

Take notice that on March 1, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2, certain revised tariff sheets listed on Appendix A to the filing, with an effective date of March 1, 2001.

Williston Basin states that the revised tariff sheets are being filed pursuant to the Service Agreement applicable to Rate Schedule X-13 service between Williston Basin and Northern States Power Company. The rate for firm transportation hereunder has been restated to reflect the fourth biennial restatement under the terms of the Service Agreement. The restated rate reflects a reservation charge of \$17.52627 per Mcf per month, excluding applicable surcharges.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections

385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-6006 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EC01-72-000, et al.]

#### Consolidated Edison Company, et al.; Electric Rate and Corporate Regulation Filings

March 2, 2001.

Take notice that the following filings have been made with the Commission:

##### 1. Consolidated Edison Company of New York, Inc. and Entergy Nuclear Indian Point 2, LLC

[Docket No. EC01-72-000]

Take notice that on February 23, 2001, Consolidated Edison Company of New York, Inc. (Con Edison) and Entergy Nuclear Indian Point 2, LLC (ENIP2) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby Con Edison will divest, and ENIP2 will acquire, for cash and other consideration, Indian Point Generating Station Unit 1, which is retired, Indian Point Generating Station Unit 2, a 941 Megawatt (MW) pressurized water reactor, Indian Point Gas Turbine Units 1, 2 and 3, which together comprise 47 MW, and the Toddville Training Center. The total generation capacity of the generation assets is 988 MW. Pursuant to section 203 of the Federal Power Act,

Federal Energy Regulatory Commission approval is required for both Con Edison's divestiture and ENIP2's acquisition of the jurisdictional assets.

*Comment date:* March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 2. Kansas City Power & Light Company

[Docket No. EC01-74-000]

Take notice that on February 23, 2001, Kansas City Power & Light Company (KCPL) filed with the Federal Energy Regulatory Commission (Commission), an application pursuant to section 203 of the Federal Power Act and Part 33 of the Commission's Regulations for authorization to implement a new holding company structure. The Applicant states that the proposed transaction is an internal corporate reorganization that raises no issues under the Commission's Merger Guidelines.

*Comment date:* March 16, 2001, in accordance with Standard Paragraph E at the end of this notice.

##### 3. Mountain View Power Partners II, LLC

[Docket No. EG01-135-000]

Take notice that on February 27, 2001, Mountain View Power Partners II, LLC (Mountain View II), whose sole member is currently SeaWest WindPower, Inc., located at 1455 Frazee Road, San Diego, California, 92108, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Mountain View II will construct, own or lease and operate a wind-powered generating facility with a maximum planned output of 22.2 MW in the San Geronio Pass of Riverside County, California, near the City of Palm Springs. The proposed wind power plant is expected to deliver test power to the grid no later than April 1, 2001 and to commence commercial operations by June 2001.

*Comment date:* March 23, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

##### 4. Black Hills Generation, Inc., (Formerly Wygen, Inc.)

[Docket No. EG01-136-000]

Take notice that on February 23, 2001 Black Hills Generation, Inc. (BHG) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale

generator status pursuant to Part 365 of the Commission's regulations. The eligible facilities include an 80 MW coal plant and a 40 MW combustion turbine both located in Campbell County, Wyoming near Gillette, Wyoming. BHG's principal business offices are located at 625 Ninth Street, P.O. Box 1400, Rapid City, SD 57709.

*Comment date:* March 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 5. Reliant Energy Aurora, LP

[Docket No. ER01-687-002]

Take notice that on February 27, 2001 Reliant Energy Aurora, LP (Reliant Aurora) tendered for filing its FERC Electric Rate Schedule No. 1 authorizing Reliant Aurora to make sales at market-based rates.

Reliant Aurora has requested this rate schedule become effective on February 1, 2001.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 6. Ameren Services Company

[Docket No. ER01-1331-000]

Take notice that on February 27, 2001, Ameren Services Company (ASC) tendered for filing a Transmission System Interconnection Agreement and Parallel Operating Agreement between ASC and Duke Energy Audrain, LLC. ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Duke Energy Audrain, LLC pursuant to Ameren's Open Access Tariff.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 7. Central Vermont Public Service Corporation

[Docket No. ER01-1333-000]

Take notice that on February 27, 2001, Central Vermont Public Service Corporation (Central Vermont), tendered for filing executed Service Agreements for Firm Point-to-Point Transmission Service and Non-Firm Point-to-Point Transmission Service with Merchant Energy Group of the Americas, Inc. under Central Vermont's FERC Electric Tariff, First Revised Volume No. 7.

Copies of the filing were served upon the above-mentioned company and the Vermont Public Service Board.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 8. Magnolia Energy LP

[Docket No. ER01-1335-000]

Take notice that on February 27, 2001, Magnolia Energy LP (Magnolia)

tendered for filing an application for waivers and blanket approvals under various regulations of the Commission and for an order accepting Magnolia's Electric Rate Schedule FERC No. 1 to be effective on April 16, 2001.

Magnolia intends to engage in electric power and energy transactions as a marketer and a broker. In transactions where Magnolia sells electric energy, it proposes to make such sales on rates, terms and conditions to be mutually agreed to with the purchasing party. Magnolia's proposed Rate Schedule also permits it to reassign transmission capacity.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Mountain View Power Partners II, LLC

[Docket No. ER01-1336-000]

Take notice that on February 27, 2001, Mountain View Power Partners II, LLC (Mountain View II) applied to the Commission for acceptance of Mountain View II's Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electric energy, capacity and ancillary services at market-based rates; and the waiver of certain Commission regulations.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 10. Cinergy Capital & Trading, Inc.

[Docket No. ER01-1337-000]

Take notice that on February 27, 2001, Cinergy Capital & Trading, Inc. tendered for filing a notice of change in status to reflect its pending acquisition of Brownsville Power I, L.L.C. and Caledonia Power I, L.L.C., and amendments to its market-based rate tariff and code of conduct.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Commonwealth Edison Company

[Docket No. ER01-1338-000]

Take notice that on February 27, 2001, Commonwealth Edison Company (ComEd) submitted for filing a Short-Term Firm Transmission Service Agreement and a Non-Firm Transmission Service Agreement with Axia Energy, LP (Axia) under the terms of ComEd's Open Access Transmission Tariff (OATT).

ComEd requests an effective date of February 20, 2001 for the Agreements with Axia and accordingly, seeks waiver of the Commission's notice requirements.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 12. San Diego Gas & Electric Company

[Docket No. ER01-1339-000]

Take notice that on February 27, 2001, San Diego Gas & Electric Company (SDG&E) tendered for filing as service agreements to its FERC Electric Tariff, First Revised Original Volume No. 6 two interconnection agreements. Both agreements relate to the interconnection of a new generation plant to be owned by Otay Mesa Generation Company, LLC (OMG). The plant, with a capacity of up to 592 megawatts, will be located in San Diego County, California and is expected to begin service in 2003.

Service Agreement No. 1 is an Interconnection Facilities Agreement dated February 16, 2001 between SDG&E and OMG, under which SDG&E will construct, operate, and maintain the proposed interconnection facilities. Service Agreement No. 2, the Interconnection Agreement between SDG&E and OMG dated February 16, 2001, establishes interconnection and operating responsibilities and associated communications procedures between the parties.

SDG&E states that copies of the filing have been served on OMG and on the California Public Utilities Commission.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 13. Black Hills Corporation, n/k/a Black Hills Power, Inc.

[Docket No. ER01-1340-000]

Take notice that on February 27, 2001, Black Hills Corporation, n/k/a Black Hills Power, Inc., tendered for filing an individual long-term service agreement with Public Service Company of Colorado under Black Hills' Market-Based Rate Wholesale Power Sales Tariff, FERC Electric Tariff, Original Vol. No. 3.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 14. Automated Power Exchange, Inc.

[Docket No. ER01-1359-000]

Take notice that on February 27, 2001, Automated Power Exchange, Inc. (APX) submitted for filing an annual report for 2000.

*Comment date:* March 20, 2001, in accordance with Standard Paragraph E at the end of this notice.



**15. Otay Mesa Generating Company, LLC**

[Docket No. TX01-2-000]

Take notice that on February 27, 2001, Otay Mesa Generating Company, LLC ("OMG") applied in the above-numbered docket for an order, under Section 211 of the Federal Power Act (FPA), 16 U.S.C. 824j, compelling San Diego Gas & Electric (SDG&E) to provide interconnection and transmission service under the terms and conditions of the Transmission Control Agreement (TCA) between SDG&E and the California Independent System Operator Corporation (ISO), the Transmission Owner's Tariff, the ISO Tariff, the Interconnection Agreement (IA) between OMG and SDG&E and the Interconnection Facilities Agreement (IFA) between OMG and SDG&E, as they may be in effect from time to time. SDG&E's concurrence is submitted with this application.

OMG states that this filing has been served upon SDG&E, the Public Utilities Commission of the State of California, and the California Electricity Oversight Board.

*Comment date:* March 29, 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. 01-5982 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. PR01-5-000]

**Magic Valley Pipeline, L.P., Notice of Rate Election**

March 6, 2001.

Take notice that on January 23, 2001, Magic Valley Pipeline, L.P. (Magic Valley) filed, pursuant to section 284.123(b)(1)(ii) of the Commission's regulations, an election to use rates set forth in its effective state transportation rate schedule for comparable services under subpart C of part 284 of the Commission's regulations. This rate will be applicable to the firm transportation of natural gas under section 311(a)(2) of the Natural Gas Policy Act of 1978.

Magic Valley has also submitted its Statement of Operating Conditions in compliance with section 284.123(e) of the Commission's regulations.

Pursuant to section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date of Magic Valley's Petition, Magic Valley's rates for firm and interruptible storage services will be deemed to be fair and equitable. The Commission may within such 150 days period extend the time for action or institute a proceeding in which all interested parties will be afforded an opportunity for written comments and the oral presentation of views, data and arguments.

Any person desiring to participate in this rate proceeding must file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before March 21, 2001. This petition for rate approval is on file with the Commission and is available for public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instruction on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,***Secretary.*

[FR Doc. 01-5986 Filed 3-9-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission**

[Docket No. EL01-42-000, et al.]

**Universal Studios, Inc., et al. Electric Rate and Corporate Regulation Filings**

March 5, 2001.

Take notice that the following filings have been made with the Commission:

**1. Universal Studios, Inc., v. Southern California Edison**

[Docket No. EL01-42-000]

Take notice that on March 2, 2001, Universal Studios, Inc. (Universal), tendered for filing a complaint against Southern California Edison (SCE) pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, and section 206 of the Federal Power Act, 16 U.S.C. 824d.

Universal is primarily engaged in the production and distribution of filmed entertainment and recorded music, and in the operation of theme parks and entertainment/retail complexes. Universal purchases power from SCE for its Universal City, California site under an interruptible rate schedule, I-6, and contract.

Universal alleges willful misconduct on the part of SCE involving deliberate under scheduling of power needs, precipitating calls upon Universal to cease taking electric service. Universal seeks a declaration from the Commission that Universal owes no penalties to SCE for failure to interrupt its electrical demand during the relevant period.

*Comment date:* March 22, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be due on or before March 22, 2001.

**2. Public Service Company of New Mexico v. California Power Exchange Corporation**

[Docket No. EL01-43-000]

Take notice that on March 2, 2001, Public Service Company of New Mexico (PNM), tendered a Complaint Requesting Fast Track Processing against the California Power Exchange Corporation (PX) pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e (1994). PNM alleges that the PX is violating the default provisions in its tariff by charging other PX participants for payments owed to the PX by Southern California Edison Company (Edison) and Pacific Gas & Electric Company (PG&E) and by issuing



improper notices of default to PX Participants who decline to pay amounts owed by Edison and PG&E. PNM requests that the Commission direct the PX immediately to: (i) Cease applying the chargeback provisions of its tariff; (ii) in the event that the currently-effective Federal district court injunction expires, take no action to issue further default notices pursuant to the chargeback provisions of its tariff; (iii) refund to PNM all amounts it has offset against amounts owed to PNM in violation of the tariff, with interest; and (iv) in the event that the PX issues a default notice to PNM prior to Commission action on this Complaint, to rescind such notice and cease any action to enforce PNM's letter of credit. PNM further requests that its complaint be consolidated with complaints filed in Docket Nos. EL01-36-000 and EL01-37-000, which also address application of the chargeback mechanism by the PX.

Copies of the filing were served upon the PX, the California Public Utilities Commission, and all persons designated on the official service list compiled by the Secretary in Docket Nos. EL00-95-000, et al.

*Comment date:* March 22, 2001, in accordance with Standard Paragraph E at the end of this notice. Answers to the complaint shall also be filed on or before March 22, 2001.

### 3. PacifiCorp

[Docket No. ER01-1355-000]

Take notice that on February 28, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement, a Network Operating Agreement, and a Long-Term Firm Point-to-Point Transmission Service Agreement with Deseret Generation and Transmission Cooperative (Deseret) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 Tariff.

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 4. Niagara Mohawk Power Corporation, New York State Electric & Gas Corporation, Rochester Gas and Electric Corporation, Central Hudson Gas & Electric Corporation, Constellation Nuclear, LLC, and Nine Mile Point Nuclear Station, LLC

[Docket No. EC01-75-000]

Take notice that on February 28, 2001, Niagara Mohawk Power Corporation

(NMPC), New York State Electric & Gas Corporation (NYSEG), Rochester Gas and Electric Corporation (RG&E), Central Hudson Gas & Electric Corporation (CHGEC), Constellation Nuclear, LLC (Nuclear LLC), and Nine Mile Point Nuclear Station, LLC (Nine Mile LLC) (collectively, the Applicants) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to Section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby NMPC will transfer to Nine Mile LLC NMPC's 100% jurisdictional interest in the Nine Mile Point Unit No. 1 nuclear generating station; NMPC, NYSEG, RG&E, and CHGEC will transfer to Nine Mile LLC NMPC's 41% jurisdictional interest, NYSEG's 18% jurisdictional interest, RG&E's 14% jurisdictional interest, CHGEC's 9% jurisdictional interest in Nine Mile Point Unit No. 2 (NMP-2) nuclear generating station; RG&E and CHGEC will transfer to NMPC their respective jurisdictional interests in transmission and interconnection facilities that directly interconnect NMP-2 with NMPC's transmission system; and NMPC will acquire Long Island Lighting Company's interest in the same transmission and interconnection facilities being transferred to NMPC by RG&E and CHGEC. As a result of these dispositions, Nine Mile LLC will own 1,550 MW of Nine Mile Point Nuclear Station's 1,757 MW total generating capacity. These dispositions will be accomplished in a cash sale as set forth and described in the transaction agreements. Applicants have served a copy of this filing on the state commission of New York.

Pursuant to 18 CFR 388.112(b) of the Commission's regulations, Applicants further request confidential treatment for the computer program methodology and electronic CD ROM containing the computer program provided in this application by Mr. Rodney Frame. Finally, Applicants propose to close the sale on or before July 1, 2001, and therefore request expeditious action by the Commission no later than May 15, 2001.

*Comment date:* April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 5. Illinois Power Company

[Docket Nos. ER99-4415-006, ER99-4530-005, E100-7-005]

Take notice that on February 26, 2001, Illinois Power Company (Illinois Power), tendered for filing revisions to tariff sheets filing with the Commission

on February 9, 2001, in the above-referenced docket.

*Comment date:* March 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 6. American Electric Power Service Corporation

[Docket No. ER01-741-000]

Take notice that on December 21, 2000, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Interconnection and Operation Agreement between Kentucky Power Company and Riverside Generating Company, LLC, as construction agent for the Lawrence County Riverside Trust 2000. The agreement is 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, effective June 15, 2000.

AEP requests an effective date of December 22, 2000.

A copy of the filing was served upon the Kentucky Public Service Commission and the parties to this docket.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 7. LG&E Power Monroe LLC

[Docket No. ER01-1310-001]

Take notice that on February 28, 2001, LG&E Power Monroe LLC, (Power Monroe), tendered for filing pursuant to section 205 of the Federal Power Act, and Part 35 of the Commission's Regulations, as supplemented on February 28, 2001 an application for authorization to engage in the sale of electric energy and capacity at market-based rates, waiver of certain Commission regulations, and certain blanket approvals under such regulations. Power Monroe proposes to own and operate three combustion turbine electric generating units in Georgia.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 8. Ocean State Power

[Docket No. ER01-1341-000]

Take notice that on February 28, 2001, Ocean State Power (Ocean State), tendered for filing revised pages to its initial rate schedules, which update Ocean State's rate of return on equity (ROE) with respect to Rate Schedule FERC Nos. 1-4.

Ocean State requests an effective date for the rate schedule changes of April 29, 2001.

Copies of the Supplements have been served upon, among others, Ocean State's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 9. Ocean State Power II

[Docket No. ER01-1342-000]

Take notice that on February 28, 2001, Ocean State Power II (Ocean State II) tendered for filing revised pages to its initial rate schedules, which update Ocean State II's rate of return on equity (ROE) with respect to Rate Schedule FERC Nos. 5-8.

Ocean State II requests an effective date for the rate schedule changes of April 29, 2001.

Copies of the Supplements have been served upon, among others, Ocean State II's power purchasers, the Massachusetts Department of Public Utilities, and the Rhode Island Public Utilities Commission.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 10. PJM Interconnection, L.L.C.

[Docket No. ER01-1343-000]

Take notice that on February 28, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing PJM's FERC Electric Tariff, Fourth Revised Volume No. 1 to conform to the requirements of Designation of Electric Rate Schedule Sheets, Order No. 614, III FERC Stats. & Regs., Regs. Preambles ¶ 31,096 (2000).

Copies of this filing were served via email upon the PJM members, and by hard copy to the state commissions within the PJM control area.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 11. Maine Public Service Company

[Docket No. ER01-1344-000]

Take notice that on February 28, 2001, Maine Public Service Company (MPS), tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Commission's Regulations, revisions to its Open Access Transmission Tariff (OATT) to implement a formula for determining the loss factor.

MPS proposes that the OATT revisions become effective March 1, 2002.

Copies of this filing were served on the current customers under the OATT, parties to the Loss Study Settlement Agreement, parties to the settlement in

Docket No. ER00-1053-000, the Northern Maine Independent System Administrator, Inc., the Maine Public Utilities Commission, and the Maine Public Advocate.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 12. Sacramento Municipal Utility District

[Docket No. ER01-1345-000]

Take notice that on February 28, 2001, the Sacramento Municipal Utility District (SMUD), tendered for filing a Notice of Termination of its Participation Agreement with the California Power Exchange Corporation (PX). SMUD states that it makes this filing from an abundance of caution, as it has already provided termination notice to the PX consistent with the terms of the PX tariff that should be sufficient to effectuate termination.

SMUD requests any waivers as may be necessary to make this termination effective as of 12:01 a.m. PST, February 13, 2001.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 13. Lockhart Power Company

[Docket No. ER01-1346-000]

Take notice that on February 28, 2001, Lockhart Power Company (Lockhart), tendered for filing a proposed revision to its FERC Electric Tariff, Original Volume No. 1. Lockhart states that this change will be revenue-neutral.

Lockhart requests that the Commission accept the change effective May 1, 2001.

Copies of this filing have been served upon the city of Union and the South Carolina Public Service Commission.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 14. Florida Power Corporation

[Docket No. ER01-1347-000]

Take notice that on February 28, 2001, Florida Power Corporation (FPC), tendered for filing a Short-Form Market-Based Wholesale Power Sales Tariff (Short-Form Tariff). The Short-Form Tariff will not replace FPC's existing market-based rate tariff, FERC Electric Tariff, First Revised Volume No. 8.

FPC requests waiver of the Commission's notice of filing requirement to allow the Short-Form Tariff to become effective March 1, 2001, the day after filing.

Copies of the filing were served upon FPC's existing market-based rate tariff customers and the Florida Public Service Commission.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 15. Virginia Electric and Power Company

[Docket No. ER01-1348-000]

Take notice that on February 28, 2001, Virginia Electric and Power Company (Dominion Virginia Power or the Company), tendered for filing a Service Agreement with FirstEnergy Services Corp., for Firm Point-to-Point Transmission Service designated as Service Agreement No. 314 under the Company's FERC Electric Tariff, Second Revised Vol. No. 5.

The foregoing Service Agreements are tendered for filing under the Open Access Transmission Tariff to Eligible Purchasers effective June 7, 2000. Under the tendered Service Agreements, Dominion Virginia Power will provide point-to-point service to FirstEnergy Services Corp. under the rates, terms and conditions of the Open Access Transmission Tariff.

Dominion Virginia Power requests an effective date of February 28, 2001, the date of filing of the Service Agreements.

Copies of the filing were served upon FirstEnergy Services Corp., the Virginia State Corporation Commission, and the North Carolina Utilities Commission.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 16. Detroit Edison Company

[Docket No. ER01-1349-000]

Take notice that on February 28, 2001, Detroit Edison Company tendered for filing a letter approving its application for membership in the Western System Power Pool (WSPP).

Detroit Edison Company requests the Commission to allow its membership in the WSPP to become effective on March 1, 2001.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### 17. Cinergy Services, Inc.

[Docket No. ER01-1350-000]

Take notice that on February 28, 2001, Cinergy Services, Inc. (Provider), tendered for filing a Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Provider and Axia Energy, LP (Customer).

Provider and Customer are requesting an effective date of February 23, 2001.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

**18. Avista Corporation**

[Docket No. ER01-1351-000]

Take notice that on February 28, 2001, Avista Corporation (AVA), tendered for filing with the Federal Energy Regulatory Commission pursuant to Section 35.12 of the Commissions, 18 CFR Part 35.12, an executed Service Agreement, Exhibit B, to be assigned Rate Schedule No. 286 for Avista Corporation under AVA's FERC Electric Tariff First Revised Volume No. 9, with PacifiCorp.

AVA requests waiver of the prior notice requirement and requests that the Service Agreement be accepted for filing effective February 21, 2001.

A copy of this filing has been served upon PacifiCorp.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

**19. Cinergy Services, Inc.**

[Docket No. ER01-1352-000]

Take notice that on February 28, 2001, Cinergy Services, Inc. (Provider), tendered for filing a Non-Firm Point-To-Point Service Agreement under Cinergy's Open Access Transmission Service Tariff (OATT) entered into between Cinergy and Axia Energy, LP (Customer).

Provider and Customer are requesting an effective date of February 23, 2001.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

**20. PacifiCorp**

[Docket No. ER01-1353-000]

Take notice that PacifiCorp on February 28, 2001, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement and a Network Operating Agreement with the Utah Associated Municipal Power Systems (UAMPS) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

*Comment date:* March 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

**21. PacifiCorp**

[Docket No. ER01-1354-000]

Take notice that on February 28, 2001, PacifiCorp tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, a Network Integration Transmission Service Agreement and a Network

Operating Agreement with the Utah Municipal Power Agency (UMPA) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

*Comment date:* March 21, 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. 01-5983 Filed 3-9-01; 8:45 am]

**BILLING CODE 6717-01-P****ENVIRONMENTAL PROTECTION AGENCY****[FRL-6952-6]****Science Advisory Board; Emergency Notification of Public Advisory Committee Meeting(s)**

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that one committee of the US EPA Science Advisory Board (SAB) will hold a public teleconference meet on the date and time noted below. All times noted are Eastern Daylight Time. All meetings are open to the public, however, seating is limited and available on a first come basis.

**Executive Committee (EC) Workgroup—Teleconference March 22, 2001**

A workgroup of the Science Advisory Board's (SAB) Executive Committee (EC) will conduct a public teleconference meeting on Friday,

March 22, 2001 between the hours of 11:00 a.m. and 1:00 p.m. (Eastern Daylight Time). The meeting will be coordinated through a conference call connection in Room 6013 in the USEPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20004. The public is encouraged to attend the meeting in the conference room noted above, however, the public may also attend through a telephonic link if lines are available. Additional instructions about how to participate in the conference call can be obtained by calling Mrs. Diana Pozun one week prior to the meeting (March 15, 2001) at (202) 564-4544, fax (202) 501-0323, or via e-mail at [pozun.diana@epa.gov](mailto:pozun.diana@epa.gov).

**Purpose of the Meeting**

At this meeting, the EC workgroup will discuss and take public comment on a draft commentary letter it is developing. This draft Commentary, "Improving Science-Based Environmental Stakeholder Processes," (this draft Commentary will be available on the SAB website [www.epa.gov/sab](http://www.epa.gov/sab), directions below) results from a commitment of the EC to examine the use of science in stakeholder processes, as documented in an earlier SAB Commentary "Science Advisory Board Commentary on the Role of Science in 'New Approaches' to Environmental Decision Making that Focuses on Stakeholder Involvement," EPA-SAB-EC-COM-00-002, October 7, 1999 (This Commentary is available on the SAB website [www.epa.gov/sab](http://www.epa.gov/sab), directions below). In that earlier Commentary, the EC noted that: (1) The SAB "enthusiastically support[s] the Agency's efforts to develop and promote new, more flexible, adaptive approaches to environmental regulations;" (2) involving representatives of specific interested or affected parties in environmental decision making is clearly important; (3) the Agency has a responsibility to represent the broad public interest; (4) it is in the broad public interest to base environmental decisions on a "full and careful consideration of all available science;" and (5) in "newer decision environments, which involve a greater focus on consultation and negotiation among directly involved stakeholders," there is a risk that full consideration of all available science may receive too little attention.

The SAB EC has held four workshops (see 64 FR 58840-58841, November 1, 1999; 65 FR 7549-7550, February 15, 2000; 65 FR 39614, June 27, 2000; and 65 FR 60663-60664, October 12, 2000) with the objective of better understanding the way in which

scientific and technical knowledge is being developed and used in stakeholder processes, and identifying strategies which might allow such knowledge to be better developed and used in such processes in the future. Based on information gained in these workshops and published information on the use of science in stakeholder processes, the SAB will finalize its Commentary (Improving Science-Based Environmental Stakeholder Processes) to the Administrator. The Commentary will provide advice to help Agency improve public involvement processes for environmental protection and the use of science in those processes.

At the March 22 teleconference, the SAB EC will be seeking public input on: (1) Whether the draft Commentary makes factual errors; (2) whether there is important evidence or published literature that the draft Commentary needs to better acknowledge or incorporate; and (3) suggestions for ways the draft Commentary may be improved. Given the fact-finding nature of this teleconference call, the SAB EC requests that members of the public seeking to provide oral comments provide a text of their comments in writing to the Designated Federal Officer, Dr. Angela Nugent by noon on March 19, 2001 via e-mail, fax or mail (see contact information below) so that she can plan the agenda.

#### Availability of Review Materials

The draft document, Improving Science-Based Environmental Stakeholder Processes will be posted on the SAB website [www.epa.gov/sab](http://www.epa.gov/sab) (under the DRAFT REPORTS heading) seven business days in advance of the meeting or will be available from Mrs. Pozun (see previous contact information, above). The earlier Science Advisory Board Commentary on the Role of Science in 'New Approaches' to Environmental Decision Making that Focuses on Stakeholder Involvement, EPA-SAB-EC-COM-00-002, October 7, 1999 is available on the SAB website <http://www.epa.gov/sab> (under the REPORTS heading and then the FISCAL YEAR 2000 REPORTS subheading).

#### For Further Information

Any member of the public wishing further information concerning this meeting or wishing to submit brief oral comments must contact Dr. Angela Nugent, Designated Federal Officer, US EPA Science Advisory Board (Mail Code 1400A), Room 6450, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone (202) 564-4562; FAX (202) 501-0323; or via e-mail at

[nugent.angela@epa.gov](mailto:nugent.angela@epa.gov). Requests for oral comments must be *in writing* (e-mail, fax or mail) and received by Dr. Nugent no later than noon Eastern Time on March 19, 2001.

#### Providing Oral or Written Comments at SAB Meetings

It is the policy of the Science Advisory Board to accept written public comments of any length, and to accommodate oral public comments whenever possible. *Oral Comments:* For this teleconference meeting, opportunities for oral comment will usually be limited to no more than five minutes per speaker. Deadlines for getting on the public speaker list for a meeting are given above. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the committee for their consideration. Comments should be supplied to the appropriate DFO at the address/contact information noted above in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 25 copies of their comments for public distribution.

#### General Information

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (<http://www.epa.gov/sab>) and in The FY2000 Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564-4533 or via fax at (202) 501-0323. Committee rosters, draft Agendas and meeting calendars are also located on our website.

#### Meeting Access

Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact the Dr. Nugent at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: March 6, 2001.

**Donald G. Barnes,**

*Staff Director, Science Advisory Board.*

[FR Doc. 01-6176 Filed 3-9-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-181079; FRL-6766-3]

### Acetamiprid; Receipt of Application for Emergency Exemption, Solicitation of Public Comment

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

**ACTION:** Notice.

**SUMMARY:** EPA has received a specific exemption request from the Texas Department of Agriculture to use the pesticide acetamiprid (CAS No. 135410-20-7) to treat up to 1.8 million acres of cotton to control cotton aphid. The Applicant proposes the use of a new chemical which has not been registered by EPA. EPA is soliciting public comment before making the decision whether or not to grant the exemption.

**DATES:** Comments, identified by docket control number OPP-181079, must be received on or before March 27, 2001.

**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 OPP-181079 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Barbara Madden, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-6463; fax number: (703) 308-5433; e-mail address: [madden.barbara@epa.gov](mailto:madden.barbara@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

##### A. Does this Action Apply to Me?

You may be potentially affected by this action if you petition EPA for emergency exemption under section 18 of FIFRA. Potentially affected categories and entities may include, but are not limited to:

Categories	NAICS codes	Examples of potentially affected entities
State government	9241	State agencies that petition EPA for section 18 pesticide exemption

This listing is not intended to be exhaustive, but rather provides a guide

for readers regarding entities likely to be regulated by this action. Other types of entities not listed in the table in this unit could also be regulated. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action applies to certain entities. 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 electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations," "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-181079. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

*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 OPP-181079 in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: [opp-docket@epa.gov](mailto:opp-docket@epa.gov), or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP-181079. 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 proposed rule 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. Background**

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the Administrator determines that emergency conditions exist which require the exemption. The Texas Department of Agriculture has requested the Administrator to issue a specific exemption for the use of acetamiprid on cotton to control cotton aphid. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the Applicant asserts that the state of Texas is likely to experience non-routine infestations of aphids during the 2000 cotton growing season. The cotton aphid, *Aphis gossypii* Glover, has infested cotton acreage in Texas since 1916. However, by 1989 aphids were more difficult to control since they had developed resistance to available pesticides. Since 1994 the Texas Department of Agriculture has been granted emergency exemptions for the use of carbofuran to control cotton aphid. They are now requesting the use of acetamiprid as well. The applicant claims that, without a specific exemption of FIFRA for the use of acetamiprid on cotton to control cotton aphids, cotton growers in the state will suffer significant economic losses.

The Applicant proposes to make no more than four applications of acetamidrid per season formulated as a flowable liquid containing 70% active ingredient (a.i.). A maximum of 0.2 pound of a.i. will be applied per season. The state proposes to treat up to 1.8 million acres of cotton in Texas.

Applications will be made from March 1, 2001 to September 30, 2001. If all of the 1.8 million acres are treated with the maximum amount of acetamidrid proposed (0.2 pound a.i. per acre), then a maximum of 360,000 pound active ingredient would be applied.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 of FIFRA require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient) which has not been registered by the EPA. The notice provides an opportunity for public comment on the application.

The Agency, will review and consider all comments received during the comment period in determining whether to issue the specific emergency exemption requested by the Texas Department of Agriculture.

#### List of Subjects

Environment protection, Pesticides and pests.

Dated: February 20, 2001.

#### Peter Caulkins,

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 01-5865 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-50882; FRL-6771-1]

### Issuance of Experimental Use Permits

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

**ACTION:** Notice.

**SUMMARY:** EPA has granted experimental use permits (EUPs) to the following pesticide applicants. An EUP permits use of a pesticide for experimental or research purposes only in accordance with the limitations in the permit.

**FOR FURTHER INFORMATION CONTACT:** By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

*In person or by telephone:* Contact the designated person at the following

address at the office location, telephone number, or e-mail address cited in each EUP: 1921 Jefferson Davis Hwy., Arlington, VA.

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

###### A. Does this Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to those persons who conduct or sponsor research on pesticides, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this action, consult the designated contact person listed for the individual EUP.

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

You may obtain electronic copies of this document 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/>.

##### II. EUPs

EPA has issued the following EUPs:  
**73815-EUP-1.** Issuance. Pacific Island Ecosystems Research Center, Biological Resources Division, USGS, P.O. Box 44, Hawaii National Park, HI 96718. This EUP allows the use of 3,000 pounds of the rodenticide diphacinone on 120 acres of forested area to evaluate the control of ramik green rodent bait for control of commensal rats and other introduced species. The program is authorized only in the State of Hawaii. The EUP is effective from February 2, 2001 to February 2, 2002. (Daniel Peacock; Rm. 223, Crystal Mall #2; telephone number: (703) 305-5407; e-mail address: [peacock.dan@epa.gov](mailto:peacock.dan@epa.gov)).

**72500-EUP-1.** Issuance. Scimetrix, Ltd., P.O. Box 100, Nunn, CO 80648. This EUP allows the use of 150 pounds of the rodenticide warfarin on 150 acres of bare ground around ground squirrel or black-tailed prairie dog burrows in non-crop areas, rangeland, or pasture to evaluate the control of field rodent bait to control ground squirrels and black-tailed prairie dogs. The program is authorized only in the States of California, Colorado, and Montana. The EUP is effective from January 24, 2001 to January 24, 2002. (Daniel Peacock;

Rm. 223, Crystal Mall #2; telephone number: (703) 305-5407; e-mail address: [peacock.dan@epa.gov](mailto:peacock.dan@epa.gov)).

Persons wishing to review these EUPs are referred to the designated contact person. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**Authority:** 7 U.S.C. 136.

#### List of Subjects

Environmental protection, Experimental use permits.

Dated: February 22, 2001.

#### Peter Caulkins,

*Acting Director, Registration Division, Office of Pesticide Programs.*

[FR Doc. 01-5864 Filed 3-9-01; 8:45 am]

BILLING CODE 6560-50-S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained

from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 6, 2001.

**A. Federal Reserve Bank of Minneapolis** (JoAnne F. Lewellen, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Alliance Bank Shares Corporation*, Andover, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of 1st Regions Bank, Andover, Minnesota.

Board of Governors of the Federal Reserve System, March 7, 2001.

**Robert deV. Frierson,**

*Associate Secretary of the Board.*

[FR Doc. 01-6064 Filed 3-9-01; 8:45 am]

**BILLING CODE 6210-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Office of Public Health and Science; Announcement of Availability of Grants for Adolescent Family Life Demonstration Projects

**AGENCY:** Office of Adolescent Pregnancy Programs, Office of Population Affairs, OPHS, HHS.

**ACTION:** Notice.

**SUMMARY:** The Office of Adolescent Pregnancy Programs (OAPP) requests applications for care demonstration grants under the Adolescent Family Life (AFL) Demonstration Projects Program, as authorized by Title XX of the Public Health Service Act. Funds will be available for approximately 15-20 care demonstration projects, which may be located in any State, the District of Columbia, and United States territories, commonwealths and possessions. These grants are for community-based and community-supported demonstration projects to establish comprehensive and integrated approaches to the delivery of care services to pregnant adolescents, adolescent parents, their partners, children, and extended family members. Faith-based organizations are eligible to apply for these demonstration grants. Funds are not currently available for primary prevention/abstinence education demonstration projects targeting nonpregnant adolescents.

**DATES:** The closing date for this grant announcement is April 30, 2001. Applications will be considered as meeting the deadline if they are postmarked on or before the closing

date. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. All hand delivered applications must be received between the hours of 8:30 a.m. and 5 p.m. on or before the above closing date. Applications which do not meet the deadline will be considered late applications and will be returned to the applicant. Applications will not be accepted by fax or e-mail. The submission deadline will not be extended.

**ADDRESSES:** Application kits consisting of the appropriate forms, a copy of the Title XX legislation, and guidance on the preparation of the application may be downloaded from the following Internet address: [www.dhhs.gov/opa](http://www.dhhs.gov/opa). If you do not have access to the Internet, you may obtain a kit from the Grants Management Office by calling (301) 594-4012 or by writing to the Office of Grants Management, Office of Population Affairs, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. Written requests for application kits may be faxed to (301) 594-5981. All completed applications must be submitted to the Grants Management Office at the above mailing address. In preparing the application, it is important to follow ALL instructions contained in the application kit.

**FOR FURTHER INFORMATION CONTACT:** The OAPP Program Office at (301) 594-4004. OAPP staff members are available to answer questions and provide limited technical assistance in the preparation of grant applications. Questions also may be sent to OAPP staff via e-mail at [opa@osophs.dhhs.gov](mailto:opa@osophs.dhhs.gov). If contacting the OAPP by e-mail, please place the phrase "AFL Care Application Question" in the subject heading.

**SUPPLEMENTARY INFORMATION:** Title XX of the Public Health Service Act, 42 U.S.C. 300z, *et seq.*, authorizes the Secretary of Health and Human Services to award grants for demonstration projects to provide services to pregnant and nonpregnant adolescents, adolescent parents and their families. (Catalog of Federal Domestic Assistance Number 93.995) Title XX authorizes grants for three types of demonstration projects: (1) Projects which provide "care services" only (*i.e.*, services for the provision of care to pregnant adolescents, adolescent parents, their children, young fathers, and their families); (2) projects which provide "prevention services" only (*i.e.*, services to prevent adolescent sexual relations); and (3) projects which provide a

combination of care and prevention services.

Under this program announcement, OAPP intends to make available approximately \$5 million to support an estimated 15-20 new care services demonstration projects. The awards for care projects will range from \$250,000 to \$350,000 per year. Please note, in Fiscal Year (FY) 2000, OAPP issued a similar Request for Applications (RFA) announcing approximately \$4 million for new care demonstration projects. In response to the FY 2000 RFA, OAPP received 143 grant applications and was able to fund 19 new projects. With \$5 million available for care grants in FY 2001, we anticipate funding approximately 15-20 new projects under this program announcement.

Grants may be approved for project periods of up to five years. Grants are funded in annual increments (budget periods). Funding for all approved budget periods beyond the first year of the grant is contingent upon the availability of funds, satisfactory progress of the project, and adequate stewardship for Federal funds. Cost sharing by the grantee is a requirement per Title XX of the PHS Act. A grant award may not exceed 70 percent of the total costs of the project for the first and second years, 60 percent of the total costs for the third year, 50 percent for the fourth year and 40 percent for the fifth year. The non-Federal share of the project costs may be provided in cash expenditures or fairly evaluated in-kind contributions, including facilities, equipment and services.

Applications are encouraged from experienced organizations which are currently operating programs and which have the capability of expanding and enhancing these services to serve significant numbers of adolescents according to the guidance specified in this announcement.

The specific services which may be funded under Title XX are listed below under the heading entitled **Care Services**. Care Services, under this program announcement, should be provided primarily to pregnant adolescents and adolescent parents, their partners, children, and extended family members. There are no funds available for primary prevention/abstinence education demonstration projects under this announcement.

The following application requirements contain information collections subject to the Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995 (Pub. L. 104-13). These information collections have been



approved by OMB under control number 0937-0198.

### Technical Assistance

The OAPP has scheduled a series of technical assistance workshops to help prospective applicants. At each of the one-day workshops, the public will be able to learn more about the purposes and requirements of the Title XX program, how to apply for funds under this program announcement, program eligibility requirements, the application selection process, and considerations that might help to improve the quality of grant applications. This workshop is offered at no cost. However, all participants must preregister using the form at <http://www.hhs.gov/opa/titlexx/oapp.html>. If you do not have access to the Internet, you may obtain a registration form from the Office of Adolescent Pregnancy Programs (OAPP) at (301) 594-4004. Written requests for registration forms may be faxed to (301) 594-5981. The address of workshop and logistical information will be faxed or e-mailed back to you upon receipt of your registration.

### Workshop Dates and Locations

March 26, 2001: Washington, DC  
 March 27, 2001: Kansas City, MO  
 March 28, 2001: Chicago, IL  
 March 30, 2001: San Francisco, CA

### Eligible Applicants

Any public or private nonprofit organization or agency is eligible to apply for a grant. However, only those organizations or agencies which demonstrate the capability of providing the proposed services and meet the statutory requirements are considered for grant awards.

### Care Services

Under this announcement, funds are available for local (not national or regional) care demonstrations only. The project site must be identified in the application rather than selected after the grant is awarded.

Under the statute, the purpose of care programs is to establish innovative, comprehensive, and integrated approaches to the delivery of care services for pregnant adolescents and adolescent parents under 19 years of age at program entry, with primary emphasis on unmarried adolescents who are 17 years old or younger and for their families. This includes young fathers and their families.

Adolescent health experts, public health officials, sociologists, and the medical community have long agreed that to effectively implement programs for youth, Federal, state and local level

programs must include multiple and complementary approaches to providing services. The OAPP encourages a holistic approach to preventing secondary teen pregnancies and providing services to pregnant and parenting adolescents. It has been documented that successful projects are those where adolescents themselves are an integral part of the design, implementation, and evaluation phases over the life of the project. Adolescents need to see hope for a future, acquire the skills necessary to turn hopes into reality, and be provided with an array of opportunities to get them to reach that reality. In addition, the OAPP encourages applicants to provide opportunities for improving an adolescent's sense of self through cultural understanding and other activities that build an adolescent's sense of self-worth and self-efficacy. All services provided by AFL grantees, however, including all activities that are part of a holistic and comprehensive approach, must be within the scope of the Title XX care services listed below.

The OAPP encourages the submission of care applications which propose to do the following: (1) Add care services to supplement existing adolescent health services in school, hospital or other community settings, (2) provide care services to minority or disadvantaged populations, (3) continue services to clients after the delivery of the baby to enable them to acquire good parenting skills and to ensure that their children are developing normally physically, intellectually and emotionally, (4) stress self-sufficiency skills, such as school completion (in mainstream or alternative schools and GED programs) and job training and placement, (5) involve males and promote male responsibility, and (6) provide Sexually Transmitted Infection (STI) and HIV prevention counseling. Applicants should base their approach upon a review of current literature and an assessment of existing programs. Where appropriate, applicants should propose to establish better coordination, integration and linkages among such existing programs or replicate existing programs in their own community. Letters of commitment by partner or linkage agencies should be included with the application.

Applicants for care projects are required to provide, either directly or by referral, the following 10 core services:

- (1) Pregnancy testing and maternity counseling;
- (2) Adoption counseling and referral services which present adoption as an option for pregnant adolescents, including referral to licensed adoption

agencies in the community if the eligible grant recipient is not a licensed adoption agency;

- (3) Primary and preventive health services, including prenatal and postnatal care;
- (4) Nutrition information and counseling;
- (5) Referral for screening and treatment of STIs, including HIV/AIDS;
- (6) Referral to appropriate pediatric care;
- (7) Educational services relating to family life and problems associated with adolescent premarital sexual relations including:
  - (a) Information about adoption;
  - (b) Education on the responsibilities of sexuality and parenting;
  - (c) The development of material to support the role of parents as the providers of sex education; and
  - (d) Assistance to parents, schools, youth agencies and health providers to educate adolescents and preadolescents concerning self-discipline and responsibility in human sexuality;
- (8) Appropriate educational and vocational services;
- (9) Mental health services and referral to mental health services and to other appropriate physical health services; and
- (10) Counseling and referral for family planning services.

**Note:** Funds provided under Title XX may not be used for the provision of family planning services other than counseling and referral services unless appropriate family planning services are not otherwise available in the community. In accordance with section 2006(a)(17) of Title XX (42 U.S.C. 300z-5(a)(17)), applicants must make maximum use of funds available under the Title X Family Planning Program in providing this required core service.

In addition to the 10 required core services listed above, applicants for care projects may provide any of the following supplemental services:

- (1) Referral to licensed residential care or maternity home services;
- (2) Child care sufficient to enable the adolescent parent to continue education or to enter into employment;
- (3) Consumer education;
- (4) Counseling for the immediate and extended family members of the eligible person;
- (5) Transportation; and
- (6) Outreach services to families of adolescents to discourage sexual relations among unemancipated minors.

### Evaluation

Section 2006(b)(1) of Title XX requires each grantee to expend at least one percent but not more than five percent of the Federal funds received



under Title XX on evaluation of the project. Waivers above the five percent limit on evaluation may be granted in cases where a more rigorous or comprehensive evaluation effort is proposed (*see sec. 2006(b)(1)*). As this is a demonstration program, all applications are required to have an evaluation component of high quality consistent with the scope of the proposed project and the funding.

The OAPP encourages applications to include a proposed goal(s) and related outcome objectives. A goal is a general statement of what the project hopes to accomplish and it should reflect the long-term desired impact of the project on the target group(s) as well as reflect the program goals of the OAPP contained in this program announcement. An outcome objective is a statement which defines a measurable result the project expects to accomplish. Outcome objectives should be described in terms that measure the result the project will bring about (e.g., decrease in repeat adolescent births among treatment group, increase in parenting skills). Good applications should contain a few outcome objective that are specific, measurable, achievable, realistic and time-framed (S.M.A.R.T.).

**Specific:** An objective should specify one major result directly related to the program goal, state who is going to be doing what, to whom, by how much, and in what time-frame. It should specify what will be accomplished and how the accomplishment will be measured.

**Measurable:** An objective should be able to describe in realistic terms the expected results and specify how such results will be measured.

**Achievable:** the accomplishment specified in the objective should be achievable within the proposed time line and as a direct result of program activities.

**Realistic:** the objective should be reasonable in nature. The specified outcomes, expected results, should be described in realistic terms.

**Time-framed:** An outcome objective should specify a target date or time for its accomplishments. It should state who is going to be doing what, by when, etc.

**How to Get Grants.** San Francisco, CA: The Public Management Institute, 1981.

Section 2006(b)(2) of Title XX requires that the evaluations be conducted by an organization or entity independent of the grantee providing services. To assist in conducting the evaluations, each grantee shall develop a working relationship with an evaluator associated with a college or university located in the grantee's state

which will assist in providing monitoring and evaluation of the proposed program. The OAPP strongly recommends extensive collaboration between the applicant organization and the proposed evaluator in the development of the program goals and objectives of the intervention, identification of the variable to be measured, a clear and organized timetable for initiation of the intervention, baseline measurement, and ongoing evaluation data collection and analysis strategies. Additionally, it is also important to establish this collaborative relationship between the applicant organization and the proposed evaluator early to ensure that the project's proposed goals and objectives and the evaluation are consistent with each other. The proposed evaluator should be included in program planning activities to ensure that there is uniformity in the intended outcomes of the program.

#### **Application Requirements**

Applications must be submitted on the forms supplied in the application kit provided by the OAPP (PHS 5161-1, Revised 7/00). The PHS 5161-1 can also be downloaded from the INTERNET at the following address: <http://forms.psc.gov/forms/PHS/phs.html>. These forms must be completed in the manner prescribed in the application kits provided by the OAPP. Incomplete applications will be returned to the applicant. Applicants are required to submit an application signed by an individual authorized to act for the applicant agency or organization and to assume for the organization the obligations imposed by the terms and conditions of the grant award.

Applicants must be familiar with Title XX in its entirety to ensure that they have complied with all applicable requirements. A copy of the legislation is included in the application kit.

#### **Additional Requirements**

Applicants for grants must also meet both of the following requirements (each year):

(1) *Requirements for Review of an Application by the Governor.* Section 2006(e) of Title XX requires that each applicant shall provide the Governor of the State in which the applicant is located a copy of each application submitted to OAPP for a grant for a demonstration project for services under this Title. The Governor has 60 days from the receipt date in which to provide comments to the applicant.

An applicant may comply with this requirement by submitting a copy of the application to the Governor of the State

in which the applicant is located at the same time the application is submitted to OAPP. To inform the Governor's office of the reason for the submission, a copy of this notice should be attached to the application.

(2) *Requirements for Review of an Application Pursuant to Executive Order 12372 (SPOC Requirements).* Applicants under this announcement are subject to the review requirements of Executive Order 12372, "Intergovernmental Review of Federal Programs," as implemented by 45 CFR part 100, "Intergovernmental Review of Department of Health and Human Services Programs and Activities." Executive Order 12372 sets up a system for state and local government review of proposed Federal assistance applications. As soon as possible, the applicant (other than Federally-recognized Indian tribal governments) should contact the States Single Point of Contact (SPOC) for each state in the area to be served. The application kit contains the currently available listing of the SPOCs which have elected to be informed of the submission of applications. For those states not represented on the listing, further inquiries should be made by the applicant regarding submission to the relevant SPOC. The SPOC's comment(s) should be forwarded to the Grants Management Office, Office of Population Affairs, 4350 East-West Highway, Suite 200, Bethesda, MD 20814. The SPOC has 60 days from the closing date of this announcement to submit any comments.

#### **Application Assessment and Evaluation Criteria**

Applications which are judged to be late, incomplete or which do not conform to the requirements of this program announcement will not be accepted for review. Applicants will be so notified, and the application will be returned. All other applications will be reviewed by multi-disciplinary panels of independent reviewers and assessed according to the following criteria:

(1) The applicant's provision of a clear statement of mission, goals, measurable (outcome) objectives, reasonable methods for achieving the objectives, a reasonable work plan and timetable, and clear statements of expected results. (25 points)

(2) The capacity of the applicant to implement the program, including personnel and other resources, and the applicant's experience and expertise in providing programs for adolescents. (15 points)

(3) The population the project proposes to serve, including ethnic

composition, number of pregnant and/or parenting adolescent clients, infants, male partners, family members and community members. [Healthy People 2010 is a set of health objectives for the Nation to achieve over the first decade of the new century. The two goals of Healthy People 2010 are to increase quality of years of healthy life and to eliminate health disparities. In evaluating this criterion, priority will be given to programs who serve minority populations in order to eliminate health disparities.] (15 points)

(4) The applicant's presentation of a detailed evaluation plan, indicating an understanding of program evaluation methods, and reflecting a practical and technically sound approach to assessing the project's achievement of program objectives. (15 points)

(5) The applicant's presentation of the need for the project, including the incidence of adolescent pregnancy in the geographic area to be served and the availability of services for adolescents within this geographic area. (10 points)

(6) The applicant's presentation of an organizational model for service delivery with appropriate design, consistent with the requirements of Title XX. (10 points)

(7) The community commitment to and involvement in planning and implementation of the project, as demonstrated by letters of commitment and willingness to participate in the project's implementation, acceptance of referrals, etc. (10 points)

Final grant award decisions will be made by the Deputy Assistant Secretary for:

*Population Affairs.* In making these decisions, the Deputy Assistant Secretary for Population Affairs will take into account the extent to which grants recommended for approval will provide an appropriate geographic distribution of resources, the priorities in section 2005(a) of Title XX, and the other factors including consideration of:

1. Recommendations and scores submitted by the review panels;
2. The geographic area to be served, particularly the needs of rural areas;
3. The reasonableness of the estimated cost of the project based on factors such as the incidence of adolescent pregnancy in the geographic area to be

served and the availability of services for adolescents in this geographic area;

4. The usefulness for policymakers and service providers of the proposed project and its potential for replication.

Applicants will be notified by letter of the outcome of their applications, after final funding decisions are made. The official document notifying an applicant that an application has been approved for funding is the Notice of Grant Award, which specifies to the grantee the amount of money awarded, the purpose of the grant, the terms and conditions of the grant award, and the amount of funding to be contributed by the grantee to project costs.

Dated: March 2, 2001.

**Mireille B. Kanda,**

*Acting Director for Population Affairs.*

[FR Doc. 01-6058 Filed 3-9-01; 8:45 am]

**BILLING CODE 4160-17-M**

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Committee on Vital and Health Statistics; Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services (HHS) announces the following advisory committee meeting.

*Name:* National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Standards and Security.

*Times and Dates:* 9 a.m. to 5 p.m., March 19, 2001; and 9 a.m. to 5 p.m., March 20, 2001.

*Place:* Room 505A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

*Status:* Open.

*Purpose:* The purpose of this hearing is for NCVHS to obtain public input for the process of making recommendations to the HHS Secretary about specific standards for Patient Medical Record Information (PMRI). The process will include developing (1) criteria for the selection of PMRI message format standards for recommendation to the HHS Secretary, (2) a draft set of questions to PMRI standards developers which is intended to assist the NCVHS select PMRI standards, (3) a proposed list of PMRI transactions that may be considered in the first phase for recommendation to the HHS Secretary, and (4) making any additional comments or critiques about this process.

*Notice:* In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

*Contact Person for More Information:* Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from J. Michael Fitzmaurice, Ph.D., Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street, #600, Rockville, MD 20852, phone: (301) 594-3938; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458-4245. Information also is available on the NCVHS home page of the HHS website: <http://www.ncvhs.hhs.gov/> where an agenda for the meeting will be posted when available.

Dated: March 2, 2001.

**James Scanlon,**

*Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.*

[FR Doc. 01-5972 Filed 3-9-01; 8:45 am]

**BILLING CODE 4151-05-M**

---

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Submission for OMB Review; Comment Request

*Title:* The OCSE-157 Child Support Enforcement Annual Data Report.

*OMB No.:* 0970-0177.

*Description:* The information obtained from this form will be used to report Child Support Enforcement activities to the Congress as required by law, to complete incentive measure and performance indicators utilized in the program, and to assist the Office of Child Support Enforcement in monitoring and evaluating State Child Support Enforcement programs.

*Respondents:* State, Local and Tribal Govt.

ANNUAL BURDEN ESTIMATES

Instrument	No. of respondents	No. of responses per respondent	Average burden hours per response	Total burden hours
OCSE-157 .....	54	1	4	216
Estimated Total Annual Burden Hours .....				216

*Additional Information:* Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, 725 17th Street, NW., Washington, DC 20503, Attn: Desk Officer for ACF.

Dated: March 6, 2001.

**Bob Sargis,**

*Reports Clearance Officer.*

[FR Doc. 01-5971 Filed 3-9-01; 8:45 am]

BILLING CODE 4184-01-M

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket Nos. 00M-1640, 00M-1664, 00M-1591, 00M-1613, 00M-1597, 00M-1593, 00M-1583, 00M-1615, 00M-1612, 00M-1569, 00M-1658, 00M-1570, 00M-1616, 00M-1659, 00M-1649, 00M-1650, 00M-1660, 00M-1661, 00M-1683, 00M-1684]

**Medical Devices; Availability of Safety and Effectiveness Summaries for Premarket Approval Applications**

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is publishing a list of premarket approval applications (PMA's) that have been approved. This list is intended to inform the public of the availability of safety and effectiveness summaries of approved PMA's through the Internet and the agency's Dockets Management Branch.

**ADDRESSES:** Submit a written request for copies of summaries of safety and effectiveness to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Please cite the appropriate docket number listed in table 1 of this document when submitting a written request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the summaries of safety and effectiveness.

**FOR FURTHER INFORMATION CONTACT:**

Think X. Nguyen, Center for Devices and Radiological Health (HFZ-402), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301-594-2186.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

In the **Federal Register** of January 30, 1998 (63 FR 4571), FDA published a final rule to revise §§ 814.44(d) and 814.45(d) (21 CFR 814.44(d) and 814.45(d)) to discontinue publication of individual PMA approvals and denials in the **Federal Register**. Instead, revised §§ 814.44(d) and 814.45(d) state that FDA will notify the public of PMA approvals and denials by posting them on FDA's home page at <http://www.fda.gov> on the Internet; by placing the summaries of safety and effectiveness on the Internet and in FDA's Dockets Management Branch;

and by publishing in the **Federal Register** after each quarter a list of available safety and effectiveness summaries of approved PMA's and denials announced in that quarter.

FDA believes that this procedure expedites public notification of these actions because announcements can be placed on the Internet more quickly than they can be published in the **Federal Register**, and FDA believes that the Internet is accessible to more people than the **Federal Register**.

In accordance with section 515(d)(4) and (e)(2) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(4) and (e)(2)), notification of an order approving, denying, or withdrawing approval of a PMA will continue to include a notice of opportunity to request review of the order under section 515(g) of the act. The 30-day period for requesting reconsideration of an FDA action under § 10.33(b) (21 CFR 10.33(b)) for notices announcing approval of a PMA begins on the day the notice is placed on the Internet. Section 10.33(b) provides that FDA may, for good cause, extend this 30-day period. Reconsideration of a denial or withdrawal of approval of a PMA may be sought only by the applicant; in these cases, the 30-day period will begin when the applicant is notified by FDA in writing of its decision.

The following is a list of approved PMA's for which summaries of safety and effectiveness were placed on the Internet in accordance with the procedure explained previously from October 1, 2000, through December 31, 2000. There were no denial actions during this period. The list provides the manufacturer's name, the product's generic name or the trade name, and the approval date.

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMA'S MADE AVAILABLE OCTOBER 1, 2000, THROUGH DECEMBER 31, 2000

PMA Number/Docket No.	Applicant	Trade Name	Approval Date
P970053/00M-1640	Nidek Technologies, Inc.	EC-5000 Excimer Laser System	December 17, 1998
P970053(S1)/00M-1664	Nidek Technologies, Inc.	EC-5000 Excimer Laser System (PARK)	September 29, 1999
P930034(S13)/00M-1591	Summit Technologies	SVS Apex Plus Excimer Laser Workstation	October 21, 1999
P990019/00M-1613	DUSA Pharmaceuticals, Inc.	BLU-U Light Photodynamic Therapy Illuminator	December 3, 1999

TABLE 1.—LIST OF SAFETY AND EFFECTIVENESS SUMMARIES FOR APPROVED PMA'S MADE AVAILABLE OCTOBER 1, 2000, THROUGH DECEMBER 31, 2000—Continued

PMA Number/Docket No.	Applicant	Trade Name	Approval Date
P990027/00M-1597	Bausch & Lomb Surgical, Inc.	Technolas® 217 Excimer Laser System	February 23, 2000
P970043(S5)/00M-1593	Autonomous Technologies Corp.	LADAR Vision® Excimer Laser System	May 9, 2000
P990052/00M-1583	Symphonix Devices, Inc.	Vibrant P/Vibrant D Soundbridge System	August 31, 2000
P980010/00M-1615	Osteometer MediTech, Inc.	DTU—One Ultrasound Scanner	September 19, 2000
P970043(S7)/00M-1612	Autonomous Technologies Corp.	LADAR Vision® Excimer Laser System	September 22, 2000
P990040/00M-1569	Cordis Neurovascular, Inc.	Trufill N-Butyl Cyanoacrylate Liquid Embolic System	September 25, 2000
P000014/00M-1658	Ortho—Clinical Diagnostics, Inc.	VITROS Immunodiagnostic Anti-HBS Reagent Pack and Calibrators	September 29, 1999
P990046/00M-1570	ATS Medical, Inc.	ATS Open Pivot® Bileaflet Heart Valve	October 13, 2000
N18286(S12)/00M-1616	Pharmacia & Upjohn Co.	Gelfoam® Sterile Powder	October 16, 2000
P000015/00M-1659	Cochlear Corp.	Nucleus 24 Auditory Brainstem Implant (ABI) System	October 20, 2000
P000018/00M-1649	Novoste Corp.	Beta-Cath™ System	November 3, 2000
P990036/00M-1650	Cordis Corp.	Cordis Checkmate™ System	November 3, 2000
P990056/00M-1660	Roche Diagnostics, Corp.	Elecsys® Total PSA Immunoassay and Calset	November 22, 2000
P990081/00M-1661	Ventana Medical Systems, Inc.	Pathway™ HER 2	November 28, 2000
P000027/00M-1683	Roche Diagnostics Corp.	Elecsys® Free PSA Immunoassay/Calset/Calcheck	December 12, 2000
P980020/00M-1684	Q Care International, LLC	Q-103 Needle Management Systems	December 21, 2000

## II. Electronic Access

Persons with access to the Internet may obtain the documents at <http://www.fda.gov/cdrh/pmepage.html>.

Dated: March 1, 2001.

**Linda S. Kahan,**

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

[FR Doc. 01-5954 Filed 3-9-01; 8:45 am]

BILLING CODE 4160-01-F

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 01D-0056]

#### Draft Guidance for Industry on Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines; Availability

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

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled "Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines." This draft guidance is intended to assist applicants and other responsible parties in fulfilling FDA's postmarketing safety reporting requirements for marketed human drugs and biological products.

**DATES:** Submit written comments on the draft guidance by May 11, 2001. General comments on agency guidance documents are welcome at any time.

**ADDRESSES:** Submit written requests for single copies of the draft guidance to the

Drug Information Branch (HFD-210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communication, Training and Manufacturers Assistance (HFM-40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448. Send one self-addressed adhesive label to assist that office in processing your request. Submit written comments on the draft guidance to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857.

#### FOR FURTHER INFORMATION CONTACT:

*For information concerning human drug products:* Min C. Chen, Center for Drug Evaluation and Research (HFD-430), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-3169.

*For information concerning human biological products:* Miles M. Braun, Center for Biologics Evaluation and Research (HFM-220), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852-1448, 301-827-3974.

#### SUPPLEMENTARY INFORMATION:

##### I. Description of the Guidance

FDA is announcing the availability of a draft guidance for industry entitled "Postmarketing Safety Reporting for Human Drug and Biological Products Including Vaccines." This draft guidance discusses postmarketing safety reporting requirements for prescription drugs marketed for human use without an approved application § 310.305 (21

CFR 310.305), human drugs with approved new drug applications (NDA) § 314.80 (21 CFR 314.80), human drugs with approved abbreviated new drug applications (21 CFR 314.98), and human biological products with approved biologics license applications (BLA) §§ 600.80 and 600.81 (21 CFR 600.80 and 600.81).

This draft guidance does not apply to in vitro diagnostic products, whole blood or its components, or product manufacturing defects (unless the defect is associated with an adverse experience in humans). Moreover, it does not discuss the following: Investigational new drug application safety reports (21 CFR 312.32), safety update reports for drugs (21 CFR 314.50(d)(5)(vi)), approved NDA annual reports (21 CFR 314.81(b)(2)), or approved BLA annual reports (21 CFR 601.28).

Currently, FDA has three guidances for industry on postmarketing safety reporting: "Guideline for Postmarketing Reporting of Adverse Drug Experiences" (March 1992), "Guideline for Adverse Experience Reporting for Licensed Biological Products" (October 1993), and "Postmarketing Adverse Experience Reporting for Human Drug and Licensed Biological Products: Clarification of What to Report" (August 27, 1997). This draft guidance for industry consolidates the three existing guidances into a single document and revises the information contained within them to be consistent with the final rulemaking described below.

FDA has undertaken a major effort to clarify and revise its regulations regarding pre- and postmarketing safety reporting requirements for human drug and biological products. With regard to the postmarketing expedited safety reporting regulations for human drug

and biological products, the agency published a final rule in the **Federal Register** of October 7, 1997 (62 FR 52237), amending these requirements, as well as others, to implement certain definitions, reporting periods, and formats recommended by the International Conference on Harmonization of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). In addition, FDA published a final rule in the **Federal Register** of June 25, 1997 (62 FR 34166), that revokes the postmarketing safety reporting requirement to submit increased frequency reports for human drug and biological products in an expedited manner. This draft guidance for industry revises the agency's existing guidances on postmarketing safety reporting to be consistent with the final rules of June 25, 1997, and October 7, 1997.

At this time, the agency is considering additional recommendations developed by ICH and plans to propose other amendments to its postmarketing safety reporting regulations. As additional amendments are made to these regulations, the agency intends to develop guidances for industry to provide recommendations on how industry can fulfill these requirements.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115; 65 FR 56468, September 19, 2000). The draft guidance represents the agency's current thinking on postmarketing safety reporting for human drug and biological products including vaccines. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

## II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the draft guidance. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The draft guidance and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

## III. Paperwork Reduction Act of 1995

This notice contains no new collections of information. The

information requested for marketed human drug and biological products is already covered by the collection of information on postmarketing safety reporting regulations (§§ 310.305, 314.80, 600.80, and 600.81) submitted to the Office of Management and Budget (OMB) for review and clearance. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), OMB approved the information collection for MedWatch—The FDA Medical Products Reporting Program (Forms FDA 3500 and FDA 3500A) and assigned it OMB control number 0910–0291. The approval for 0910–0291 expires on March 31, 2001; an extension has been requested and is pending at OMB. OMB also approved the information collection for adverse experience reporting for marketed drugs and licensed biological products and assigned them OMB control numbers 0910–0230 and 0910–0308, respectively. The approval for 0910–0230 expires on May 31, 2002, and the approval for 0910–0308 expires on May 31, 2001.

## IV. Electronic Access

Copies of this draft guidance for industry are available on the Internet at <http://www.fda.gov/cder/guidance/index.htm> and at <http://www.fda.gov/cber/guidelines.htm>.

Dated: March 2, 2001.

**Ann M. Witt,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 01–6053 Filed 3–9–01; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA–10008]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper

performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a previously approved collection;

*Title of Information Collection:* Recognition of New Technology/Pass-Through Items Under the Prospective Payment System for Hospital Outpatient Services;

*Form No.:* HCFA–10008 (OMB# 0938–0802);

*Use:* This information is necessary to determine items eligible for payment as new technology within the ambulatory payment classification (APC) system as well as items eligible for the transitional pass-through payment provision as required by section 201 of the BBRA. This collection will enable HCFA to implement those special payment provisions;

*Frequency:* On Occasion;

*Affected Public:* Business or other for-profit;

*Number of Respondents:* 500;

*Total Annual Responses:* 500;

*Total Annual Hours:* 1,500.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: March 1, 2001.

**John P. Burke, III,**

*Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01–5980 Filed 3–9–01; 8:45 am]

**BILLING CODE 4120–03–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Children's Hospitals Graduate Medical Education (CHGME) Program Conference

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice of public hearing.

**SUMMARY:** This document announces a public hearing to receive information and views on the notice that proposed criteria for the Children's Hospitals Graduate Medical Education (CHGME) Payment Program, published in the *Federal Register* on March 1, 2001 (66 FR 12940-12954). The proposed criteria included the following: (1) The determination of full-time equivalency (FTE) resident count, (2) the treatment of new children's teaching hospitals, and (3) the methodology for indirect medical education (IME) payments. The notice also announced final eligibility, funding criteria, payment methodology and performance measures for the CHGME Program. This conference will brief the public on the above criteria and methodologies as well as also hear public comments on the above proposed criteria for the CHGME program. The public also may participate in the conference by telephone as described below.

**DATES:** The public hearing will be held on March 14, 2001, at 2:00 p.m. to 4:00 p.m. EST.

**ADDRESSES:** The public hearing will be held in Conference Room C in the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

**FOR FURTHER INFORMATION CONTACT:** Ayah E. Johnson, Ph.D., telephone: (301) 443-1058; Division of Medicine and Dentistry, Bureau of Health Professions, Room 9A-27, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857; or by e-mail at: [ajohnson@hrsa.gov](mailto:ajohnson@hrsa.gov).

**SUPPLEMENTARY INFORMATION:** The CHGME Program, as authorized by section 340E of the Public Health Service (PHS) Act (the Act) (42 U.S.C. 256e), provides funds to children's hospitals to address disparity in the level of Federal funding for children's hospitals that result from Medicare funding for graduate medical education (GME). Pub. L. 106-310 amended the CHGME statute to extend the program through Federal fiscal year 2005.

On June 19, 2000, the Secretary published a notice in the *Federal*

*Register* (65 FR 37985) setting forth proposed rules to implement the CHGME Program. The Department received 21 public comments and made numerous revisions and clarifications as reflected in the notice published March 1, 2001 in the *Federal Register*.

The conference will again provide information on the proposed criteria contained in the March 1, 2001, CHGME notice. The agenda for the briefing and hearings will include: (1) The determination of FTE resident count, (2) the treatment of new children's teaching hospitals, and (3) the methodology for IME payments. It also will include information on the Government Performance and Results Act (GPRA) and other laws applicable to the CHGME Payment Program. Time will also be available for a question and answer period. Information about the program can be found on the CHGME web site (<http://www.bhpr.hrsa.gov/childrenshospitalgme>).

In order for individuals to participate by telephone, they must dial: (888) 829-8672 and enter the corresponding pass code 55591. For security reasons, the pass code 55591 and Dr. Ayah Johnson's name, as call leader, are required to join the call. Telephone participants should call no later than 1:45 p.m. in order for the logistics to be set up.

Dated: March 7, 2001.

**Claude Earl Fox,**  
*Administrator.*

[FR Doc. 01-6113 Filed 3-9-01; 8:45 am]

**BILLING CODE 4160-15-U**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Advisory Council; 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:* National Advisory Council on Migrant Health.

*Date and Time:* March 23, 2001; 9 a.m. to 5 p.m.; March 24, 2001; 9 a.m. to 5 p.m.

*Place:* Hilton Washington and Towers Hotel, 1919 Connecticut Avenue, NW., Washington, DC 20009, Phone: (202) 483-3000; Fax (202) 232-0428.

The meeting is open to the public.

*Agenda:* This will be a meeting of the Council. The agenda includes an overview of general Council business activities and priorities. Topics of discussion will include development of the Year 2001 recommendations and background

statements, as well as Committee mission statements and action plans. In addition, the Council will explore Area Health Education Centers and opportunities for collaboration with Migrant Health, and will receive updates from a variety of Migrant Health advocacy organizations. Finally, the Council will be reviewing nominations for Council membership for terms beginning November 2001.

Anyone requiring information regarding the subject Council should contact Judy Rodgers, Migrant Health Program, staff support to the National Advisory Council on Migrant Health, Bureau of Primary Health Care, Health Resources and Services Administration, 4350 East West-Highway, Bethesda, Maryland 20814, Telephone (301) 594-4304.

Agenda items are subject to change as priorities indicate.

Dated: March 7, 2001.

**James J. Corrigan,**

*Associate Administrator for Management and Program Support.*

[FR Doc. 01-6114 Filed 3-9-01; 8:45 am]

**BILLING CODE 4160-15-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung and Blood Institute; Submission for OMB Review; Comment Request; The Cardiovascular Health Study

**SUMMARY:** Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the *Federal Register* on December 4, 2000, pages 75722-3 and allowed 60-days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health 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.

*Proposed Collection: Title:* The Cardiovascular Health Study. *Type of Information Collection Request:* Revision (OMB No. 0925-0334). *Need and Use of Information Collection:* This study will quantify association between conventional and hypothetical risk factors and coronary heart disease

(CHD) and stroke in people age 65 years and older. The primary objectives include quantifying association of risk factors with subclinical disease; characterize the natural history of CHD and stroke; and identify factors associated with clinical course. The findings will provide important information on cardiovascular disease in an older U.S. population and lead to

early treatment of risk factors associated with disease and identification of factors which may be important in disease prevention. *Frequency of Response:* Twice a year (participants) or once per cardiovascular disease event (proxies and physicians); *Affected Public:* Individuals. *Type of Respondents:* Individuals recruited for CHS and their selected proxies and

physicians. The annual reporting burden is as follows: *Estimated Number of Respondents:* 4,606; *Estimated Number of Responses Per Respondent:* 4.55; and *Estimated Total Annual Burden Hours Requested:* 1,719. There are no capital, operating, or maintenance costs to report.

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent*	Average burden hours per response	Estimated Total annual burden hours requested
Participants .....	3,580	5.6	0.25	1,665
Physicians .....	606	1.0	0.10	20
Participants proxies .....	420	1.0	0.25	35
Total .....	4,606	4.55	0.246	1,719

\*Total over 3-year period.

*Request for Comments:* Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility, (2) the accuracy of the agency's estimated 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Direct Comments to OMB:* Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dr. Diane Build, National Institutes of Health, Division of Epidemiology and Clinical Applications, Epidemiology and Biometry Program, NHLBI, II Rockledge Centre, 6701 Rockledge Drive, MSC # 7934, Bethesda, MD, 20892-7934, or call non-toll-free number (303) 435-0707, or e-mail your

request, including your address to: bild@nih.gov.

*Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received on or before April 11, 2001.

Dated: March 1, 2001.

**Peter J. Savage,**

*Acting Director, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute.*

[FR Doc. 01-6009 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**Submission for OMB Review; Comment Request; Survey of IRB Chairs Concerning the Implementation of Pediatric Research Regulations**

**SUMMARY:** Under the provisions of section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Clinical Center, the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection was previously published in the **Federal Register** on October 17, 2000, page 61341 and allowed 60 days for public comment. No public comments were received. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health 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.

*Proposed Collection: Title:* Survey of IRB Chairs Concerning the Implementation of Pediatric Research Regulations. *Type of Information Collection Request:* New. *Need for Use of Information Collection:* In order to assess the protection of children who are enrolled in clinical research, it is important to determine how Institutional Review Boards (IRBs) reviewing such research interpret and implement the Federal Regulations for research with children set forth in 45 CFR 45 subpart D. This study aims to gather this information through telephone interviews with chairpersons of IRBs that review clinical research with children. In addition, we will solicit background information on each IRB from the IRB chair. In particular, the survey aims to assess how IRBs assess risk/benefit levels of research with children, when IRBs permit children's assent to be waived, what information IRBs require children to be presented during the assent process, and which children are excluded from participation in riskier research. In addition, the survey will attempt to determine how the recent NIH Policy and Guidelines on the Inclusion of Children as Participants in Research Involving Human Subjects has affected IRB review. *Frequency of Response:* Once. *Affected Public:* Individuals. *Type of Respondents:* IRB chairpersons. The annual reporting burden follows in the table below. The annualized cost to respondents is estimated at: \$10,000. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.



## RESPONDENT AND BURDEN ESTIMATE INFORMATION

Type of respondents	Estimated number of respondents	Estimated number of responses per respondent	Average burden hours per response	Estimated total annual burden hours requested
IRB chairs .....	400	1	0.5	200
Total .....	400	.....	.....	200

*Request for Comments:* Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

*Direct Comments to OMB:* Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Dave Wendler, Ph.D., Head, Unit on Vulnerable Populations, Department of Clinical Bioethics, NIH, Building 10, Room 1C118, 9000 Rockville Pike, Bethesda, MD 20892, or call non-toll-free number (301) 435-8726 or fax or e-mail your request, including your address, to: Facsimile number (301) 496-0760 and email address [DWendler@cc.nih.gov](mailto:DWendler@cc.nih.gov).

*Comments Due Date:* Comments regarding this information collection are best assured of having their full effect if received on or before April 11, 2001.

Dated: March 2, 2001.

**David K. Henderson,**  
Deputy Director, Warren G. Magnuson  
Clinical Center, National Institutes of Health.  
[FR Doc. 01-6010 Filed 3-9-01; 8:45 am]

BILLING CODE 4140-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute (NCI) Collaborative Development of Methods for Selective T Cell Depletion To Improve Bone Marrow Transplantation Procedures

Opportunities for Collaborative Research and Development Agreements are available for collaboration with the Biological Resources Branch (BRB), Developmental Therapeutics Program (DTP), Division of Cancer Treatment and Diagnosis (DCTD), National Cancer Institute (NCI) to develop methods that could be applicable, in the setting of clinical bone marrow transplants, to deplete selected populations of T cells prior to the infusion of donor cells into the recipient. Selective T cell population depletion has been suggested as a possible approach to the goal of reducing the incidence of Graft versus Host Disease (GVHD) associated with bone marrow transplants, with the goal of also retaining clinical antitumor efficacy.

**AGENCY:** National Cancer Institute, National Institutes of Health, PHS, DHHS.

**ACTION:** Notice of opportunities for cooperative research and development agreements (CRADAs).

**SUMMARY:** Pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710a; and Executive Order 12591 of April 10, 1987) as amended, the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks one or more Cooperative Research and Development Agreements (CRADAs) with pharmaceutical or medical device companies to discover and develop potential new methods of *ex vivo* depletion of selected populations of donor T cells with the goal of reducing Graft versus Host Disease (GVHD) in the transplant recipient, while still retaining antitumor efficacy. Each CRADA would have an expected duration of one (1) to

five (5) years. The goals of the CRADA include the rapid publication of research results and timely commercialization of products, and methods of treatment or prevention that may result from research. The CRADA collaborator will have an option to negotiate an exclusive or non-exclusive license to subject inventions arising under the CRADA and which are a subject of the CRADA Research Plan.

Proposals and questions about this CRADA opportunity may be addressed to Donna L. Bialozor, Technology Development Specialist, Technology Development & Commercialization Branch, National Cancer Institute-Frederick, 1003 West Seventh Street, Fairview Center, Room 502, Frederick, MD 21701 (Phone 301-846-5465; Fax: 301-846-6820; E-mail: [bialozod@mail.nih.gov](mailto:bialozod@mail.nih.gov)).

Scientific inquiries should be submitted to Dr. Stephen Creekmore, Chief, Biological Resources Branch (BRB), Developmental Therapeutics Program (DTP), National Cancer Institute-Frederick Research & Development Center, Building 1052, Room 251, NCI-Frederick, P.O. Box B, Frederick, MD 21702-1201 (Phone: 301-846-1100; Fax: 301-846-5429; E-mail: [creekmor@mail.ncicrf.gov](mailto:creekmor@mail.ncicrf.gov)).

Inquiries regarding CRADA proposals and scientific matters may be forwarded at any time. Confidential, preliminary CRADA proposals, preferably five pages or less, must be submitted to the NCI within 90 days from the date of this publication. Guidelines for preparing final CRADA proposals will be submitted shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest. CRADA proposals submitted at a later date may be considered if a suitable CRADA collaborator has not been selected.

#### Technology Available

The Biological Resources Branch (BRB) of the Developmental Therapeutics Program (DTP) is an NCI extramural research activity with a mission to evaluate and support development of innovative



biopharmaceutical approaches to cancer therapy. To this end, the BRB has established contracts to manufacture biopharmaceuticals to be used in late preclinical and early clinical studies. The goal of these efforts is to provide scientific and technical expertise and key resources for the development of selected concepts through phase I/II and proof-of-concept clinical trials. Through its contract resources, the BRB possesses scientific and technical expertise in process development, manufacture, purification, vial filling, documentation, testing, and release of a wide range of monoclonal antibody, recombinant protein, natural product, peptide, oligonucleotide, viral, and bacterial-based clinical agents, devices, and vaccines. DTP also possesses expertise in toxicological and pharmaceutical support for these efforts. Depending on the circumstances and subject to future review and approval, the NCI may elect to provide resources for regulatory affairs support and IND filing through the Regulatory Affairs Branch of the Cancer Therapy Evaluation Program (CTEP), or through the offices of the outside collaborators. NCI may also elect to provide resources for design and execution of clinical trials at collaborating extramural sites, or intramural NCI clinics, or through the efforts of CTEP. Background and contact information for BRB and DTP resources are available at the following web sites: <http://www.ncifcrf.gov/brb/> and <http://www.dtp.nci.nih.gov>.

#### Technology Sought

BRB now seeks potential collaborators having expertise in one or more of the component approaches, molecules, or devices for development in the clinical setting of bone marrow transplantation:

- (1) Monoclonal antibodies directed at normal T cell populations;
- (2) Other targeting molecules appropriate for *ex vivo* selection of appropriate populations of donor T-cells;
- (3) Devices that employ these targeting molecules to deplete appropriate populations of donor T-cells;
- (4) Alternative approaches to the problem of *ex vivo* depletion of selected populations of donor T-cells.

Primary consideration will be given to collaborators having significant and relevant preclinical and/or clinical experience in the development of these or similar approaches, molecules, or devices.

#### Collaborators Sought

Accordingly, DHHS now seeks collaborative agreements for the joint

BRB and Collaborator discovery, research and development of novel, clinically useful approaches for the selective *ex vivo* depletion of donor T-cell populations, for use in the setting of bone marrow transplantation. For collaborations with the commercial sector, a Cooperative Research and Development Agreement (CRADA) will be established to provide for equitable distribution of intellectual property rights developed under the CRADA. CRADA aims will include rapid publication of research results as well as timely exploitation of commercial opportunities.

At a minimum, the successful Collaborator should either possess broad experience in, or possess highly specialized experience or unique expertise in one or more of the areas particularly pertinent to drug or device lead-discovery and development within the scope of this project.

NCI will provide no funding to the Collaborator inasmuch as financial contributions by the U.S. Government to non-Federal parties under a CRADA are not authorized under the Federal Technology Transfer Act (15 U.S.C. 3710a(d)(1)).

#### NCI and Collaborator Responsibilities

The role of the National Cancer Institute in this CRADA may include, but not be limited to:

- (1) Providing intellectual, scientific, and technical expertise and experience to the research project.
- (2) Providing facilities for process development and production of monoclonal antibodies or relevant targeting molecules, to support preclinical development of these approaches.
- (3) Providing the Collaborator(s) with process development, production and QC test data for evaluation.
- (4) Provision of Quality Assurance and Quality Control of targeting molecules with or without devices used in T cell depletion, to support preclinical development of these approaches.
- (5) Planning preclinical (*in vivo* and *in vitro* testing) research studies and interpreting research results.
- (6) Publishing research results.
- (7) Depending on the results of these preclinical investigations, NCI may elect to provide additional support for clinical-grade (cGMP) production of the targeted monoclonal antibodies or molecules derived from the CRADA.

Commitment of substantial resources would require specific review and approval by the NCI's Division of Cancer Treatment and Diagnosis.

The role of the CRADA Collaborator may include but not be limited to:

(1) Providing significant intellectual, scientific, and technical expertise or experience to the research project.

(2) Providing monoclonal antibody clones or other production expression systems and test data to the research project.

(3) Providing other targeting molecules and test data to the research project.

(4) Providing devices that can employ targeting molecules, along with test data to the research project.

(5) Planning research studies and interpreting research results.

(6) Publishing research results.

Selective criteria for choosing the CRADA collaborator may include, but not be limited to:

(1) The ability to collaborate with the NCI on research and development of this technology involving discovery, optimization, production, testing, and biological evaluation. This ability can be demonstrated through experience, expertise, and the ability to contribute intellectually in this or related areas of drug discovery, research, and development.

(2) The demonstration of adequate resources to perform the research, development and commercialization of this discovery, optimization and biological evaluation technology (e.g., facilities, personnel, and expertise) and to accomplish objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

(3) The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology as defined above.

(4) The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

(5) The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

(6) The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern the equitable distribution of patent rights to CRADA inventions. Generally, the rights of ownership are retained by the organization that is the employer of the inventor, with (1) the grant of a license for research and other Government purposes to the Government when the CRADA Collaborator's employee is the sole inventor; or (2) the grant of an option to elect an exclusive or non-exclusive license to the CRADA

Collaborator when the Government employee is the sole inventor.

Dated: February 22, 2001.

**Kathleen Sybert,**

Chief, Technology Development & Commercialization Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 01-6039 Filed 3-9-01; 8:45 am]

BILLING CODE 4140-01-P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**National Institutes of Health**

**National Institute on Child Health and Human Development (NICHD); Opportunity for Cooperative Research and Development Agreement**

**SUMMARY:** The National Institute of Child Health and Human Development (NICHD) is seeking research statements from parties interested in entering into a Cooperative Research and Development Agreement (CRADA). The purpose of the CRADA is to develop new strategies for the identification of MATER (Maternal Effect Gene) specific to the remodeling of chromosomal architecture, and the transcription and translation that support healthy mammalian oocytes and early embryonic development. The project is part of the ongoing activities of the Developmental Endocrinology Branch (DEB), Division of Intramural Research, NICHD. The term of the CRADA will be up to five (5) years.

**DATES:** Interested parties should notify this office in writing of their intent to file a formal proposal no later than April 11, 2001. Formal proposals must be submitted to this office no later than May 11, 2001.

**ADDRESSES:** Research Statements should be submitted to Kate Sinclair Dunn, Technology Development Specialist, Technology Development and Commercialization Branch, National Cancer Institute, National Institutes of Health, Executive Plaza South, Room 450, 6120 Executive Blvd., MSC 7182, Bethesda, MD 20892-7182, Phone: 301-496-0477, Fax: 301-402-2117, e-mail [sinclairk@otd.nci.nih.gov](mailto:sinclairk@otd.nci.nih.gov). Scientific questions should be addressed to Lawrence M. Nelson, M.D., Head, Gynecological Endocrinology Unit Developmental Endocrinology Branch, NICHD, NIH, Building 10, Room 10N262, Bethesda, MD 20892-1862; Phone (direct): 301-402-6608, Office: 301-496-4686; Fax: 301-402-0574, e-mail: [Lawrence\\_Nelson@nih.gov](mailto:Lawrence_Nelson@nih.gov). Inquiries directed to obtaining patent license(s) related to participation in the CRADA opportunity should be

addressed to Dennis Penn, Pharm.D., MPH, Senior Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Blvd., Suite 325, Rockville, MD 20852-3804, Phone: 301-496-7735, Fax: 301-402-0220, e-mail: [pennd@od.nih.gov](mailto:pennd@od.nih.gov).

**SUPPLEMENTARY INFORMATION:** A CRADA is the anticipated joint agreement to be entered into by NICHD and a collaborator pursuant to the Federal Technology Transfer Act of 1986 (15 U.S.C. 3710 a), as amended. A CRADA is an agreement designed to enable certain collaborations between Government laboratories and non-Government laboratories. It is not a grant, and is not a contract for the procurement of goods/services. The NICHD is prohibited from transferring funds to a CRADA Collaborator. Under a CRADA, the NICHD can offer the selected collaborator access to facilities, staff, materials, and expertise. The collaborator may contribute facilities, staff, materials, expertise, and funding to the collaboration. A CRADA collaborator may elect an option to an exclusive or non-exclusive license to Government intellectual property rights arising under the CRADA, and may qualify as a co-inventor of new technology developed under the CRADA. As between two or more sufficient, overlapping research proposals (where the overlap cannot be cured), the NICHD, as specified in 15 U.S.C. 3710a(c)(4), will give special consideration to small businesses, and will give preference to business units located in the U.S. that agree to manufacture CRADA products in the U.S.

The CRADA will employ a MATER null mouse line to examine the role of MATER in effecting the embryonic program switch from the maternal genome to the zygotic genome. The project's goal is to define MATER's role in embryonic transcription, transition from control by the maternal to the zygotic genome, signal transduction, cell cycle control, and to identify proteins that interact with MATER. A strategy should be developed to extract RNA from oocytes and early stage mouse embryos to create cDNA libraries to identify the genes that are critical to oocyte function and early embryonic development. Furthermore, a strategy will be implemented for development of a chip technology for oocyte and embryonic gene activation.

Preimplantation mouse embryos may also be used for protein analysis and profiling. Specific gene loci or gene sequences that are identified will be

analyzed and may be employed in the molecular manipulation of animal oocytes or early embryos.

The described methods are the subject of a U.S. provisional patent application filed October 18, 2000 by the Public Health Service on behalf of the Federal Government. Furthermore, the initial report and characterization of the invention is described in: Tong *et al.*, *Mamm. Genome* 11:281-287, 2000. Commercialization of new CRADA technology may require obtaining an appropriate PHS license.

The collaborator in this endeavor is expected to commit scientific personnel commensurate with the level of research activities defined by the CRADA Research Plan. It is anticipated that PHS laboratories and/or those of the collaborator will be utilized, as appropriate, for the research activities as defined by the Research Plan. NICHD anticipates, in addition, that the Collaborator, as appropriate, will provide funding for the project.

**Party Contributions**

The NICHD anticipates that its role may include, but not be limited to, the following:

- (1) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions with the collaborator;
- (2) Provide collaborator with access to existing NICHD research data (both already collected and yet to be collected);
- (3) Provide staff, expertise, and materials for the development and testing of promising products;
- (4) Provide work space and equipment for testing of any prototype compositions developed.

The NICHD anticipates that the role of the successful collaborator will include the following:

- (1) Provide significant intellectual, scientific, and technical expertise in the development and manufacture of relevant products;
- (2) Plan research studies, interpret research results, and, as appropriate, jointly publish the conclusions; and
- (3) Provide NICHD a supply of necessary materials, access to necessary proprietary technology and/or data, and as necessary for the project, staff and funding in support of the research goals.

Other contributions may be necessary for particular proposals.

**Selection Criteria**

Proposals submitted for consideration should address, as best as possible and to the extent relevant to the proposal, each of the following:

*(1) Expertise*

A. Scientific advisors and staff with a demonstrated record of research success related to remodeling of chromosomal architecture, transcription, and translation, and

(i) Technical expertise of the Collaborator's Principal Investigator and laboratory group in the technology described above,

*(2) Reliability as a Research Partner*

A. Willingness to commit best effort and to provide adequate and sustained resources and/or funding, as appropriate, to support the CRADA studies, and

B. Development of this technology, as outlined in the CRADA Collaborator's proposal, and

C. Ability to develop and produce products in a timely manner, as applicable (for example, as demonstrated by a history of meeting benchmarks in licenses), and

D. Commitment to supporting the advancement of scientific research, as evidenced by a willingness to jointly publish research results in a prompt manner, and

E. Willingness to be bound by DHHS and PHS policies regarding:

(i) the public distribution of unmodified genetic sequences and research tools,

(ii) the care and handling of animals, and

(iii) testing in human subjects.

*(3) Physical Resources*

A. An established headquarters, with office space and basic office equipment, and

B. Access to the organization during business hours by telephone, facsimile, courier, U.S. Post, e-mail, the World-Wide-Web, and, as appropriate, other evolving information technologies, and

C. Sufficient financial and material resources to support, at a minimum, the anticipated activities of the CRADA to meet the needs of NICHD under the proposal.

The collaborator is encouraged to propose, in the written research statement, related applications and technologies other than those specifically described herein.

Dated: February 26, 2001.

**Kathleen Sybert,**

*Chief, TDCB/NCI/NIH.*

[FR Doc. 01-6038 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Cancer Institute; Amended Notice of Meeting**

Notice is hereby given of a change in the meeting of the National Cancer Institutes Board of Scientific Advisors, March 5, 2001, 8 a.m. to March 6, 2001, 1 p.m. National Cancer Institute, 9000 Rockville Pike, Building 31, C Wing, 6th Floor, Conference Room 10, Bethesda, MD 20892 which was published in the **Federal Register** on February 2, 2001, 66 FR 8809.

The meeting has been changed to a one day meeting, to be held March 5, 2001 from 8 a.m. to 5 p.m. The meeting is partially closed to the public.

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6018 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Cancer Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Initial Review Group Subcommittee H—Clinical Groups.

*Date:* March 15, 2001.

*Time:* 9:30 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Cancer Institute, Grants Review Branch, 6116 Executive Boulevard, Rockville, MD 20892. (Telephone Conference Call).

*Contact Person:* Deborah R. Jaffe, PhD, Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, NIH,

6116 Executive Boulevard, Room 8038, MSC 8328, Bethesda, MD 20892, (301) 496-7721.

This notice is being published less than 15 days prior to the meeting due to scheduling conflicts.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6028 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****National Institutes of Health****National Cancer Institute; Notice of Closed Meeting**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel SBIR Topic 180.

*Date:* March 19, 2001.

*Time:* 10:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Cancer Institute, 6130 Executive Boulevard, Conference Room H, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Timothy C. Meeker, MD, Scientific Review Administrator, Special Referral and Resources Branch, Division of Extramural Activities, National Cancer Institute, 6116 Executive Boulevard, Room 8088, Rockville, MD 20852, 301/594-1279.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction;

93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: February 26, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6029 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Research Resources; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

*Date:* April 22-25, 2001.

*Time:* April 22, 2001, 6:30 p.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* C. William Angus, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892-7965, 301-435-0812.

*Name of Committee:* National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

*Date:* May 31-June 1, 2001.

*Time:* May 31, 2001, 8 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Four Points by Sheraton Bethesda, 8400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Sheryl K. Brining, Ph.D., Scientific Review Administrator, Office of

Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892-7965, 301-435-0809, brinings@ncrr.nih.gov.

*Name of Committee:* National Center for Research Resources Special Emphasis Panel, Research Infrastructure.

*Date:* June 7-8, 2001.

*Time:* June 7, 2001, 8 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Hotel, One Bethesda Metro, Bethesda, MD 20814.

*Contact Person:* Sheryl K. Brining, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, One Rockledge Center, MSC 7965, 6705 Rockledge Drive, Suite 6018, Bethesda, MD 20892-7965, 301-435-0809, brinings@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

Dated: March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6011 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Complementary & Alternative Medicine; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Center for Complementary and Alternative Medicine Special Emphasis Panel.

*Date:* March 27, 2001.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Cecelia Maryland, Grants Technical Assistant, National Center for Complementary and Alternative Medicine, National Institutes of Health, Building 31, Room 5B50, Bethesda, MD 20892, (301) 480-2419.

Dated: March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6012 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Center for Research Resources; Notice of Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Scientific and Technical Review Board on Biomedical and Behavioral Research Facilities.

*Date:* May 23-24, 2001.

*Open:* May 23, 2001, 8:00 a.m. to 9:00 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

*Closed:* May 23, 2001, 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hilton Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

*Contact Person:* D.G. Patel, Ph.D., Scientific Review Administrator, Office of Review, National Center for Research Resources, National Institutes of Health, 6705 Rockledge Drive, Room 6018, Bethesda, MD

20892-7965, (301) 435-0824,  
dgpatal@ncrr.nih.gov.

*Name of Committee:* National Center for Research Resources Initial Review Group, General Clinical Research Centers Review Committee.

*Date:* June 13-14, 2001.

*Open:* June 13, 2001, 8:00 a.m. to 9:30 a.m.

*Agenda:* To discuss program planning and other issues.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Closed:* June 13, 2001, 9:30 a.m. to Adjournment.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* John L. Meyer, Ph.D., Deputy Director, Office of Review, National Institutes of Health, One Rockledge Centre, Room 6018, 6705 Rockledge Drive, MSC 7965, Bethesda, MD 20892-7965, 301-435-0806, meyerj@ncrr.nih.gov.

(Catalogue of Federal Domestic Assistance Programs Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333; 93.371, Biomedical Technology; 93.389, Research Infrastructure, National Institutes of Health, HHS)

*Dated:* March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6015 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel, The Heritage Family Study (Phase 3).

*Date:* March 9, 2001.

*Time:* 8 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Ave, Bethesda, MD 20814.

*Contact Person:* Valerie Prenger, Ph.D., Health Scientist Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892-7924, (301) 435-0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

*Dated:* February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6024 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Heart, Lung, and Blood Institute Special Emphasis Panel, Genetics of Coronary and Aortic Calcification (GENCAC).

*Date:* March 8, 2001.

*Time:* 7 p.m. to 11 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Valerie Prenger, Ph.D., Health Scientist Administrator, NIH, NHLBI, DEA, Review Branch, Rockledge Center II, 6701 Rockledge Drive, Suite 7198, Bethesda, MD 20892-7924, (301) 435-0297.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

*Dated:* February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6025 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

*Date:* March 16, 2001.

*Time:* 11:30 a.m. to 1:30 p.m.

*Agenda:* To provide concept review of proposed concept review.

*Place:* 6000 Executive Blvd., Suite 409, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Ronald Suddendorf, Ph.D., Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892-7003, 301-443-2926.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

*Dated:* March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6013 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

*Date:* April 19, 2001.

*Time:* 1:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Raul A. Saavedra, Ph.D., Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6014 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel.

*Date:* March 8, 2001.

*Time:* 9 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ramada Inn at Congressional Park, 1775 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Gopal M. Bhatnagar, Ph.D., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496-1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6016 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 28, 2001.

*Time:* 11 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* David I. Sommers, Ph.D., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6144, MSC 9606, Bethesda, MD 20892-9606, 301-443-6470, dsommers@mail.nih.gov.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 30, 2001.

*Time:* 10:30 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892-9606, 301-443-6470.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 30, 2001.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892-9606, 301-443-6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: March 2, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6017 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

*Date:* April 9, 2001.

*Time:* 10:30 a.m. to 1 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* John R. Lymangrover, Ph.D., Scientific Review Administrator, National Institutes of Health, NIAMS, Natcher Bldg., Room 5AS25N, Bethesda, MD 20892, 301-594-4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6019 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Arthritis and Musculoskeletal and Skin Diseases Special Emphasis Panel.

*Date:* March 21, 2001.

*Time:* 8:30 a.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* Aftab A. Ansari, Ph.D., Scientific Review Administrator, NIH/NIAMS, Natcher Building, 45 Center Drive, Room 5AS25N, Bethesda, MD 20892, 301-594-4952.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6020 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-29, Review of R42 Grants.

*Date:* March 13, 2001.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-30, Review of RFA-Health Disparity Centers.

*Date:* March 22, 2001.

*Time:* 12:15 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-21, Review of P01 Grant.

*Date:* March 26-27, 2001.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Hotel, Congressional Salon Conference Room, 5100 Pook's Hill Road, Bethesda, MD.

*Contact Person:* Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-37, Review of R01s.

*Date:* March 30, 2001.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 45 Center Drive, Natcher Building, Conference Room E1/2, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Anna Sandberg, Ph.D., Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594-3089.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-26, Review of R01s.

*Date:* April 2, 2001.

*Time:* 2:15 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Philip Washko, Ph.D., DMD, Scientific Review Administrator, 45



Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-15, Review of R01s.

*Date:* April 2, 2001.

*Time:* 2:30 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 45 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Anna Sandberg, Ph.D., Scientific Review Administrator, National Institute of Dental & Craniofacial Res., 45 Center Drive, Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (301) 594-3089.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel 01-03, RFA Review-Disparity Centers.

*Date:* May 17-18, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications and/or proposals.

*Place:* Sheraton Inn, 8400 Wisconsin Avenue, Bethesda, MD.

*Contact Person:* H. George Hausch, Ph.D., Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6021 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 19, 2001.

*Time:* 3 p.m. to 4:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892-9606, 301-443-6470.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 27, 2001.

*Time:* 11 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892-9606, 301-443-6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6022 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel.

*Date:* March 27, 2001.

*Time:* 2 p.m. to 4 p.m.

*Place:* Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Mary Sue Krause, MED, Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6138, Bethesda, MD 20892-9606, 301-443-6470.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6023 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB-4(C1).

*Date:* March 16, 2001.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* 2 Democracy Plaza, 6707 Democracy Boulevard, 6th Floor, Room 647, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* William E. Elzinga, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 647, 6707 Democracy Boulevard, National Institutes of



Health, Bethesda, MD 20892-6600, (301) 594-8895.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel, ZDK1 GRB-4(M3).

*Date:* April 18-19, 2001.

*Time:* 7 p.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Richmond Marriott Hotel, 500 East Broad Street, Richmond, VA 23219.

*Contact Person:* William E. Elzinga, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 647, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892-6600, (301) 594-8895.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6026 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel ZDK1 GRB-3 (C2B).

*Date:* March 13, 2001.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* 2 Democracy Plaza, 6707 Democracy Blvd., Rm 645, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, National Institutes of Health, Room 657, 6707 Democracy Boulevard, Bethesda, MD 20892, 301/594-8898.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive Kidney Diseases Special Emphasis Panel ZDK1 GRB-B M1.

*Date:* April 19-20, 2001.

*Time:* 7 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20850.

*Contact Person:* Ned Feder, MD, Scientific Review Administrator, Review Branch, DEA, NIDDK, Room 645, 6707 Democracy Boulevard, National Institutes of Health, Bethesda, MD 20892, (301) 594-8890.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: February 27, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6027 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institute of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAID.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Allergy and Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, NIAID.

*Date:* June 11-13, 2001.

*Time:* June 11, 2001, 8 a.m. to adjournment on June 13

*Agenda:* To review and evaluate personal qualifications and performance, competence of individual investigators.

*Place:* National Institutes of Health, Building 4, Conference Room 433, 10 Center Drive, Bethesda, MD 20892.

*Contact Person:* Thomas J. Kindt, Ph.D., Director, Division of Intramural Research, National Inst. of Allergy & Infectious Diseases, Building 10, Room 4A31, Bethesda, MD 20892. 301 496-3006, tk9c@nih.gov, (Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6031 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute on Deafness and Other Communication Disorders; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIDCD.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

*Name of Committee:* Board of Scientific Counselors, NIDCD.

*Date:* March 30, 2001.

*Time:* 3 p.m. to 4:45 p.m.

*Agenda:* Program documents.

*Place:* 5 Research Court, Conference Room 2A07, Rockville, MD 20850, (Telephone Conference Call).

*Contact Person:* Robert J. Wenthold, Ph.D., Director, Division of Intramural Research, National Institute on Deafness and Other Communication Disorders, 5 Research Court, Room 2B28, Rockville, MD 20852, 301-402-2829.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: March 1, 2001.

**Laverne Y. Stringfield,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. 01-6032 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel.

*Date:* April 24, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Ramada Inn at Congressional Park, 1775 Rockville Pike, Rockville, MD 20852.

*Contact Person:* Laurence R. Stanford, Ph.D., Director, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Building, Room 5E03, 9000 Rockville Pike, MSC 7510, Bethesda, MD 20892, (301) 496-1485.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. 01-6033 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

*Date:* April 6, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* Holiday Inn Gaithersburg, The Washington Room, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.

*Contact Person:* Vassil S. Georgiev, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700-B Rockledge Drive, MSC-7610, Bethesda, MD 20892-7610, 301-496-2550.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. 01-6034 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Disease; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personally privacy.

*Name of Committee:* National Institutes of Allergy and Infectious Diseases Special Emphasis Panel.

*Date:* March 22, 2001.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 6700-B Rockledge Drive, Rm 2222, Rockville, MD 20892, (Telephone Conference Call).

*Contact Person:* Gerald L. McLaughlin, Ph.D., Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700-B Rockledge Drive, MSC 7610, Bethesda, MD 20892-7610, 301-496-2550, gm145a@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory  
Committee Policy.*

[FR Doc. 01-6035 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel.

*Date:* March 29, 2001.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* 6100 Executive Blvd., 5th Floor, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435-6912.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6036 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel Population Research Infrastructure Program.

*Date:* April 17-18, 2001.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* Robert H. Stretch, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100

Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435-6912.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01-6037 Filed 3-9-01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 20, 2001.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda MD 20892, (Telephone Conference Call).

*Contact Person:* Ellen K. Schwartz, EDD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3168, MSC 7770, Bethesda, MD 20892, 301-435-0681, schwarte@csr.nih.gov.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 22-23, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Janet Nelson, Ph.D., Scientific Review Administrator, National Institutes of Health, 6701 Rockledge Drive,

Room 4158, MSC 7806, Bethesda, MD 20892 301-435-1723, nelson@csr.nih.gov

*Name of Committee:* Center for Scientific Review Special Emphasis Panel ZRG1-TMP-1 Study Section.

*Date:* March 22-23, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, Versailles IV Room, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jean Hickman, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, 301-435-1146.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 22-23, 2001.

*Time:* 1 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

*Contact Person:* Nancy Shinowara, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892-7814, (301) 435-1173, shinowan@drg.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 22, 2001.

*Time:* 6 p.m. to 9 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892-7814, (301) 435-1743, sipej@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

*Contact Person:* Eugene Vigil, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5144, MSC 7840, Bethesda, MD 20892, (301) 435-1025.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 8 a.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jean D. Sipe, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892-7814, (301) 435-1743, sipej@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 9:30 a.m. to 10:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Samuel Rawlings, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5160, MSC 7844, Bethesda, MD 20892, (301) 435-1243.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 10 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn—Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

*Contact Person:* Arnold Revzin, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4192, MSC 7806, Bethesda, MD 20892, (301) 435-1153.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Stephen M. Nigida, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435-3565.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Gamil C. Debbas, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435-1018.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Nancy Hicks, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435-0695.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Paul K. Strudler, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435-1716.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Robert T. Su, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435-1195.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 23, 2001.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Nancy Hicks, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3158, MSC 7770, Bethesda, MD 20892, (301) 435-0695.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 25–27, 2001.

*Time:* 8 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Dallas Marriot Suites Market Center, 2493 N. Stemmons Freeway, Dallas, TX 75207.

*Contact Person:* Nadarajen A. Vydelingum, Ph.D., Scientific Review Administrator, Special Study Section—8, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, MSC 7854, Room 5122, Bethesda, MD 20892, (301) 435-1176, vydelinn@csr.nih.gov.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel, ZRG1 CDF-1 01S.

*Date:* March 25–27, 2001.

*Time:* 7 p.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Radisson Hotel Metrodome, 615 Washington Ave. SE., Minneapolis, MN 55414.

*Contact Person:* Michael H. Sayre, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435-1219.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 26, 2001.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jerrold Fried, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4126, MSC 7802, Bethesda, MD 20892, (301) 435-1777.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel.

*Date:* March 26, 2001.

*Time:* 9 a.m. to 6 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott, 5151 Pooks Hill Rd, Bethesda, MD 20814.

*Contact Person:* Gopa Rakhit, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4154, MSC 7806, Bethesda, MD 20892, (301) 435-1721.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306, 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: March 1, 2001.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 01–6030 Filed 3–9–01; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Fiscal Year (FY) 2001 Funding Opportunities

**AGENCY:** Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

**ACTION:** Notice of funding availability.

**SUMMARY:** The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Grants for Statewide Family Networks, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. number of awards	Project period
Grants for Statewide Family Networks .....	May 21, 2001 .....	\$2.9 million .....	50	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law 106-310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126, page 35962) on July 2, 1993.

**General Instructions:** Applicants must use application form PHS 5161-1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161-1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1-800-789-2647.

The PHS 5161-1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: <http://www.samhsa.gov>.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

**Purpose:** The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing Grants for Statewide Family Networks. Projects will assist family members around the country to work with policy makers and service providers to improve service access and quality of services for children and adolescents with serious emotional disturbances and their families. When effective, groups of such individuals serve as catalysts in reforming service systems for this population. The Statewide Family Network Grant Program is designed to strengthen coalitions among family members, and between family members and policy makers and service providers;

recognizing that family members are the best and most effect change agents.

**Eligibility:** Nonprofit private entities, including currently funded Statewide Family Network grantees, which meet the following requirements are eligible to apply:

1. Nonprofit private entities that have a board of directors comprised of no less than 51 percent family members whose children are currently receiving service and are age 18 and under or age 21 and under if served with an Individual Education Plan and have a serious emotional, behavioral or mental disorder.

2. The entities' organizational mission and scope of work must have a statewide scope and focus solely on families who have children, youth and adolescents age 18 and under or 21 and under if served by an Individual Education Plan; with a serious emotional, behavioral, or mental disorder.

Statewide Family Networks located in the 50 States, the District of Columbia and the federally recognized territories are eligible to apply. Inasmuch as there appear to be no nonprofit private family organizations representing a specific tribe, any nonprofit private tribal family organization can apply on behalf of tribal families overall.

**Availability of Funds:** The program goal is to fund one award per State. Approximately \$2.9 million will be available for approximately 50 awards. Individual awards should be no more than \$60,000 in total cost (direct and indirect). Actual funding levels will depend upon the availability of funds. Additional funds will be available for 10 grantees for up to \$10,000 for each award; to include provisions for youth involvement in the network. Youth involvement funds will be included in awards to successful applicants, not awarded separately.

**Period of Support:** Support may be requested for a period of up to three years. Annual continuation awards for years 2 and 3 will be made subject to continued availability of funds and progress achieved.

#### Criteria for Review and Funding

**General Review Criteria:** Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be

used by the peer review groups are specified in the application guidance material.

**Award Criteria for Scored Applications:** Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

**Catalog of Federal Domestic Assistance Number:** 93.230.

**Program Contact:** For questions concerning program issues, contact: Elizabeth Sweet, M.Ed. and Gary DeCarolis, M.Ed., Child, Adolescent, and Family Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C-16, Rockville, MD 20857, (301) 443-1333, E-Mail: [esweet@samhsa.gov](mailto:esweet@samhsa.gov), [gdecarol@samhsa.gov](mailto:gdecarol@samhsa.gov).

Questions on grants management issues should be directed to: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13-103, Rockville, MD 20857, (301) 443-4456, E-Mail: [shudak@samhsa.gov](mailto:shudak@samhsa.gov).

**Public Health Grants Management System Reporting Requirements:** The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

- a. A copy of the face page of the application (Standard form 424).
- b. A summary of the project (PHSIS), not to exceed one page, which provides:
  - (1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

**PHS Non-use of Tobacco Policy Statement:** The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

**Executive Order 12372:** Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up

a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17-89, 5600 Fishers Lane, Rockville, Maryland 20857

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 5, 2001.

**Richard Kopanda,**

*Executive Officer, Substance Abuse and Mental Health Services Administration.*

[FR Doc. 01-5955 Filed 3-9-01; 8:45 am]

**BILLING CODE 4162-20-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Substance Abuse and Mental Health Services Administration**

**Fiscal Year (FY) 2001 Funding Opportunities**

**AGENCY:** Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

**ACTION:** Notice of funding availability.

**SUMMARY:** The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for grants for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Cooperative Agreement for a Technical Assistance Center for Statewide Family Networks (short title: Statewide Networks Technical Assistance), and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est. number of awards	Project period
Statewide Networks Technical Assistance Center .....	May 21, 2001 .....	\$300-600,000	1	3 years.

The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106-310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126 page 35962) on July 2, 1993.

**General Instructions:** Applicants must use application form PHS 5161-1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161-1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health

Services Knowledge Exchange Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1-800-789-2647.

The PHS 5161-1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: <http://www.samhsa.gov>.

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

**Purpose:** The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for implementing a cooperative agreement for a Technical Assistance Center for Statewide Family Networks. The Technical Assistance Center will serve

Networks receiving a grant under SAMHSA GFA No. SM01-004. The purpose of the Technical Assistance Center is to provide training, mentoring by peers in the field, help with problem solving, a communications link for the Center for Mental Health Services to the grantees, and logistical arrangements for a mandatory annual technical assistance meeting.

**Eligibility:** Nonprofit private entities that meet all of the following requirements are eligible to apply:

(1) Nonprofit private entities that have a board of directors comprise of no less than 51 percent family members whose children, youth, or adolescents have a serious emotional, behavioral, or mental disorder.

(2) The entities organizational mission and scope of work must solely focus on families whose children, youth, and adolescents age 18 and under or 21 and under if served by an Individual Education Plan (IEP); with serious

emotional, behavioral, or mental disorder.

*Availability of Funds:* Approximately \$300,000 to \$600,000 will be available for one award. Actual funding levels will depend upon the availability of funds.

*Period of Support:* The project period is three years. Annual continuation awards will be made subject to continued availability of funds and progress achieved.

#### Criteria for Review and Funding

*General Review Criteria:* Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

*Award Criteria for Scored Applications:* Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

*Catalog of Federal Domestic Assistance Number:* 93.230.

*Program Contact:* For questions concerning program issues, contact: Elizabeth Sweet, M.Ed. and Gary DeCarolis, M.Ed., Child, Adolescent, and Family Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C-16, Rockville, MD 20857, (301) 443-1333, E-Mail: esweet@samhsa.gov gdecarol@samhsa.gov.,

Questions on grants management issues should be directed to: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13-103, Rockville, MD 20857, (301) 443-4456, E-Mail: shudak@samhsa.gov.

*Public Health Grants Management System Reporting Requirements:* The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through

the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

- a. A copy of the face page of the application (Standard form 424).
- b. A summary of the project (PHSIS), not to exceed one page, which provides:
  - (1) A description of the population to be served.
  - (2) A summary of the services to be provided.
  - (3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

*PHS Non-use of Tobacco Policy Statement:* The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103-227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

*Executive Order 12372:* Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration,

Parklawn Building, Room 17-89, 5600 Fishers Lane, Rockville, Maryland 20857.

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: March 5, 2001.

**Richard Kopanda,**

*Executive Officer, Substance Abuse and Mental Health Services Administration.*

[FR Doc. 01-5956 Filed 3-9-01; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Procedures for Resubmitting Revised Applications in Response to Program Announcements

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice of procedures for resubmitting revised applications in response to SAMHSA program announcements.

**SUMMARY:** The Substance Abuse and Mental Health Services Administration (SAMHSA), HHS issues Program Announcements (PAs) when inviting applications for consideration on an ongoing basis. Beginning with the May 10, 2001 receipt date, the following procedures are to be followed for all revised and resubmitted applications that are submitted in response to ongoing SAMHSA Program Announcements. Current SAMHSA Program Announcements are listed at the end of this Notice. However, this process will apply equally to any new PA published after the date of this Notice.

**SUPPLEMENTARY INFORMATION:** When soliciting applications for its grant programs, the Substance Abuse and Mental Health Services Administration and its three Centers, the Center for Substance Abuse Treatment (CSAT), the Center for Mental Health Services (CMHS), and the Center for Substance Abuse Prevention (CSAP) publish either Program Announcements (PAs) for ongoing receipt dates or Guidance for Applicants (GFAs) for single receipt dates. Because of the ongoing receipt dates, applicants applying under Program Announcements may revise and resubmit their applications for a later receipt date if an application that



was reviewed by a SAMHSA review group was not successful in being funded.

SAMHSA is providing requirements on revised and resubmitted applications in the interest of efficiency and fairness. If an application, in response to a PA, is a revision of one previously submitted and reviewed, the following instructions must be followed.

Applicants may wish to consult with the appropriate SAMHSA program staff named in the PA before rewriting and resubmitting the application.

The instructions set out below are to be followed for revised and resubmitted applications.

1. Resubmitted applications which are essentially identical to prior ones will not be accepted for review and will be returned to the applicant. Revisions in resubmitted applications must be significant and be readily identifiable as explained below.

2. In an "Introduction" section that precedes the Table of Contents and does not exceed two (2) pages, identify the original application by number and indicate the receipt date for which it was previously submitted. If there is a different project director named on the revised application, note this as well.

3. Summarize in the "Introduction" any substantive additions, deletions, and changes that have been made to the application. Using the summary statement, which provides feedback on the review of the application, include responses to questions, criticisms or weaknesses communicated. Incorporate any work that affects the proposed project that occurred since the prior version of the application was submitted. The "Introduction" will not be counted against the total page limit of the application.

4. Within the text of the application, identify the changes either by appropriate bracketing, indenting, or changing of typography. DO NOT indicate changes by underlining or shading.

A revised application will be returned if an "Introduction" is not included and/or substantial revisions are not apparent. The revised and resubmitted application will be reviewed in its entirety. Review committee members will be instructed to review all aspects of the revised application, not just areas that have been changed. Acceptance of a revised application automatically withdraws the prior version and the score assigned to it.

Whenever possible and appropriate, the revised application will be reviewed by the same committee that reviewed the previous application. The Director, Division of Extramural Activities, Policy

and Review, SAMHSA will make the final assignment to a review committee. Revised applications will be reviewed in accordance with the same policies and procedures as all other applications contemporaneously reviewed by the committee.

Current SAMHSA PA(s) are:

#### Center for Substance Abuse Treatment

PA 99-050 Comprehensive Community Treatment Program for the Development of New and Useful Knowledge—(Short Title: Community Treatment Program)

PA 00-001 Grants to Expand Substance Abuse Treatment Capacity in Targeted Areas of Need—(Short Title: Targeted Capacity Expansion)

PA 00-050 Community Action Grants for Service Systems Change—(Short Title: CSAT Action Grant Program)

#### Center for Mental Health Services

PA 00-003 Community Grants for Service Systems Change— (Short Title: Community Action Grants)

#### SAMHSA Cross-Agency

PA 98-090 Substance Abuse and Mental Health Services Administration Knowledge Dissemination Conference Grants— (Short Title: SAMHSA Conference Grants)

Dated: March 2, 2001.

**Richard Kopanda,**

*Executive Officer, Substance Abuse and Mental Health Services Administration.*

[FR Doc. 01-5957 Filed 3-9-01; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4655-N-09]

### Notice of Proposed Information Collection: Comment Request; Multifamily Housing Rehabilitation Loan Program for Capital Repairs 236(s)

**AGENCY:** Office of the Assistant Secretary for Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* May 11, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Office, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Michael McCullough, Director, Office of Multifamily Development, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone number (202) 708-3000 (this is not a toll-free number), for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Multifamily Housing Rehabilitation Loan Program for Capital Repairs.

*OMB Control Number, if applicable:* 2502-0544.

*Description of the need for the information and proposed use:* Owners of eligible projects (applicants) will be required to submit to HUD information to show that the project meets the basic eligibility criteria, that rehabilitation is necessary to address the physical needs that exist at the property, and that they do not have the financial resources available to address these needs. These requirements will enable them to resolved the physical deficiencies at the property.

The information includes (a) an application cover letter and description



of the proposed use of funds; (b) a worksheet that demonstrates the calculation of the loan amount; (c) an updated Comprehensive Needs Assessment (CNA) including HUD forms 96001, 96002, and 96003; (d) the project's REAC physical and financial assessment scores; and creditworthiness of principal sponsors and the general contractor, the existence of any federal debt, judgments, or bankruptcy claims. The collection of this information is required to reduce the risk of project defaults and claims against the FHA insurance funds.

*Agency forms numbers, if applicable:* HUD-96001, HUD-96002, HUD-96003.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:* The estimated number of respondents is 400, the frequency of responses is 1, the number of burden hours is average 4–24, and the annual burden hours requested are 1600–9600.

*Status of the proposed information collection:* Reinstatement without change or previously approved collection for which approval has expired.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: March 2, 2001.

**Wayne Eddins,**

*Reports Management Officer, Office of the Chief Information Officer.*

[FR Doc. 01–5973 Filed 3–9–01; 8:45 am]

**BILLING CODE 4210–27–M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4652–N–06]

### Notice of Proposed Information Collection for Public Comment for the Office of Public and Indian Housing Pet Ownership for the Elderly or Persons With Disabilities

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** Comments Due Date: May 11, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

**FOR FURTHER INFORMATION CONTACT:** Mildred M. Hamman, (202) 708–3642 extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number.)

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 [44 U.S.C. Chapter 35, as amended].

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of response.

This Notice also list the following information:

*Title of Proposal:* Pet Ownership for the Elderly or Persons with Disabilities.

*OMB Control Number:* 2577–0078.

*Description of the need for the information and proposed use:* This information collection is under the authority of Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 170r–1). HUD issued regulations in 24 CFR part 5, subpart C, necessary to ensure attaining the goal of providing decent, safe, and sanitary housing for elderly or persons with disabilities. The statute also requires that these regulations establish guidelines under which Public Housing Agencies (PHAs), owners and managers may prescribe reasonable rules for the keeping of pets by tenants and must consult with tenants in prescribing the rules. The PHAs give written notices to applicants that pets are permitted,

working animals are excluded from regulation requirements, and where leases prohibit pets, tenants may request lease amendment. A copy of pet rules and written notice are given to each applicant when offered a unit.

*Agency form number, if applicable:* None.

*Members of affected public:* State, Local or Tribal Government; Individuals or households.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response:* 256 burden hours (32,000 respondents, .008 hour average per response).

*Status of the proposed information collection:* Reinstatement.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 5, 2001.

**Gloria J. Cousar,**

*Acting General Deputy Assistant Secretary for Public and Indian Housing.*

[FR Doc. 01–5974 Filed 3–9–01; 8:45 am]

**BILLING CODE 4210–33–M**

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

#### National Invasive Species Council

**AGENCY:** Office of the Secretary, Interior.

**ACTION:** Final Version of the National Invasive Species Management Plan; Notice of Availability.

**SUMMARY:** The National Invasive Species Council is announcing the availability of the final version of the *National Invasive Species Management Plan*, "Meeting the Challenge."

**DATES:** The National Invasive Species Management Plan was approved on January 18, 2001.

**ADDRESSES:** National Invasive Species Council, 1951 Constitution Avenue NW., Suite 320, Washington, DC 20240.

The final version of the National Invasive Species Management Plan is available on the Council's website, <http://www.invasivespecies.gov>. Copies may be obtained by contacting the Council Staff at (202) 208–6336; fax at (202) 208–1526; or e-mail at [invasivespecies@ios.doi.gov](mailto:invasivespecies@ios.doi.gov).

**FOR FURTHER INFORMATION CONTACT:** Kelsey Passe, Program Analyst, National Invasive Species Council; E-mail: [Kelsey.Passe@ios.doi.gov](mailto:Kelsey.Passe@ios.doi.gov); Phone (202) 208–6336; Fax: (202) 208–1526.

**SUPPLEMENTARY INFORMATION:** Executive Order 13112 on Invasive Species established the National Invasive

Species Council (Council), which is chaired by the Secretaries of Agriculture, Commerce, and the Interior and includes the Departments of State, Treasury, Defense, and Transportation and the Environmental Protection Agency. The Order directed the Secretary of the Interior to establish an Invasive Species Advisory Committee (ISAC) including diverse stakeholders to advise the Council. The Order applies to all Federal agencies whose actions may affect the status of invasive species and requires agencies to identify such actions and to the extent practicable and permitted by law (1) take actions specified in the Order to address the problem consistent with their authorities and budgetary resources; and (2) not authorize, fund, or carry out actions that they believe are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless, "pursuant to guidelines that it has prescribed, the agency has determined and made public its determination that the benefits of such actions clearly outweigh the potential harm caused by invasive species; and that all feasible and prudent measures to minimize risk of harm will be taken in conjunction with the actions." Although Executive Order 13112 applies to all Federal agencies, most of the duties required by the Executive Order are the responsibility of the eight Council Departments.

The Council was directed by the President to release the first edition of a National Invasive Species Management Plan (Plan) 18 months after the Order was issued, and to include performance-oriented goals and objectives and specific measures of success for Federal agency efforts concerning invasive species, update the Plan biennially, and evaluate and report on the success in achieving the goals and objectives of the Plan. The Plan is also to identify the personnel, other resources, and additional levels of coordination needed to achieve its goals and objectives. The purpose of the Plan is to provide a blueprint for Federal action in coordination with State, local, and private programs and international cooperation to prevent the introduction of invasive species, provide for their control, and minimize their economic, environmental, and human health impacts. The focus of the Plan is on those non-native species that cause or may cause significant negative impacts and do not provide an equivalent benefit to society.

In preparing the first edition of the Plan, the Council engaged in extensive consultation with many organizations and individuals with differing interests.

Valuable guidance came from ISAC and members of six working groups made up of both Federal and non-federal experts under the auspices of the Advisory Committee, including: (1) International, (2) communication, outreach, and education, (3) policy and regulation, (4) risk analysis and prevention, (5) management, and (6) research, information sharing, documentation, and monitoring. The Plan contains a number of actions recommended by the working groups and discussed in the reports of the groups which are posted on the Council's website. The Council also heard from a wide range of organizations and individuals at five public listening sessions held in July 2000 around the country and through numerous written comments.

A draft Plan was made available for comment on the Council's website in early August of 2000, before the deadline set by the Executive Order. However, due to extensive revisions made in response to public comment and delays in hiring Council staff, the final version was not issued until January 18, 2001. On October 2, 2000, a **Federal Register** notice (65 FR 58783–58784) announced the availability of the draft Plan. In that notice, the Council solicited comments on the Plan for 45 days ending on November 16, 2000. In response to a number of requests submitted by interested persons, the Council extended the comment period by 15 days in a second notice published in the **Federal Register** on November 16, 2000 (65 FR 69320).

By December 1, 2000, the close of the extended comment period, the Council had received a total of 181 written comments. The comments were from private citizens; a Native American association; businesses and industry groups; academic institutions; scientific, conservation, and other non-governmental organizations; State, local, and Federal Government agencies; and several public/private partnerships. The commenters generally supported the goals of the Executive Order and the Plan; however, nearly all of the commenters offered specific opinions, suggestions, or criticisms regarding the content of the draft Plan.

The Council carefully considered each of the comments received and made numerous changes to the Plan to reflect many of the points raised in the comments. In some cases, however, commenters brought up issues that were outside the scope of the Plan, made specific recommendations regarding detailed operational matters, or questioned why the activities of particular groups were either mentioned or overlooked. Other commenters

sought firm funding or action commitments that cannot be made until the implementation stage of the Plan. Wherever possible and appropriate, the Council will consider those comments that were not integrated into the final version of the Plan that deal with implementation issues during the implementation phase of the Plan.

The first edition of the Plan provides a general blueprint for action to deal with the threats posed by invasive species; however, many of the details of the actions called for will require further development in the implementation phase. At that point, specific measures of success, as well as the personnel and other resources needed to achieve the Plan's goals, will be described. The action items included in the Plan outline an array of prospective approaches for preventing the introduction and spread of invasive species. The Plan provides for development of an oversight mechanism to ensure agency accountability and calls on Council Departments to submit annual reports summarizing their progress in implementing the Plan.

The final version of the Plan was approved by the eight Council member agencies on January 18, 2001, and is now available to the public. The Plan is available on the Council's website; in addition, you may request a hard copy of the Plan by contacting the Council staff. In the near future, printed copies of the Plan will be made available and an order form will be posted on the Council's website.

Specific information regarding the availability of the Plan can be found in the **ADDRESSES** section of this notice.

**Lori Williams,**

*Executive Director, National Invasive Species Council.*

[FR Doc. 01–5979 Filed 3–9–01; 8:45 am]

**BILLING CODE 4310-RK-P**

---

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### **Notice of Availability, Response to Comments on Restoration Plan and Environmental Assessment for Natural Resources Injured by Releases of Pesticides From the United Heckathorn Superfund Site**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability.

---

**SUMMARY:** The U.S. Fish and Wildlife Service, on behalf of the Department of the Interior, the National Oceanic and Atmospheric Administration, and the

State of California, announces the availability of the response to public comments on the Final Tubbs Island Restoration Plan and Environmental Assessment (Plan/Assessment) for a wetland restoration project at Lower Tubbs Island, Sonoma County, California. The Tubbs Island Restoration Project was selected by the United Heckathorn Natural Resource Trustee Council (Trustees), consisting of representatives of the agencies listed above, as the preferred alternative to compensate the public for impairment of fish and wildlife habitat resulting from releases of dichlorodiphenoltrichloroethane (DDT) at the United Heckathorn Superfund Site in Richmond, California. Funds to carry out the restoration program were obtained via Consent Decrees between the government and the responsible parties in July 1996, and the Final Tubbs Island Restoration Plan and Environmental Assessment was completed in August 1998, along with a Finding of No Significant Impact (FONSI) under the National Environmental Policy Act (NEPA). The Plan/Assessment describes the approach, schedule, and budget for completing and monitoring the restoration project. A public hearing was held on March 22, 2000, to present the Trustees' proposal to fund the Tubbs Island Restoration Project with funds from the United Heckathorn settlement, and all interested parties were invited to submit comments on the proposal. Following a review of comments and consideration of additional proposals submitted by the City of Richmond and the East Bay Regional Parks District, the Council ratified its original decision to fund the project at Lower Tubbs Island.

**ADDRESSES:** Written requests for the Response to Comments or the Final Restoration Plan/Environmental Assessment should be sent to: Field Supervisor, Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825 (facsimile 916/414-6713). Documents will also be available for public inspection, by appointment, during normal business hours at the above address. The Response to Comments and Plan/Assessment are also on file at the U.S. Fish and Wildlife Service, San Pablo Bay National Wildlife Refuge P.O. Box 2012, 1404 Mesa Road, Mare Island, CA 94952; (707) 562-3000. They are available for public inspection during normal business hours, by appointment, at that address.

**FOR FURTHER INFORMATION CONTACT:** James Haas, Fish and Wildlife Service,

Sacramento Fish and Wildlife Office (see **ADDRESSES** section) at (916) 414-6604.

**Author**

The primary author of this notice is James Haas (see **ADDRESSES** section).

**Authority**

The authority for this action is the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. 9601 *et seq.*).

Dated: February 15, 2001.

**Elizabeth H. Stevens,**

*Acting Manager, California-Nevada Operations Office, Sacramento, California.*

[FR Doc. 01-5975 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-55-P**

---

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**[NV-050-1050-FD]**

**Pedestrian and Vehicular Closure on Certain Public Lands Managed by the Bureau of Land Management, Las Vegas Field Office**

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Pedestrian and vehicular closure on selected public lands in Clark County, Nevada.

**SUMMARY:** The Manager of the Las Vegas Field Office announces a pedestrian and vehicular closure on selected public lands under the Office's administration. The perimeter of the subject lands has been previously fenced to aid in the protection of sensitive heritage and traditional values. Closure will aid in law enforcement efforts to protect these lands. This action is being taken to ensure public safety, prevent unnecessary environmental degradation and prevent impacts from pedestrian or vehicular use of these lands. In the area subject to this closure, ongoing access-related damage to significant resources is adversely affecting their continuing importance to Indian tribes and the public.

**EFFECTIVE DATE:** The closure is effective immediately and will remain in effect for a period of one year.

**Closure Area:** Public lands affected are within the following described area: Township 15 South, Range 66 East, Sections 7 and 8. Maps depicting the area affected by this closure order are available for public inspection at the Las Vegas, Field Office, Bureau of Land Management at the address listed below.

**Exceptions to Closure:** Certain persons authorized or permitted by the Las Vegas Field Manager may be allowed within the selected lands.

**Closure Restrictions:** Unless otherwise authorized by the Las Vegas Field Office Manager, no person shall be allowed within the boundaries of the presently fenced enclosure legally described above. This applies to all types of access.

**Definitions:** "Authorized persons refers to those groups or individuals specifically authorized for official business. This includes certain BLM employees and contractors, volunteers, tribal members, University personnel or any other persons authorized by the Las Vegas Field Manager."

This closure order is issued under the authority of 43 CFR 8364.1. Violation of any of the terms, conditions, or restrictions contained within this closure order, may subject the violator to citation or arrest, with a penalty of fine or imprisonment or both as specified by law.

**FOR FURTHER INFORMATION CONTACT:**

Stanton D. Rolf, District Archaeologist, at the Bureau of Land Management, Las Vegas, Field Office, 4765 W. Vegas Drive, Las Vegas, Nevada 89108, telephone number (702) 647-5055.

Dated: February 20, 2001.

**Mark T. Morse,**

*Field Manager.*

[FR Doc. 01-6069 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-33-M**

---

**DEPARTMENT OF THE INTERIOR**

**Bureau of Land Management**

**[CA-610-01-1610-DL]**

**Draft Northern & Eastern Colorado Desert Coordinated Management Plan and Environmental Impact Statement: an Amendment to the California Desert Conservation Area Plan, 1980 and Sikes Act Plan With the California Department of Fish and Game**

**AGENCY:** Bureau of Land Management, California Desert District Office, Riverside, California.

**ACTION:** Notice of availability of draft Northern & Eastern Colorado Desert Coordinated Management Plan and Environmental Impact Statement.

**SUMMARY:** Notice is hereby given that the Draft Northern and Eastern Colorado Desert Coordinated Management Plan (Plan) and Environmental Impact Statement is available for public review and comment. The Plan will amend BLM's 1980 California Desert

Conservation Area Plan, complement the existing Joshua Tree National Park General Management Plan and Backcountry and Wilderness Management Plan, and serve as a basis for a biological resources management plan for the Chocolate Mountains Aerial Gunnery Range, managed by U.S. Marine Corps. The Plan also will provide for strategic, ecosystem-comprehensive management, including a programmatic biological opinion for the desert tortoise, provide for desert tortoise recovery, reduce the need to further species listings, and streamline the processing of land use permits on public land in the southeastern portion of the California Desert Conservation Area.

**DATES:** The 90-day public review and comment period for the draft Plan and EIS will begin February 26, 2001. Written statements on the Draft Plan and EIS must be submitted and postmarked no later than May 26, 2001.

**ADDRESSES:** Comments on the document should be mailed to the Bureau of Land Management, Attn: Northern & Eastern Colorado Desert Coordinated Management Plan, 6221 Box Springs Blvd., Riverside, CA 92507. Comments on the draft Plan and the EIS will be considered in preparing the Proposed Plan and Final EIS. Public meetings also will be held in various cities in and around the planning area to receive comments. The dates, times, and locations of these meetings will be announced later.

**FOR FURTHER INFORMATION CONTACT:** Dick Crowe, California Desert District, 6221 Box Springs Blvd., Riverside, California 92507; phone (909) 697-5216.

**SUPPLEMENTARY INFORMATION:** A bound or CDROM copy of the draft is available at the California District Office in Riverside (address above) and offices listed below. The Draft Plan also is available online at <http://www.ca.blm.gov/cdd/landuseplanning.html>. Reading copies are available at most local libraries and the following BLM and Park Service offices: BLM California Desert District Office, 6221 Box Springs Blvd., Riverside, CA (909) 697-5200; BLM Barstow Field Office, 2601 Barstow Road, Barstow, CA (760) 252-6000; BLM El Centro Field Office, 1661 S. 4th Street, El Centro, CA (760) 337-4400; BLM Needles Field Office, 101 West Spikes Road, Needles, CA (760) 326-7000; BLM Palm Springs Field Office, 690 West Garnet, North Palm Springs, CA (760) 251-4800; BLM Ridgecrest Field Office, 300 S. Richmond Road, Ridgecrest, CA (760) 384-5400; Joshua Tree National Park 54485 Joshua Tree

National Park, Twentynine Palms, CA (760) 367-5502.

The planning area covers 5.5 million acres in the southeastern California Desert. The document describes and analyzes four alternatives for managing species and habitats on federal lands administered by the BLM, Joshua Tree National Park, and the U.S. Marine Corps Chocolate Mountains Aerial Gunnery Range. The alternatives address issues identified during public scoping: (1) recovery of the desert tortoise, a listed (threatened) species under both federal and state endangered species acts; (2) conservation of the variety of other species and habitats; and (3) public lands access and uses. BLM is the lead agency for the Plan.

Dated: February 22, 2001,

**Alan Stein,**

*Acting District Manager.*

[FR Doc. 01-6111 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[UT-080-1610-DH]

#### Environmental Impact Statement; Vernal Resource Management Plan, Utah

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of intent to plan, prepare an environmental impact statement, and call for information. The public is invited to nominate potential areas of critical environmental concern (ACEC) and river segments for wild and scenic river consideration during the planning process.

**SUMMARY:** Notice is hereby given that the Bureau of Land Management (BLM), Vernal Field Office, Utah, is initiating a planning effort to prepare the Vernal Resource Management Plan (RMP). Sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1711) and the regulations in 43 CFR 1600 direct this planning effort. Involved is preparation of an Environmental Impact Statement (EIS). Upon completion, the Vernal RMP will replace the existing Book Cliffs and Diamond Mountain RMPs. The Vernal RMP will establish land use management policy for multiple resource uses on approximately 1.8 million acres of public land and 2.1 million acres of federal mineral resources in the Vernal Field Office.

Scoping information on potential issues and nominations for the Vernal

RMP may be submitted at this time. Other public participation activities will be announced in the local news media, or in letters sent to interested and potentially affected parties. Persons desiring to participate in the scoping and issue identification process for the RMP, and that would like to be placed on mailing lists, must notify the Vernal Field Office at the address listed below, or by calling (435) 781-4400. Another **Federal Register** Notice will be published identifying the dates and locations of future scoping meetings, which are anticipated to be held in the fall of 2001.

#### *Freedom of Information Act*

**Considerations:** Public comments submitted for this planning effort, including names and street addresses of respondents, will be available for public review at the Vernal Field Office during regular business hours (7:45 a.m. to 4:30 p.m.), Monday through Friday, except holidays. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law.

**ADDRESSES:** Please submit scoping information and nominations to: Vernal Field Office, Bureau of Land Management, Attn: David E. Howell, 170 South, 500 East, Vernal, Utah 84078.

**FOR FURTHER INFORMATION CONTACT:** Resource Management Plan Project Manager, Vernal Field Office, Vernal, Utah, (435) 781-4400.

**SUPPLEMENTARY INFORMATION:** The planning area will include all of the public land and federal mineral ownership managed by the Vernal Field Office, in Daggett, Duchesne, and Uintah Counties in northeastern Utah, and about 3,000 acres in Grand County. The planning area will encompass the public lands currently managed under the Diamond Mountain and Book Cliffs RMPs. This area includes approximately 1.8 million acres of BLM administered surface lands and 2.1 million acres of federal mineral lands under federal, state, private, and Ute Tribal surface in the three county area.

A list of preliminary issues that could be addressed during development of the Vernal RMP include, but is not limited

to, the following: (1) Identification and management of summer and winter ranges for mule deer, (2) forage competition between wildlife and livestock, (3) the cumulative effect of land uses and human activities on threatened, endangered or sensitive species and their habitats, including sage grouse, ferruginous hawks and other raptors, (4) off highway vehicle (OHV) management, (5) revision of Reasonable Foreseeable Development (RFD) scenarios for oil and gas development, (6) concerns about water and air quality, (7) sensitive fish species in the White and Green Rivers as components of the Colorado River System, (8) fire management opportunities and potential effects on vegetative communities, (9) Area of Critical Environmental Concern (ACEC) considerations, (10) Wild and Scenic River considerations, that include making determinations on river eligibility, suitability, and tentative classification, and (11) Wilderness study areas (WSAs). The preliminary list of issues is not final and may be added to and refined through the public participation process.

As part of the land use planning process, the Federal Land Management Policy Act mandates that the Bureau of Land Management give priority to the designation and protection of ACECs in developing and revising land use plans. As part of the Vernal RMP planning effort, the Bureau of Land Management will determine what areas, if any, should be designated as Areas of Critical Environmental Concern. To be considered as a potential ACEC, and analyzed in a management plan alternative, an area must meet the criteria of relevance and importance as established and defined in 43 CFR 1610.7-2, Designations of Areas of Critical Environmental Concern. An area meets "relevance" criteria if it contains one or more of the following: (1) Significant historic, cultural, or scenic values, (2) a fish and wildlife resource (including sensitive species, relative habitat, or habitat essential for maintaining species diversity), (3) natural processes or systems (including rare, endemic, relict plants or communities, and riparian areas), and (4) natural hazards such as severe avalanche, flooding, seismic activity, etc.

The "importance" criteria are used to insure that a specific resource or value, process or hazard has substantial significance and value. Importance can be characterized as follows: (1) has more than local significance having special worth, (2) has qualities or circumstances that make it fragile, sensitive, rare,

irreplaceable, unique, endangered or threatened, meaningful or distinctive, (3) has been recognized as warranting protection in order to satisfy national priorities or to carry out the mandates of the Federal Land Policy Management Act, and (4) has qualities which warrant concern to satisfy public welfare and safety needs.

As a result of a previous planning effort for the Diamond Mountain Resource Management Plan several nominations have already been recorded, evaluated, and designated as ACECs. It is proposed that these areas be brought forward into the Draft Vernal Resource Management Plan/Draft EIS. Potential "relevance" and "importance" values, and potential issues, associated with the designated areas are as follows:

(1) Browns Park ACEC Complex, located in Township 1 and 2 North, Range 23, 24 and 25 East, encompassing 55,700 acres; To protect and enhance crucial deer winter range, outstanding scenic, cultural, riparian, fisheries, and special status species resource values.

(2) Lears Canyon ACEC, located in Township 11 South, Range 13 East, encompassing 1,400 acres; To retain the areas present natural douglas fir/ mountain browse and pinion-juniper communities as a comparison or control area and to provide/set aside an area in a late to climax ecological stage.

(3) Lower Green River ACEC, located in Township 9, 10 and 11 South, Range 18, and 19 East, encompassing 7,900 acres; To enhance and protect the delicate riparian community adjacent to the Green River for special status fish, bird, and plant species while maintaining the wild and scenic river qualities of this river.

(4) Nine Mile Canyon ACEC, located in Township 11 South, and Range 14, 15, 16, and 17 East; encompassing 50,600 acres; To protect and enhance the cultural and special status plant species values of the canyon while enhancing its scenic, recreation, and wildlife resource values.

(5) Pariette Wetlands ACEC, located in Township 8, and 9 South, and Range 18, and 19 East, encompassing 11,600 acres; To enhance and protect the wetlands community and associated habitat adjacent to Pariette and Castle Peak Washes, ensuring continued waterfowl production and no long-term deterioration of the water quality in Pariette Wash. Meet management objectives of the final recovery plans for the special status species associated with the area.

(6) Red Creek Watershed ACEC, located in Township 2, and 3 North, and Range 23, 24, and 25 East, encompassing 24,600 acres; To continue

the reduction of sedimentation into Red Creek and the Green River by stabilizing channels and streambanks and maintaining or increasing vegetative cover throughout the watershed to enhance wildlife habitat.

(7) Red Mountain-Dry Fork ACEC Complex, located in Township 2, and 3 South, and Range 20, 21, and 22 East, encompassing 25,800 acres; To protect cultural sites eligible for listing on the National Register of Historic Places; protect significant paleontological sites; protect relict vegetation communities; enhance wildlife habitat, municipal watersheds, riparian, and scenic values.

In addition to the above areas, the BLM is requesting nominations for areas that the public believes meet ACEC criteria. All such nominations will receive a preliminary evaluation by an interdisciplinary team to determine if the area meets "relevance" and "importance" criteria.

Additional public nominations are also being sought for those rivers which may be eligible for inclusion into the National Wild and Scenic River System. In order to be considered, the body of water must be free flowing and contain outstandingly remarkable values. A segment can be determined free flowing if it is a flowing body of water, estuary, or section, portion, or tributary thereof including, rivers, streams, creeks, runs, kills, rills, and small lakes. The river can be any size and must be existing or flowing in natural conditions without major modification. All nominations should be accompanied by detailed maps, descriptions of the river segment, and river related values. Those values determined to be outstandingly remarkable are: scenic, recreational, geologic, fish and wildlife habitat or populations, cultural, historic, hydrologic, ecologic/biologic diversity, paleontologic, botanic, or scientific study opportunities. Rivers are also tentatively classified as wild, scenic or recreational as part of the planning process.

The following are nominations that BLM has received from the public to date:

Green River Basin:

Ashley Creek, 1½ miles from the Ashley National Forest Boundary to the water treatment plant—recommended classification: Wild,

Green River, 46 miles from Flaming Gorge Dam to the Ladore Ranger Station—recommended classification: Scenic,

Green River, 79 miles from Split Mountain Campground to boundary of the Uintah and Ouray Indian Reservation—recommended classification: Recreational,

Green River, 25 miles from the boundary of the Uintah and Ouray Indian Reservation to Sand Wash Ranger Station—recommended classification: Scenic:

Green River, 76 miles from the Sand Wash Ranger Station to Nefertiti Rock—recommended classification: Wild,

White River, 23 miles from the Colorado Border to T. 15 S. R. 23 E. Sec. 24,—recommended classification: Recreational,

White River, 21 miles from T. 15 S. R. 23 E. Sec. 24, to the Uintah and Ouray Indian Reservation Boundary—recommended classification: Wild.

The information provided with additional nominations will be carefully considered. Preliminary findings of river eligibility and tentative classification will be made available for public review and comment. Only then will the determination be made as to which rivers will be considered further in the Vernal Field Office Resource Management Plan.

Preliminary Planning Criteria identified to guide resolution of the issues that will be considered in the RMP revision are as follows:

(1) The plan will recognize the existence of valid existing rights,

(2) Lands covered in the RMP will be public lands, which include split estate lands, managed by BLM. Decisions on lands not managed by BLM will not be made in the RMP,

(3) The BLM will use a collaborative and multi-jurisdictional approach, where possible, to jointly determine the desired future condition of Public Lands,

(4) The BLM will make all possible attempts to ensure that its management prescriptions and planning actions are as complimentary as possible with other planning jurisdictions, within the boundaries described by law and policy,

(5) The BLM will consider the management prescriptions on adjoining lands to attempt to minimize inconsistent management on lands covered by this planning effort. To the extent possible, BLM will coordinate inventories, planning, and management programs with other Federal, State, Tribal, and local governments and agencies,

(6) Management prescriptions will focus on the relative values of resources and not the combination of uses that will give the greatest economic return or economic output, and

(7) To the extent possible the BLM will use current scientific information, research, new technologies and the results of resource assessments, monitoring and coordination to determine appropriate local, and

regional management strategies that will enhance or restore impaired ecosystems.

Complete records of all phases of the planning process will be available for public review at the Vernal Field Office throughout this planning effort.

This notice announces the beginning of scoping. The Vernal Field Office is seeking public involvement in the early stages of this planning effort to enhance collaboration. If you have information or concerns you would like to share, including ideas or opportunities, that could enhance data collection, inventories, or formulation of issues that could be addressed in the plan, please submit them to the above address. Comments will be accepted and considered until the alternatives to be analyzed in the plan are finalized.

Alternatives will be developed and analyzed to resolve the issues that are identified during the scoping process. A Draft RMP and Draft EIS will be published and made available for public review. Comments made on the Draft RMP will be addressed in a Proposed RMP and Final EIS.

Currently, there is one proposed RMP amendment being considered for the Book Cliffs RMP that could result in decisions to amend the RMP. This is an independent planning effort and will take place concurrently with the new planning effort. Any decisions made during the amendment process will be carried forward and will not affect the RMP revision process announced in this notice.

**Sally Wisely,**

*Utah State Director.*

[FR Doc. 01-6067 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-11-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA-310-0777-AC]

#### Notice of Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Northeast California Resource Advisory Council, Susanville, California, and Sierra Front/Northwestern Great Basin Resource Advisory Council, Carson City, Nevada.

**ACTION:** Notice of meeting.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committees Act (Public Law 92-463) and the Federal Land Policy and Management Act (Public Law 94-579), the U.S. Bureau of Land Management's Northeast California Resource Advisory Council

and the Sierra Front/Northwestern Great Basin Resource Advisory Council will hold a joint session Thursday, April 5, 2001, at the Airport Plaza Hotel, 1981 Terminal Way, Reno, Nevada.

**SUPPLEMENTARY INFORMATION:** The meeting will run from 9 a.m. to 4:30 p.m. Agenda items include updates on the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area, and the upcoming planning process. Council members may discuss other natural resource management issues common to the Northwest Nevada-Northeast California region. Time will be set aside for public comments. Depending on the number of persons wishing to speak, a time limit may be established.

**FOR FURTHER INFORMATION:** Contact BLM Public Affairs Officer Joseph J. Fontana at (530) 257-5381.

**Susan T. Stokke,**

*Surprise Field Office Manager.*

[FR Doc. 01-6068 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-957-00-1420-BJ: GP01-0108]

#### Filing of Plats of Survey: Oregon/ Washington

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

#### Willamette Meridian

##### Oregon

T. 5 S., R. 7 W., accepted December 18, 2000

##### Washington

T. 2 N., R. 14 E., accepted December 23, 2000

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). 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.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of

the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. 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 proposed official filing date.

The above-listed plats represent dependent resurveys, survey, and subdivision.

**FOR FURTHER INFORMATION CONTACT:**

Bureau of Land Management, (1515 S.W. 5th Avenue), P.O. Box 2965, Portland, Oregon 97208.

Dated: February 21, 2001.

**Robert D. DeViney, Jr.,**

*Branch of Realty and Records Services.*

[FR Doc. 01-6066 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-33-M**

**DEPARTMENT OF THE INTERIOR**

**Minerals Management Service**

**Agency Information Collection Activities: Submitted for Office of Management and Budget (OMB) Review, Comment Request**

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of a revision of a currently approved information collection (OMB Control Number 1010-0042).

**SUMMARY:** To comply with the Paperwork Reduction Act (PRA) of 1995, we are submitting to OMB for review and approval an information collection request (ICR) titled "Sale of Federal Royalty Oil, 30 CFR Part 208" which includes Form MMS-4070, Application for the Purchase of Royalty Oil." We are revising this ICR to include a change of title to more closely reflect the information that we are collecting and to add reporting requirements that were not included in the previous OMB-approved submission. The original title for this ICR was "Application for the Purchase of Royalty Oil." We are also soliciting comments from the public on this ICR.

**DATES:** Submit written comments on or before April 11, 2001.

**ADDRESSES:** You may submit written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for the Department of the

Interior (OMB Control Number 1010-0042), 725 17th Street, NW., Washington, DC 20503. Also, please submit copies of your written comments to Dennis C. Jones, Regulations and FOIA Team, Minerals Management Service, Minerals Revenue Management, P.O. Box 25165, MS 320B2, Denver, Colorado 80225. If you use an overnight courier service, our courier address is Building 85, Room A-613, Denver Federal Center, Denver, Colorado 80225.

**Public Comment Procedure:** Please submit your comments to the offices listed in the **ADDRESSES** section, or email your comments to us at [MRM.comments@mms.gov](mailto:MRM.comments@mms.gov). Include the title of the information collection and the OMB Control Number in the "Attention" line of your comments; also, include your name and return address. Submit electronic comments as an ASCII file avoiding the use of special characters and any form of encryption. If you do not receive a confirmation that we have received your email, contact Mr. Jones at (303) 231-3046, FAX (303) 231-3385. We will post all comments at <http://www.rmp.mms.gov> for public review.

Also, contact Mr. Jones to review paper copies of the comments. The comments, including names and addresses of respondents, are available for public review during regular business hours at our offices in Lakewood, Colorado. Individual respondents may request that we withhold their home address from the public record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the public record a respondent's identity, as allowable by law. If you request that we withhold your name and/or address, state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Jones, Regulations and FOIA Team, phone (303) 231-3046, FAX (303) 231-3385, email

[Dennis.C.Jones@mms.gov](mailto:Dennis.C.Jones@mms.gov). You may also contact Dennis Jones to obtain at no cost a copy of our submission to OMB which includes Form MMS-4070.

**SUPPLEMENTARY INFORMATION:**

**Title:** Sale of Federal Royalty Oil, 30 CFR Part 208 (originally titled—Application for the Purchase of Royalty Oil).

**OMB Control Number:** 1010-0042.  
**Bureau Form Number:** Form MMS-4070.

**Abstract:** The Department of the Interior (DOI) is responsible for matters relevant to mineral resource development on Federal and Indian Lands and the Outer Continental Shelf (OCS). The Secretary of the Interior (Secretary) is responsible for managing the production of minerals from Federal and Indian Lands and the OCS; for collecting royalties from lessees who produce minerals; and for distributing the funds collected in accordance with applicable laws.

The Mineral Lands Leasing Act of 1920 and the OCS Lands Act of 1953 authorize the Secretary to sell royalty oil accruing to the United States from oil and gas leases issued pursuant to those acts. "Royalty oil" is crude oil produced from leased Federal lands, both onshore and offshore, in instances in which the Government exercises the option to accept a lessee's royalty payment in oil rather than in money. Title to the oil is transferred to the Government and then sold to an eligible refiner. When the Secretary determines that small refiners do not have access to adequate supplies of oil, the Secretary may dispose of any oil taken as royalty by conducting a sale of such oil, or by allocating it to eligible refiners.

When the Secretary decides to offer royalty oil taken in kind for sale to eligible refiners, we publish a Notice of Availability of Royalty Oil in the **Federal Register** and other printed media, when appropriate. The Application for the Purchase of Royalty Oil, Form MMS-4070, is submitted by refiners interested in purchasing royalty oil in accordance with instructions in the Notice and with instructions issued by MMS for completion of the form. The information collected is used by MMS to determine if the applicant meets eligibility requirements to contract to purchase royalty oil. Information collected also provides a basis for the allocation of available royalty oil among qualified refiners. Applicants are required to submit a letter of intent from a qualified financial institution stating that the applicant will be granted surety coverage for the royalty oil. The letter of intent must accompany Form MMS-4070.

We are revising the ICR to add reporting requirements that were not covered in the last OMB-approved submission. These requirements are (1) Eligible refiners, who purchase royalty oil, must also submit to MMS two copies of any written third-party agreements, or two copies of a full written explanation of any oral third-



party agreements, relating to the method and costs of delivery of royalty oil, or crude oil exchanged for the royalty oil, from the point of delivery under the contract to the purchaser's refinery; (2) the purchaser must submit copies of agreements pertaining to quality differentials which may occur between leases and delivery points; and (3) eligible refiners, who purchase royalty oil, cannot transfer, assign, or sell the rights of interest in a royalty oil contract without written approval of the Director, MMS.

Eligible purchasers shall also furnish an "MMS-specified surety instrument" in an amount equal to the estimated value of royalty oil that could be taken by the purchaser in a 99-day period, plus related administrative charges. If a letter of credit is furnished as the surety instrument, the purchaser must notify MMS of its intent not to renew at least 30 days prior to the anniversary date. (**Note:** These requirements have been approved by OMB under another ICR and assigned OMB Control Number 1010-0135.)

Submission of these information collection requirements is required for eligible refiners to participate in the RIK Small Refiner Sale Program. Proprietary information is protected, and there are no questions of a sensitive nature included in this information collection.

*Frequency:* On occasion.

*Estimated Number and Description of Respondents:* 8 refiners.

*Estimated Annual Reporting and Recordkeeping "Hour" Burden:* 19 hours.

*Estimated Annual Reporting and Recordkeeping "Non-hour Cost" Burden:* N/A.

*Comments:* The PRA provides that an agency shall 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. Section 3506(c)(2)(A) of the PRA requires each agency " \* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \* ." Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of

automated collection techniques or other forms of information technology.

To comply with the public consultation process, we published a **Federal Register** Notice on August 1, 2000 (65 FR 46943), with the required 60-day comment period announcing that we would submit this ICR to OMB for approval. No comments were received.

If you wish to comment in response to this notice, please send your comments directly to the offices listed under the **ADDRESSES** section of this notice. OMB has up to 60 days to approve or disapprove the information collection by may respond after 30 days. Therefore, to ensure maximum consideration, OMB should receive public comments by April 11, 2001.

*MMS Information Collection Clearance Officer:* Jo Ann Lauterbach, telephone (202) 208-7744.

Dated: February 27, 2001.

**Lucy Querques Denett,**

*Associate Director for Minerals Revenue Management.*

[FR Doc. 01-5953 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-MR-W**

---

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### Cape Cod National Seashore Advisory Commission Two Hundred Thirty Third Meeting; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. app 1, section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, April 6, 2001.

The Commission was reestablished pursuant to Public Law 87-126 as amended by Public Law 105-280. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The Commission members will meet at 1:00 p.m. at Headquarters, Marconi Station, Wellfleet, Massachusetts for the regular business meeting to discuss the following:

1. Adoption of Agenda
  2. Approval of minutes of previous meeting (February 9, 2001)
  3. Reports of Officers
  4. Reports of Subcommittees
  5. Superintendent's Report
- Highlands Center Call for Interest

Responses  
Dune Shacks  
Penniman House Schedule  
Bog House and Friends of CCNS  
Personal Watercraft  
Doane Road Resurfacing  
Summer Shuttles and other transportation initiatives 40th Anniversary  
News from Washington  
6. Old Business  
Advisory Commission Handbook  
7. New Business  
8. Date and agenda for next meeting  
9. Public comment and  
10. Adjournment

The meeting is open to the public. It is expected that 15 persons will be able to attend the meeting in addition to Commission members.

Interested persons may make oral/written presentations to the Commission during the business meeting or file written statements. Such requests should be made to the park superintendent at least seven days prior to the meeting. Further information concerning the meeting may be obtained from the Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, Wellfleet, MA 02667.

Dated: February 13, 2001.

**Maria Burks,**

*Superintendent.*

[FR Doc. 01-6045 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-70-P**

---

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Bay-Delta Advisory Council's Ecosystem Roundtable Meeting and Ecosystem Roundtable Amendments Subcommittee Meeting

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of meetings.

**SUMMARY:** The Bay-Delta Advisory Council's (BDAC) Ecosystem Roundtable will meet on March 22, 2001 to discuss the 2002 Ecosystem Restoration Program Implementation Plan, project selection process, and other issues. The Amendments Subcommittee will also meet the day before on March 21, 2001 to discuss proposed contract modifications for several ongoing ecosystem restoration projects. These meetings are open to the public. Interested persons may make oral statements to the Ecosystem Roundtable and Amendments Subcommittee or may file written statements for consideration.

**DATES:** The BDAC's Ecosystem Roundtable meeting will be held from



9:30 a.m. to 3:30 p.m. on Thursday, March 22, 2001. The Ecosystem Roundtable Amendments Subcommittee meeting will be held from 2:00 p.m. to 4:00 p.m. on Wednesday, March 21, 2001.

**ADDRESSES:** The Ecosystem Roundtable will meet at the Clarion Hotel, 700 16th Street, Sacramento, CA 95814. The Amendments Subcommittee will meet in Room 1142, Dept. of Water Resources, 1416 9th Street, Sacramento, CA 95814.

**FOR FURTHER INFORMATION CONTACT:**

Terry Mills, CALFED Bay-Delta Program, at (916) 657-2666. If reasonable accommodation is needed due to a disability, please contact the Equal Employment Opportunity Office at (916) 653-6952 or TDD (916) 653-6934 at least one week prior to the meeting.

**SUPPLEMENTARY INFORMATION:** The San Francisco Bay/Sacramento-San Joaquin Delta Estuary (Bay-Delta system) is a critically important part of California's natural environment and economy. In recognition of the serious problems facing the region and the complex resource management decisions that must be made, the state of California and the Federal government are working together to stabilize, protect, restore, and enhance the Bay-Delta system. The State and Federal agencies with management and regulatory responsibilities in the Bay-Delta system are working together as CALFED to provide policy direction and oversight for the process.

One area of Bay-Delta management includes the establishment of a joint State-Federal process to develop long-term solutions to problems in the Bay-Delta system related to fish and wildlife, water supply reliability, natural disasters, and water quality. The intent is to develop a comprehensive and balanced plan that addresses all of the resource problems. This effort, the CALFED Bay-Delta Program (Program), is being carried out under the policy direction of CALFED. The Program is exploring and developing a long-term solution for a cooperative planning process that will determine the most appropriate strategy and actions necessary to improve water quality, restore health to the Bay-Delta ecosystem, provide for a variety of beneficial uses, and minimize Bay-Delta system vulnerability. A group of citizen advisors representing California's agricultural, environmental, urban, business, fishing, and other interests who have a stake in finding long-term solutions for the problems affecting the

Bay-Delta system has been chartered under the Federal Advisory Committee Act (FACA). The BDAC provides advice CALFED on the program mission, problems to be addressed, and objectives for the Program. BDAC provides a forum to help ensure public participation, and will review reports and other materials prepared by CALFED staff. BDAC has established a subcommittee called the Ecosystem Roundtable to provide input on annual workplans to implement ecosystem restoration projects and programs.

Minutes of the meeting will be maintained by the Program, Suite 1155, 1416 Ninth Street, Sacramento, CA 95814, and will be available for public inspection during regular business hours, Monday through Friday within 30 days following the meeting.

Dated: March 6, 2001.

**Lester A. Snow,**

*Regional Director, Mid-Pacific Region.*

[FR Doc. 01-6088 Filed 3-9-01; 8:45 am]

**BILLING CODE 4310-94-M**

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### Notice of Proposed Information Collection

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of request for comments.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Surface Mining Reclamation and Enforcement (OSM) is announcing its intention to request approval for the collections of information for: State processes for designating areas unsuitable for surface coal mining operations, 30 CFR part 764; and Special permanent program performance standards—operations in alluvial valley floors, 30 CFR part 822. **DATES:** Comments on the proposed information collection must be received by May 11, 2001 to be assured of consideration.

**ADDRESSES:** Comments may be mailed to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW, Room 210—SIB, Washington, DC 20240. Comments may also be submitted electronically to [jtreleas@osmre.gov](mailto:jtreleas@osmre.gov).

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the information collection requests, explanatory information and related forms, contact John A. Trelease, at (202) 208-2783.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (MB) regulations at 5 CFR 1320, which implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collections that OSM will be submitting to OMB for extension. These collections are contained in 30 CFR 764 and 822.

OSM as revised burden estimates, where appropriate, to reflect current reporting levels or adjustments based on reestimates of burden or respondents. OSM will request a 3-year term of approval for these information collection activities.

Comments are invited on: (1) The need for the collection of information for the performance of the functions of the agency; (2) the accuracy of the agency's burden estimates; (3) ways to enhance the quality, utility and clarity of the information collections, and (4) ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information. A summary of the public comments will accompany OSM's submissions of the information collection requests to OMB.

This notice provides the public with 60 days in which to comment on the following information collection activities:

*Title:* State processes for designating areas unsuitable for surface coal mining operations, 30 CFR part 764.

*OMB Control Number:* 1029-0030.

*Summary:* This part implements the requirement of section 522 of the Surface Mining Control and Reclamation Act of 1977 (SMCRA), Pub. L. 95-87, which provides authority for citizens to petition States to designate lands unsuitable for surface coal mining operations, or to terminate such designation. The regulatory authority uses the information to identify, locate, compare and evaluate the area requested to be designated as unsuitable, or terminate the designation, for surface coal mining operations.

*Bureau Form Number:* None.

*Frequency of Collection:* Once.

*Description of Respondents:* The 4 individuals, groups or businesses that petition the States, and the 4 State regulatory authorities that must process the petitions.

*Total Annual Responses:* 4.

*Total Annual Burden Hours:* 7,284.

*Title:* Special permanent program performance standards—operations in alluvial valley floors, 30 CFR part 822.

*OMB Control Number:* 1029-0049.

*Summary:* Sections 510(b)(5) and 515(b)(10)(F) of the Surface Coal Mining and Reclamation Act of 1977 (the Act) protect alluvial valley floors from the adverse effects of surface coal mining operations west of the 100th meridian. Part 822 requires the permittee to install, maintain, and operate a monitoring system in order to provide specific protection for alluvial valley floors. This information is necessary to determine whether the unique hydrologic conditions of alluvial valley floors are protected according to the Act.

*Bureau Form Number:* None.

*Frequency of Collection:* Annually.

*Description of Respondents:* 10 surface coal mining operators who operate on alluvial valley floors.

*Total Annual Responses:* 10.

*Total Annual Burden Hours:* 1,000.

Dated: March 5, 2001.

**Richard G. Bryson,**

*Chief, Division of Regulatory Support.*

[FR Doc. 01-6106 Filed 3-9-01; 8:45 am]

BILLING CODE 4310-05-M

## INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-451]

### In the Matter of Certain CMOS Active Pixel Image Sensors and Products Containing Same; Notice of Investigation

**AGENCY:** US International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on February 7, 2001, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Photobit Corporation and the California Institute of Technology, both of Pasadena, California. A supplement to the complaint was filed on February 27, 2001. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain CMOS active pixel image sensors and products containing same by reason of infringement of claims 1 and 2 of U.S. Letters Patent 5,841,126, claims 15-19 of U.S. Letters Patent 5,990,506, and claims 6-8 and 31 of

U.S. Letters Patent 6,005,619. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

#### FOR FURTHER INFORMATION CONTACT:

David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2576.

**Authority:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2000).

**Scope of Investigation:** Having considered the complaint, the U.S. International Trade Commission, on March 5, 2001, *Ordered That*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain CMOS active pixel image sensors or products containing same by reason of infringement of claims 1 or 2 of U.S. Letters Patent 5,841,126, claims 15-19 of U.S. Letters Patent 5,990,506, or claims 6-8 or 31 of U.S. Letters Patent 6,005,619, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Photobit Corporation, 135 North Los Robles Avenue, Pasadena, CA 91101  
California Institute of Technology, 1200 East California Boulevard, Pasadena, CA 91125

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Omnivision Technologies, Inc., 930 Thompson Place, Sunnyvale, CA 94086  
Creative Labs, Inc., 1901 McCarthy Boulevard, Milpitas, CA 95035  
X10 Wireless Technology Inc., 15200 52nd Avenue South, Seattle, WA 98188

(c) David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401M, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d) and 210.13(a) of the Commission's Rules, such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

Issued: March 6, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-6077 Filed 3-9-01; 8:45 am]

**BILLING CODE 7020-02-P**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Computing-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Computing-Communications Research (1192).

*Date/Time:* March 27-28, 2001; 8:30 a.m.-6:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* John Cozzens, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone: (703) 292-8912.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as a part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6062 Filed 3-9-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Computing-Communications Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meetings:

*Name:* Special Emphasis Panel in Computing-Communications Research (1192).

*Date/Time:* April 3-4 and April 5-6, 2001; 8:30 a.m.-6:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Yavuz Oruc, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230. Telephone (703) 292-8936.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate proposals as a part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 7, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6063 Filed 3-9-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards Joint Meeting of the ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment; Revised

The ACRS Subcommittees on Materials and Metallurgy, Thermal-Hydraulic Phenomena, and Reliability and Probabilistic Risk Assessment will hold a joint meeting on March 16, 2001, Room T-2B3, 11545 Rockville Pike, Rockville, Maryland. The agenda for this meeting has been revised to include a discussion of the proposed final ACRS report on the NRC Safety Research Program between 8:30 and 9:30 a.m. Notice of this meeting was published in the **Federal Register** on Thursday, March 1, 2001 (66 FR 12964). All other items pertaining to this meeting remain the same as previously published.

For further information contact: Mr. Michael T. Markley, cognizant ACRS staff engineer, (telephone 301/415-6885) between 7:30 a.m. and 4:15 p.m. (EST).

Dated: March 6, 2001.

**James E. Lyons,**

*Associate Director for Technical Support, ACRS/ACNW.*

[FR Doc. 01-6046 Filed 3-9-01; 8:45 am]

**BILLING CODE 7590-01-P**

## RAILROAD RETIREMENT BOARD

### Proposed Collection; Comment Request

**SUMMARY:** In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

*Comments are invited on:* (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the RRB's estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden related to the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

*Title and purpose of information collection:* Supplement to Claim of Person Outside the United States; OMB 3220-0155.

Under the Social Security Amendments of 1983 (Public Law 98-21), which amends Section 202(t) of the Social Security Act, the Tier I or the O/M (overall minimum) portion of an annuity and Medicare benefits payable under the Railroad Retirement Act to certain beneficiaries living outside the U.S., may be withheld effective January 1, 1985. The benefit withholding provision of Pub. L. 98-21 applies to divorced spouses, spouses, minor or disabled children, students, and survivors of railroad employees who (1) initially became eligible for Tier I amounts, O/M shares, and Medicare benefits after December 31, 1984; (2) are not U.S. citizens or U.S. nationals; and (3) have resided outside the U.S. for more than six consecutive months starting with the annuity beginning date. The benefit withholding provision does not apply, however to a beneficiary who is exempt under either a treaty obligation of the U.S., in effect on August 1, 1956, or a totalization agreement between the U.S. and the country in which the beneficiary resides, or to an individual who is exempt under other criteria specified in Pub. L. 98-21.

RRB Form G-45, Supplement to Claim of Person Outside the United States, is currently used by RRB to determine applicability of the withholding provision of Pub. L. 98-21. Completion of the form is required to

obtain or retain a benefit. One response is requested of each respondent. The RRB proposes non-burden impacting minor editorial changes to Form G-45. The RRB estimates that 100 Form G-45's are completed annually. The completion time for Form G-45 is estimated at 10 minutes per response.

*Additional Information or Comments:* To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Officer at (312) 751-3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 N. Rush Street, Chicago, Illinois 60611-2092. Written comments should be received by May 11, 2001.

**Chuck Mierzwa,**  
Clearance Officer.

[FR Doc. 01-5977 Filed 3-9-01; 8:45 am]

BILLING CODE 7905-01-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

(1) *Collection title:* Application for Employee Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA-1, AA-1d, G-204.

(3) *OMB Number:* 3220-0002.

(4) *Expiration date of current OMB clearance:* 4/30/2001.

(5) *Type of request:* Revision of a currently approved collection.

(6) *Respondents:* Individuals or Households.

(7) *Estimated annual number of respondents:* 13,400.

(8) *Total annual responses:* 19,100.

(9) *Total annual reporting hours:* 11,634.

(10) *Collection description:* The Railroad Retirement Act provides for payment of age, disability and supplemental annuities to qualified employees. The application and relate forms obtain information about the applicant's family work history, military service, disability benefits from other government agencies and public or private pensions. The information is

used to determine entitlement to and the amount of the annuity applied for.

### Additional Information or Comments

Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611-2092 and the OMB reviewer, Joe Lacke (202-395-7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

**Chuck Mierzwa,**  
Clearance Officer.

[FR Doc. 01-5978 Filed 3-9-01; 8:45 am]

BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

### Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week of March 12, 2001.

A closed meeting will be held on Wednesday, March 14, 2001, at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(A) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Wednesday, March 14, 2001 will be:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings of an enforcement nature; and
- Formal order.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: the Office of the Secretary at (202) 942-7070.

Dated: March 7, 2001.

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 01-6112 Filed 3-7-01; 4:17 pm]

BILLING CODE 8010-01-M

## SMALL BUSINESS ADMINISTRATION

### Data Collection Available for Public Comments and Recommendations

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

**DATES:** Submit comments on or before May 11, 2001.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Jacqueline Fleming, National Training Coordinator, Business Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.

**FOR FURTHER INFORMATION CONTACT:** Jacqueline Fleming, National Training Coordinator, 202-205-6177 or Curtis B. Rich, Management Analyst, (202) 205-7030.

#### SUPPLEMENTARY INFORMATION:

*Title:* "Client's Report of 7(j) Task Order Service Received".

*Form No:* 1540.

*Description of Respondents:* Client's that require the completion of the 7(j) Task Order.

*Annual Responses:* 1,000.

*Annual Burden:* 100.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to John Bebris, Deputy Assistant Administrator, Business Community Initiatives, Small Business Administration, 409 3rd Street, SW., Suite 6100.

**FOR FURTHER INFORMATION CONTACT:** John Bebris, Deputy Assistant Administrator 202-205-6665 or Curtis B. Rich, Management Analyst, (202) 205-7030.

#### SUPPLEMENTARY INFORMATION:

*Title:* "Request for Counseling".  
*Form No's:* 641 & 641A.  
*Description of Respondents:*  
 Individuals requesting management counseling from SBA.  
*Annual Responses:* 600,000.  
*Annual Burden:* 150,000.

**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Doris Young, Grants Management Specialist, Procurement & Grants Management, Small Business Administration, 409 3rd Street, SW., Suite 5000.

**FOR FURTHER INFORMATION CONTACT:** Doris Young, Grants Management Specialist 202-205-7091 or Curtis B. Rich, Management Analyst, (202) 205-7030.

**SUPPLEMENTARY INFORMATION:**  
*Title:* "Notice of Award Grant/ Cooperative Agreement Cost Sharing Proposal".  
*Form No's:* 1222 & 1224.  
*Description of Respondents:* SBA Grant Application and Recipients.  
*Annual Responses:* 427.  
*Annual Burden:* 30,141.

**ADDRESSES:** Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Saunders Miller, Investment Policy Analyst, Investment Division, Small Business Administration, 409 3rd Street, SW., Suite 6300.

**FOR FURTHER INFORMATION CONTACT:** Saunders Miller, Investment Policy Analyst 202-205-3646 or Curtis B. Rich, Management Analyst, (202) 205-7030.

**SUPPLEMENTARY INFORMATION:**  
*Title:* "New Markets Venture Capital Program".  
*Form No:* 468.  
*Description of Respondents:* New Market Candidates.  
*Annual Responses:* 25.  
*Annual Burden:* 1,200.

**SUPPLEMENTARY INFORMATION:**  
*Title:* "Financing Eligibility Statement Social Disadvantaged-Economic Disadvantaged".  
*Form No's:* 1941A, 1941B, 1941C.  
*Description of Respondents:* SBA Business Seeking Financing from Specialist; Small Business Investment Companies (SBIC).

*Annual Responses:* 1,000.  
*Annual Burden:* 2,000.  
**ADDRESSES:** Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collection, to Delorice Ford, Associate Administrator for Business Development, Small Business Administration, 409 3rd Street, SW., Suite 8000.  
**FOR FURTHER INFORMATION CONTACT:** Delorice Ford, Associate Administrator for Business Development 202-205-7340 or Curtis B. Rich, Management Analyst, (202) 205-7030.

**SUPPLEMENTARY INFORMATION:**  
*Title:* "BusinessLINC Program."  
*Form No:* 2184.  
*Description of Respondents:* Small Business Owners.  
*Annual Responses:* 40.  
*Annual Burden:* 4,000.

**Jacqueline White,**  
*Chief, Administrative Information Branch.*  
 [FR Doc. 01-6104 Filed 3-9-01; 8:45 am]  
**BILLING CODE 8025-01-U**

**SMALL BUSINESS ADMINISTRATION**  
**[Declaration of Disaster #3319]**

**State of Alabama**  
 Jefferson County and the contiguous counties of Bibb, Blount, Shelby, St. Clair, Tuscaloosa, and Walker constitute a disaster area due to damages caused by severe storms and straight-line winds that occurred on February 16, 2001. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on April 30, 2001 and for economic injury until the close of business on November 30, 2001 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.  
 The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere .....	7.000
Homeowners without credit available elsewhere .....	3.500
Businesses with credit available elsewhere .....	8.000
Business and non-profit organizations without credit available elsewhere .....	4.000
Others (including non-profit organizations) with credit available elsewhere .....	7.000

	Percent
For Economic Injury: Businesses and small agricultural cooperatives without credit available elsewhere .....	4.000

The number assigned to this disaster for physical damage is 331911. The number assigned to this disaster for economic injury is 9K8700.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)  
 Dated: February 28, 2001.

**John Whitmore,**  
*Acting Administrator.*  
 [FR Doc. 01-6103 Filed 3-9-01; 8:45 am]  
**BILLING CODE 8025-01-U**

**SOCIAL SECURITY ADMINISTRATION**  
**Agency Information Collection**  
**Activities: Proposed Request**

In compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, the Social Security Administration (SSA) is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collections should be submitted to the SSA Reports Clearance Officer at the following address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 6401 Security Blvd., 1-A-21 Operations Bldg., Baltimore, MD 21235.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer at (410) 965-4145, or by writing to him at the address listed above.

1. *Internet Direct Deposit Application—0960—NEW.* SSA uses Direct Deposit/Electronic Funds Transfer (DD/EFT) enrollment information received from beneficiaries to facilitate DD/EFT of their social security benefits with a financial

institution. The respondents are Social Security beneficiaries who use the Internet to enroll in DD/EFT.

*Number of Respondents:* 3,485.

*Frequency of Response:* 1.

*Average Burden Per Response:* 10 minutes.

*Estimated Average Burden:* 581 hours.

2. *Request to Have Supplemental Security Income Overpayment Withheld from My Social Security Benefits-0960-0549.* Form SSA-730-U2 is used by SSA to confirm that a request has been made by a Social Security beneficiary for SSA to recover his/her SSI overpayment from title II benefits and that the request was made voluntarily by the beneficiary. The respondents are Social Security beneficiaries who received SSI overpayments.

*Number of Respondents:* 10,000.

*Frequency of Response:* 1.

*Average Burden Per Response:* 5 minutes.

*Estimated Average Burden:* 833 hours.

3. *Farm Self-Employment Questionnaire-0960-0061.* Section 211(a) of the Social Security Act requires the existence of a trade or business as a prerequisite for determining whether an individual or partnership may have "net earnings from self-employment." Form SSA-7156 elicits the information necessary to determine the existence of an agricultural trade or business and subsequent covered earnings for Social Security entitlement purposes. The respondents are applicants for Social Security benefits, whose entitlement depends on whether the worker has covered earnings from self-employment as a farmer.

*Number of Respondents:* 47,500.

*Frequency of Response:* 1.

*Average Burden Per Response:* 10 minutes.

*Estimated Average Burden:* 7,917 hours.

Dated: March 6, 2001.

**Frederick W. Brickenkamp,**

*Reports Clearance Officer, Social Security Administration.*

[FR Doc. 01-6057 Filed 3-9-01; 8:45 am]

BILLING CODE 4191-02-P

## DEPARTMENT OF STATE

[Public Notice 3601]

### Culturally Significant Objects Imported for Exhibition Determinations: "Marc Chagall: Early Works From Russian Collections"

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, and Delegation of Authority No. 236 of October 19, 1999, as amended, I hereby determine that the objects to be included in the exhibition, "Marc Chagall: Early Works from Russian Collections", imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lender. I also determine that the exhibition or display of the exhibit objects at The Jewish Museum, New York, NY from on or about April 29, 2001, through on or about October 14, 2001, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of exhibit objects, contact Jacqueline Caldwell, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6982). The address is U.S. Department of State, SA-44, 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: March 1, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.*

[FR Doc. 01-6076 Filed 3-9-01; 8:45 am]

BILLING CODE 4710-08-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Determinations Under the African Growth and Opportunity Act

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** The United States Trade Representative has determined that South Africa has adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents in connection with shipments of textile and apparel articles and has implemented and follows, or is making substantial progress toward implementing and following, the customs procedures required by the African Growth and Opportunity Act. Therefore, imports of eligible products

from South Africa qualify for the enhanced trade benefits provided under the AGOA.

**EFFECTIVE DATE:** March 7, 2001.

**FOR FURTHER INFORMATION CONTACT:** Bethany Schwartz, Director for Africa Trade Policy, Office of the United States Trade Representative, (202) 395-9514.

**SUPPLEMENTARY INFORMATION:** The African Growth and Opportunity Act (Title I of the Trade and Development Act of 2000, Pub. L. No. 106-200) (AGOA) provides preferential tariff treatment for imports of certain textile and apparel products of beneficiary sub-Saharan African countries. The textile and apparel trade benefits under the AGOA are available to imports of eligible products from countries that the President designates as "beneficiary sub-Saharan African countries," provided that these countries (1) have adopted an effective visa system and related procedures to prevent unlawful transshipment and the use of counterfeit documents, and (2) have implemented and follow, or are making substantial progress toward implementing and following, certain customs procedures that assist the Customs Service in verifying the origin of the products.

In Proclamation 7350 of October 2, 2000, the President designated 34 countries, including South Africa, as "beneficiary sub-Saharan African countries." Proclamation 7350 delegated to the United States Trade Representative (USTR) the authority to determine whether these countries have met the two requirements described above. The President directed the USTR to announce any such determinations in the **Federal Register** and to implement them through modifications of the Harmonized Tariff Schedule of the United States (HTS). Based on actions that South Africa has taken, I have determined that South Africa has satisfied these two requirements.

Accordingly, pursuant to the authority vested in the USTR by Proclamation 7350, U.S. note 7(a) to subchapter II of chapter 98 of the HTS and U.S. note 1 to subchapter XIX of chapter 98 of the HTS are each modified by inserting "South Africa" in alphabetical sequence in the list of countries. The foregoing modifications to the HTS are effective with respect to articles entered, or withdrawn from warehouse, for consumption on or after the effective date of this notice. Importers claiming preferential tariff treatment under the AGOA for entries of textile and apparel articles should ensure that those entries meet the applicable visa requirements. *See Visa Requirements Under the African Growth*

and Opportunity Act, 66 FR 7837 (2001).

**Robert B. Zoellick,**

*United States Trade Representative.*

[FR Doc. 01-6110 Filed 3-9-01; 8:45 am]

**BILLING CODE 3190-01-U**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Public Notice for Waiver of Aeronautical Land-Use Assurance

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

**ACTION:** Request for public comments; Notice of intent of waiver with respect to land.

**SUMMARY:** The FAA is considering a proposal that a portion of airport property (approximately .55 acres) associated with the Manchester Airport, Manchester, New Hampshire is no longer needed for aeronautical use, as shown on the Airport Layout Plan. There appear to be no impacts to the airport by allowing the disposal of the property. The land was conveyed to the City of Manchester, New Hampshire by the United States of America by deed dated June 4, 1975, recorded in Book 2243, Page 378, as described on page 12 of the deed as Tract 13 of Parcel 4 and known as 1001 Harvey Road, Manchester, New Hampshire.

In accordance with Section 47107(h) of title 49, United States Code, this notice is required to be published in the **Federal Register** thirty (30) days before modifying the land-use assurance which requires that the property be used for an aeronautical purpose. The purpose of the release of land will allow the City to utilize proceeds for capital development at the Airport.

**DATES:** Comments must be received on or before April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Donna R. Witte, Airports Division, 12 New England Executive Park, Burlington, Massachusetts 01803. Telephone No. 781-238-7624/Fax 781-238-7608. Documents reflecting the proposed FAA action may be reviewed in person at 16 New England Executive Park, Burlington, Massachusetts or the office of the Assistant Director of Aviation, Engineering and Planning at Manchester Airport, Manchester, New Hampshire.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA is considering the release of the subject airport property at Manchester Airport, Manchester, New Hampshire in

accordance with Federal Aviation Regulation Part 155. The disposition of proceeds from the disposal of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

Issued in Burlington, Massachusetts on February 23, 2001.

**Vincent A. Scarano,**

*Manager, Airports Division, New England Region.*

[FR Doc. 01-6094 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Agency Information Collection Activities Under OMB Review

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

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Requests (ICR) abstracted below have been forwarded to the Office of Management and Budget (OMB) requesting extension of the currently approved collections. The ICRs describe the nature of the information collection and the expected burdens. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collections of information was published on 12/28/2000, page 82454.

**DATES:** Comments must be submitted on or before April 11, 2001. A comment to OMB is most effective if OMB receives it within 30 days of publication.

**FOR FURTHER INFORMATION CONTACT:** Judy Street on (202) 267-9895.

**SUPPLEMENTARY INFORMATION:**

#### Federal Aviation Administration (FAA)

1. *Title:* Federal Aviation Administration, Flight standards Customer Satisfaction Survey.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0568.

*Forms(s):* N/A.

*Affected Public:* Customers of FAA Flight standards Organization: Pilots, aviation maintenance technicians, domestic air operators, corporate flight departments and air agencies.

*Abstract:* The FAA Flight Standards Service proposes to continue to survey customers in keeping with their strategic initiative to improve the quality of their service by anticipating

customer's needs and responding to the public interest. Office managers and staff have used this information to identify where service performance can be improved.

*Estimated Annual Burden Hours:* 8,333 hours annually.

2. *Title:* Certifications and Operations: 14 CFR part 125.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0085.

*Forms(s):* N/A.

*Affected Public:* Operators with airplanes with seating capacity of 20 or more passengers, maximum payload of 6,000 pounds or more, and applying for a FAR part 125 certificate and those with part 125 certificates. The number of respondents is estimated to be 57.

*Abstract:* 14 CFR part 125 will prescribe requirements for leased aircraft, aviation service firms and air travel clubs. Information collected shows compliance and the applicant's eligibility.

*Estimated Annual Burden Hours:* 29,445 hours annually.

3. *Title:* Office of Rulemaking Customer Standards Survey.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2120-0623.

*Forms(s):* N/A.

*Affected Public:* An estimated 325 FAA Office of Rulemaking exemption customers.

*Abstract:* The FAA Office of Rulemaking (ARM) proposes to continue to survey exemption customers on customer standards that were developed and published. The data collected will be analyzed by ARM to determine the quality of services provided by ARM to its exemption customers, and make any changes or improvements to the exemption process.

*Estimated Annual Burden Hours:* 81 hours annually.

**ADDRESSES:** Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

*Comments are invited on:* Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of



automated collection techniques or other forms of information technology.

Issued in Washington, DC, on March 2, 2001.

**Steve Hopkins,**

*Manager, Standards and Information Division, APF-100.*

[FR Doc. 01-6093 Filed 3-9-01; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; General Aviation Certification and Operations Issues—New Task

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

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** The FAA has assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations for improving occupant protection standards. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** Leslie Taylor, 901 Locust, Kansas City, Missouri 64106, (816) 329-4134, [leslie.b.taylor@faa.gov](mailto:leslie.b.taylor@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA has established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues.

##### The Task

Review occupant protection standards and recommend rulemaking in the form of a Notice of Proposed Rulemaking (NPRM) to address criteria for improved occupant protection more commonly used on part 23 airplanes and requirements that would improve the safety of part 23 airplanes. The NPRM should include the preamble and rule language, along with any supporting legal analysis.

The following are to be included in the ARAC evaluation:

- Flammability Standards for Seat Fireblocking Provisions,
- Standardization of Emergency Landing Dynamic Conditions,
- Thermal/Acoustic Insulation Flammability,

- Airworthiness Certification of Airplanes Used in Cargo/Passenger Combination Operations,

- Emergency Exit Markings,
- Emergency Exit Access, and
- Electric Cables and Equipment.

*Schedule:* ARAC should forward its recommendations to the FAA within 1 year of task assignment.

##### ARAC Acceptance of Tasks

ARAC accepted the task and assigned the task to the Flammability Standards for Commuter Airplane Seats Working Group, General Aviation Certification and Operations Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations. The agency seeks ARAC's advice and recommendations on these important issues. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

##### Working Group Activity

The Flammability Standards for Commuter Airplane Seats Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the meeting of the ARAC General Aviation Certification and Operations Issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider ARAC General Aviation Certification and Operations Issues.

##### Participation in the Working Group

The Flammability Standards for Commuter Airplane Seats Working Group is composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should

write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task and stating the expertise he or she would bring to the work group. All requests to participate must be received by March 30, 2001. The requests will be reviewed by the co-assistant chairs, the co-assistant executive directors, and the working group chair. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group are expected to represent their aviation community segment and participate actively in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also are expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the co-assistant chairs, the co-assistant executive directors, and the working group chair.

The Secretary of Transportation has determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Flammability Standards for Commuter Airplane Seats Working Group will not be open to the public, except to the extent that individuals with the interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 1, 2001.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 01-6095 Filed 3-9-01; 8:45 am]

BILLING CODE 4910-13-M



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Aviation Rulemaking Advisory Committee; General Aviation Certification and Operations Issues—New Task**

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

**ACTION:** Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

**SUMMARY:** The FAA assigned the Aviation Rulemaking Advisory Committee a new task to develop recommendations to update certification requirements for airplanes in the normal, utility, acrobatic, and commuter categories to reflect the use of new technologies and improve the safety of these airplanes. This notice is to inform the public of this ARAC activity.

**FOR FURTHER INFORMATION CONTACT:** Randy Griffith, 901 Locust, Kansas City, Missouri 64106, (816) 329-4134, [randy.griffith@faa.gov](mailto:randy.griffith@faa.gov).

**SUPPLEMENTARY INFORMATION:****Background**

The FAA has established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

**The Task**

Review part 23 standards and recommend rulemaking in the form of a Notice of Proposed Rulemaking (NPRM) to address criteria for propulsion technologies being used more commonly on part 23 airplanes and requirements that would improve the safety of part 23 airplanes. The NPRM should include the preamble and rule language, along with any supporting legal analysis.

Items to be addressed in the ARAC evaluation include:

- Turbofan/jet installations,
- Single level power controls,
- Electronic engine controls,
- Fuel quantity calibration and low-fuel warning for reciprocating engines,
- New technology reciprocating engines (for example, diesel engines),
- New technology powerplant displays, and
- Various miscellaneous updates to part 23 powerplant requirements.

*Schedule:* ARAC should forward its recommendations to the FAA within 1 year of task assignment.

**ARAC Acceptance of Tasks**

ARAC accepted the task and assigned the task to the newly formed Propulsion Systems Harmonization Working Group, General Aviation Certification and Operations Issues. The working group will serve as staff to ARAC and assist in the analysis of the assigned task. ARAC must review and approve working group recommendations. If ARAC accepts the working group's recommendations, it forwards them to the FAA as ARAC recommendations. The agency seeks ARAC's advice and recommendations on this important safety issue. Recommendations that are received from ARAC will be submitted to the agency's Rulemaking Management Council to address the availability of resources and prioritization.

**Working Group Activity**

The Propulsion Systems Harmonization Working Group is expected to comply with the procedures adopted by ARAC. As part of the procedures, the working group is expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the meeting of the ARAC General Aviation Certification and Operations Issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations, prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider General Aviation Certification and Operations Issues.

**Participation in the Working Group**

The Propulsion Systems Harmonization Working Group will be composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire, describing his or her interest in the task and stating the expertise he or she would bring to the working group. All requests to participate must be received

no later than March 30, 2001. The requests will be reviewed by the co-assistant chairs, the co-assistant executive directors, and the working group chair. The individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group will be expected to represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). They also will be expected to devote the resources necessary to support the working group in meeting any assigned deadlines. Members are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the co-assistant chairs, the co-assistant executive directors, and the working group chair.

The Secretary of Transportation has determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Propulsion Systems Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on March 1, 2001.

**Anthony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 01-6096 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****DEPARTMENT OF THE INTERIOR****National Park Service****Notice of Establishment of a National Parks Overflight Advisory Group**

**AGENCIES:** Federal Aviation Administration, DOT; and National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** The National Park Service (NPS) and Federal Aviation Administration (FAA) in accordance with the National Parks Air Tour Management Act of 2000, announce the establishment of the National Parks Overflights Advisory Group (NPOAG). The NPOAG is formed to provide continuing advice and counsel with respect to commercial air tour operations over and near national parks. This notice informs the public of the establishment of the advisory group and delineates the nomination procedures.

**DATES:** The National Parks Overflights Advisory Group will be established on April 5, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Howard Nesbitt, Flight Standards Service, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone: (202) 493-4981, or Marvin Jensen, Soundscapes Office, National Park Service, 1201 Oak Ridge Drive, Suite 200, Ft. Collins, Colorado 80525, telephone: (970) 225-3563. Persons interested in serving on the advisory group should contact Mr. Nesbitt or Mr. Jensen on or before April 2, 2001.

**SUPPLEMENTARY INFORMATION:****Background**

The National Parks Air Tour Management Act of 2000 (the Act) was enacted on April 5, 2000, as Public Law 106-181 (Pub. L. 106-181). The Act applies to "commercial air tour operations" occurring over a unit of the national park system or tribal lands within or abutting a national park. A commercial air tour operation is defined in the Act as a "flight conducted for compensation or hire in a powered aircraft where a purpose of the flight is sightseeing over a national park, within ½ mile outside the boundary of any national park, or over tribal lands, during which the aircraft flies—(i) below a minimum altitude, determined by the Administrator in cooperation with the Director, above ground level (except solely for purposes of takeoff or

landing, or necessary for safe operation of aircraft as determined under the rules and regulations of the Federal Aviation Administration requiring the pilot-in-command to take action to ensure the safe operation of the aircraft) or (ii) less than 1 mile laterally from any geographic feature within the park (unless more than ½ mile outside the boundary)." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(f)(4)(A). In making the determination as to whether a flight is a commercial air tour operation, the Act lists eight factors that the Administrator may consider. *Id.* at 40128(f)(4)(B). The term "tribal land" is defined in the Act as "Indian Country (as that term is defined in section 1151 of title 18 of the U.S. Code) that is within or abutting a national park." The term "National Park" is defined in the Act as "any unit of the national park system." All commercial air tour operations must be conducted in accordance with the following: (1) Title 49 of the U.S. Code (U.S.C.) Section 40128; (2) conditions and limitations prescribed for that operator by the FAA; and (3) any applicable air tour management plans.

The Act states that "Before commencing commercial air tour operations over a national park or tribal lands, a commercial air tour operator shall apply to the Administrator for authority to conduct the operations over the park or tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(a)(2)(A). This application then triggers the process for the FAA and NPS to cooperatively develop an air tour management plan (ATMP) for that park or tribal land. The objective of the ATMP process is to "develop acceptable and effective measures to mitigate or prevent the significant adverse impacts, if any, of commercial air tour operations upon the natural and cultural resources, visitor experiences, and tribal lands." See Section 803 of the Act, to be codified at 49 U.S.C. Section 40128(b)(1)(B).

The Act also provides that "upon application for operating authority, the Administrator shall grant interim operating authority under 49 U.S.C. section 40128(c) to a commercial air tour operator for commercial air tour operations over a national park or tribal lands for which the operator is an existing commercial air tour operator. See Section 803 of the Act to be codified at 49 U.S.C. section 40128(c)(1). Such interim operating authority is subject to a number of requirements and limitations, including a limit on the number of commercial air tour operations that may be conducted on an

interim basis pending issuance of the ATMP for that park."

In accordance with Pub. L. 106-181, the FAA and NPS have prepared a notice of proposed rulemaking proposing an altitude that will complete the definition of a "commercial air tour operation". It can be expected that this NPRM will be issued shortly. In the meantime, to meet the mandate of the public law, the FAA and NPS publish this notice establishing the advisory group that will serve to advise and counsel the persons implementing the regulations when they are adopted.

**Advisory Group Requirements of Public Law 106-181**

Pub. L. 106-181 requires the establishment of the advisory group within 1 year after its enactment. The advisory group is to be comprised of a balanced group of representatives of general aviation; commercial air tour operations; environmental concerns; and Indian tribes. The Administrator and the Director (or their designees) are to serve as ex officio members of the group. Representatives of the Administrator and Director will serve alternating 1-year terms as chairman of the advisory group. The Administrator's representative will serve the first term, which will terminate at the end of the calendar year following the year in which the advisory group is established.

The advisory group will provide advice, information, and recommendations to the Administrator and the Director—

(1) On the implementation of this title [the Act] and the amendments made by this title;

(2) On commonly accepted quiet aircraft technology for use in commercial air tour operations over a national park or tribal lands, which will receive preferential treatment in a given air tour management plan;

(3) On other measures that might be taken to accommodate the interests of visitors to national parks; and

(4) At the request of the Administrator and the Director, safety, environmental, and other issues related to commercial air tour operations over a national park or tribal lands.

Members of the advisory group may be allowed certain travel expenses as authorized by section 5703 of title 5, United States Code, for intermittent Government service.

**Public Participation in the Advisory Group**

The FAA and NPS invite members of the public who are interested in serving on the advisory group to contact the person listed under **FOR FURTHER**

**INFORMATION CONTACT.** Requests to participate should be made in writing and postmarked on or before April 12, 2001. The request should indicate whether or not they are a member or an official of a particular interest group. The request should also state whether or not they are proposing to represent air tour, conservation, or Native American interests while serving on the group. The term of service of advisory group members will be determined by the group itself once it is convened.

At this time all persons who anticipate being covered by the regulation are invited to submit their requests. Once an altitude is established the FAA will once again allow any parties who did not convey an interest because they didn't think they were within the scope of the act to indicate their interest. Membership of the advisory group will be representative of the balanced interests of overflights of national parks as enumerated by Pub. L. 106-181 discussed above. Membership will be limited in number to facilitate efficiency in advice and counsel.

Issued in Washington, DC on March 7, 2001.

**L. Nicholas Lacey,**

*Director, Flight Standards Service.*

[FR Doc. 01-6101 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Intent To Prepare an Environmental Impact Statement and Hold Scoping Meetings for Phoenix Sky Harbor International Airport, Phoenix, AZ

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

**ACTION:** Notice to hold one (1) public scoping meeting and one (1) Governmental and Public Agency scoping meeting.

**SUMMARY:** The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport, Phoenix, Arizona. To ensure that all significant issues related to the proposed action are identified, one (1) public scoping meeting and one (1) governmental and public agency scoping meeting will be held.

**FOR FURTHER INFORMATION CONTACT:** Kevin B. Flynn, Supervisor, Arizona Standards Section, AWP-623, Airports Division, Federal Aviation

Administration, Western-Pacific Region, P.O. Box 92007, Los Angeles, California 90009-2007, Telephone: 310/725-3632. Comments on the scope of the EIS should be submitted to the address above and must be received no later than Wednesday, May 23, 2001.

**SUPPLEMENTARY INFORMATION:** The Federal Aviation Administration (FAA) will prepare an Environmental Impact Statement for development of the proposed West Terminal Complex at the Phoenix Sky Harbor International Airport (PHX), Phoenix, Arizona. The need to prepare an Environmental Impact Statement (EIS) is based on the procedures described in FAA Order 5050.4A Airport Environmental Handbook. PHX is a commercial service airport located within a standard metropolitan statistical area and the proposed development includes the development of a new terminal complex; and the proposed development is likely to be controversial. The alternatives to be evaluated in the EIS include, but will not necessarily be limited to, the No-Action Alternative; the Proposed Action Alternative; the Modification of Existing Facilities Alternative, and the Combination of Constructing New and Modifying Existing Facilities Alternative. Comments and suggestions are invited from Federal, State, and local agencies, and other interested parties to ensure that the full range of issues related to these proposed projects are addressed and all significant issues are identified. The FAA reserves the right to the option of converting the study to an Environmental Assessment (EA), if the agency finds that the projected environmental impacts would not be significant. If the EA option is selected, the FAA will then issue a Finding of No Significant Impact (FONSI), which will allow the City of Phoenix to implement the Proposed Action Alternative. Written comments and suggestions concerning the scope of the EIS may be mailed to the FAA informational contact listed above and must be received no later than Wednesday, May 23, 2001.

#### Public Scoping Meetings

The FAA will hold one (1) public and one (1) governmental agency scoping meeting to solicit input from the public and various Federal, State, and local agencies which have jurisdiction by law or have specific expertise with respect to any environmental impacts associated with the proposed project. The public scoping meeting will be held Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport, 4300 East

Washington Street, Phoenix, Arizona 85034. The meeting will be held from 5:00 p.m. to 8:00 p.m. local time. A scoping meeting will be held specifically for governmental and public agencies on Monday, April 23, 2001, at the Holiday Inn Select Phoenix Airport, 4300 East Washington Street, Phoenix, Arizona 85034. The meeting will be held from 1:00 p.m. to 3:00 p.m. local time.

Issued in Hawthorne, California on Wednesday, February 28, 2001.

**Herman C. Bliss,**

*Manager, Airports Division, Western-Pacific Region, AWP-600.*

[FR Doc. 01-6100 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2001-17]

#### Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

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

**ACTION:** Notice of petition for exemption received and disposition of prior petition.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain petitions seeking relief from specified requirements of 14 CFR, dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

**DATES:** Comments on petitions received must identify the petition docket number involved and must be received on or before April 2, 2001.

**ADDRESSES:** Send comments on any petition to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590-0001. You must identify the docket number FAA-2000-XXXX at the beginning of your comments. If you wish to receive confirmation that FAA received your comments, include a self-addressed, stamped postcard.

You may also submit comments through the Internet to <http://dms.dot.gov>. You may review the public docket containing the petition, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Dockets Office (telephone 1-800-647-5527) is on the plaza level of the NASSIF Building at the Department of Transportation at the above address. Also, you may review public dockets on the Internet at <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** Forest Rawls (202) 267-8033, or Vanessa Wilkins (202) 267-8029, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on March 7, 2001.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

#### **Petition for Exemption**

*Docket No.:* FAA-2001-8678.

*Petitioner:* Lufthansa Technik AG.

*Section of 14 CFR Affected:* 14 CFR 25.785(j).

*Description of Relief Sought:* To permit installation of an executive interior on a Boeing 737-700IGW airplane without the required "firm handhold" in the passenger cabin.

#### **Disposition of Petitions**

*Docket No.:* FAA-2000-8428.

*Petitioner:* Delta Air Lines, Inc.

*Section of 14 CFR Affected:* 14 CFR 25.791(a) and 121.317(a).

*Description of Relief Sought:*

*Disposition:* To permit Delta to operate its McDonnell Douglas MD-90 aircraft with "No Smoking" signs that always are illuminated.

*Grant, 02/26/2001, Exemption No. 6034C*

[FR Doc. 01-6099 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **Air Traffic Procedures Advisory Committee**

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

**SUMMARY:** The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air

Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

**DATES:** The meeting will be held from April 2-5, 2001, from 9 a.m. to 5 p.m. each day.

**ADDRESSES:** This meeting will be held at the Federal Aviation Administration, Conference Rooms 8ABC, 800 Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mr. Eric Harrell, Executive Director, ATPAC, Terminal and En Route Procedures Division, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the ATPAC to be held April 2 through April 5, 2001, at the Federal Aviation Administration, Conference Rooms 8ABC, 800 Independence Avenue, SW., Washington, DC.

The agenda for this meeting will cover: a continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of Minutes.
2. Submission and Discussion of Areas of Concern.
3. Discussion of Potential Safety Items.
4. Report from Executive Director.
5. Items of Interest.
6. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than March 26, 2001. The next quarterly meeting of the FAA ATPAC is planned to be held from July 9-12, 2001, in San Francisco, California.

Any member of the public may present a written statement to the Committee at any time at the address given above.

Issued in Washington, DC, on February 28, 2001.

**Eric Harrell,**

*Executive Director, Air Traffic, Procedures Advisory Committee.*

[FR Doc. 01-6097 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **RTCA, Program Management Committee**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., appendix 2), notice is hereby given for Program Management Committee meeting to be held March 27, 2001, starting at 9:00 a.m. The meeting will be held at RTCA, Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Welcome and Introductory Remarks; (2) Review Meeting Agenda; (3) Review Previous Meeting Minutes; (4) Publication Consideration/Approval: (a) Final Draft, Minimum Aviation System Performance Standards (MASPS) for Flight Information Service Broadcast (FIS-B) Data Link, RTCA Paper No. 040-01/PMC-129, prepared by SC-195; (b) Final Draft, Concept of Operations, Night Vision Imaging System for Civil Operators, RTCA Paper No. 47-01/PMC-131, prepared by SC-196; (5) Discussion: (a) Special Committee 194, Air Traffic Data Link Implementation: Status Report; (b) Special Committee 198, NEXCOM: Status Report; (c) Special Committee 147, Traffic Alert and Collision Avoidance System: Status Report; (d) Proposed New Special Committee, National Airspace Redesign; (e) Special Committee 193, Terrain and Airport Databases: Progress Report; (f) Proposed New Special Committee to update DO-214, Minimum Operational Performance (MOPS) for Aircraft Audio System: Status Report; (g) Special Committee 159, Second Interim Report on Ultra Wide Band (UWB)/Global Positioning System (GPS) Interference: Consider for approval to forward to the Department of Transportation; (h) Review nominations for Annual RTCA Awards; (6) Action Item Review: (a) Action Item 00-09, Proposed revision to SC-181 Navigational Standards, Terms of Reference; (b) Action Item 00-15, Revised Document Guidance; (7) Other Business: (a) Status of ICAO Standards and Recommended Practices (SARPs) for Next Generation Satellite Systems (NGSS); (b) Ultra Wide Band (UWB) Portable Electronic Devices Interference;

(8) Document Production; (9) Date and Location of Next Meeting; (10) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833-9339 (phone); (202) 833-9434 (fax); or <http://www.rtca.org> (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 1, 2001.

**Janice L. Peters,**

*Designated Official.*

[FR Doc. 01-6098 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-M**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Policy Statement Number ACE-00-23.777-01]

#### Proposed Issuance of Policy Memorandum, Automatic Pilot (Control Wheel Steering) Applications for Part 23/CAR 3 Airplanes

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

**ACTION:** Notice of policy statement; extension of the comment period.

**SUMMARY:** This document provides additional time for the public to comment on a proposal to adopt new policy for certification of normal, utility, acrobatic, and commuter category turbine powered airplanes with automatic pilot (autopilot) (control wheel steering) applications. Comments received on the original notice of policy statement (66 FR 4055, January 17, 2001) specify additional time to respond to the proposed action.

**DATE:** Comments sent must be received by May 11, 2001. This is extended from February 16, 2001.

**ADDRESSES:** Send all comments on this proposed policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

#### FOR FURTHER INFORMATION CONTACT:

*Sending comments:* Bill Marshall, Federal Aviation Administration (FAA), Small Airplane Directorate, Regulations and Policy Branch, ACE-111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4116; fax (816) 329-4090; email: [Bill.Marshall@faa.gov](mailto:Bill.Marshall@faa.gov).

*Asking technical questions:* Jon Hannan, FAA, Small Airplane Directorate, Regulations and Policy Branch, ACE-111, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone (816) 329-4127; fax (816) 329-4090; email: [Jon.Hannan@faa.gov](mailto:Jon.Hannan@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

*How do I comment on the proposed policy?* We invite your comments on this proposed policy statement, ACE-00-23.777-01. You may send whatever written data, views, or arguments you choose. We will consider all comments received by the closing date. We may change the proposals contained in this notice because of the comments received.

Please send comments using the following Internet address: [Bill.Marshall@faa.gov](mailto:Bill.Marshall@faa.gov). Comments sent using the Internet must contain "Comments to Policy Statement ACE-00-23.777-01" in the subject line. Writers should format in Microsoft Word 97 or ASCII any file attachments that are sent using the Internet.

Send comments using the following format:

- Organize comments issue-by-issue. For example, discuss a comment about the automatic pilot control panel and a comment about primary flight controls as two separate issues.

- For each issue, state what specific change you are requesting to the proposed policy memorandum.

- Include justification (for example, reasons or data) for each request. If sending your comments using the Internet will cause you extreme hardship, you may send comments using the U.S. Mail, overnight delivery, or facsimile machine. You should mark your comments, "Comments to Policy Statement ACE-00-23.777-01" and send two copies to the above address in the section **FOR FURTHER INFORMATION CONTACT: Sending comments.**"

Issued in Kansas City, Missouri on March 6, 2001.

**Michael Gallagher,**

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

[FR Doc. 01-6090 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### Notice of Safety Advisory

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice of safety advisory.

**SUMMARY:** FRA is issuing Safety Advisory 01-01 addressing the structural integrity of cast steel draft sills, manufactured by American Steel Foundries, and installed in certain covered hopper cars. When in normal condition and used under normal train operations, these cast draft sills appear not to pose a safety hazard to railroad employees or the general public.

**FOR FURTHER INFORMATION CONTACT:** Gary Fairbanks, Mechanical Engineer, Motive Power & Equipment Division, Office of Safety Assurance & Compliance, FRA, 400 Seventh Street, SW., RRS-14, Mail Stop 25, Washington, DC 20590 (Telephone 202-493-6322/Fax 202-493-6230).

**SUPPLEMENTARY INFORMATION:** Recently, FRA discovered that several Type C-114 covered hopper cars, manufactured by Trinity Industries, have experienced failures of their cast steel draft sills. A cast draft sill that apparently contained a pre-existing crack caused one train separation on main line track on the Montana Rail Link. Also, several of these cast draft sills failed in torsion as a result of a number of minor, low speed yard derailments. To date, all of the cars involved in such failures are owned and principally operated by The Burlington Northern and Santa Fe Railway Company (BNSF). At this time, there have been no reported failures of this type of cast draft sill on any other railroad; however, FRA and the industry are still in the process of investigating this matter. There have been no reported injuries or fatalities due to the failure of these draft sills.

On January 18, 2001 at Winston, Montana, approximately 20 miles east of Helena, Montana, a westbound BNSF loaded unit grain train, G-CVNKAL9-16, experienced a broken draft sill on the B-end of covered hopper BNSF 472398. The draft sill broke forward of the inboard draft lugs and separated from the car, allowing the draft gear, coupler, and a portion of the draft sill to fall to the rails. When the separation took place, the train's air brake train line pipe also separated, causing an emergency air brake application on the train. At this time, it appears as though there was an approximately 30-percent old break in the walls of the involved draft sill (a break that existed before the train separation occurred), with the remaining sill breaking with rapid brittle fracture at the time of the incident. The old crack appears to have started in the area of the side wall of the draft sill where an inspection port was cast in, and directly in front of, the rear draft lugs. No derailment occurred in this instance.

On January 30, 2001, at the West Havre yard in Havre, Montana, the same series of Type C-114 covered hoppers were involved in the derailment of BNSF train GSPLTAC 9-26. A total of 19 cars derailed as the train was leaving the yard, traveling approximately 8 miles per hour. Five (5) of the cars overturned onto their sides and experienced failures of the cast steel draft sills. Furthermore, an attempt was made to re-rail one of the derailed loaded cars using a mobile crane with a sling passing under the draft sill. The car had no damage other than having one pair of wheels derailed. The draft sill on the car was inspected prior to lifting the car, and it was found to be free of any cracks or damage from the derailment. While the car was being lifted with the sling, the draft sill failed catastrophically, which caused the car to fall to the ground. The draft sill fractured on both sides just outboard of the rear draft lugs, but remained attached by a severely bent section on the top portion of the sill. No injuries or fatalities resulted from this incident, nor were the broken draft sills the cause of the derailment.

On January 31, 2001, BNSF transferred two of the broken draft sills involved in the above incident to its testing facility at Topeka, Kansas for a metallurgical analysis. The draft sills were then forwarded to the manufacturer for further inspection. The initial report from BNSF and the manufacturer stated that the material used in the draft sills met the Association of American Railroads' (AAR) requirement for a Grade "B" steel casting. A subsequent design review between BNSF, the car builder, and the draft sill manufacturer found the design acceptable, and at this time did not recommend any subsequent changes. However, fatigue and impact testing of the fractured draft sills is still being conducted by both BNSF and the manufacturer. The AAR is also investigating nationwide if any of the cast draft sills of this same design have been installed on car owners equipment other than BNSF.

The cars currently in question are Type C-114 covered hopper cars, with a capacity of 5,161 cubic-feet, series BNSF 471500 through 477012 and series BNSF 450000 through 450649, a total of 5,999 cars. The cars were built by Trinity Industries from 1998 through 2000, and the draft sills were manufactured by American Steel Foundries (ASF). Examples of the founding nomenclature on the draft sills that have failed are: ASF 6/98 3952 A-2 and ASF 6/99 3952 B-2. BNSF has initiated a systemwide inspection of the

draft sills on these two car series, looking especially for cracks in the area of the inspection ports ahead of the rear draft lugs. BNSF is inspecting both sides and both ends of each of these cars. The inspection instructions issued by the BNSF to their inspectors regarding these cars, loaded or empty, provides for the following:

**Initial Terminal, 1000-Mile, Terminating Inspection Points, and All Repair Tracks**

1. Inspect cars paying particular attention to the cast draft sill. Inspect for cracks propagating from the bottom flange or the side inspection holes of the cast draft sill, see attached photographs.

2. Determine if car is defective per 49 CFR § 215.121(b)(2), if crack is 6" or less and car is safe to move to destination, if loaded forward for unloading. If empty "BH" car home for repair.

3. If crack is greater than 6" and car is safe to move, then car must be "BH" home and moved under 49 CFR § 215.9.

4. Report defect code "DS" when bad ordering these cars.

5. Place a white dot, using spray paint, on both sides of the draft sill on both ends of the car once inspection is completed.

A cast draft sill is considered a component of a car's center sill structure. FRA's Freight Car Safety Standards prescribe that a car may not be placed or remain in service if the car center sill is broken; cracked more than 6 inches; or permanently bent or buckled more than 2½ inches in any six foot length. Car inspections required by FRA safety regulations will normally detect this type of defect.

**Action Recommended by FRA**

When in normal condition and used in normal train operations, these cast draft sills appear not to pose a safety hazard to railroad employees or the general public. However, if any of the cars listed above is involved in a derailment, regardless of how minor, it should be considered to be a significant safety risk to all personnel and the following steps taken:

- Exercise caution if the car is positioned such that it applies a torsional load to the draft sill;
- Avoid lifting the car by the draft sill with a crane to re-rail; or
- If the car's draft sill has a crack of 6 inches or more, request home shop disposition, complying with 49 CFR 215.9.

For additional information concerning car series BNSF 471500 through BNSF 477012 and BNSF 450000 through BNSF 450649, and to obtain a copy of System Mechanical Alert BNSF MA-01/

01, FRA recommends that the railroad contact Mr. Rick Stauffer, System Mechanical Department, Burlington Northern and Santa Fe Railway Company, P.O. Box 961056, Fort Worth, TX 76131-2830, telephone (817) 352-1465.

FRA may modify Safety Advisory 01-01, issue additional safety advisories, or take other appropriate action to ensure the highest level of safety on the Nation's railroads.

Issued in Washington, DC on March 8, 2001.

**George Gavalla,**

*Associate Administrator for Safety.*

[FR Doc. 01-6182 Filed 3-9-01; 8:45 am]

**BILLING CODE 4910-06-P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket No. NHTSA-01-8978; Notice 1]

**United Nations Economic Commission for Europe; World Forum for the Harmonization of Vehicle Regulations: Meetings for Calendar Year 2001**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Notice of schedule of meetings.

**SUMMARY:** NHTSA is publishing this notice to inform the public of the schedule of meetings of the World Forum for the Harmonization of Vehicle Regulations (WP.29) and its working parties of experts for the current calendar year. Publication of this information is consistent with NHTSA's Statement of Policy regarding Agency Policy Goals and Public Participation in the Implementation of the 1998 Agreement on Global Technical Regulations.

**FOR FURTHER INFORMATION CONTACT:** Mr. Martin Koubek, International Policy Advisor, Office of International Policy and Harmonization (NPP-01), National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590; phone number (202) 366-2114, fax number (202) 366-2559.

**SUPPLEMENTARY INFORMATION:** On August 23, 2000, NHTSA published (65 FR 51236) a policy statement that it will publish each year a calendar of scheduled meetings of WP.29 participants and working parties of experts, as well as meetings of the Executive Committee of the 1998 Global Agreement. This document announces the meeting dates and places for 2001. They were approved by the Inland

Transport Committee at its meeting  
February 13–15, 2001.

**List of Meetings of the World Forum for the Harmonization of Vehicle Regulations and Its Working Parties of Experts in 2001**

*January*

- 8–13 Working Party on Lighting (GRE) Informal Working Group on Lighting Installation  
16–19 Working Party on Pollution and Energy (GRPE) (forty-first session)  
29–2 Feb. Working Party on Brakes and Running Gear (GRRF) (forty-ninth session)

*February*

- 20–23 Working Party on Noise (GRB) (thirty-fourth session)

*March*

- 6 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-fifth session)  
6–9 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-third session), Executive Committee to the 1998 Global Agreement (first session), and Administrative Committee to the 1958 Agreement (AC.1) (seventeenth session)  
27–30 Working Party on Lighting and Light-Signalling (GRE) (forty-sixth session)

*April*

- 2–6 Working Party on General Safety Provisions (GRSG) (eightieth session), including Informal Meeting on Vehicle Classification

*May*

- 7–11 Working Party on Passive Safety (GRSP) (twenty-ninth session)  
29–1 June Working Party on Pollution and Energy (GRPE) (forty second session)

*June*

- 25–27 Working Party on Brakes and Running Gear (GRRF) Informal Meeting on Tires  
25 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-sixth session)  
26–29 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-fourth session), Executive Committee of the 1998 Global Agreement (second session), and Administrative Committee to the 1958 Agreement (AC.1) (eighteenth session)

*September*

- 10–12 Working Party on Brakes and Running Gear (GRRF) (fiftieth session)

- 13–14 Working Party on Noise (GRB) (thirty-fifth session)

*October*

- 1–5 Working Party on Lighting and Light-Signalling (GRE) (forty-seventh session)  
6–13 Working Party on General Safety Provisions (GRSG) (eighty-first session), including Informal Meeting on Vehicle Classification

*November*

- 5 Administrative Committee for the Coordination of Work (WP.29/AC.2) (seventy-seventh session)  
6–9 World Forum for Harmonization of Vehicle Regulations (WP.29) (one-hundred-and-twenty-fifth session), Executive Committee of the 1998 Global Agreement (third session) and Administrative Committee to the 1958 Agreement (AC.1) (nineteenth session)

*December*

- 3–6 Working Party on Passive Safety (GRSP) (thirtieth session)

Issued on February 26, 2001.

**Julie Abraham,**

*Director, Office of International Policy and Harmonization.*

[FR Doc. 01–6102 Filed 3–9–01; 8:45 am]

**BILLING CODE 4910–59–P**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[STB Docket No. AB–478 (Sub–No. 2X)]**

**Charles City Area Development Corporation d/b/a Charles City Railway—Abandonment Exemption— in Floyd County, IA**

Charles City Area Development Corporation d/b/a Charles City Railway (Applicant) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon a 3.6-mile line of railroad extending from milepost 0.0 to milepost 3.6 within Charles City, Floyd County, IA. The line traverses United States Postal Service Zip Code 50616.

Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) no overhead traffic has been handled over the line for at least 2 years; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within

the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 11, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by March 22, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by April 2, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: T. Scott Bannister, 1300 Des Moines Building, 405—Sixth Avenue, Des Moines, IA 50309.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

Applicant has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by March 16, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).



matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), Applicant shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by Applicant's filing of a notice of consummation by March 12, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Decided: March 5, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-5910 Filed 3-9-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 347 (Sub-No. 3)]

#### General Procedures for Presenting Evidence in Stand-Alone Cost Rate Cases

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of procedural guidelines.

**SUMMARY:** The Surface Transportation Board (Board) has issued procedural guidelines governing the filing of evidence in stand-alone cost (SAC) rate cases.

**EFFECTIVE DATE:** April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Thomas J. Stilling, (202) 565-1567. (Assistance for the hearing impaired is available through TDD services (202) 565-1695.)

**SUPPLEMENTARY INFORMATION:** In recent months, the Board has received several new complaints challenging the reasonableness of rates charged by railroads. The Board's SAC test developed in *Coal Rate Guidelines, Nationwide*, 1 I.C.C.2d 520 (1985) will be used in many of the cases to evaluate the reasonableness of the rates. Because it requires a significant commitment of agency resources to review the SAC presentations of the litigants, the Board has developed procedures to streamline and standardize evidence. In a decision served March 12, 2001, the Board explained that the procedures are "designed to standardize the format for submitting written presentations,

workpapers and electronic spreadsheets, and better focus the evidence so that [the Board] can more efficiently and effectively evaluate the records in [SAC] cases."

A printed copy of the Board's decision in Ex Parte No. 347 (Sub-No. 3) is available for a fee by contacting Dā-To-Dā Office Solutions, Room 405, 1925 K Street, NW., Washington, DC 20006, telephone (202) 466-5530. The decision is also available for viewing and downloading on the Board's website at [www.stb.dot.gov](http://www.stb.dot.gov).

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

**Vernon A. Williams,**  
Secretary.

[FR Doc. 01-6078 Filed 3-9-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[CO-24-95 and CO-11-91]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, CO-24-95 (TD 8660), Consolidated Groups—Intercompany Transactions and Related Rules, and CO-11-91 (TD 8597), Consolidated Groups and Controlled Groups—Intercompany Transactions and Related Rules (§ 1.1502-13).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622-3945, Internal Revenue

Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

**Title:** CO-24-95, Consolidated Groups—Intercompany Transactions and Related Rules, and CO-11-91, Consolidated Groups and Controlled Groups—Intercompany Transactions and Related Rules.

**OMB Number:** 1545-1433.

**Regulation Project Numbers:** CO-11-91 and CO-24-95.

**Abstract:** The regulations require common parents that make elections under regulation section 1.1502-13 to provide certain information. The information will be used to identify and assure that the amount, location, timing and attributes of intercompany transactions and corresponding items are properly maintained.

**Current Actions:** There is no change to these existing regulations.

**Type of Review:** Extension of OMB approval.

**Affected Public:** Business or other for-profit organizations.

**Estimated Number of Respondents:** 2,200.

**Estimated Time Per Respondent:** 29 minutes.

**Estimated Total Annual Burden**

**Hours:** 1,050.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information



technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5960 Filed 3-9-01; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[INTL-362-88]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL-362-88 (TD 8618), Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation (§§ 1.954-1 and 1.954-2).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Definition of a Controlled Foreign Corporation, Foreign Base Company Income and Foreign Personal Holding Company Income of a Controlled Foreign Corporation.

*OMB Number:* 1545-1068.

*Regulation Project Number:* INTL-362-88.

*Abstract:* A U.S. shareholder of a controlled foreign corporation is subject

to current U.S. taxation on the subpart F income of the foreign corporation, which consists of several categories of income. The election and recordkeeping requirements in the regulation are necessary to exclude certain high-taxed or active business income from subpart F income or to include certain income in the appropriate category of subpart F income. The recordkeeping and election procedures allow the U.S. shareholders and the IRS to know the amount of the controlled foreign corporation's subpart F income.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents/Recordkeepers:* 50,500.

*Estimated Time Per Respondent/Recordkeeper:* 1 hour.

*Estimated Total Annual Reporting/Recordkeeping Hours:* 50,417.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5961 Filed 3-9-01; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[TD 8172]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, TD 8172, Qualification of Trustee or Like Fiduciary in Bankruptcy (§ 301.6036-1).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Qualification of Trustee or Like Fiduciary in Bankruptcy.

*OMB Number:* 1545-0773.

*Regulation Project Number:* TD 8172.

*Abstract:* Internal Revenue Code section 6036 requires that receivers, trustees in bankruptcy, assignees for the benefit of creditors, or other like fiduciaries, and all executors shall notify the district director within 10 days of appointment. This regulation provides that the notice shall include the name and location of the Court and when possible, the date, time, and place of any hearing, meeting or other scheduled action. The regulation also eliminates the notice requirement under section 6036 for bankruptcy trustees,

debtors in possession and other fiduciaries in a bankruptcy proceeding.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 50,000.

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 12,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5962 Filed 3-9-01; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8328

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13(44 U.S.C.

3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8328, Carryforward Election of Unused Private Activity Bond Volume Cap.

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622-3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Carryforward Election of Unused Private Activity Bond Volume Cap.

*OMB Number:* 1545-0874.

*Form Number:* Form 8328.

*Abstract:* Internal Revenue Code section 146(f) requires that an annual volume limit be placed on the amount of private activity bonds issued by each State. Code section 146(f)(3) provides that the unused amount of the private activity bonds for specific programs can be carried forward for 3 years depending on the type of project. In order to carry forward the unused amount of the private activity bond, an irrevocable election can be made by the issuing authority. Form 8328 allows the issuer to execute the carryforward election.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and state, local, or tribal governments.

*Estimated Number of Respondents:* 10,000.

*Estimated Time Per Respondent:* 11 hours, 2 minutes.

*Estimated Total Annual Burden Hours:* 110,300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5963 Filed 3-9-01; 8:45 am]

BILLING CODE 4830-01-P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8821

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8821, Tax Information Authorization.

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Tax Information Authorization.  
*OMB Number:* 1545-1165.  
*Form Number:* 8821.

*Abstract:* Form 8821 is used to appoint someone to receive or inspect certain tax information. The information on the form is used to identify appointees and to ensure that confidential tax information is not divulged to unauthorized persons.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit organizations, not for profit institutions, and farms.

*Estimated Number of Respondents:* 200,000.

*Estimated Time Per Respondent:* 1 hour, 3 minutes.

*Estimated Total Annual Burden Hours:* 210,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are

invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 28, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5964 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

[PS-163-84]

**Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-163-84 (TD 8439), Treatment of Transactions Between Partners and Partnerships §§ 1.707-3(c)(2), 1.707-5(a)(7)(ii), 1.707-6(c) and 1.707-8).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622-3179, Internal Revenue

Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Treatment of Transactions Between Partners and Partnerships.

*OMB Number:* 1545-1243.

*Regulation Project Number:* PS-163-84.

*Abstract:* Internal Revenue Code section 707(a)(2) provides that if there are transfers of money or property between a partner and a partnership, the transfer will be treated, in certain situations, as a disguised sale between the partner and the partnership. The regulations require that the partner or the partnership should disclose the transfer and certain attendant facts in some situations.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Time Per Respondents:* 7,500.

*Estimated Time Per Respondent:* 20 minutes.

*Estimated Total Annual Burden Hours:* 2,500.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5965 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[PS-103-90]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-103-90 (TD 8578), Election Out of Subchapter K for Producers of Natural Gas (§ 1.761-2).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Election Out of Subchapter K for Producers of Natural Gas.

*OMB Number:* 1545-1338.

*Regulation Project Numbers:* PS-103-90.

*Abstract:* This regulation contains certain requirements that must be met by co-producers of natural gas subject to a joint operating agreement in order to elect out of subchapter K of chapter 1 of the Internal Revenue Code. Under regulation section 1.761-2(d)(5)(i), gas producers subject to gas balancing agreements must file Form 3115 and certain additional information to obtain the Commissioner's consent to a change

in method of accounting to either of the two permissible accounting methods described in the regulations.

*Current Actions:* There is no change to this existing regulation.

*Type of review:* Extension of OMB approval.

*Affected Public:* Individuals or households, and business or other for-profit organizations.

*Estimated Number of Respondents:* 10.

*Estimated Time Per Respondent:* 30 minutes.

*Estimated Total Annual Burden Hours:* 5.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 1, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5966 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[IA-30-95]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA-30-95 (TD 8672), Reporting of Nonpayroll Withheld Tax Liabilities (§ 31.6011(a)-4).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Reporting of Nonpayroll Withheld Tax Liabilities.

*OMB Number:* 1545-1413.

*Regulation Project Number:* IA-30-95.

*Abstract:* This regulation relates to the reporting of nonpayroll withheld income taxes under section 6011 of the Internal Revenue Code. The regulations require a person to file Form 945, Annual Return of Withheld Federal Income Tax, only for a calendar year in which the person is required to withhold Federal income tax from nonpayroll payments.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

The burden for the collection of information is reflected in the burden for Form 945, Annual Return of Withheld Federal Income Tax.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5967 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

---

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[INTL-870-89]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this

opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL-870-89, Earnings Stripping (Section 163(j)).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

*Title:* Earnings Stripping (Section 163(j)).

*OMB Number:* 1545-1255.

*Regulation Project Number:* INTL-870-89.

*Abstract:* Internal Revenue Code section 163(j) concerns the limitation on the deduction for certain interest paid by a corporation to a related person. This provision generally does not apply to an interest expense arising in a taxable year in which the payer corporation's debt-equity ratio is 1.5 to 1 or less. Regulation section § 1.163(j)-5(d) provides a special rule for adjusting the basis of assets acquired in a qualified stock purchase. This rule allows the taxpayer, in computing its debt-equity ratio, to elect to write off the basis of the stock of the acquired corporation over a fixed stock write-off period, instead of using the adjusted basis of the assets of the acquired corporation.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2,300.

*Estimated Time Per Respondent:* 31 minutes.

*Estimated Total Annual Burden Hours:* 1,196.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information

displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

#### Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5968 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

---

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[PS-55-89]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS-55-89 (TD 8566), General Asset Accounts Under the Accelerated Cost Recovery System (§ 1.168(i)-1).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* General Asset Accounts Under the Accelerated Cost Recovery System.

*OMB Number:* 1545-1331.

*Regulation Project Number:* PS-55-89.

*Abstract:* Section 168(i)(4) of the Internal Revenue Code authorizes the Secretary of the Treasury to provide rules under which a taxpayer may elect to account for property in one or more general asset accounts for depreciation purposes. The regulations describe the time and manner of making the election described in Code section 168(i)(4). Basic information regarding this election is necessary to monitor compliance with the rules in Code section 168.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations and farms.

*Estimated Number of Respondents:* 1,000.

*Estimated Time Per Respondents:* 15 minutes.

*Estimated Total Annual Burden Hours:* 250.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5969 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**[PS-66-93 and PS-120-90]**

**Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, PS-66-93 (TD 8609), Gasohol; Compressed Natural Gas, and PS-120-90 (TD 8241), Gasoline Excise Tax (§§ 48.4041-21, 48.4081-2(c)(3), 48.4081-3(d)(2)(iii), 48.4081-3(e)(2)(ii), 48.4081-3(f)(2)(ii), 48.4081-4(b)(2)(ii), 48.4081-4(b)(3)(i), 48-4081-4(c), 48.4081-6(c)(1)(ii), 48.4081-7, and 48.4081-9).

**DATES:** Written comments should be received on or before May 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be

directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* PS-66-93, Gasohol; Compressed Natural Gas; and PS-120-90, Gasoline Excise Tax.

*OMB Number:* 1545-1270.

*Regulation Project Number:* PS-66-93 and PS-120-90.

*Abstract:* PS-66-93: This regulation relates to gasohol blending and the tax on compressed natural gas (CNG). The sections relating to gasohol blending affect certain blenders, enterers, refiners, and throughputters. The sections relating to CMG affect persons that sell or buy CNG for use as a fuel in a motor vehicle or motorboat. PS-120-90: This regulation relates to the federal excise tax on gasoline. It affects refiners, importers, and distributors of gasoline and provides guidance relating to taxable transactions, persons liable for tax, gasoline blendstocks, and gasohol.

*Current Actions:* There is no change to these existing regulations.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, not-for-profit institutions, farms and state, local or tribal governments.

*Estimated Number of Respondents:* 3,170.

*Estimated Time Per Respondent:* 7 minutes.

*Estimated Total Annual Burden Hours:* 371.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments**

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including

through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 5, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-5970 Filed 3-9-01; 8:45 am]

**BILLING CODE 4830-01-P**

# Corrections

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF THE TREASURY

### Guidance to Federal Financial Assistance Recipients on the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons

#### *Correction*

In notice document 01-5412 beginning on page 13829 in the issue of Wednesday, March 7, 2001, make the following correction:

On page 13829, in the third column under the heading **DATES**, in the third line, "May 7, 3001" should read, "May 7, 2001".

[FR Doc. C1-5412 Filed 3-9-01; 8:45 am]

**BILLING CODE 1505-01-D**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Part 1

[REG-116050-99]

RIN 1545-AX65

#### Stock Transfer Rules: Carryover of Earnings and Taxes

#### *Correction*

In proposed rule document 00-28950 beginning on page 69138 in the issue of

Wednesday, November 15, 2000, make the following corrections:

#### **§1.367(b)-7 [Corrected]**

1. On page 69158, in §1.367(b)-7(e)(2)(iv), *Example 2-(i) Facts.*, in the first table, in the column titled "E&P", "(200u)" should read "200u".

#### **§1.367(b)-8 [Corrected]**

2. On page 69178, in §1.367(b)-8(e)(6), *Example 2(ii)(B) Application of §1.367(b)-5(c).*, in the third column, in the 23rd line, remove "(along with \$50 of foreign income taxes) and 166.7u (200u-(100u × (200u ÷ 600u))) of available earnings in the section 904(d)(1)(D) shipping separate category".

[FR Doc. C0-28950 Filed 3-9-01; 8:45 am]

**BILLING CODE 1505-01-D**





# Federal Register

---

**Monday,  
March 12, 2001**

---

**Part II**

## **Federal Retirement Thrift Investment Board**

---

**5 CFR Part 1605  
Correction of Administrative Errors; Final  
Rule**

## FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

### 5 CFR Part 1605

#### Correction of Administrative Errors

**AGENCY:** Federal Retirement Thrift Investment Board.

**ACTION:** Final rule.

**SUMMARY:** The Executive Director of the Federal Retirement Thrift Investment Board (Board) is amending the Board's regulations on correction of administrative errors to change the period of time for submission of claims for the correction of errors in a participant's Thrift Savings Plan (TSP) account. As presently written, certain sections of the regulations impose conflicting duties upon participants to file claims for correction of errors in their TSP accounts within one year of receipt of notice of an error, and also upon employing agencies or the Board to correct an error without regard to when the error is discovered. The amended regulation resolves this conflict by specifying when errors must be corrected by the employing agency, the Board, or the TSP record keeper, as the case may be, and when they may be corrected in the sound discretion of these parties.

In addition, the amended regulation provides that lost earnings in back pay cases involving separations from service will be calculated based upon the G Fund rates of return, as the regulation presently provides, or as otherwise requested by the parties or ordered by a court or other tribunal with jurisdiction over the back pay case.

**EFFECTIVE DATE:** March 12, 2001.

**FOR FURTHER INFORMATION CONTACT:** Salomon Gomez on (202) 942-1661, Patrick J. Forrest on (202) 942-1659, FAX (202) 942-1676, or Merritt A. Willing on (202) 942-1666.

**SUPPLEMENTARY INFORMATION:** The Board administers the TSP, which was established by the Federal Employees' Retirement System Act of 1986 (FERSA), Public Law 99-335, 100 Stat. 514, codified, as amended, largely at 5 U.S.C. 8351 and 8401-8479. The TSP is a tax-deferred retirement savings plan for Federal employees, similar to a cash or deferred arrangement established under section 401(k) of the Internal Revenue Code. Sums in a TSP participant's account are held in trust for that participant.

On December 27, 1996, and May 1, 1998, the Board published final rules in the **Federal Register** concerning the correction of administrative errors (61 FR 67472 and 63 FR 24380). These rules

were codified at 5 CFR part 1605 and explain how employing agencies, the TSP record keeper, and the Board identify and correct administrative errors in TSP contributions or account balances. The Board published an amendment to part 1605 in proposed form in the **Federal Register** on April 13, 2000 (65 FR 19862). The Board received five comments, three from Federal agencies and two from individuals.

One agency endorsed the idea of holding participants accountable for ensuring that their transactions are completed correctly, pointing out that it was often difficult for an agency to correct an error after an extended period of time. Another agency asked what types of errors would warrant the exercise of sound discretion in deciding whether to correct them and who would be responsible for making such decisions.

The regulation provides that an agency may exercise its sound discretion to correct any error that it discovers or is brought to its attention after the time period has passed for mandatory correction. See § 1605.6(b). Each agency will have to decide how to handle these issues. The document in which the agency describes its claims process (whether a regulation or internal directive) should also identify those persons responsible for making the decision. The Board expects that agencies will decide to give responsibility for exercising the agency's discretion to the same persons that presently have responsibility for considering participant claims for TSP error correction.

The Board expects that, in designing the claims procedures that are required by this part, agencies will describe the types of errors which might warrant correction even if notice was untimely. Examples of situations where an agency might exercise its discretion to correct an error that it is not otherwise required to correct are situations in which the employee has a reasonable explanation for failing to identify the error in a timely fashion.

One agency pointed out that an employee might be out of the country for months at a time or may have had a long illness. Where such an absence or illness has prevented the participant from reviewing his or her participant statement, the agency may exercise its discretion to correct the error. On the other hand, where the participant simply has neglected to look at his or her participant statement in a timely fashion, the agency may decline to exercise its discretion to correct the error.

A third agency was concerned with the proposed change to the method by which earnings would be calculated in back pay cases involving separation from service. The agency pointed out that some back pay cases involving separation are resolved by an appeal within the agency, without the intervention of a court or other tribunal. In the proper case, the agency might agree that, but for the separation, the participant would have continued to contribute to the TSP in accordance with his or her contribution allocation on file at the time of the separation. The agency therefore suggested that the TSP also accept an agreement by the parties that lost earnings on such TSP contributions should be calculated based on the returns of the funds to which the employee was contributing at the time of separation.

It was the Board's intent to include cases in which the back pay issue was settled by the parties before it reached the courts. However, the Board recognizes that the proposed language might not be interpreted to permit that result. Therefore, the Board has changed the language of § 1605.4 to permit explicitly the payment of earnings at a rate other than at the G Fund rate upon agreement of the parties in back pay cases that do not reach the courts.

The other two commenters objected to the amendment. The first suggested that the Board give a participant 60 days, rather than 30, after receipt of a TSP participant statement to file a claim for correction. The commenter asserted that in other situations, such as errors in bank statements or credit card statements, an account holder generally has 60 days to bring the error to the attention of the financial institution. One of the agency commenters also suggested that 30 days may not always be sufficient time for a participant to seek correction. (This agency offered the examples given above, such as absence or illness, which the Board believes would be appropriate for the exercise of agency discretion.)

In light of these comments, the Board again reviewed the types of errors that can be made by an employing agency, the Board, or the TSP record keeper to determine the applicability of the 30-day claim period. Effective May 1, 2001, the TSP will modify its current record keeping system to introduce two new investment funds. Also at this time, participants will submit contribution allocation elections directly to the TSP, not to their employing agencies. Following these changes, the Board can identify only two TSP transactions that will be performed by employing agencies that can directly affect the

value of participants' accounts, both generically involving payment: remitting contributions and remitting loan repayments. The Board can discern no reason to differentiate the time for correction of errors made with respect to these payments. Thus, the Board has amended § 1605.6(a) to provide that an employing agency must correct any error in a TSP *payment*, whenever the error is discovered (by either the agency or by the participant) within six months of its occurrence.

Presently, employing agencies also perform a third type of transaction, *i.e.*, effecting participant's chosen contribution allocation. A contribution allocation error affects the investment of future contributions and, when the current record keeping system is modified, loan payments. Thus, a contribution allocation error does not entail an incorrect remittance; it entails the erroneous investment of a correct remittance. To provide too long a time period to file a claim for an erroneous investment would allow a participant to use hindsight to make an investment decision.

After May 1, 2001, agencies will no longer report the allocation of contributions among the investment funds (and, thus, agency errors in contribution allocations will not be possible). Instead, participants will submit contribution allocations directly to the TSP record keeper, and the TSP will use these allocations to invest the contributions remitted by their agencies. Although participants will then be able to change their contribution allocations at any time (which will affect the investment of future contributions), it will be difficult to correct contribution allocation errors made by agencies after the TSP begins processing contribution allocations. For these reasons, the Board has retained the 30-day claim period, but has limited its applicability to errors involving contribution allocations processed by agencies before May 1, 2001.

The proposed regulation concerning correction of Board and TSP record keeper errors (§ 1605.8) requires correction of an error made within six months of its discovery if the error involves the withdrawal of an account, the change of a withdrawal election, or the distribution of a death benefit. "Other" errors would be corrected only if discovered within 30 days after issuance of a TSP participant statement or a transaction confirmation. "Other" errors may occur in the posting of a loan repayment, the restoration of a forfeited account, the issuance of a court-ordered payment, the disbursement of a loan, or the processing of a contribution

allocation or an interfund transfer. With the exception of contribution allocations or interfund transfers, each of these potential errors concerns the TSP's processing of a receipt or disbursement. The Board has decided that there is no reason to differentiate the time for correction among the explicitly enumerated errors and the foregoing "other" errors (except for contribution allocations and interfund transfers). Thus, the Board has amended § 1605.8 to provide that the TSP must correct any error involving a receipt or disbursement if the error is discovered within 6 months of its occurrence.

In contrast, contribution allocations and interfund transfers involve neither a receipt nor a disbursement. As indicated above, a contribution allocation affects the investment allocation of a participant's future contributions and loan payments among the TSP investment funds; an interfund transfer is initiated by a participant to shift monies among different investment funds. At the time the contribution allocation or interfund transfer request is processed, the TSP mails the participant a confirmation notice. Application of a 30-day time limit for (mandatory) correction will require a participant to be vigilant in assuring his or her instructions have been carried out correctly; it will also prevent a participant from using extended hindsight to decide whether to request a correction.

The Board had considered whether a different time limitation might be more appropriate for the correction of contribution allocations or interfund transfers. For example, the Uniform Commercial Code (§ 8-319) provides that, where a sale or purchase of a security is confirmed in writing, the transaction is enforceable if no written objection is made to it within 10 days after receipt of the confirmation. The Board believes that this error correction period is relevant to both contribution allocations and interfund transfers, which entail an explicit written confirmation. However, the Board also believes that 10 days is too short and that 30 days is more reasonable. For these reasons, the Board has retained the 30-day period in the final regulation, but for contribution allocations and interfund transfers only.

The second individual commenter objected because the Board's regulations require that participants take an active role in correcting errors in their accounts. The commenter stated that participants should be relieved of any responsibility because employing agencies, and not participants, have the information necessary to discover and

correct an error. However, participants do have access to relevant TSP information. Participants know the amount of their basic pay from the pay and leave statements that they receive from their employing agencies every pay period. Participants know the amount of employee contributions they have elected to make to the TSP, and can determine from the pay and leave statement whether the proper amount is being deducted. Participants know how they elected to have their contributions allocated among the TSP's investment funds, and can determine from the participant statements issued by the TSP whether their contributions have been deposited in the correct fund. Participants can also determine from their participant statements whether agency contributions have been made to their TSP accounts at the correct time and in the correct amount. Further information, such as the rates of return for each fund, is available from the TSP Web site. Thus, just as users of commercial services are expected to review statements recording transactions in their accounts and to assert their rights in the event of an error, so are TSP participants.

The commenter also stated that employing agencies and the Board fail to provide information to participants concerning the payment of lost earnings or the deposit of makeup contributions. However, lost earnings are shown on the participant statement and makeup contributions are shown on both the pay and leave statement and the participant statement. Furthermore, before makeup contributions can be made, participants must prepare, with their agencies, a schedule of makeup contributions against which participants can compare the activity in their accounts. *See* 5 CFR 1605.2(c). Thus, participants have sufficient information available to determine whether makeup contributions and lost earnings are being properly credited to their accounts.

The commenter objected at length about the problems arising out of retirement system misclassification. The Office of Personnel Management and the employing agencies, not the Board, are responsible for retirement system classification. However, the Federal Erroneous Retirement Coverage Corrections Act, Public Law 106-265, signed on September 19, 2000, addresses the commenter's concerns. The Office of Personnel Management is responsible for its implementation.

Finally, the commenter objected to the Board's lack of authority to penalize agencies that fail to follow its regulations concerning error correction.

However, the Board is unaware of an agency that has refused to follow its error correction regulations to correct an error.

For these reasons, the Board is adopting the proposed regulation, but with the changes as discussed above.

#### Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities. They will affect only employees of the Federal Government.

#### Paperwork Reduction Act

I certify that these regulations do not require additional reporting under the criteria of the Paperwork Reduction Act of 1980.

#### Unfunded Mandates Reform Act of 1995

Pursuant to the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 602, 632, 653, and 1501–1571, the effects of this regulation on state, local, and tribal governments and the private sector have been assessed. This regulation will not compel the expenditure in any one year of \$100 million or more by state, local, and tribal governments in the aggregate, or by the private sector. Therefore, a statement under section 1532 is not required.

#### Submission to Congress and the General Accounting Office

Pursuant to 5 U.S.C. 801(a)(1)(A), the Board submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this rule in today's **Federal Register**. This rule is not a major rule as defined at 5 U.S.C. 804(2).

#### List of Subjects in 5 CFR Part 1605

Claims, Employment benefit plans, Government employees, Pensions, Retirement.

#### Roger W. Mehle,

*Executive Director, Federal Retirement Thrift Investment Board.*

For the reasons set out in the preamble, 5 CFR part 1605 is amended as set forth below:

#### PART 1605—CORRECTION OF ADMINISTRATIVE ERRORS

1. The authority citation for part 1605 continues to read as follows:

**Authority:** 5 U.S.C. 8351 and 8474.

#### § 1605.4 [Amended]

2. Section 1605.4 is amended by adding after the word "account" at the

end of paragraph (a)(3) the words "unless otherwise requested by the agency (with the concurrence of the participant) or as ordered by a court or other tribunal with jurisdiction over the participant's back pay case".

3. Section 1605.6 is revised to read as follows:

#### § 1605.6 Procedures for claims against employing agencies; time limitations.

(a) *Agency's discovery of error.* (1) Upon discovery of an error made within the past six months involving the correct or timely remittance of payments to the TSP (other than a contribution allocation error as covered in paragraph (a)(2) of this section or a retirement system misclassification error, as covered in paragraph (c) of this section), an employing agency must promptly correct the error on its own initiative. If the error was made more than six months before its discovery, the agency may exercise sound discretion in deciding whether to correct it, but, in any event, the agency must act promptly in doing so.

(2) An employing agency must promptly correct a contribution allocation error that occurred before May 1, 2001, on its own initiative if it is discovered within 30 days of its first occurrence. No contribution allocation error which occurred before May 1, 2001 may be corrected if it is not the subject of a timely discovery.

(b) *Participant's discovery of error.* (1) If an agency fails to discover an error of which a participant has knowledge involving the correct or timely remittance of a payment to the TSP (other than a contribution allocation error as covered by paragraph (b)(2) of this section, or a retirement system misclassification error as covered by paragraph (c) of this section), the participant may file a claim for correction thereof with his or her employing agency without limitation of time. The agency must promptly correct any such error for which the participant files a claim within six months of its occurrence; the correction of any such error for which the participant files a claim after that time is in the agency's sound discretion.

(2) A participant may file a claim for correction of a contribution allocation error made before May 1, 2001, with his or her employing agency no later than 30 days after the participant receives a TSP participant statement first reflecting the error. The agency must promptly correct such errors.

(3) If a participant fails to file a claim for correction of an error described in paragraph (b)(2) of this section in a

timely manner, no such error may be corrected.

(c) *Retirement system misclassification error.* Errors arising from retirement system misclassification must be corrected no matter when they are discovered, whether by an agency or a participant.

(d) *Agency procedures.* Each employing agency must establish procedures for participants to submit claims for correction under this subpart. Each employing agency's procedures must include the following:

(1) The employing agency must provide the participant with a decision on any claim within 30 days of its receipt, unless the employing agency provides the participant with good cause for requiring a longer period to decide the claim. A decision to deny a claim in whole or in part must be in writing and must include the reasons for the denial, citations to any applicable statutes, regulations, or procedures, a description of any additional material that would enable the participant to perfect the claim, and a statement of the steps necessary to appeal the denial.

(2) The employing agency must permit a participant at least 30 days to appeal the employing agency's denial of all or any part of a claim for correction under this subpart. The appeal must be in writing and addressed to the agency official designated in the initial decision or in procedures promulgated by the agency. The participant may include with his or her appeal any documentation or comments that the participant deems relevant to the claim.

(3) The employing agency must issue a written decision on a timely appeal within 30 days of receipt of the appeal, unless the employing agency provides the participant with good cause for requiring a longer period to decide the appeal. The employing agency decision must include the reasons for the decision, as well as citations to any applicable statutes, regulations, or procedures.

(4) If the agency decision on the appeal is not issued in a timely manner, or if the appeal is denied in whole or in part, the participant will be deemed to have exhausted his or her administrative remedies and will be eligible to file suit against the employing agency under 5 U.S.C. 8477. There is no administrative appeal to the Board of a final agency decision.

4. Section 1605.8 is revised to read as follows:

#### § 1605.8 Claims for correction of Board or TSP record keeper errors; time limitations.

(a) *Filing claims.* Claims for correction of Board or TSP record keeper errors

under this subpart may be submitted initially either to the TSP record keeper or the Board. The claim must be in writing and may be from the affected participant or beneficiary.

(b) *Board's or TSP record keeper's discovery of error.* (1) Upon discovery of an error made within the past six months involving a receipt or a disbursement, the Board or TSP record keeper must promptly correct the error on its own initiative. If the error was made more than six months before its discovery, the Board or TSP record keeper may exercise sound discretion in deciding whether to correct the error, but, in any event, must act promptly in doing so.

(2) For errors concerning contribution allocations or interfund transfers, the Board or TSP record keeper must promptly correct the error if it is discovered before 30 days after the issuance of the earlier of the most recent TSP participant (or loan) statement or transaction confirmation that reflected (or would reflect) the error. If it is discovered after that time, the Board or TSP record keeper may use its sound discretion in deciding whether to correct it, but, in any event, must act promptly in doing so.

(c) *Participant's or beneficiary's discovery of error.* (1) If the Board or TSP record keeper fails to discover an error of which a participant or beneficiary has knowledge involving a receipt or a disbursement, the participant or beneficiary may file a claim for correction thereof with the Board or TSP record keeper without limitation of time. The Board or TSP record keeper must promptly correct any such error for which the participant or beneficiary filed a claim within six months of its occurrence; the correction of any such error for which the participant or beneficiary filed a claim after that time is in the sound discretion of the Board or TSP record keeper.

(2) For errors involving contribution allocations or interfund transfers of which a participant or beneficiary has knowledge, he or she may file a claim for correction thereof with the Board or TSP record keeper no later than 30 days after receipt of the earlier of a TSP participant (or loan) statement or transaction confirmation reflecting the error. The Board or TSP record keeper must promptly correct such errors.

(3) If a participant or beneficiary fails to file a claim for correction of contribution allocations or interfund

transfers in a timely manner, the Board or TSP record keeper may nevertheless, in its sound discretion, correct any such error that is brought to its attention.

(d) *Processing claims.* (1) If the initial claim is submitted to the TSP record keeper, the TSP record keeper may either respond directly to the claimant, or may forward the claim to the Board for response. If the TSP record keeper responds to a claim, and all or any part of the claim is denied, the claimant may request review by the Board within 90 days of the date of the record keeper's response.

(2) If the Board denies all or any part of a claim (whether upon review of a TSP record keeper denial or upon an initial review by the Board), the claimant will be deemed to have exhausted his or her administrative remedy and may file suit under 5 U.S.C. 8477. If the claimant does not submit a request to the Board for review of a claim denial by the TSP record keeper within the 90 days permitted under paragraph (d)(1) of this section, the claimant shall be deemed to have accepted the TSP record keeper's decision.

[FR Doc. 01-6042 Filed 3-9-01; 8:45 am]

BILLING CODE 6760-01-P



# Federal Register

---

**Monday,  
March 12, 2001**

---

## **Part III**

### **The President**

---

**Memorandum of March 5, 2001—  
Delegation of Authority Under Section  
1307 of the Floyd D. Spence National  
Defense Authorization Act for Fiscal Year  
2001**

**Presidential Determination No. 2001-12 of  
March 1, 2001—Certification for Major  
Illicit Drug Producing and Drug Transit  
Countries**



Title 3—

Memorandum of March 5, 2001

The President

**Delegation of Authority Under Section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001****Memorandum for the Secretary of Defense**

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of Defense the authority vested in me under section 1307 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398).

The authority delegated by this memorandum may be redelegated not lower than the Assistant Secretary level.

Any reference in this memorandum to the provision of any Act shall be deemed to include references to any hereafter-enacted provision of law that is the same or substantially the same as such provision.

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,  
*Washington, March 5, 2001.*



---

## Presidential Documents

**Presidential Determination No. 20001-12 of March 1, 2001**

### **Certification for Major Illicit Drug Producing and Drug Transit Countries**

#### **Memorandum for the Secretary of State**

By virtue of the authority vested in me by section 490 (b) (1) (A) of the Foreign Assistance Act of 1961, as amended (the "Act"), I hereby determine and certify that the following major illicit drug producing and/or major illicit drug transit countries have cooperated fully with the United States, or have taken adequate steps on their own, to achieve full compliance with the goals and objectives of the 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances:

The Bahamas, Bolivia, Brazil, People's Republic of China, Colombia, Dominican Republic, Ecuador, Guatemala, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, Thailand, Venezuela, and Vietnam

By virtue of the authority vested in me by section 490 (b) (1) (B) of the Act, I hereby determine and certify that, for the following major illicit drug producing and/or major illicit drug transit countries that do not qualify for certification under section 490 (b) (1) (A), the vital national interests of the United States require that assistance not be withheld and that the United States not vote against multilateral development bank assistance:

Cambodia and Haiti

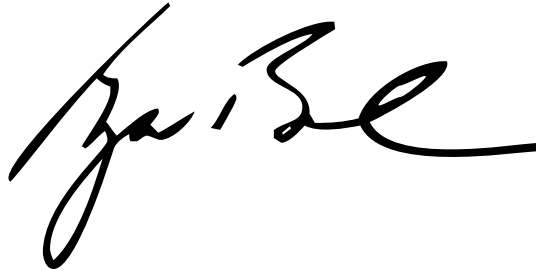
Analysis of the relevant U.S. vital national interests and risks posed thereto, as required under section 490 (b) (3) of the Act, is attached for these countries.

I have determined that the following major illicit drug producing and/or major illicit drug transit countries do not meet the standards for certification set forth in section 490 (b):

Afghanistan and Burma

In making these determinations, I have considered the factors set forth in section 490 of the Act, based on the information contained in the International Narcotics Control Strategy Report of 2001. Given that the performance of each of these countries has differed, I have attached an explanatory statement for each of the countries subject to this determination.

You are hereby authorized and directed to report this determination to the Congress immediately and to publish it in the **Federal Register**.

A handwritten signature in black ink, appearing to read "George W. Bush". The signature is written in a cursive style with a large, sweeping "G" and a long, horizontal tail.

THE WHITE HOUSE,  
*Washington, March 1, 2001.*

## Annual Drug Certification Determinations Pursuant to the Foreign Assistance Act

### Statements of Explanation

#### Afghanistan

Afghanistan continues to be the world's largest opium producer after another year of major increases. Despite severe drought conditions in much of the country, reliable United States Government estimates indicate that cultivation increased by 25 percent and potential production reached 3,656 metric tons. Afghanistan was responsible for 72 percent of the world illicit opium supply. Traffickers of Afghan heroin continued to route most of their production to Europe, but also targeted the United States. United States seizure data suggest that at least five percent (approximately one metric ton) of the heroin imported into the United States originates in Afghanistan.

The Taliban and Northern Alliance factions vie for national control of Afghanistan and both control territory used by cultivators, refiners and traffickers. United Nations Drug Control Programme (UNDCP) and non-governmental organization (NGO) efforts at supply and demand reduction have had little success due to the lack of cooperation and support from the Afghan factions. The factions, especially the Taliban, which controls 96 percent of the territory where poppy is grown, promote poppy cultivation to finance weapons purchases as well as military operations. Those in positions of authority have made proclamations against poppy cultivation, but they have had little or no effect on the drug trade, which continues to expand.

The Taliban issued in late July a new ban on poppy cultivation. At the end of the year, evidence showed that the area under cultivation was down substantially over the previous year. However, it is not clear to what extent the Taliban will enforce the ban on a continuing basis. Nor is it clear that a ban on poppy cultivation will impede a drug trade suspected by the international community to have large quantities of opium in storage. The announcement of the opium ban has caused opium prices to rise, a boon for traffickers sitting on large stockpiles. Neither the Taliban nor the Northern Alliance has taken any significant action to seize stored opium or precursor chemicals, or to arrest and prosecute drug traffickers. On the contrary, authorities continue to tax the opium poppy crop at about ten percent, and allow it to be sold in open bazaars, and to be traded and transported. While there have been credible reports of significant reductions in poppy cultivation, it will not be possible to assess the extent of any eradication or reduction in cultivation until mid-2001. The Taliban made no discernible attempt to enforce earlier decrees in 1997 and 1999 that banned or reduced poppy. Rather, cultivation increased countrywide in those years.

Drug production in and trafficking from Afghanistan has a negative effect on the region. The drug trade corrupts local authorities, is the major factor behind skyrocketing regional heroin addiction in refugee and indigenous populations, and is responsible for increased levels of terrorism and drug-related violence in neighboring countries. The Afghan drug trade also undermines the rule of law by generating large amounts of cash, contributing to regional money laundering and official corruption in countries with weak economies and institutions.

United States officials have repeatedly urged Taliban officials to respect and implement Afghanistan's international obligations on terrorism, illicit drugs, and human rights. No Afghan faction took any significant steps to achieve the goals and objectives of the 1988 UN Drug Convention. In the absence of an effective central government, a trained anti-drug force, and an operational drug policy, there is virtually no counterdrug law enforcement in Afghanistan.

#### The Bahamas

The Bahamas is a major transit country for U.S.-bound cocaine and marijuana from South America and the Caribbean. The Government of the Commonwealth of the Bahamas cooperates with the United States Government to interdict drugs in Bahamian territory, reduce drug demand, combat exploitation of the offshore financial sector by money launderers and other financial criminals, and enhance the ability of the Bahamian judicial system to prosecute and convict drug traffickers and money launderers.

During 2000, The Bahamas continued its active participation in Operation Bahamas and Turks and Caicos (OPBAT), a three-nation interdiction effort against air and maritime drug smuggling. Total Bahamian cocaine seizures were 47 percent higher than in 1999; marijuana seizures were up five percent.

In June 2000, the Financial Action Task Force (FATF) named The Bahamas a non-cooperative jurisdiction due to deficiencies in its anti-money laundering regime, and in July 2000, the United States Treasury Department advised U.S. banks to closely scrutinize all transactions with Bahamian banks. In response, the Government of the Commonwealth of the Bahamas passed legislation to strengthen its anti-money laundering regime, to create a Financial Intelligence Unit (FIU), to reform its strict banking secrecy rules, and to more effectively regulate International Business Companies (IBCs). The Bahamas also created a separate unit within the Attorney General's Office to process Mutual Legal Assistance Treaty (MLAT) requests and cleared its backlog of outstanding United States Government requests. With full implementation of its new anti-money laundering legislation, establishment of the FIU, and continued improvement in international cooperation via full and rapid responses to MLAT requests, The Bahamas could become less attractive to financial criminals.

The Government of the Commonwealth of the Bahamas has not begun to implement the recommendations of a May 2000 assessment by the Organization of American States Inter-American Drug Abuse Commission (OAS/CICAD) of The Bahamas precursor chemical control system, which included legislative actions, awareness-raising, and institutional development.

During 2000, the Government of the Commonwealth of the Bahamas ratified the Inter-American Convention Against Corruption and successfully prosecuted two corrupt police officers for drug trafficking. The Bahamas is a party to the 1988 UN Drug Convention and works to meet the goals and objectives of that Convention.

### **Bolivia**

In 2000, the Government of Bolivia eliminated all commercially significant coca cultivation in the Chapare, Bolivia's principal coca-growing region. With only 14,600 hectares remaining under cultivation in all of Bolivia, largely in the Yungas region, Bolivia's potential cocaine production was reduced from 70 metric tons in 1999 to 43 metric tons in 2000.

Plans are underway to initiate coca eradication and counterdrug alternative development in the Yungas region, where 12,000 hectares of legal and 1,700 hectares of illegal coca remain. The Government of Bolivia is also undertaking a reevaluation of the needs of the legal coca market, with a view to revising downward the legal maximum amount that can be grown. There are no reports of diversion to the illegal markets of the 300 hectares of illegal coca in the Apolo region. Eradication forces will remain in the Chapare to eliminate the last 600 hectares of coca and to fully enforce the provisions of Bolivia's anti-drug law.

Violent disturbances in October failed to derail the progress in coca eradication; however, their negative impact on overall economic activity in Bolivia was significant. The disturbances also threatened counterdrug alternative development production infrastructure and hard-won market linkages with Argentine and Chilean buyers.

Enforcement of Bolivia's anti-money laundering legislation was not effective in 2000, and there were no arrests or prosecutions. The asset seizure and forfeiture regime remains mired in bureaucratic and legal ambiguities.

It is unclear if new regulations planned to take effect in May 2001 will resolve attendant constitutional questions. The chemical interdiction program, however, was highly successful in 2000, and continued to force Bolivian traffickers to rely on inferior substitutes for scarce and expensive chemicals smuggled in from neighboring countries and to streamline the cocaine base and hydrochloride (HCl) production process. This resulted in the further reduction of the purity of Bolivian cocaine, causing most foreign traffickers to purchase base in Bolivia or import Peruvian base through Bolivia for transshipment and processing into HCl in Brazil where essential chemicals are readily available.

### **Brazil**

Brazil continues to be a major transit country for illicit drugs shipped to the United States and Europe as well as a major producer of precursor chemicals. The Government of Brazil's two main counterdrug events of 2000 were the launch of Operation Cobra and the clarification of the division of counterdrug responsibilities. Operation Cobra reinforces Brazil's northern border with Colombia against any spillover resulting from implementation of Plan Colombia by the Government of Colombia. In addition, the Government of Brazil reorganized its counterdrug effort to give responsibility for supply reduction (interdiction) to the Ministry of Justice and its sub-agencies (including the Federal Police) and responsibility for demand reduction (treatment and prevention) to SENAD, its federal anti-drug agency.

Brazil's domestic drug problem is increasing. Regionally, Brazil continues to cooperate, particularly with Colombia and Peru, to effectively control the remote frontier regions where illicit drugs are transported. Federal Police reported seizing more than four metric tons of cocaine in 2000, a figure which does not reflect the additional drug seizures made by state, local, and highway police forces. A record amount of cannabis, 157 tons, was also reported seized. Brazil improved its precursor chemical controls.

Law enforcement cooperation overall increased, as well, among Brazilian law enforcement agencies and regionally, particularly with Paraguay. Brazil made progress in implementing its money laundering legislation. In its bilateral relationship with the United States, the Brazilian Congress ratified the Mutual Legal Assistance Treaty in December, and resumed negotiations on a Customs Mutual Assistance Agreement.

### **Burma**

The world's second largest source of illicit opium and heroin, Burma accounts for approximately 80 percent of the total production of Southeast Asian opium, although production has declined yearly since 1996. Poppy cultivation expanded in 2000 to 108,700 hectares, a 21 percent increase over the 89,500 hectares cultivated in 1999. Because of localized bad weather, Burma produced 1,085 metric tons of opium in 2000, a decrease of 5 metric tons from the 1,090 metric tons produced in 1999. Heroin seizures declined for the third straight year, and opium seizures rose only slightly. Heroin seized in 2000 totaled 171 kilograms compared to 273 kilograms in 1999 and 404 kilograms in 1998. Opium seizures in 2000 totaled 1,528 kilograms compared to 1,445 kilograms seized in 1999 and 5,394 kilograms seized in 1998. Only two heroin refineries were destroyed through November 2000. The Government of Burma claimed to have eradicated 10,985 acres under poppy cultivation in 2000.

In 2000, Burmese officers seized approximately 27 million methamphetamine tablets, a decrease from the nearly 29 million seized in 1999 and only a small fraction of the total produced in Burma. Seizures of ephedrine, the precursor used to manufacture methamphetamines, also declined from nearly 6,500 kilograms in 1999 to approximately 2,700 kilograms in 2000.

The Government of Burma pursued a cautious, low-risk counterdrug program, introduced no new counterdrug policies, continued to exert little direct pressure on major drug organizations, and made almost no attempt to seize drugs or destroy illegal drug factories in United Wa State Army-controlled territories.

The Government of Burma continued to pursue and arrest individual drug traffickers, including members of some former insurgent groups, but has been unwilling or unable to take on the most powerful groups directly. The cease-fire agreements signed with these insurgent groups often implicitly condone their continued participation in drug production and trafficking, at least over the short term. The ethnic drug-trafficking armies, such as the United Wa State Army and the Myanmar National Democratic Alliance Army, remain armed and heavily involved in the heroin trade.

The Government of Burma expressed support for poppy eradication and crop substitution, but allocated few resources to such projects. Its policy is to force the leaders in the ethnic areas to spend their own revenues, including from the drug trade, on social and physical infrastructure. The approach limits the Government of Burma's ability to continue or expand its counterdrug efforts.

Burma's 1993 Narcotic Drugs and Psychotropic Substances Law conforms to the 1988 UN Drug Convention and contains useful legal tools for addressing money laundering, seizing drug-related assets, and prosecuting drug conspiracy cases. Government officials, claiming they lack sufficient expertise, have been slow to implement the law, targeting few, if any, major traffickers and their drug-related assets. Money laundering in Burma and the return of drug profits laundered elsewhere are thought to be significant factors in the overall Burmese economy, although the extent is impossible to measure accurately.

The Government of Burma continued to refuse to transfer to U.S. custody drug lord Chang Qifu on grounds that he had not violated his 1996 surrender agreement. The 1988 UN Drug Convention obligates parties, including Burma, to prosecute such traffickers.

The Government of Burma's counterdrug efforts in 2000 showed progress in a number of areas: crop eradication continued with modest expansion; anti-drug forces conducted more vigorous law-enforcement efforts; and members of some cease-fire groups were arrested for drug trafficking. Such efforts must be expanded, however, if they are to have a significant impact on the overall trafficking problem.

On balance, the United States Government remains concerned that Burma's efforts are not commensurate with the extent of the illicit drug problem within its borders. Large-scale poppy cultivation and opium production continues, and enormous quantities of methamphetamines are produced. The Government of Burma's effective toleration of money laundering, its unwillingness to implement its counterdrug laws, and its failure to transfer notorious traffickers under indictment in the United States are all serious concerns.

### **Cambodia**

Cambodia remained a weak link in the region's efforts to combat the drug trade. Through 1998, chronic political instability hindered Cambodia's ability to mount a sustained counterdrug effort. Cambodia's institutions are now only slowly improving. The Government of Cambodia recognizes that its counterdrug performance to date has been inconsistent and often ineffective, and there is widespread recognition that the country must be more aggressive in tackling drug-related issues.

There was some progress in improving law enforcement and limiting corruption in 2000, but there was insufficient progress for Cambodia to qualify for full certification.

There were positive developments reported. Cambodia's lead counterdrug agency, the National Authority for Combating Drugs (NACD), cooperates closely with the U.S. Drug Enforcement Administration, regional counterparts, and the UNDCP. Cambodia is a party to the 1993 Regional Memorandum of Understanding on Drug Control, and is also a party to a six-country Subregional Action Plan for Drug Control. In mid-2000, the United States Government permitted mid-level Cambodian officials to participate

in courses at the International Law Enforcement Academy (ILEA) in Bangkok, an initial step toward fulfilling critical training shortcomings.

The Government of Cambodia continued to have some success in combating illegal cultivation of marijuana. The military conducted numerous sweeps against marijuana producers in the major growing zones and destroyed 60 hectares in 2000, three times the previous total. However, seizures of harvested marijuana declined. The Prime Minister spoke out forcefully against corruption. He fired some high level officials, including a provincial governor and his staff, for involvement in illegal logging, and publicly threatened to fire another governor for failure to act against illegal marijuana cultivation.

Despite those positive developments, corruption in Cambodia remained prevalent. Until this crucial problem is more fully addressed, effective law enforcement will remain elusive. The institutions needed to combat illegal drugs remain in a nascent state, and neither the institutions nor many of the officials within them are sufficiently competent to address the problems they face. This combination of a lack of competence and continued corruption results in Cambodia failing to meet the standards for full certification.

A vital national interests certification is necessary again this year to protect U.S. vital national interests in Cambodia. Democracy in Cambodia is progressing. This year the legislature passed laws to create an international tribunal to bring to trial the former leaders of the Khmer Rouge, a major step towards greater international acceptance and one that will require donor assistance to Cambodia. Should sanctions be imposed, it would not be possible for the United States Government to assist in strengthening Cambodia's democratic development. Cambodia remains vulnerable to drug trafficking and other crime due to the weakness of its institutions, a vulnerability that will also put at risk its immediate neighbors. This vulnerability would only be exacerbated by the consequences of decertification. The risks to democracy in Cambodia and to regional stability outweigh the risks posed by Cambodia's failure to fully implement effective drug control.

### **China**

The People's Republic of China (hereafter, China) continued a multifaceted approach to combat the use and trafficking of illicit drugs. Preliminary figures suggest that heroin seizures will mirror those in 1999, which fell steeply from record levels in 1998, but most seizures of Burmese heroin now take place in China. Seizures of amphetamine-type stimulants (ATS) skyrocketed in 2000, demonstrating the growing threat from synthetic drugs in China.

For the first time, Chinese authorities provided the United States Government with samples of drugs seized en route to the United States. China cooperated with the United States and other countries in providing pre-export notification of dual-use precursor chemicals, and continues to cooperate actively on operational issues with the U.S. Drug Enforcement Administration through its office in Beijing. China eliminated new anonymous bank accounts to combat money laundering.

China's domestic counterdrug strategy emphasizes both education and rehabilitation. The approach includes anti-drug education for all school children, warnings to citizens of the link between intravenous drug use and HIV/AIDS, and a pilot "drug free communities" program.

During 2000, China cooperated with the UNDCP and regional states on projects on demand-reduction and on crop-substitution in Burma and Laos. The United States and China signed a Mutual Legal Assistance Agreement in June 2000, but China has not yet activated the bilateral Customs Mutual Assistance Agreement signed in 1999. In October, China signed a Memorandum of Understanding with Thailand to enhance counterdrug cooperation and in November signed a bilateral cooperation accord with Laos on transnational crimes, including illicit drug trafficking. China is a party to the 1988 UN Drug Convention, the 1961 UN Single Convention on Narcotic

Drugs and its 1972 Protocol, and the 1971 UN Convention on Psychotropic Substances.

Law enforcement cooperation with the United States Government has advanced over the last three years, but China frequently does not respond to U.S. requests for information or responds too late to be of operational value. China has also continued its nonengagement in the Asia-Pacific Group on Money Laundering and did not pursue membership in the Financial Action Task Force.

Despite some shortcomings, China has acted forcefully to stop the production, trafficking in, and use of illicit drugs within its borders and within the region and is committed to achieving the goals of the 1988 UN Drug Convention.

### **Colombia**

Colombia remains the world's largest cocaine source, with 80 percent of the world's cocaine hydrochloride produced, processed or transported through Colombia. Still, Colombia met the certification criteria in 2000 due to significant gains it made in combating illicit drugs and its full cooperation with U.S. counterdrug efforts throughout the year. The Government of Colombia continues to demonstrate its resolve in combating the illegal drug industry and had a number of concrete achievements in 2000.

In December, the Government of Colombia initiated the counterdrug component of "Plan Colombia," the comprehensive strategy to address the many interrelated challenges facing the country. The United States Government supports this multi-year Colombian initiative and provided partial funding for it through a supplemental appropriation in 2000. Importantly, both "Plan Colombia" and the Pastrana administration's National Drug Control Strategy couple alternative development with aerial eradication of illicit crops, recognizing that neither can succeed without the other.

In 2000, major cooperative efforts, such as Operation New Generation, resulted in the arrests of key traffickers. Meanwhile, important judicial cooperation resulted in the extradition of 12 fugitives to the United States, nine of whom are Colombian nationals.

The Colombian National Police (CNP) continued its outstanding counterdrug efforts. The CNP received increased support from the Colombian Armed Services and began joint operations in southern Colombia with the Army's counterdrug battalions.

The Government of Colombia once again made significant advances in combating maritime trafficking, independently and bilaterally. The port security program resulted in the seizure of 29 metric tons of cocaine and demonstrated the potential of cooperation between government and private industry. The Colombian Navy has described a shipboarding agreement (signed in 1997) as one of its most effective counterdrug tools and has credited this agreement with the capture of over 23 tons of cocaine in 2000. The Government of Colombia also enacted resolutions meant to disrupt the logistics support to drug traffickers at sea by improving monitoring of ships and boats and increasing the penalties associated with carrying fuel in excess of levels specified in issued permits.

The Government of Colombia has improved the Colombian Air Force's (FAC) monitoring and interdiction abilities. In 2000, the FAC effectively prevented illegal aircraft from entering Colombia's north coast. The CNP's civil aviation registration program, begun in 1999, inspected 398 aircraft in 2000, finding 58 violations with 20 testing positive for drug residue.

The aerial eradication program succeeded in treating approximately 47,370 hectares of coca, a slight decrease from last year's level, and roughly 9,000 hectares of opium poppy, the most ever in Colombia. The CNP also had another strong year in the realm of enforcement, with seizures of large amounts of cocaine hydrochloride and base, coca leaf, heroin, morphine and opium.



The Government of Colombia also took an important step in combating financial crime when it joined the Governments of Aruba, Panama and Venezuela, as well as the United States, in establishing a multilateral initiative to address the Black Market Peso Exchange (BMPE). The BMPE is a highly organized money-laundering system through which products such as liquor and domestic appliances are purchased abroad with drug-generated dollars, smuggled into Colombia, and then sold on the domestic market, thereby generating pesos which can be introduced into the legitimate economy.

Overall, Colombia continued as a leader in counterdrug efforts in 2000 and demonstrated its staunch commitment to cooperate fully with the United States in combating this shared problem.

#### **Dominican Republic**

The Dominican Republic is a major transit country for South American drugs, mostly cocaine, moving to the United States. The country is used by drug smugglers as both a command-and-control center and transshipment point. Increasing amounts of designer drugs, especially ecstasy, are being moved from Europe through the Dominican Republic to Puerto Rico and the U.S. mainland.

While extradition of fugitives to the United States has become more routine as our bilateral extradition relationship continues to improve, there still is no regular process. A more consistent and predictable extradition process remains a key U.S. objective in its bilateral relations with the Dominican Republic. The Dominican Republic is designated a major money laundering country, but is not a regional financial center. The Dominican Republic is a party to the 1988 UN Drug Convention and its counterdrug efforts are consistent with the goals of the Convention.

In 2000, the Government of the Dominican Republic continued to cooperate fully with the United States Government on counterdrug goals and objectives. In April, the Government of the Dominican Republic submitted legislation to strengthen money-laundering regulations; the legislation is currently awaiting passage by the legislature. The new administration of Hipolito Mejia, installed in August 2000, has pledged full cooperation with the United States and other countries in counterdrug activities. A National Drug Plan for the years 2000-2005, published in August, will guide its efforts.

Through December, with U.S. cooperation and assistance, the Dominican Republic's National Drug Control Agency (DNCD) seized 1,270 kilograms of cocaine, 2,900 kilograms of cannabis and 20 kilograms of heroin, and also made 4,625 drug-related arrests. In November, the United States and the Dominican Republic concluded a new, four-year, overflight agreement that permits United States Government aircraft to fly through the airspace of the Dominican Republic in pursuit of smugglers' aircraft. Also in 2000, the DNCD and the military established three special land control units and three coastal units to protect the country's border with Haiti and its coastline from drugs transiting the country.

#### **Ecuador**

Ecuador continues to be a major transit area for drugs and precursor chemicals. Traffickers exploit Ecuador's porous borders with Colombia and Peru to consolidate smuggled cocaine and heroin into larger loads for bulk shipment to the United States and Europe hidden in containers of legitimate cargo.

Ecuador continued to struggle with economic and political crises, including events in January 2000 which led to the ouster of the elected president and replacement by his constitutional successor. Also in 2000, Ecuador became the first South American country to adopt the U.S. dollar as its national currency.

The Ecuadorian National Police (ENP) seized more than three tons of cocaine and coca base, 109 kilograms of heroin, and 18 tons of marijuana.

The ENP established a unified anti-drug division to strengthen the management of drug law enforcement, and created an internal affairs unit. Ecuador's depressed economy and continued lack of police/military coordination, however, hamper counterdrug efforts. Ecuador improved its enforcement of regulations on controlled precursor chemicals.

The Ecuadorian Congress enacted a new criminal justice procedural code, which will fundamentally change its legal system from an inquisitorial to an accusatory-style one. Ecuador also began to enact legislative reforms related to money laundering, and to legalize the use of controlled deliveries and undercover operations as law enforcement tools. A joint Ecuadorian task force, including financial intelligence units, addressed coordination of drug trafficking and money laundering investigations. Ecuador participated in the OAS/CICAD initiative, the Mutual Evaluation Mechanism (MEM).

Ecuador has cooperated with the United States in a very significant way by permitting the United States Government to establish and operate, at an Ecuadorian Air Force base in Manta, a forward operating location (FOL) for regional aerial counterdrug detection and monitoring missions.

### **Guatemala**

The Government of Guatemala cooperated with the United States Government in combating drug trafficking in Guatemala. Guatemala is a party to the 1988 UN Drug Convention, and most Guatemalan law enforcement activities are consistent with its goals and objectives. Once a major producer of opium, Guatemala's sustained eradication efforts have reduced opium cultivation and maintained it at insignificant levels. Nevertheless, Guatemala remains a major drug-transit country for South American cocaine en route to the United States and Europe. In 2000, the Government of Guatemala made an effort to increase its law enforcement capabilities to counter the constant flow of drugs transiting the country. However, drug seizures declined significantly due to the tremendous turnover in personnel in law enforcement and other government agencies, corruption, and an acute lack of resources.

Professionalization of the National Civilian Police's Department of Anti-Narcotics Operations (DOAN), the main Guatemalan counterdrug force, is a primary objective for the Government of Guatemala. It is attempting to develop an effective, integrated counterdrug and related law enforcement training program that will improve the quality of the DOAN and to enhance interdiction and eradication operations.

The Government of Guatemala increased the Public Ministry's special anti-drug staff and continued with a U.S.-funded program of professionalization for prosecutors and the judiciary that included anti-corruption training. The Guatemalan Supreme Court established special "high impact" courts to handle drug-trafficking and other cases deemed too sensitive for the regular court system. Despite these measures, success in prosecuting major traffickers has been limited. With U.S. assistance, the Public Ministry created the Anti-Corruption Prosecutor's office which has initiated nearly a thousand cases against government officials although none have gone to trial.

The Government of Guatemala is considering draft money laundering legislation and has signed (but not ratified) the Central American Convention for the Prevention of Money Laundering and Related Crimes.

### **Haiti**

The record does not support certification of Haiti as having fully cooperated with the United States or taken adequate steps on its own to achieve full compliance with the goals and objectives established by the 1988 UN Drug Convention, to which Haiti is a party. However, it is in the vital national interests of the United States to continue to provide U.S. foreign assistance to Haiti.

Haiti remains a significant transshipment point for drugs, primarily cocaine, moving through the Caribbean from South America to the United

States. Although cocaine flow through Haiti decreased during 2000, only some of the decrease is attributable to the efforts of the Haitian Government.

The Government of Haiti cooperated with the United States Government in a limited number of areas. These areas included: U.S. Coast Guard and multilateral maritime interdiction efforts; expulsion of two non-Haitian fugitives; ratification of both a bilateral maritime law enforcement agreement and the Inter-American Convention Against Corruption; and enactment of a National Drug Control Strategy and anti-money laundering laws.

However, the Government of Haiti failed to take other significant counterdrug actions. It did not: enact asset forfeiture and precursor chemical legislation; draft and introduce anti-corruption legislation; expand the anti-drug unit of the National Police to the agreed-upon size; or fully implement a Memorandum of Understanding among key law enforcement and related agencies to ensure interagency counterdrug cooperation. In addition, it showed no increase in seizures of illegal drugs, including cocaine, nor in the number of arrests of major traffickers. Neither did it successfully prosecute money-laundering cases, nor secure the forfeiture of trafficker assets. Finally, the Government of Haiti did not conclude a counterdrug Letter of Agreement with the United States Government.

Vital national interests of the United States require that assistance to Haiti be maintained. Continued assistance for programs to alleviate hunger, increase access to education, combat environmental degradation, and incubate civil society in the hemisphere's poorest country is vital to strengthening democracy, promoting economic growth, and reducing pressure for illegal immigration. Terminating these programs could prompt Haitian authorities to end their cooperation in the repatriation of Haitian immigrants interdicted at sea. These programs also address the root causes of poverty and hopelessness in Haiti, which are important contributing factors behind Haitian involvement in the drug trade.

Therefore, the risks posed to the vital national interests of the United States by a cutoff of bilateral assistance outweigh the risks posed by Haiti's failure to cooperate fully with the United States Government, or to take adequate steps on its own, to achieve full compliance with the goals and objectives established by the 1988 UN Drug Convention.

### **India**

India is one of the world's top producers of licit opium and is the sole producer of licit opium gum. It is a key heroin transshipment country due to its location between Southeast Asia and Southwest Asia, the two main world sources of illicitly grown opium. India is a modest but apparently growing producer of heroin for the international market. The Government of India continues to tighten controls to curtail diversion of licit opium, but an unknown yet significant quantity of licit opium finds its way to illicit markets. There was a significant increase in diversion of licit opium from the 1999 crop, but the 2000 crop suffered much less diversion.

Under the terms of internationally agreed covenants, and to meet U.S. certification requirements, India is required to maintain licit production of opium and carry over stocks at levels no higher than those consistent with world demand, i.e., to avoid excessive production and stockpiling which could "leak" into illicit markets. India has complied with this requirement.

Though the 1999 and 2000 licit opium gum harvests had identical weather conditions, enhanced enforcement during the harvest and weighing period prompted farmers to turn in higher yields in 2000. The level of diversion from the licit opium crop, while always difficult to estimate, clearly declined from an alarming level in 1999, when up to 300 metric tons of opium gum may have been diverted to the black market. The success seen in 2000 appears due in large part to the more aggressive Government of India drug control efforts during the harvest and collection period of the crop. Licit opium diversion controls included re-surveys of plots after the planted

crop reached a particular stage of growth to ensure that the area under cultivation matched that licensed. Cultivation more than five percent above the licensed amount was destroyed, and the cultivator was liable to prosecution. India has continued to tighten controls on diversion and in 2000 agreed to a Joint Licit Opium Poppy Survey (JLOPS) agreement with the United States, a significant step in fighting diversion. The survey will provide a firmer scientific basis for minimum qualifying yields for farmers.

Poppies are grown illicitly in India in the Himalayan foothills of Kashmir and Uttar Pradesh, and in northeast India near the Bangladesh and Burmese borders. The quantities of illicit production appear relatively small. "Brown sugar" heroin, originating in India, is available in Nepal, Bangladesh, Sri Lanka, and the Maldives. Since January 1999, Indian authorities have seized more than 337 kilograms of refined "white-powder" heroin, at least part of which was produced in India, destined for Sri Lanka. The Central Bureau of Narcotics (CBN) began organized poppy eradication campaigns in Arunachal Pradesh four years ago. In its first campaign in 1997, the CBN destroyed 35 hectares of opium poppy. This increased to 95 hectares in 1998, and 248 hectares in 1999. In 2000, 153 hectares were destroyed.

In 2000 an estimated 1,089 kilograms of heroin were seized, up 27 percent from 1999 (861) and 66 percent over 1998 (655). Opium seizures totaled 2,218 kilograms, up from 1,635 in 1999 and 2,031 in 1998, occurring mostly in the poppy growing areas.

Indian controls on precursor chemicals have reduced the availability of these chemicals to the illicit market. Nevertheless, illicit diversion of precursor chemicals from India continued to occur. Indian authorities have been very cooperative with the U.S. Drug Enforcement Administration in sharing information from no-objection certificates, in verifications of end-users, and in notifications of seizures of India-produced chemicals.

### **Jamaica**

Jamaica is a major transit point for South American cocaine en route to the United States as well as the largest Caribbean producer and exporter of marijuana. During 2000, the Government of Jamaica made some progress toward meeting the goals and objectives of the 1988 UN Drug Convention. Increased trafficking through Jamaica indicates the need for its Government to intensify and focus its law enforcement efforts and to enhance its international cooperation.

In 2000, the Government of Jamaica amended its 1996 Money Laundering Act to add fraud, corruption, and firearms trafficking as predicate offenses. Further action is needed, however, to bring Jamaica in line with international standards, including an improved asset forfeiture regime and an operational financial analysis unit. In 1999, the Government of Jamaica enacted legislation enabling asset-sharing agreements with other governments; an agreement with the United States is pending.

In April 2000, the Government of Jamaica brought into force a Precursor Chemicals Act, budgeted for implementation of chemical controls, and is taking action, with U.S. assistance, to comply with recommendations provided by the Organization of American States Inter-American Drug Abuse Control Commission's Precursors Control Project. Although the Government of Jamaica made progress in implementing the recommendations contained in a 1997 port security assessment and increased security presence at its ports, drug traffickers continue to use Jamaica's air and seaports. The United States Customs Service reports that Jamaica is the embarkation point of the largest number of passengers arrested with drugs at U.S. airports. While evidence from drug detection technology, such as ion scan, can be exploited under certain conditions, the Government of Jamaica should consider providing specific legislation to admit this type of evidence in Jamaican courts. In December 2000, the Government of Jamaica introduced a wiretap bill in Parliament.

The Fugitive Apprehension Team, a special police unit dedicated to the apprehension and eventual extradition of criminals wanted by the United States, aided by officers of the United States Marshals Service, made over 20 arrests in 2000, more than double the number in 1999. The Government of Jamaica extradited 10 people to the United States in 2000 and is actively working on over 40 cases. Legislation creating drug courts came into force in 2000; the courts should begin sitting in 2001.

Corruption continues to undermine law enforcement and judicial efforts against drug-related crime in Jamaica. The Government of Jamaica reintroduced in Parliament its anti-corruption bill, which passed in December, and amendments to strengthen the Parliament (Integrity of Members) Act. Implementation of these bills and ratification of the Inter-American Convention Against Corruption could help the Government of Jamaica root out corruption in the public sector.

A significant increase in the flow of cocaine through Jamaica in the first half of 2000, coupled with reduced cocaine seizures and marijuana eradication by the Government of Jamaica, indicates that more intensive law enforcement action with enhanced international cooperation is necessary to disrupt drug trafficking and production activities in Jamaican territory and waters. Such actions include the arrest and prosecution of significant drug traffickers operating in Jamaica, dismantling of small independent groups that conduct the drug trade, and increased drug seizures and eradication. As it agreed to do in 1998, the Government of Jamaica should develop a vetted special investigative unit to identify and target significant drug traffickers. Jamaican forces participated in combined operations with the United States under a bilateral maritime agreement, but should take full advantage of the agreement in order to reduce the drug flow through Jamaica. U.S. law enforcement agencies note that cooperation with their Jamaican counterparts is generally good, but could be significantly improved.

The Government of Jamaica has in place a national drug control strategy that covers both supply and demand reduction; specific goals and objectives, together with measures of effectiveness, should be incorporated in this strategy. Jamaica is a party to the 1988 UN Drug Convention.

#### **Laos**

Laos remains the world's third largest producer of illicit opium, behind Burma and Afghanistan. For the 2000 growing season, the United States Government estimates Laos's potential production at 210 metric tons, which is substantially greater than the 1999 estimate of 140 metric tons. Opium cultivation increased six percent. The higher production estimate can be attributed to improved weather conditions and an increase in estimated yields, although the increase in cultivation also contributed to a lesser degree.

Laos continued to cooperate with the United States Government in crop substitution projects. Most crop substitution project areas funded by the United States Government continued to show low levels of opium cultivation. As a first step for the new Lao-American project in Phongsali Province, construction began on a 72-kilometer road that will link remote, opium-cultivating villages. The Government of Laos also continued cooperation in Houaphanh Province.

In March, the Government of Laos held its first national conference on drug control, at which counterdrug strategies and work plans were formulated. In October, Laos formally committed itself to eliminating opium by 2008 and all drugs by 2015, in accordance with the political statement and plan of action enacted by the Association of Southeast Asian Countries at a UNDCP Congress in Bangkok. The Government of Laos continued to work closely with the UNDCP to develop a master plan for opium elimination and to raise funds for that effort.

Cooperative efforts on law enforcement also continued. New counterdrug law enforcement offices opened in Champasak and Houaphanh provinces,

and the office in Udomxai moved to quarters refurbished with U.S. assistance. Seizures of heroin and methamphetamine increased sharply, and the Lao police cooperated with United States Government officials in counterfeit U.S. currency investigations. Police performance and law enforcement in general, however, continued to fall short of goals. Counterdrug police units need more training and better coordination. The Government of Laos is not yet a party to the 1988 UN Drug Convention; its stated goal is ratification of the convention in the near future, as agreed by all participants in the 1998 UN General Assembly Special Session on Drugs.

### **Mexico**

Sharing a nearly 2000-mile border with the United States, much of the drug-related criminal activity in Mexico is linked to the U.S. illicit drug market. Mexico is a major source of opium poppy and cannabis. It is also a major drug transit country for cocaine, heroin, methamphetamine and cannabis, and Mexican-based organized crime plays a significant role in drug distribution in the United States.

Both the Governments of Mexico and the United States recognize that bilateral cooperation is essential to effective action against these transborder criminal groups as well as against other aspects of the shared drug problem. The drug issue is among the top issues on the bilateral agenda. Greater information sharing and the establishment of formal mechanisms to achieve our shared goals, particularly on drug interdiction and money laundering, characterized bilateral counterdrug cooperation in 2000.

The Government of Mexico continued its broad-based program to combat drug trafficking and related crimes, as well as to address a worrisome increase in drug abuse. Drug-related violence, particularly along the border with the United States, remained a major concern. The Government of Mexico made progress in its efforts to dismantle the transborder drug cartels, particularly the Tijuana-based Arellano Felix Organization. Mexican military and law enforcement authorities arrested both the cartel's chief of operations and its financial manager. These and other high profile arrests represent significant accomplishments for Mexico's counterdrug agencies.

Mexico's eradication program is one of the largest and most aggressive in the world. Eradication, coupled with severe drought, reduced cultivation by almost 50 percent from 1999 to approximately 1,900 hectares. This resulted in record low levels of opium poppy production, and heroin production fell from just over 4 metric tons in 1999 to only 2.5 metric tons in 2000, a record low.

The Mexican financial system remains vulnerable to international money laundering, particularly given the large amounts of drug proceeds being laundered by Mexico-based criminal organizations. The Government of Mexico took important steps in 2000 to strengthen its anti-money laundering infrastructure. Recent legislative modifications and regulations lowered the threshold for declarations of large amounts of currency or monetary instruments and imposed requirements on non-bank financial institutions; this should improve the Government of Mexico's ability to detect money laundering and to prosecute money laundering cases.

Since much of the money laundered in Mexico originates in the United States, there is extensive bilateral cooperation in this area. In 2000, the Governments of Mexico and the United States signed an agreement to facilitate tracking the movement of large sums of money between the two countries. In June 2000, Mexico became a member of the Financial Action Task Force, the leading international body dedicated to fighting money laundering. The Government of Mexico also enacted legislation to strengthen reporting requirements for large-value domestic currency transactions. Aggressive enforcement of these regulations will be needed to safeguard the integrity of Mexico's financial institutions.

Regarding the return of fugitives, the Mexican Supreme Court ruled that the extradition of Mexican nationals is permissible under Mexican law.

This reversed several lower court rulings that prevented the extradition of Mexican nationals facing criminal charges in the United States. Although issued in 2001, the decision represents the culmination of a sustained effort by the Zedillo Administration to strengthen bilateral law enforcement cooperation. In addition, the Mexican Senate ratified the temporary surrender protocol to the bilateral extradition treaty, which, likewise, will enhance cooperation in bringing fugitives to justice.

The Government of Mexico increased its efforts to reduce the demand for drugs domestically, giving special attention to the northern border, where the incidence of drug abuse and drug-related violence, is up to three times the national average. Cross-border cooperation on drug abuse and crime prevention has been increasing. For example, Baja California's Secretariat of Education and the San Diego School District have initiated a pilot project introducing a curriculum on the "culture of lawfulness" to help young people better understand and thus resist involvement in crime and corruption. The appointment of a "drug czar" for demand reduction brought new attention to federal efforts to reduce drug use.

In its struggle against drugs, Mexico still faces daunting challenges. One of the most difficult is corruption within the law enforcement institutions fostered by drug trafficking organizations. The Zedillo Administration continued to promote reform efforts, but these were undermined by such factors as administrative shortcomings in its law enforcement agencies, i.e., low salaries and a lack of operational funds and equipment. President Fox campaigned on a platform of fighting crime and corruption, and has undertaken reorganization and reform of the justice sector, sending a strong signal of commitment.

The Governments of Mexico and the United States continue to build upon the existing infrastructure of counterdrug policy coordination mechanisms, training and information sharing, equipment and technical assistance, as well as bilateral law enforcement cooperation, through the development of bilateral agreements, multilateral mechanisms, and working-level communications. Step by step, the United States and Mexico will expand this infrastructure and work to remove legal impediments and other roadblocks to effective cooperation against transnational criminal organizations.

#### **Nigeria**

The Government of Nigeria made significant efforts in 2000 to address its drug trafficking problem. Democratically elected President Obasanjo has publicly denounced drug trafficking. The Nigerian National Assembly passed tough anti-corruption legislation that created an anti-corruption commission with broad powers. The Obasanjo Administration supported the 1990 National Drug and Law Enforcement Agency (NDLEA) Act Number 33, which dictates that Nigerians convicted of drug offenses abroad will be arrested upon their deportation back to Nigeria, and, if convicted, be liable for a minimum of five years additional imprisonment.

In 2000, the Government of Nigeria demonstrated its commitment to counterdrug cooperation by transferring to U.S. custody four fugitives, including two individuals indicted for serious drug and drug-related offenses and designated under the Foreign Narcotics Kingpin Designation Act. Alhaji Bello Lafiaji, the new chief of the NDLEA (which has primary responsibility for combating drug smuggling and drug abuse), also declared an all-out offensive against drug trafficking, called for the harmonization of Nigeria's drug legislation, and sought increased international assistance for the drug agency.

Nigerian counterdrug efforts during 2000 primarily focused on the interdiction of couriers transiting Nigeria's airports as well as a public campaign focused on destroying plots of cultivated marijuana throughout the country. The NDLEA's most successful interdictions have taken place at Nigeria's international airports, forcing smugglers to change tactics and ship contraband via Nigeria's five major seaports or across its porous land borders. The NDLEA reported a total of 107 kilograms of cocaine and heroin seized

during 2000, as well as the arrest of 1,881 drug traffickers during the first ten months of the year. Several Nigerian customs officials involved in an attempt to smuggle heroin to the United States were apprehended and now face trial for their crime. In addition, a Nigerian military general was court martialed, stripped of his rank, and dismissed from the Army; he remains in the custody of military officials after being implicated in a heroin smuggling case, while he was stationed in Pakistan.

The NDLEA conducted an active eradication campaign in 2000 and reported a total of 961,345 kilograms of cannabis destroyed. Recently, the NDLEA has highlighted this eradication campaign by inviting dignitaries to the various destruction ceremonies around the country and releasing press reports highlighting their eradication activities.

Cooperation between Nigerian and U.S. law enforcement agencies was good during 2000. However, law enforcement efforts are often stymied by the slow pace of the Nigerian judicial system, which can be attributed to both intimidation and corruption of the judiciary by criminal organizations. In addition, within the judicial system, the Government of Nigeria needs to establish a reliable extradition process that will allow extradition requests to be heard expeditiously and fairly.

Nigeria is a hub of money laundering and criminal financial activity, not only for the West African sub-region, but also increasingly for the entire continent. Nigerian money laundering is directly linked to drug trafficking, as well as such related activities as document, immigration and financial fraud. In response to international concerns, the Government of Nigeria has taken positive steps to combat criminal activity and has become closely involved with U.S. law enforcement agencies in attempting to address financial crimes and money laundering in Nigeria.

#### **Pakistan**

Pakistan is an important transit country for Afghan opiates and cannabis. In 2000, Pakistan sharply reduced poppy cultivation, dropping from 1,670 to 515 hectares, a 67 percent decrease from 1999. Government of Pakistan counterdrug cooperation with the United States Government was excellent. Interdictions of heroin increased 85 percent and several major traffickers were arrested. The Government of Pakistan has prevented the reemergence of large heroin/morphine processing laboratories. However, there was little progress in 2000 on pending extradition cases of drug fugitives.

Pakistan almost achieved its ambitious goal of eliminating opium production by the year 2000. While Pakistani opium production has plummeted, the tripling of poppy cultivation in Afghanistan since 1993 and growth in sophistication of the Afghan drug trade are putting enormous pressure on the Government of Pakistan's border control efforts and Pakistani society. This means more drugs transiting Pakistan, a growing addiction problem, and more cash available for bribery and official corruption.

Pakistan's illicit drug seizures were up significantly compared to the same period in 1999. During the first 10 months of 2000, 7.4 metric tons of heroin, 7.8 metric tons of opium, and 108.1 metric tons of hashish were seized (compared to 4.0, 12.9 and 70.0 metric tons, respectively, in 1999). Seizures of acetic anhydride, an important precursor chemical for producing illicit drugs, consisted of small consignments originating in India. The Anti-Narcotics Force's (ANF) seizures of heroin and cannabis set records in 2000.

The prosecutions of most drug and other criminal cases in Pakistan are protracted. Corruption and low salaries threaten the integrity of law enforcement and judicial institutions throughout Pakistan. Judges grant continuances; defendants file delaying interlocutory appeals; witnesses are reluctant to testify; and bribery can influence case outcomes. The trial of Sakhi Dost Jan Notezai, a prominent drug trafficker and suspected member of the Quetta Alliance trafficking syndicate, finally concluded this year after seven years of proceedings. He received a sentence of life in prison and forfeited his



assets. The case of another alleged drug trafficker, Munawar Hussain Manj, a former member of Pakistan's National Assembly, is still pending in the superior court, after five years of proceedings. The case of Rahmat Shah Afridi, owner of an English-language daily and an influential politician from the Northwest Frontier Province, arrested in early 1999, also is pending. One positive step was the establishment of five special drug courts in 2000, although they are not yet fully operational and lack realistic operating budgets.

The ANF continues to cooperate effectively with the U.S. Drug Enforcement Administration to raise investigative standards. The creation of the Special Investigative Cell (SIC), trained and equipped by the United States, has been a milestone in improving the Government of Pakistan's counterdrug efforts. The SIC targets major drug trafficking organizations and first year results have been encouraging. With this success, plans are underway to expand SIC operations.

#### **Panama**

The Government of Panama continued to demonstrate its willingness to combat transnational drug trafficking. Panama is a major transshipment point for illicit drugs smuggled from Colombia. Cocaine is stockpiled in Panama prior to being repackaged for passage to the United States and Europe. Panama's location, largely unpatrolled coastlines, advanced infrastructure, weak judicial system, and well-developed financial services sector make it a crossroads for transnational crime, such as drug trafficking, money laundering, illicit arms sales, and alien smuggling.

The Government of Panama's interdiction of illicit drugs in 2000 increased significantly over 1999, with record seizures of heroin and first ever seizures of MDMA (Ecstasy). It enacted two laws and issued two executive decrees that greatly strengthen Panama's money laundering laws and the ability to share information with international counterparts. Panama took steps toward implementing its comprehensive chemical control program by establishing a control board that will coordinate government entities and the private sector. In addition, as a step towards combating financial crime, the Government of Panama joined the multinational initiative to address the Black Market Peso Exchange.

The highest U.S. bilateral counterdrug priorities in the coming year will be signing a full six-part counterdrug maritime agreement and assisting the Government of Panama in curbing corruption, implementing anti-money laundering legislation, increasing security and oversight of the Colon Free Zone, and improving prosecutions of money launderers and drug traffickers. Other U.S. priorities in Panama include supporting the Government of Panama's efforts to: build a highly professional interagency counterdrug task force; develop the capability to control sea lanes, rivers, island and coastal regions, and the Canal area; and limit cross-border criminal influence. With the commitment of the Moscoso administration, the United States Government is hopeful that there will be measurable progress in these areas in 2001.

#### **Paraguay**

Paraguay remains a transit country for approximately 10 metric tons of mostly Bolivian cocaine annually, as well as a source country for high-quality marijuana that is not trafficked to the United States. Paraguay is a large money-laundering center in Latin America, but it remains unclear how much may be drug-related. Paraguay is a party to the 1988 UN Drug Convention.

The Government of Paraguay improved its anti-drug cooperation with the United States Government in 2000. It named a new head of the anti-drug secretariat (SENAD) who reenergized anti-drug efforts by forming a new unit to investigate major traffickers and their organizations. This initiative led to the arrest of 4 major traffickers and the destruction of an aircraft ferrying cocaine to Brazil. Cocaine seizures remained stable at 1999 levels. Paraguay enhanced its cooperation with its neighbors by signing agreements

on judicial cooperation and information sharing, and by expelling a major trafficker to Brazil. While judicial cooperation remains weak, the Paraguayan Attorney General named special prosecutors with national jurisdiction to strengthen SENAD's counterdrug operations.

Although anti-drug cooperation with the United States Government improved in 2000, the Government of Paraguay still has much to accomplish. The Paraguayan Senate is considering a complete modernization of existing drug law, but it failed to pass long sought authorities for police to use informants and to conduct undercover operations and controlled deliveries. These authorities will be key to investigating and prosecuting major drug traffickers, and sustaining the successes of 2000 against trafficking organizations in Paraguay.

The Government of Paraguay provided the Anti-Money Laundering Secretariat with its first independent budget, but has not shown much improvement on combating money laundering. Only one money-laundering case was recommended for prosecution, and no arrests were made in 2000. A cumbersome judicial process is largely responsible for consistently minimal success in the Government of Paraguay's enforcement of its drug-related asset seizure and forfeiture laws. The Government of Paraguay also made little progress against official corruption and has not made progress in developing an effective anti-drug and organized crime investigative and operational capability for the border areas.

While action against money laundering and official corruption, passage of legislation for modern police authorities, and controlling its borders remain important areas needing improved cooperation by the Government of Paraguay, the United States Government is impressed with the steps taken against some of the major trafficking organizations operating in Paraguay.

#### **Peru**

Despite the political turbulence in Peru during 2000, the Government of Peru made progress on all major components of its counterdrug program. Over 6,200 hectares of coca were eradicated manually, which contributed to a 12 percent cultivation reduction in 2000, and an overall 70 percent reduction in coca cultivation over the past six years. The Peruvian transition government has restated its commitment to the reduction of coca cultivation. There was a significant increase in the number of opium poppy fields discovered and destroyed by the Government of Peru during 2000; however, information on the extent of opium poppy cultivation throughout Peru remained scarce.

In January 2000, the Peruvian National Police arrested Adolfo Cachique Rivera, co-head of a major Peruvian cocaine base trafficking organization. His arrest effectively ended the illegal cocaine operations of this organization, which had exported multi-kilogram quantities of cocaine base to Brazil and Colombia for over nine years. Luis and Jose Aybar-Cancho, the heads of a major arms and drugs trafficking organization, were also arrested.

While the total amount of drugs seized in 2000 declined, the Peruvian National Police destroyed several cocaine hydrochloride laboratories. The police chemical control unit conducted over 1,000 regulatory and criminal investigations of suspected chemical companies in 2000, making 41 arrests, seizing over 158 metric tons of controlled precursor chemicals, and closing six chemical companies. The Government of Peru cooperated with the U.S. Drug Enforcement Administration and Chilean authorities in the nine-ton seizure of cocaine from a maritime shipment in the Chilean seaport of Arica. There were also two successful interceptions of trafficker aircraft by the Peruvian Air Force (FAP) during 2000. One of these interceptions highlighted significant interagency Peruvian cooperation between the air force and police, which forced the traffickers to burn their aircraft and sacrifice its drug payload.

The counterdrug alternative development program achieved significant results, increasing the gross value of licit agricultural production to \$64.6

million in targeted areas. This exceeds the gross value of coca leaf production in the same areas by ten percent, and marks a notable decline in the illicit economy based on coca. Alternative development has also assisted in raising the percentage of coca area households with access to basic services from 16 percent to 49 percent.

New elections and a policy to fight corruption bode well for counterdrug work. Peru's significant reduction in the amount of coca cultivated proves that its strategy is working. However, with higher prices being paid for coca, farmers will be tempted to abandon licit crops. It is essential that manual eradication of illegal coca crops, counterdrug-related alternative development, the airbridge denial program, and land and maritime/riverine interdiction all continue as closely coordinated complementary programs. The Government of Peru should also refine relevant laws, especially as they pertain to money laundering, asset seizure, and chemical controls.

#### **Thailand**

Thailand has one of the world's most effective illicit drug crop control programs. United States analysts estimate that Thailand's opium production in the 2000 growing season remained at a maximum of 6 metric tons. Cultivation remained under 1,000 hectares for the second year in a row, although there was a slight increase to 890 hectares. Continuing trends established in previous years, opium farmers are cultivating smaller, more isolated fields and engaging in multiple cropping to avoid eradication.

Thailand remains a major drug transit country; a significant amount of heroin transits Thailand on its way to the United States. Throughout 2000, Thailand continued its long tradition of cooperation with the United States and the international community in anti-drug programs. With U.S. Drug Enforcement Administration support, the Royal Thai Police (RTP) established the fourth in a series of specially trained drug law enforcement units to target major trafficking groups. Despite treatment, epidemiology of substance abuse, and demand reduction programs, the epidemic of methamphetamine abuse grew, especially among the young. The methamphetamine problem underscored the need for cost effective community-based models of addiction treatment and additional abuse-prevention training for both public and private sector health professionals.

Thailand enhanced its leadership role in transnational crime issues by co-managing the International Law Enforcement Academy (ILEA) in Bangkok with the United States. The bilateral extradition relationship continues to be highly successful, and Thailand continues to extradite its nationals to the United States under the treaty. Indeed, Thailand is one of the top countries in the world in cooperating with the United States on extradition requests. Extensive cooperative law enforcement programs continued to bear fruit. According to Royal Thai Government figures, 290 kilograms of heroin were seized and 9 methamphetamine labs were destroyed during the first 10 months of 2000. Despite Thailand's good record on counterdrug enforcement, many elements of government and society remain rampantly corrupt.

2000 was also a productive year for legislation and regulation. Implementing regulations for the 1999 Money Laundering Control Act came into effect in October, 2000. The Act requires reporting for most financial transactions of more than 2 million baht (approximately \$50,000). A senior police official has been named to head the 64-person money laundering control office. The Thai Cabinet approved accession to the 1988 UN Drug Convention and final arrangements are being undertaken by the Ministry of Foreign Affairs.

#### **Venezuela**

Venezuela is a significant transit route for illegal drugs destined for the United States and Europe; by some United States Government estimates, over 100 metric tons of cocaine transit Venezuela annually. The vast majority of this traffic consists of cocaine and heroin from neighboring Colombia.

Cooperation with U.S. law enforcement agencies was very good, with one complex joint operation leading to the seizure of 8.8 metric tons of

cocaine, numerous arrests in Venezuela, and the expulsion of two significant third-country drug traffickers to the United States for trial. The Government of Venezuela expanded its already extensive cooperation with the United States through counterdrug programs focusing on interdiction, money laundering, chemical control and reinforcement of the judicial system. The Organization of American States Inter-American Drug Abuse Commission (CICAD) elected Venezuela to its Vice-Presidency. The Government of Venezuela continued to attempt to conduct aerial interdiction operations against drug smuggling aircraft unilaterally in 2000; while these actions were largely ineffective, during the same period air transits through Venezuelan airspace by drug smugglers decreased significantly.

The Government of Venezuela continued to combat drug trafficking and consumption in 2000, despite considerable change in the political system (including a new constitution adopted in December 1999 that mandated the election of a new unicameral National Assembly). New policy initiatives were introduced, and the Government of Venezuela enhanced law enforcement efforts to combat drug trafficking and related crime. Seizure figures for the calendar year were up from the preceding year for both cocaine (15 metric tons from 12) and heroin (134 kilograms from 40).

During 2000, Venezuelan prosecutors took steps to fulfill their new responsibilities under the new penal code introduced in 1999. The National Anti-drug Commission introduced new initiatives in 2000 to expand demand reduction programs, to increase Venezuelan participation in multilateral anti-drug initiatives, and to improve eradication efforts aimed at small areas of coca and opium poppy cultivation that spill over into Venezuelan territory from Colombia. Venezuela prepared draft legislation to improve chemical precursor control, and participated in a multilateral effort to improve regional cooperation countering precursor chemical diversion.

The Government of Venezuela continued to place a high priority on reducing corruption. Reorganization of law enforcement agencies and the customs service led to large-scale dismissals of those suspected of involvement in corruption. However, new legislation to give police necessary tools to aid investigations was not adopted, partly because the new National Assembly did not begin work until October 2000.

The Government of Venezuela enhanced its efforts to collect information to deter money laundering, introducing new regulations to further strengthen already stringent currency transaction reporting based on U.S. reporting requirements, and taking steps to implement Caribbean Financial Action Task Force recommendations. The Government of Venezuela should adopt appropriate legislation to criminalize the laundering of proceeds from all serious crimes.

#### **Vietnam**

Vietnam intensified its efforts to combat the production, trafficking, and use of illicit drugs. Due to improved weather, Vietnam saw a 10 percent increase in poppy cultivation to 2,300 hectares in 2000 from 2,125 hectares in 1999. Potential opium production in 2000 increased 36 percent to 15 metric tons from 11 metric tons in 1999. The Government of Vietnam continued its efforts to reduce poppy cultivation through education, eradication, and crop-substitution programs. Drug seizures increased in most categories, although amounts seized were still small. Law enforcement officers seized 60 kilograms of heroin, 567 kilograms of opium, 2,200 kilograms of marijuana, 119,465 vials of addictive drugs, 66,192 doses of heroin, and 6,783 tablets of amphetamine-type stimulants (ATS), including methamphetamine. The quantities of opium, vials of addictive drugs, and tablets of ATS interdicted increased by 26.5 percent. Vietnam cooperated with the U.S. Drug Enforcement Administration, which opened an office in Hanoi in February 2000, and signed a counterdrug agreement with Japan in February 2000 providing for information sharing and training.

The Government of Vietnam received increased counterdrug funding from the United States, up from \$11.6 million in 1999 to \$14.3 million in 2000.

The Government of Vietnam drafted a new two-stage Master Plan for 2001-2010. The Plan entailed 14 projects to combat drug production and trafficking and to strengthen education and drug-treatment programs, as well as an intensified one-year, six-point counterdrug program. The Government of Vietnam restructured and rationalized its drug control institutions. The National Assembly passed a counterdrug law, drafted with U.S. assistance, and legislation criminalizing money laundering.

The United States and Vietnam have not yet concluded a counterdrug agreement. Vietnam has not fully eradicated poppy crops, and farmers reverted to poppy cultivation in some high-poverty rural areas, increasing the total to 2,300 hectares devoted to poppy crops. Revisions to the Penal Code that criminalize money laundering took effect on July 1, 2000. Vietnam's new banking law also requires financial institutions to report suspicious transactions, although they are only reported to a central authority upon request.

Despite some notable shortcomings, Vietnam has made a vigorous effort to combat drug production and trafficking. There is no question that the Government of Vietnam at the highest levels fully realizes the threat drugs present to Vietnamese society and is doing everything possible to counter the availability and use of illicit drugs.

[FR Doc. 01-6296

Filed 3-9-01; 9:06 am]

Billing code 4710-10-P



# Federal Register

---

**Monday,  
March 12, 2001**

---

**Part IV**

## **The President**

---

**Proclamation 7415—National Colorectal  
Cancer Awareness Month, 2001**



---

**Presidential Documents**

---

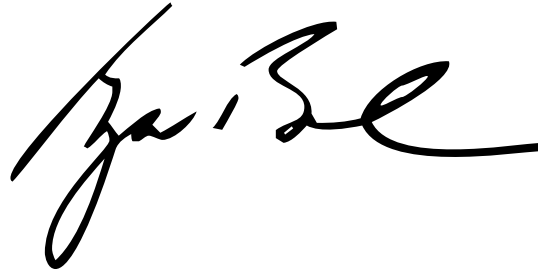
**Title 3—****Proclamation 7415 of March 8, 2001****The President****National Colorectal Cancer Awareness Month, 2001****By the President of the United States of America****A Proclamation**

Last year, approximately 130,000 new cases of colorectal cancer were diagnosed in the United States. This is a startling number. Late diagnosis is one reason why colorectal cancer, cancer of the colon and rectum, is the second leading cause of cancer-related deaths for Americans. The disease strikes men and women with almost equal frequency and often progresses without symptoms. Fortunately, colorectal cancer is usually curable when discovered early, and early diagnosis is possible through regular screenings. Regular screenings are particularly important for persons age 50 or older. Regular screenings are also important for individuals considered at higher risk for the disease.

Widespread screening for colorectal cancer could save up to 30,000 lives a year, if all cases were found at an early stage. To raise awareness about the disease and to encourage regular screening, the Cancer Research Foundation of America, the National Colorectal Cancer Roundtable, and the American Digestive Health Foundation have joined together to encourage Americans to observe March 2001 as National Colorectal Cancer Awareness Month.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution of the United States, do hereby proclaim March 2001 as National Colorectal Cancer Awareness Month. By supporting continued education about this disease and research into treatment and prevention, Americans can help stop colorectal cancer and save many lives.

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





# Reader Aids

Federal Register

Vol. 66, No. 48

Monday, March 12, 2001

## CUSTOMER SERVICE AND INFORMATION

<b>Federal Register/Code of Federal Regulations</b>	
General Information, indexes and other finding aids	<b>202-523-5227</b>
<b>Laws</b>	<b>523-5227</b>
<b>Presidential Documents</b>	
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>

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications:

<http://www.access.gpo.gov/nara>

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

<http://www.nara.gov/fedreg>

### E-mail

**PENS** (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

[listserv@listserv.gsa.gov](mailto:listserv@listserv.gsa.gov)

with the text message:

subscribe PUBLAWS-L your name

Use [listserv@www.gsa.gov](mailto:listserv@www.gsa.gov) only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to:

[info@fedreg.nara.gov](mailto:info@fedreg.nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

## FEDERAL REGISTER PAGES AND DATE, MARCH

12843-12992.....	1
12993-13226.....	2
13227-13388.....	5
13389-13644.....	6
13645-13838.....	7
13839-14070.....	8
14071-14298.....	9
14299-14478.....	12

## CFR PARTS AFFECTED DURING MARCH

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>	563.....	12993
<b>Proclamations:</b>	563b.....	12993
7408.....	563f.....	12993
7409.....	565.....	12993
7410.....	567.....	12993
7411.....	574.....	12993
7412.....	575.....	12993
7413.....	584.....	12993
7414.....	620.....	14299
7415.....	<b>Proposed Rules:</b>	
<b>Administrative Orders:</b>	915.....	14093
Memorandums:	917.....	14093
Memorandum of March	925.....	14093
5, 2001.....	930.....	14093
14453	931.....	14093
<b>Presidential Determinations:</b>	932.....	13688, 14093
No. 2001-12 of March	933.....	14093
1, 2001 454	956.....	14093
	966.....	14093
<b>5 CFR</b>	<b>14 CFR</b>	
1605.....	25.....	12843
<b>7 CFR</b>	39.....	13010, 13227, 13229,
932.....	13232, 13413, 13414, 13416,	
956.....	13418, 13422, 13424, 13635,	
966.....	14301, 14304, 14306, 14308,	
982.....	14310	
1210.....	71.....	13011
1421.....	97.....	14312, 14314
1469.....	<b>Proposed Rules:</b>	
1470.....	39.....	12913, 13184, 13186,
<b>Proposed Rules:</b>	13189, 13192, 13195, 13198,	
Ch. I.....	13201, 13204, 13207, 13210,	
Ch. VIII.....	13213, 13216, 13219, 13223,	
923.....	13269, 13271, 13858, 14094,	
993.....	14096, 14345, 14346, 14348	
13454	255.....	13860
13679	<b>15 CFR</b>	
<b>10 CFR</b>	738.....	12845
72.....	740.....	12845
<b>Proposed Rules:</b>	744.....	12845
50.....	746.....	12845
13267	<b>16 CFR</b>	
13459	4.....	13645
<b>11 CFR</b>	1500.....	13645
<b>Proposed Rules:</b>	<b>Proposed Rules:</b>	
100.....	432.....	12915
13681	<b>17 CFR</b>	
<b>12 CFR</b>	239.....	13234
205.....	240.....	13234
346.....	270.....	13234
516.....	274.....	13234, 14071
517.....	<b>Proposed Rules:</b>	
543.....	Ch. II.....	13273
544.....	1.....	14262
545.....	5.....	14262
550.....	15.....	14262
552.....	36.....	14262
555.....	37.....	14262
559.....		
560.....		
562.....		

38.....14262  
 40.....14262  
 41.....14262  
 100.....14262  
 166.....14262  
 170.....14262  
 188.....14262

**18 CFR**

**Proposed Rules:**  
 284.....13689

**20 CFR**

403.....14315

**21 CFR**

10.....12848  
 14.....12848  
 16.....12848  
 172.....13652, 13846  
 175.....13653  
 176.....13653  
 178.....13653  
 203.....12850  
 205.....12850  
 510.....13426, 13847, 14072  
 520.....13848, 14072, 14316  
 522.....13235, 14072  
 524.....13236, 13848, 14072  
 526.....14072  
 558.....13236, 13238, 14072  
 884.....14074

**Proposed Rules:**  
 1304.....13274  
 1305.....13274  
 1306.....13274  
 1311.....13274

**23 CFR**

658.....13012

**25 CFR**

**Proposed Rules:**  
 542.....12916

**26 CFR**

1.....12853, 13013, 13427,  
 13429, 13635  
 53.....13013  
 54.....14076

301.....13013  
**Proposed Rules:**  
 1.....12916, 13050, 13864,  
 14350, 14351, 14443  
 31.....13275

**27 CFR**

9.....13429  
 19.....12853  
 21.....12853  
 22.....13014  
 275.....13849  
**Proposed Rules:**  
 275.....13864

**28 CFR**

25.....12854

**29 CFR**

2590.....14076

**30 CFR**

816.....14316  
 817.....14316  
 934.....13015  
**Proposed Rules:**  
 917.....13275  
 938.....13277

**31 CFR**

**Proposed Rules:**  
 1.....13865

**32 CFR**

199.....12855

**33 CFR**

100.....13238, 13431  
 117.....13239, 13433  
 165.....13851, 13853

**Proposed Rules:**  
 117.....13460  
 165.....13030, 13867

**34 CFR**

361.....13239  
**Proposed Rules:**  
 50.....13034

**37 CFR**

**Proposed Rules:**  
 255.....14099

**38 CFR**

3.....13435  
 19.....13437  
**Proposed Rules:**  
 17.....13461  
 19.....13463

**39 CFR**

**Proposed Rules:**  
 20.....13868

**40 CFR**

52.....13854, 14078, 14087,  
 14318  
 55.....12982  
 60.....12871, 13438  
 63.....14320  
 70.....12872  
 71.....12972  
 72.....12974  
 74.....12974  
 78.....12974  
 81.....14078, 14087  
 82.....13655  
 180.....14326, 14330

**Proposed Rules:**  
 52.....14103  
 55.....12986  
 63.....13464, 14352  
 70.....12916  
 71.....12916  
 72.....12979  
 74.....12979  
 78.....12979  
 81.....14103

**42 CFR**

410.....13020, 13021  
 412.....13020, 13021  
 413.....13020, 13021, 14342  
 422.....13854, 14342  
 435.....14343  
 485.....13020, 13021

**44 CFR**

65.....13240, 13263

**45 CFR**

146.....14076

**47 CFR**

64.....12917  
 73.....12894, 12895, 12896,  
 12897, 13855, 13856  
 90.....13020, 13023  
**Proposed Rules:**  
 1.....14104  
 22.....14104  
 43.....13690  
 51.....13279  
 73.....12920, 12921, 12922,  
 13691, 13870

**48 CFR**

Ch. 1.....14260  
 19.....13856  
 1516.....12897  
**Proposed Rules:**  
 904.....13473  
 952.....13473  
 970.....13473

**49 CFR**

**Proposed Rules:**  
 229.....13474

**50 CFR**

17.....13656  
 622.....13440  
 635.....13441  
 648.....12902, 13025  
 679.....12912, 13029, 13266,  
 13671, 13672, 13856, 14343  
 697.....13443

**Proposed Rules:**  
 17.....13474, 13691, 14107  
 18.....14352  
 300.....13480  
 600.....13279, 13870  
 622.....13692  
 635.....13692  
 648.....13279, 13281, 13694,  
 13695  
 660.....13035, 13483, 14353

**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 MARCH 12, 2001****DEFENSE DEPARTMENT**

Federal Acquisition Regulation (FAR):

Commercial items—

Assignment of claims; published 1-10-01

Clause flowdown; published 1-10-01

Definitions; published 1-10-01

Non-commercial items—

Advance payments; published 1-10-01

**ENVIRONMENTAL PROTECTION AGENCY**

Air programs; State authority delegations:

Oklahoma; published 1-9-01

Air quality implementation plans; approval and promulgation; various States:

Maryland; published 2-8-01

Rhode Island; published 2-9-01

Air quality planning purposes; designation of areas:

Washington; published 2-9-01

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

Butene, homopolymer; published 3-12-01

Chlorothalonil; published 3-12-01

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Local telecommunications markets; competitive networks promotion; published 1-11-01

**FEDERAL RETIREMENT THRIFT INVESTMENT BOARD**

Thrift savings plan:

Administrative errors correction; published 3-12-01

**GENERAL SERVICES ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Commercial items—

Assignment of claims; published 1-10-01

Clause flowdown; published 1-10-01

Definitions; published 1-10-01

Non-commercial items—

Advance payments; published 1-10-01

**HEALTH AND HUMAN SERVICES DEPARTMENT****Food and Drug Administration**

Animal drugs, feeds, and related products:

Phenylbutazone tablets and boluses; published 3-12-01

**HEALTH AND HUMAN SERVICES DEPARTMENT****Health Care Financing Administration**

Medicaid:

Federal financial participation limits; published 1-11-01

**INTERIOR DEPARTMENT****Surface Mining Reclamation and Enforcement Office**

Surface and underground mining activities:

Permanent and temporary impoundments; technical amendment; published 3-12-01

**NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Commercial items—

Assignment of claims; published 1-10-01

Clause flowdown; published 1-10-01

Definitions; published 1-10-01

Non-commercial items—

Advance payments; published 1-10-01

**SECURITIES AND EXCHANGE COMMISSION**

Investment companies:

Securities registration; fee rate change; registration form update; published 3-9-01

**TRANSPORTATION DEPARTMENT****Coast Guard**

Boating safety:

Recreational vessels operators; Federal blood alcohol concentration standard; published 1-10-01

Regattas and marine parades:

Events requiring permits, written notices, or neither; identification; final rule

and withdrawal of interim rule; published 1-9-01

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Federal Seed Act:

National Organic Program; establishment; comments due by 3-21-01; published 12-21-00

**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:

Karnal bunt; comments due by 3-19-01; published 1-16-01

West Indian fruit fly; comments due by 3-23-01; published 1-22-01

Plant-related quarantine, foreign:

Mangoes from Philippines; comments due by 3-23-01; published 1-22-01

**COMMERCE DEPARTMENT****International Trade Administration**

Worsted wool fabric imports; tariff rate quota implementation; comments due by 3-23-01; published 1-22-01

**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**

Endangered and threatened species:

Southern California steelhead; comments due by 3-22-01; published 2-21-01

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Bering Sea and Aleutian Islands and Gulf of Alaska groundfish and king and tanner crab; comments due by 3-19-01; published 1-17-01

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico reef fish and Gulf of Mexico and South Atlantic coastal migratory pelagic resources; comments due by 3-23-01; published 2-1-01

Northeastern United States fisheries—

Atlantic bluefish; comments due by 3-23-01; published 2-21-01

**DEFENSE DEPARTMENT**

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; comments due by 3-23-01; published 1-22-01

**EDUCATION DEPARTMENT**

Student financial assistance programs; electronic records retention; performance standards; comments due by 3-19-01; published 3-2-01

**ENERGY DEPARTMENT****Energy Efficiency and Renewable Energy Office**

Consumer products; energy conservation program:

Test procedures—  
Central air conditioners and heat pumps; comments due by 3-23-01; published 1-22-01

**ENVIRONMENTAL PROTECTION AGENCY**

Air quality implementation plans; approval and promulgation; various States:

Texas; comments due by 3-19-01; published 1-18-01

Public information and confidential business information; withdrawal; comments due by 3-21-01; published 12-21-00

Superfund program:

National oil and hazardous substances contingency plan—

National Priorities List update; comments due by 3-19-01; published 2-15-01

National Priorities List update; comments due by 3-19-01; published 2-15-01

National Priorities List update; comments due by 3-19-01; published 2-15-01

National Priorities List update; comments due by 3-19-01; published 2-15-01

Water supply:

National primary and secondary drinking water regulations—

Pollutants analysis; test procedures; guidelines establishment; comments due by 3-19-01; published 1-16-01

Pollutants analysis; test procedures; guidelines

establishment;  
comments due by 3-19-01; published 1-16-01

#### **FARM CREDIT ADMINISTRATION**

Farm credit system:

Organization, general provisions, and disclosure to shareholders—  
National charters; requirements; comments due by 3-19-01; published 2-16-01

#### **FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Federal-State Joint Board on Universal Service—  
Local telephone service competition status and advanced telecommunications capability (broadband) deployment; comments due by 3-19-01; published 2-15-01

Wireless telecommunications services—

Rural service areas licensing; competitive bidding rules; comments due by 3-19-01; published 3-9-01

Digital television stations; table of assignments:

Montana; comments due by 3-19-01; published 2-1-01  
Oregon; comments due by 3-19-01; published 2-1-01  
Texas; comments due by 3-19-01; published 2-1-01

Padio services, special:

Private land mobile radio services—  
700 MHz public safety band general use channels; 6.25 kHz technology; comments due by 3-19-01; published 2-16-01

Radio stations; table of assignments:

Colorado; comments due by 3-19-01; published 2-9-01  
Various States; comments due by 3-19-01; published 2-16-01

#### **FEDERAL TRADE COMMISSION**

Hart-Scott-Rodino Antitrust Improvements Act:

Premerger notification; reporting and waiting period requirements; comments due by 3-19-01; published 2-1-01

Practice and procedure:

Premerger notification requirements; additional

information or documentary material requests; internal agency review; comments due by 3-19-01; published 2-1-01

#### **GENERAL SERVICES ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; comments due by 3-23-01; published 1-22-01

#### **HEALTH AND HUMAN SERVICES DEPARTMENT**

##### **Food and Drug Administration**

Human drugs and biological products:

Prescription drug products; labeling requirements; comments due by 3-22-01; published 12-22-00

##### **HEALTH AND HUMAN SERVICES DEPARTMENT**

##### **Health Care Financing Administration**

Medicaid:

Psychiatric residential treatment facilities providing psychiatric services to individuals under age 21; use of restraint and seclusion; comments due by 3-23-01; published 1-22-01

##### **INTERIOR DEPARTMENT**

##### **Fish and Wildlife Service**

Endangered and threatened species:

Critical habitat designations—  
Wenatchee Mountains checker-mallow; comments due by 3-19-01; published 1-18-01

Picture-wing flies (12 species) from Hawaiian Islands; comments due by 3-19-01; published 1-17-01

##### **INTERIOR DEPARTMENT**

##### **National Park Service**

Special regulations:

Wupatki National Monument, AZ; golden eaglets; religious ceremonial collection by Hopi Tribe; comments due by 3-23-01; published 1-22-01

##### **INTERIOR DEPARTMENT**

##### **Surface Mining Reclamation and Enforcement Office**

Permanent program and abandoned mine land reclamation plan submissions:

Oklahoma; comments due by 3-19-01; published 2-15-01

Pennsylvania; comments due by 3-19-01; published 2-15-01

#### **JUSTICE DEPARTMENT Immigration and Naturalization Service**

Immigration:

Foreign health care workers; additional authorization to issue certificates; comments due by 3-19-01; published 1-16-01

#### **LABOR DEPARTMENT Employment Standards Administration**

Fair Labor Standards Act:

Domestic service; companionship services exemption; comments due by 3-20-01; published 1-19-01

#### **NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**

Federal Acquisition Regulation (FAR):

Electronic and information technology accessibility; comments due by 3-23-01; published 1-22-01

#### **PERSONNEL MANAGEMENT OFFICE**

Employment:

District of Columbia Department of Corrections displaced employees; Federal priority consideration program; comments due by 3-23-01; published 1-22-01  
Recruitment and relocation bonuses and retention allowances; comments due by 3-20-01; published 1-19-01

#### **POSTAL SERVICE**

Domestic Mail Manual:

Packaging security standards; preparation changes; comments due by 3-22-01; published 2-20-01

Postage meters:

Semipostal stamp program; comments due by 3-19-01; published 2-15-01

#### **SOCIAL SECURITY ADMINISTRATION**

Social security benefits and supplemental security income:

Federal old age, survivors, and disability insurance, and aged, blind, and disabled—  
New disability claims process; comments due by 3-20-01; published 1-19-01

#### **TRANSPORTATION DEPARTMENT**

##### **Coast Guard**

Drawbridge operations:

Florida; comments due by 3-23-01; published 1-22-01

#### **TRANSPORTATION DEPARTMENT**

Computer reservation systems, carrier-owned; comments due by 3-19-01; published 3-8-01

#### **TRANSPORTATION DEPARTMENT**

##### **Federal Aviation Administration**

Airworthiness directives:

Airbus; comments due by 3-19-01; published 2-15-01

Bell et al.; comments due by 3-23-01; published 1-22-01

BMW Rolls-Royce GmbH; comments due by 3-19-01; published 1-16-01

Boeing; comments due by 3-23-01; published 1-22-01

British Aerospace; comments due by 3-19-01; published 2-21-01

Cessna; comments due by 3-21-01; published 2-6-01

MD Helicopters, Inc.; comments due by 3-23-01; published 1-22-01

Sikorsky; comments due by 3-19-01; published 1-18-01

Class E airspace; comments due by 3-22-01; published 2-20-01

#### **TRANSPORTATION DEPARTMENT**

##### **Federal Motor Carrier Safety Administration**

Motor carrier safety standards:

Protection against shifting and falling cargo; North American standard development; comments due by 3-19-01; published 12-18-00

#### **TRANSPORTATION DEPARTMENT**

##### **National Highway Traffic Safety Administration**

Fuel economy standards:

Corporate relationship changes; manufacturers rights and responsibilities; comments due by 3-23-01; published 1-22-01

Motor vehicle safety standards:

Motor vehicle brake fluids; comments due by 3-19-01; published 1-16-01

Transportation Recall

Enhancement, Accountability, and Documentation (TREAD) Act; implementation:

Defective motor vehicles and equipment; early warning reporting requirements; comments due by 3-23-01; published 1-22-01

**TREASURY DEPARTMENT  
Internal Revenue Service**

Income taxes:

Trust treated as part of estate; election; comments due by 3-19-01; published 12-18-00

---

**LIST OF PUBLIC LAWS**

---

This is the first in a continuing list of public bills from the

current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made

available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.

**H.J. Res. 7/P.L. 107-1**

Recognizing the 90th birthday of Ronald Reagan. (Feb. 15, 2001; 115 Stat. 3)

---

**Public Laws Electronic  
Notification Service  
(PENS)**

---

**PENS** is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://hydra.gsa.gov/archives/publaws-l.html> or send E-mail to [listserv@listserv.gsa.gov](mailto:listserv@listserv.gsa.gov) with the following text message:

**SUBSCRIBE PUBLAWS-L**  
Your Name.

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

## CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (\*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at <http://www.access.gpo.gov/nara/cfr/index.html>. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is \$951.00 domestic, \$237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at (202) 512-1800 from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to (202) 512-2250.

Title	Stock Number	Price	Revision Date
<b>1, 2 (2 Reserved)</b>	(869-042-00001-3)	6.50	Apr. 1, 2000
<b>3 (1997 Compilation and Parts 100 and 101)</b>	(869-042-00002-1)	22.00	Jan. 1, 2000
<b>4</b>	(869-042-00003-0)	8.50	Jan. 1, 2000
<b>5 Parts:</b>			
1-699	(869-042-00004-8)	43.00	Jan. 1, 2000
700-1199	(869-042-00005-6)	31.00	Jan. 1, 2000
1200-End, 6 (6 Reserved)	(869-042-00006-4)	48.00	Jan. 1, 2000
<b>7 Parts:</b>			
1-26	(869-042-00007-2)	28.00	Jan. 1, 2000
27-52	(869-042-00008-1)	35.00	Jan. 1, 2000
53-209	(869-042-00009-9)	22.00	Jan. 1, 2000
210-299	(869-042-00010-2)	54.00	Jan. 1, 2000
300-399	(869-042-00011-1)	29.00	Jan. 1, 2000
400-699	(869-042-00012-9)	41.00	Jan. 1, 2000
700-899	(869-042-00013-7)	37.00	Jan. 1, 2000
900-999	(869-042-00014-5)	46.00	Jan. 1, 2000
1000-1199	(869-042-00015-3)	18.00	Jan. 1, 2000
1200-1599	(869-042-00016-1)	44.00	Jan. 1, 2000
1600-1899	(869-042-00017-0)	61.00	Jan. 1, 2000
1900-1939	(869-042-00018-8)	21.00	Jan. 1, 2000
1940-1949	(869-042-00019-6)	37.00	Jan. 1, 2000
1950-1999	(869-042-00020-0)	38.00	Jan. 1, 2000
2000-End	(869-042-00021-8)	31.00	Jan. 1, 2000
<b>8</b>	(869-042-00022-6)	41.00	Jan. 1, 2000
<b>9 Parts:</b>			
1-199	(869-042-00023-4)	46.00	Jan. 1, 2000
200-End	(869-042-00024-2)	44.00	Jan. 1, 2000
<b>10 Parts:</b>			
1-50	(869-042-00025-1)	46.00	Jan. 1, 2000
51-199	(869-042-00026-9)	38.00	Jan. 1, 2000
200-499	(869-042-00027-7)	38.00	Jan. 1, 2000
500-End	(869-042-00028-5)	48.00	Jan. 1, 2000
<b>11</b>	(869-042-00029-3)	23.00	Jan. 1, 2000
<b>12 Parts:</b>			
1-199	(869-042-00030-7)	18.00	Jan. 1, 2000
200-219	(869-042-00031-5)	22.00	Jan. 1, 2000
220-299	(869-042-00032-3)	45.00	Jan. 1, 2000
300-499	(869-042-00033-1)	29.00	Jan. 1, 2000
500-599	(869-042-00034-0)	26.00	Jan. 1, 2000
600-End	(869-042-00035-8)	53.00	Jan. 1, 2000
<b>13</b>	(869-042-00036-6)	35.00	Jan. 1, 2000

Title	Stock Number	Price	Revision Date
<b>14 Parts:</b>			
1-59	(869-042-00037-4)	58.00	Jan. 1, 2000
60-139	(869-042-00038-2)	46.00	Jan. 1, 2000
140-199	(869-042-00039-1)	17.00	Jan. 1, 2000
200-1199	(869-042-00040-4)	29.00	Jan. 1, 2000
1200-End	(869-042-00041-2)	25.00	Jan. 1, 2000
<b>15 Parts:</b>			
*0-299	(869-044-00042-3)	36.00	Jan. 1, 2001
300-799	(869-042-00043-9)	45.00	Jan. 1, 2000
800-End	(869-042-00044-7)	26.00	Jan. 1, 2000
<b>16 Parts:</b>			
0-999	(869-042-00045-5)	33.00	Jan. 1, 2000
1000-End	(869-042-00046-3)	43.00	Jan. 1, 2000
<b>17 Parts:</b>			
1-199	(869-042-00048-0)	32.00	Apr. 1, 2000
200-239	(869-042-00049-8)	38.00	Apr. 1, 2000
240-End	(869-042-00050-1)	49.00	Apr. 1, 2000
<b>18 Parts:</b>			
1-399	(869-042-00051-0)	54.00	Apr. 1, 2000
400-End	(869-042-00052-8)	15.00	Apr. 1, 2000
<b>19 Parts:</b>			
1-140	(869-042-00053-6)	40.00	Apr. 1, 2000
141-199	(869-042-00054-4)	40.00	Apr. 1, 2000
200-End	(869-042-00055-2)	20.00	Apr. 1, 2000
<b>20 Parts:</b>			
1-399	(869-042-00056-1)	33.00	Apr. 1, 2000
400-499	(869-042-00057-9)	56.00	Apr. 1, 2000
500-End	(869-042-00058-7)	58.00	Apr. 1, 2000
<b>21 Parts:</b>			
1-99	(869-042-00059-5)	26.00	Apr. 1, 2000
100-169	(869-042-00060-9)	30.00	Apr. 1, 2000
170-199	(869-042-00061-7)	29.00	Apr. 1, 2000
200-299	(869-042-00062-5)	13.00	Apr. 1, 2000
300-499	(869-042-00063-3)	20.00	Apr. 1, 2000
500-599	(869-042-00064-1)	31.00	Apr. 1, 2000
600-799	(869-042-00065-0)	10.00	Apr. 1, 2000
800-1299	(869-042-00066-8)	38.00	Apr. 1, 2000
1300-End	(869-042-00067-6)	15.00	Apr. 1, 2000
<b>22 Parts:</b>			
1-299	(869-042-00068-4)	54.00	Apr. 1, 2000
300-End	(869-042-00069-2)	31.00	Apr. 1, 2000
<b>23</b>	(869-042-00070-6)	29.00	Apr. 1, 2000
<b>24 Parts:</b>			
0-199	(869-042-00071-4)	40.00	Apr. 1, 2000
200-499	(869-042-00072-2)	37.00	Apr. 1, 2000
500-699	(869-042-00073-1)	20.00	Apr. 1, 2000
700-1699	(869-042-00074-9)	46.00	Apr. 1, 2000
1700-End	(869-042-00075-7)	18.00	Apr. 1, 2000
<b>25</b>	(869-042-00076-5)	52.00	Apr. 1, 2000
<b>26 Parts:</b>			
§§ 1.0-1.60	(869-042-00077-3)	31.00	Apr. 1, 2000
§§ 1.61-1.169	(869-042-00078-1)	56.00	Apr. 1, 2000
§§ 1.170-1.300	(869-042-00079-0)	38.00	Apr. 1, 2000
§§ 1.301-1.400	(869-042-00080-3)	29.00	Apr. 1, 2000
§§ 1.401-1.440	(869-042-00081-1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-042-00082-0)	36.00	Apr. 1, 2000
§§ 1.501-1.640	(869-042-00083-8)	32.00	Apr. 1, 2000
§§ 1.641-1.850	(869-042-00084-6)	41.00	Apr. 1, 2000
§§ 1.851-1.907	(869-042-00085-4)	43.00	Apr. 1, 2000
§§ 1.908-1.1000	(869-042-00086-2)	41.00	Apr. 1, 2000
§§ 1.1001-1.1400	(869-042-00087-1)	45.00	Apr. 1, 2000
§§ 1.1401-End	(869-042-00088-9)	66.00	Apr. 1, 2000
2-29	(869-042-00089-7)	45.00	Apr. 1, 2000
30-39	(869-042-00090-1)	31.00	Apr. 1, 2000
40-49	(869-042-00091-9)	18.00	Apr. 1, 2000
50-299	(869-042-00092-7)	23.00	Apr. 1, 2000
300-499	(869-042-00093-5)	43.00	Apr. 1, 2000
500-599	(869-042-00094-3)	12.00	Apr. 1, 2000
600-End	(869-042-00095-1)	12.00	Apr. 1, 2000
<b>27 Parts:</b>			
1-199	(869-042-00096-0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
200-End	(869-042-00097-8)	18.00	Apr. 1, 2000	260-265	(869-042-00151-6)	36.00	July 1, 2000
<b>28 Parts:</b>				266-299	(869-042-00152-4)	35.00	July 1, 2000
0-42	(869-042-00098-6)	43.00	July 1, 2000	300-399	(869-042-00153-2)	29.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000	400-424	(869-042-00154-1)	37.00	July 1, 2000
<b>29 Parts:</b>				425-699	(869-042-00155-9)	48.00	July 1, 2000
0-99	(869-042-00100-1)	33.00	July 1, 2000	700-789	(869-042-00156-7)	46.00	July 1, 2000
100-499	(869-042-00101-0)	14.00	July 1, 2000	790-End	(869-042-00157-5)	23.00	<sup>6</sup> July 1, 2000
500-899	(869-042-00102-8)	47.00	July 1, 2000	<b>41 Chapters:</b>			
900-1899	(869-042-00103-6)	24.00	July 1, 2000	1, 1-1 to 1-10		13.00	<sup>3</sup> July 1, 1984
1900-1910 (§§ 1900 to 1910.999)	(869-042-00104-4)	46.00	<sup>6</sup> July 1, 2000	1, 1-11 to Appendix, 2 (2 Reserved)		13.00	<sup>3</sup> July 1, 1984
1910 (§§ 1910.1000 to end)	(869-042-00105-2)	28.00	<sup>6</sup> July 1, 2000	3-6		14.00	<sup>3</sup> July 1, 1984
1911-1925	(869-042-00106-1)	20.00	July 1, 2000	7		6.00	<sup>3</sup> July 1, 1984
1926	(869-042-00107-9)	30.00	<sup>6</sup> July 1, 2000	8		4.50	<sup>3</sup> July 1, 1984
1927-End	(869-042-00108-7)	49.00	July 1, 2000	9		13.00	<sup>3</sup> July 1, 1984
<b>30 Parts:</b>				10-17		9.50	<sup>3</sup> July 1, 1984
1-199	(869-042-00109-5)	38.00	July 1, 2000	18, Vol. I, Parts 1-5		13.00	<sup>3</sup> July 1, 1984
200-699	(869-042-00110-9)	33.00	July 1, 2000	18, Vol. II, Parts 6-19		13.00	<sup>3</sup> July 1, 1984
700-End	(869-042-00111-7)	39.00	July 1, 2000	18, Vol. III, Parts 20-52		13.00	<sup>3</sup> July 1, 1984
<b>31 Parts:</b>				19-100		13.00	<sup>3</sup> July 1, 1984
0-199	(869-042-00112-5)	23.00	July 1, 2000	1-100	(869-042-00158-3)	15.00	July 1, 2000
200-End	(869-042-00113-3)	53.00	July 1, 2000	101	(869-042-00159-1)	37.00	July 1, 2000
<b>32 Parts:</b>				102-200	(869-042-00160-5)	21.00	July 1, 2000
1-39, Vol. I		15.00	<sup>2</sup> July 1, 1984	201-End	(869-042-00161-3)	16.00	July 1, 2000
1-39, Vol. II		19.00	<sup>2</sup> July 1, 1984	<b>42 Parts:</b>			
1-39, Vol. III		18.00	<sup>2</sup> July 1, 1984	1-399	(869-042-00162-1)	53.00	Oct. 1, 2000
1-190	(869-042-00114-1)	51.00	July 1, 2000	400-429	(869-042-00163-0)	55.00	Oct. 1, 2000
191-399	(869-042-00115-0)	62.00	July 1, 2000	430-End	(869-042-00164-8)	57.00	Oct. 1, 2000
400-629	(869-042-00116-8)	35.00	July 1, 2000	<b>43 Parts:</b>			
630-699	(869-042-00117-6)	25.00	July 1, 2000	1-999	(869-042-00165-6)	45.00	Oct. 1, 2000
700-799	(869-042-00118-4)	31.00	July 1, 2000	1000-end	(869-042-00166-4)	55.00	Oct. 1, 2000
800-End	(869-042-00119-2)	32.00	July 1, 2000	<b>44</b>	(869-042-00167-2)	45.00	Oct. 1, 2000
<b>33 Parts:</b>				<b>45 Parts:</b>			
1-124	(869-042-00120-6)	35.00	July 1, 2000	1-199	(869-042-00168-1)	50.00	Oct. 1, 2000
125-199	(869-042-00121-4)	45.00	July 1, 2000	200-499	(869-042-00169-9)	29.00	Oct. 1, 2000
200-End	(869-042-00122-5)	36.00	July 1, 2000	500-1199	(869-042-00170-2)	45.00	Oct. 1, 2000
<b>34 Parts:</b>				1200-End	(869-042-00171-1)	54.00	Oct. 1, 2000
1-299	(869-042-00123-1)	31.00	July 1, 2000	<b>46 Parts:</b>			
300-399	(869-042-00124-9)	28.00	July 1, 2000	1-40	(869-042-00172-9)	42.00	Oct. 1, 2000
400-End	(869-042-00125-7)	54.00	July 1, 2000	41-69	(869-042-00173-7)	34.00	Oct. 1, 2000
<b>35</b>	(869-042-00126-5)	10.00	July 1, 2000	70-89	(869-042-00174-5)	13.00	Oct. 1, 2000
<b>36 Parts:</b>				90-139	(869-042-00175-3)	41.00	Oct. 1, 2000
1-199	(869-042-00127-3)	24.00	July 1, 2000	140-155	(869-042-00176-1)	23.00	Oct. 1, 2000
200-299	(869-042-00128-1)	24.00	July 1, 2000	156-165	(869-042-00177-0)	31.00	Oct. 1, 2000
300-End	(869-042-00129-0)	43.00	July 1, 2000	166-199	(869-042-00178-8)	42.00	Oct. 1, 2000
<b>37</b>	(869-042-00130-3)	32.00	July 1, 2000	200-499	(869-042-00179-6)	36.00	Oct. 1, 2000
<b>38 Parts:</b>				500-End	(869-042-00180-0)	23.00	Oct. 1, 2000
0-17	(869-042-00131-1)	40.00	July 1, 2000	<b>47 Parts:</b>			
18-End	(869-042-00132-0)	47.00	July 1, 2000	0-19	(869-042-00181-8)	54.00	Oct. 1, 2000
<b>39</b>	(869-042-00133-8)	28.00	July 1, 2000	20-39	(869-042-00182-6)	41.00	Oct. 1, 2000
<b>40 Parts:</b>				40-69	(869-042-00183-4)	41.00	Oct. 1, 2000
1-49	(869-042-00134-6)	37.00	July 1, 2000	70-79	(869-042-00184-2)	54.00	Oct. 1, 2000
50-51	(869-042-00135-4)	28.00	July 1, 2000	80-End	(869-042-00185-1)	54.00	Oct. 1, 2000
52 (52.01-52.1018)	(869-042-00136-2)	36.00	July 1, 2000	<b>48 Chapters:</b>			
52 (52.1019-End)	(869-042-00137-1)	44.00	July 1, 2000	1 (Parts 1-51)	(869-042-00186-9)	57.00	Oct. 1, 2000
53-59	(869-042-00138-9)	21.00	July 1, 2000	1 (Parts 52-99)	(869-042-00187-7)	45.00	Oct. 1, 2000
60	(869-042-00139-7)	66.00	July 1, 2000	2 (Parts 201-299)	(869-042-00188-5)	53.00	Oct. 1, 2000
61-62	(869-042-00140-1)	23.00	July 1, 2000	3-6	(869-042-00189-3)	40.00	Oct. 1, 2000
63 (63.1-63.1119)	(869-042-00141-9)	66.00	July 1, 2000	7-14	(869-042-00190-7)	52.00	Oct. 1, 2000
63 (63.1200-End)	(869-042-00142-7)	49.00	July 1, 2000	15-28	(869-042-00191-5)	53.00	Oct. 1, 2000
64-71	(869-042-00143-5)	12.00	July 1, 2000	29-End	(869-042-00192-3)	38.00	Oct. 1, 2000
72-80	(869-042-00144-3)	47.00	July 1, 2000	<b>49 Parts:</b>			
81-85	(869-042-00145-1)	36.00	July 1, 2000	1-99	(869-042-00193-1)	53.00	Oct. 1, 2000
86	(869-042-00146-0)	66.00	July 1, 2000	100-185	(869-042-00194-0)	57.00	Oct. 1, 2000
87-135	(869-042-00146-8)	66.00	July 1, 2000	186-199	(869-042-00195-8)	17.00	Oct. 1, 2000
136-149	(869-042-00148-6)	42.00	July 1, 2000	200-399	(869-042-00196-6)	57.00	Oct. 1, 2000
150-189	(869-042-00149-4)	38.00	July 1, 2000	400-999	(869-042-00197-4)	58.00	Oct. 1, 2000
190-259	(869-042-00150-8)	25.00	July 1, 2000	1000-1199	(869-042-00198-2)	25.00	Oct. 1, 2000
				1200-End	(869-042-00199-1)	21.00	Oct. 1, 2000
				<b>50 Parts:</b>			
				1-199	(869-042-00200-8)	55.00	Oct. 1, 2000
				200-599	(869-042-00201-6)	35.00	Oct. 1, 2000

Title	Stock Number	Price	Revision Date
600-End .....	(869-042-00202-4) .....	55.00	Oct. 1, 2000
CFR Index and Findings			
Aids .....	(869-042-00047-1) .....	53.00	Jan. 1, 2000
Complete 1999 CFR set .....		951.00	1999
Microfiche CFR Edition:			
Subscription (mailed as issued) .....		290.00	1999
Individual copies .....		1.00	1999
Complete set (one-time mailing) .....		247.00	1997
Complete set (one-time mailing) .....		264.00	1996

<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>3</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>4</sup> No amendments to this volume were promulgated during the period January 1, 1999, through January 1, 2000. The CFR volume issued as of January 1, 1999 should be retained.

<sup>5</sup> No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

<sup>6</sup> No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..